

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Table of Contents

- 1.0 Introduction 1**
- 1.1 Overview 1
- 1.2 Description and Intent 1
- 1.3 Context 2
- 1.4 Structure 3
- 1.5 Assessment Guideline 6
- 2.0 Strategic Vision & Desired Environmental Outcomes 8**
- 2.1 Strategic Vision 8
- 2.2 Desired Environmental Outcomes 9
- 3.0 Preferred Land Uses 10**
- 4.0 Planning Area Codes 12**
- 4.1 Commercial & Business Planning Area Code 13
- 4.2 Industrial & Liquid Bulk Planning Area Code 16
- 4.3 Mixed Cargo Planning Area Code 19
- 4.4 Navy Planning Area Code 22
- 4.5 Waterfront Industry Planning Area Code 23
- 4.6 Industrial Planning Area Code 27
- 5.0 General Seaport Codes 30**
- 5.1 Seaport LAP Code 30

VOLUME THREE: SEAPORT LOCAL AREA PLAN

1.0 Introduction

1.1 Overview

The Seaport Local Area Plan (LAP) will manage future development within the Seaport area and ensure that future development reinforces the vision and preferred character for the area.

The Seaport LAP forms part of the overall Cairns Port Authority Land Use Plan (LUP). Volume 1 of the LUP sets out the administrative and assessment requirements for each of the LAPs (i.e. Seaport and Cityport). Volume 1 should be read in conjunction with this volume, as too should Volume 5, which contains the codes that are relevant to each of the LAPs. The overall structure of the LUP is outlined in the flowchart (right).

This LAP is a planning tool, which provides a local approach to planning the future of Seaport. It addresses a range of planning matters such as the different purposes for which land and buildings can be used, the desired built form, and the future character for areas within Seaport. Six individual planning areas have been identified within Seaport, and future development will be managed through the detailed provisions for each planning area.

1.2 Description and Intent

Seaport is located to the south of Cityport (adjacent to Precinct 3) and borders Trinity Inlet to Tingira Street and Smith's Creek in the south. The Seaport area has been defined by the recent growth of the CBD and the waterfront areas. It includes both water and land of which the land area is approximately 145ha.

Figure 1 shows the extent of the Seaport area and the land which is strategic port land. The strategic port land is also identified in **Appendix A**.

This LAP also includes some areas surrounding the Seaport area which is not strategic port land but is considered to be of strategic importance to the Port. In these instances, this LUP indicates Far North Queensland Ports Corporation Limited (Ports North)'s view on future development within these areas. It is however recognised that other State agencies will be the assessment manager for development in these areas

1.3 Context

This LAP focuses on the future planning and management of the Seaport area. With increasing pressure for urban expansion, Seaport needs to be carefully planned to provide for continued port and harbour activities. The planning and development of the Seaport area also needs to consider and balance environmental constraints with facilities for passengers and port activities.

This plan recognises that Cairns Seaport services a diverse range of customers, trades and port industries. It also acknowledges the importance of servicing niche markets, while also ensuring the operation and commercial viability of the traditional port trades. It is intended that this Plan will provide for the expansion and development of the port so it will become a key port in the region.

The intention of this Plan is to provide a long-term focus that is consistent with the Cairns Port Authority Business Plan and the Corporate Plan collectively. These plans are an integrated package that will shape the future of Seaport into the 21st century. The FNQ Regional Plan and associated economic strategies for the area have also influenced this LAP.

This Plan responds to the requirements of the *Sustainable Planning Act 2009*, under which Ports North is the assessment manager for development of land contained in this plan – strategic port land.

1.4 Structure

The Seaport LAP forms part of the Cairns Port Authority LUP. The LUP sets out the planning framework for the Ports North's major land holdings being Cityport and Seaport.

To effectively manage the Seaport operations and future expansion, the Seaport area has been divided into a number of individual planning areas based on both the physical characteristics and the current and future infrastructure intentions. These planning areas form the basis of the preferred planning and land use development outcomes for Seaport. The location, extent and name of each planning area is shown on **Plan 1 – Planning Area**.

The LAP has been structured to include —

- Strategic Vision & Desired Environmental Outcomes;
- Planning Areas;
- Preferred Land Uses;
- Planning Area Codes;
- Seaport LAP Code; and
- General Codes.

Strategic Vision & Desired Environmental Outcomes

The strategic vision is the overall objective for Seaport and its associated strategic port land. The strategic vision integrates economic, ecological and social objectives. Desired environmental outcomes are derived from the strategic vision.

Desired environmental outcomes identify the overall desired outcomes which are sought to be achieved by the Seaport LAP. The desired environmental outcomes are the link between the strategic vision and the measures of the LAP.

The desired environmental outcomes relate to the whole Seaport LAP area.

Planning Areas

As above, Seaport is divided into six planning areas. Each planning area has an intent statement. The intent statement outlines the desired future character, form and role of each planning area. To support this intent, preferred uses are specified.

Preferred Land Uses

A proposed development may trigger one of two levels of assessment. The level of assessment determines to what degree and who will assess the proposed development.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

The levels of assessment are outlined as follows —

- where a development (material change of use) is **consistent** with the LUP, and does not trigger the requirement for an approval under other legislation, the material change of use component of the development is **exempt development** and thus does not require an application for approval;
- where a development (material change of use) is consistent with the LUP but the use requires a separate approval from a State Agency(s), the material change of use component of the development remains **exempt development under the LUP. The approval of development under other legislation is assessable (in most instances code assessable)** and a development application will be required to be lodged with the Ports North as the assessment manager (note: this is applicable for all development other than building work); or
- where development is **inconsistent** with the LUP, the development is **code assessable** and a development application will be required to be lodged with the Ports North as the assessment manager. In addition, the development application will require referral to the Minister of Transport as a concurrence agency (along with any other referrals required). The Minister may require the application to be publicly notified.

A **consistent use** is development which is —

- consistent with the strategic vision and desired environmental outcomes of the LAP;
- complies with the intent of the relevant planning area;
- is a preferred use within the relevant planning area;
- complies with the intent and performance criteria of the Seaport LAP Code and relevant planning area code;
- complies with the intent and performance criteria of all relevant General Codes.

Where a proposed land use does not comply with one or more of the above requirements, the development will be considered an **inconsistent use** and will therefore require a development application to be lodged in accordance with the *Sustainable Planning Act 2009* (SPA).

Seaport LAP Code & Planning Area Codes

Codes set out the performance requirements to be satisfied by development. The codes are one of the mechanisms to assist in achieving the strategic vision.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

The Seaport LAP codes and planning area codes incorporate a combination of both performance-based and prescriptive approach. This allows development to be focused on achieving the vision of the Seaport. The LAP codes address matters, which concern the whole LAP area (eg. connectivity between planning areas), while the planning area codes outline the development standards for future development (eg. building height, setbacks and plot ratio).

All development must comply with the intent and performance criteria of the Seaport LAP codes and the relevant planning area code.

General Codes

General Codes are development provisions which are relevant to all development within the Seaport area (eg. landscaping).

Volume 5 of the LUP also comprises the General Codes for all LAPs, including the Seaport LAP. These codes give guidance on specific aspects of development and depending on the nature of the code may be applicable to all future development within Seaport. Future development must comply with the intent and performance criteria of the applicable general codes.

1.5 Assessment Guideline

The *Sustainable Planning Act 2009* (SPA) determines when a development application is required. However, in relation to a material change of use an assessment must first be done to determine whether the proposed use is consistent with the LUP. As a guide to determining whether a development application is required for a proposed material change of use, Steps 1 – 8 (below) should be followed.

Step 1 – Strategic Vision & Desired Environmental Outcomes

The first step is to determine whether the proposal is consistent with the strategic vision and desired environmental outcomes of the relevant Local Plan – in this case the Seaport LAP.

Step 2 – Proposed Use

The nature of the proposed use and how it is defined in the LUP needs to be determined. The Land Use Definitions (contained in Volume 1) include a description of each of the definitions. Where possible, a proposal should be defined as one of these uses (in some cases it may be that a proposed use is undefined). In this circumstance, CPA will determine how the proposed use should be defined.

Step 3 – Planning Area

Once the use has been defined, the next step is to determine which planning area the subject site is included in under this LAP. **Plan 1: Planning Areas** illustrates each of the planning areas and their locations.

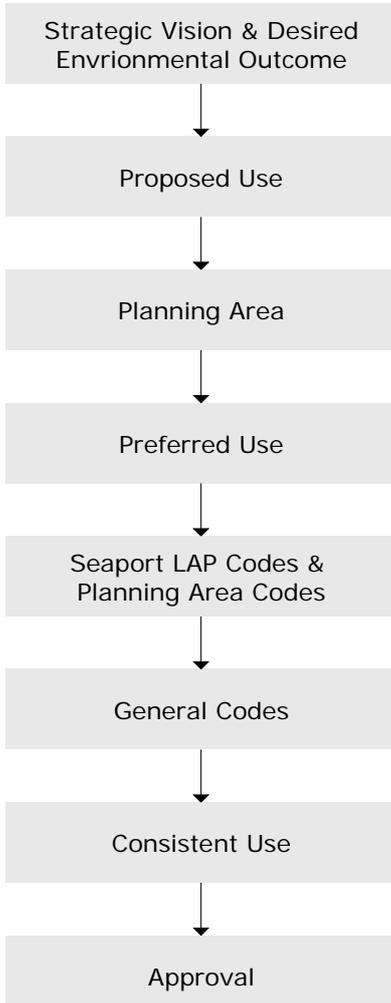
Step 4 – Preferred Use

Once the nature of the use and the relevant planning area has been identified, the next step is to determine whether the proposed use is a preferred use within the planning area. Each planning area includes an intent statement and a list of preferred uses, which identify whether a proposed use is considered appropriate within that planning area. A preferred use is a use that is intended within the planning area.

Step 5 – Seaport LAP Code & Planning Area Codes

The next step is to determine which planning area the proposed development is included in under the Seaport LAP. **Plan 1: Planning Areas** depicts the location and extent of each of the planning areas. All proposals are assessed against the intent and performance criteria of the relevant planning area code and the Seaport LAP Code.

All development must comply with the intent and performance criteria of the Seaport LAP Code and the relevant planning area code.



VOLUME THREE: SEAPORT LOCAL AREA PLAN

Step 6 – General Codes

In addition to individual planning area codes and the requirements of the Seaport LAP Code, all development must be assessed against the relevant General Codes (included in Volume 5 of the LUP).

The codes specify the development principles for specific aspects of development. All new development will be affected by these Codes. For example, the Parking Code will be applicable to all new development.

Development must comply with the intent and performance criteria of each relevant code.

Step 7 – Consistent Use

A proposed development that is —

- consistent with the strategic vision and desired environmental outcomes of the LAP;
- complies with the intent of the relevant planning area;
- is a preferred use within the relevant planning area;
- complies with the intent and performance criteria of the Seaport LAP Code and the relevant planning area code; and
- complies with the intent and performance criteria of all relevant General Codes;

will be consistent with the LUP. Development is **exempt development** where it is consistent with the LUP and does not trigger the requirement for a planning approval from the Port Authority.

Where a proposal is inconsistent with the LUP the development will require **code assessment** and a development application will be required to be lodged with Ports North as the assessment manager. In addition, the development application is **referred to the Minister of Transport as a concurrence agency** (along with any other referrals required). The Minister may require the application to be publicly notified.

Step 8 - Approval

Approvals may be required for various aspects of development including material change of use, building work and operational work – refer to Schedule 3 of the *Sustainable Planning Regulation 2009*(SP Reg).

Once the level of assessment for a proposed development has been determined, any necessary approvals need to be obtained. A range of approvals may be required and Ports North should be contacted if you need further advice.

2.0 Strategic Vision & Desired Environmental Outcomes

2.1 Strategic Vision

The Strategic Vision is the central element to the LUP and outlines the “broad picture” for the future development of Seaport. The planning areas and future development within each of the planning areas will reinforce the strategic vision.

The Strategic Vision for Seaport is that future development will –

- enhance and maintain the operation and commercial viability of the port;
- maximise the availability of wharf space and support areas as well as the flexibility of their use;
- ensure there are adequate and suitable facilities to meet customer needs in the diversified trades supported by the Seaport;
- rehabilitate and upgrade the Seaport’s ageing infrastructure to prolong its life and maintain it in serviceable condition suitable for customers’ needs;
- ensure the efficient utilisation of land to cater for the anticipated growth in seaport customers;
- facilitate the development of port-related industries and activities in appropriate locations within the port area;
- encourage the clustering of like and interrelated industries and support facilities within particular locations to buffer key facilities from potentially incompatible land uses;
- promote logistical benefits from other infrastructure including road and rail;
- incorporate landscaping and other treatments to enhance the amenity of the Port area;
- incorporate best-practice environmental management into all aspects of port planning, development and operations; and
- ensure Trinity Inlet is maintained as an ecologically viable and sustainable estuarine system.

2.2 Desired Environmental Outcomes

The desired environmental outcomes set broad policy for Seaport and describe the desired intent or outcomes for the area.

The following desired environmental outcomes apply to the whole Seaport LAP area –

1. Seaport is a key port in the region for local, national and international business and industrial operations.
2. Seaport develops as a functional and dynamic port which will service a diverse range of customers, trades and port industries.
3. Seaport contributes to the continued economic development of the Cairns region and integrates the Port into the broader planning content of the region and adjoining Cityport area.
4. Development in Seaport is undertaken in accordance with development controls and mechanisms which assist Ports North in its management of the continuing development and growth of the Seaport area.
5. Development in Seaport provides opportunities for commercial developments which are complementary to Port activities.
6. Development in Seaport balances economic, social and environment factors to minimise adverse impacts on the community and environment.
7. Development in Seaport is of a high quality and enhances the amenity of the area.

3.0 Preferred Land Uses

Uses that satisfy the intent of the applicable planning area are considered preferred uses for the purposes of assessment. Preferred uses for the Seaport LAP include, be are not necessarily limited to, those used listed in Table 1.

Table 1 Preferred Uses for the Seaport LAP

Defined Use	Commercial & Business Planning Area	Industrial & Liquid Bulk Planning Area	Navy Planning Area	Mixed Cargo Planning Area	Waterfront Industry Planning Area	Industrial Planning Area
Business/Technology/Industrial Park					✓	✓
Commercial Premises	✓					✓
Freight Depot				✓	✓	✓
Fuel Depot		✓				
Indoor Entertainment					✓	
Industry, including —						
• container handling & storage				✓		
• flammable industry		✓				
• fuel storage area		✓				
• general and bulk cargo				✓	✓	
• general & low impact industry					✓	✓
• large scale industry			✓	✓		
• marine orientated industry					✓	
• light industry			✓			
• port handling activities			✓	✓		
• port industry			✓	✓	✓	
• port support & operational uses				✓	✓	✓
• ship servicing, repairs & maintenance					✓	✓
• warehouse distribution activities	✓			✓	✓	✓
• wet/dry bulk commodities				✓		

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Defined Use	Commercial & Business Planning Area	Industrial & Liquid Bulk Planning Area	Navy Planning Area	Mixed Cargo Planning Area	Waterfront Industry Planning Area	Industrial Planning Area
Marina, including						
• commercial fishing operations					✓	
• marina					✓	
Navy			✓	✓		
Public Purpose			✓	✓		✓
Public Utility				✓	✓	✓
Recreational & Sporting Clubs	✓				✓	
Service Station (where associated with the principle use)		✓				
Transport Depot					✓	✓
Where ancillary to the principle use and primarily servicing the employees and users of Seaport –						
• commercial premises	✓	✓			✓	✓
• restaurant	✓	✓				
• shop	✓	✓			✓	✓
Uses ancillary to principle use				✓	✓	✓
Warehouse	✓			✓	✓	✓

4.0 Planning Area Codes

The Seaport area has been divided into six individual planning areas. These planning areas are based on the intended function and individual characteristics of each area. The planning areas not only reflect the physical characteristics but also the current and future land use intentions for Seaport.

The planning areas are as follows —

- Commercial & Business Planning Area;
- Industrial & Liquid Bulk Planning Area;
- Mixed Cargo Planning Area;
- Navy Planning Area;
- Waterfront Industry Planning Area; and
- Industrial Planning Area.

Plan 1: Planning Areas provides a graphic representation of the overall framework and planning areas associated with Seaport. It depicts the location and extent of each of the planning areas and indicates through areas controlled by the Ports North.

Each planning area has corresponding planning area code. The codes set out the development requirements to be satisfied by future development within each of the individual planning areas. The codes are one of the measures to assist in achieving the desired environmental outcomes. In addition, all development in Seaport must comply with Seaport LAP Code.

4.1 Commercial & Business Planning Area Code

Intent

The planning area is located towards the northern extremity of Seaport and adjoins Cityport to the north and the major-port related wharfage areas including the bulk container and storage areas and associated industries to the south.

This planning area is intended as a 'transitional zone' between Cityport and the port operations in Seaport. The northern section of this planning area will focus on commercial and business uses providing 'buffer uses' which will separate the residential and tourist uses in Cityport from the Seaport operations to the south. Low-key retail and service uses which cater for the needs of employees and users of Seaport may be appropriate. As such, issues relating to the port operations will need to be carefully considered in the future development of this area.

The southern section of the planning area may also incorporate the major port related wharfage areas including bulk container and storage areas and associated industries.

The existing fuel wharves and fuel line to the adjoining fuel depots will be maintained in the short term.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Commercial & Business Planning Area.

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	Development focuses on “transitional” commercial and/or business uses that provided a buffer between the residential and tourism uses in Cityport and the port-related uses in Seaport.	A1	Development within the Commercial & Business Planning Area should include the following uses — <u>North</u> <ul style="list-style-type: none"> • Commercial Premises • Recreational & Sporting Clubs • Where ancillary to the principle use and primarily servicing the employees and users of Seaport – <ul style="list-style-type: none"> - commercial premises - restaurant - shop <u>South</u> <ul style="list-style-type: none"> • Industry, including – <ul style="list-style-type: none"> - warehouse distribution activities • Warehouses
P2	Development demonstrates that it requires this key port location.	A2.1	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P3	Development does not compromise the long-term efficient operation of Seaport.	A3.1	Development complies with the Seaport LAP Code .
		A3.2	Development complies with the Industrial Development Code .
P4	Development does not adversely affect the amenity of — <ul style="list-style-type: none"> • the Planning Area; or • adjoining land uses. 	A4	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
Built Form			
P5	Future development reinforces the views to the waterfront and the City (refer to Plan 2: View Corridors) by accommodating a view corridor down Sheridan Street towards the waterfront.	A5	Buildings or structures located within the view corridor area have a maximum building height of 4.0 metres.
P6	The height of buildings must be compatible with the existing and desired character of the area.	A6.1	No maximum building height is specified, although building height should be similar to the surrounding development and will not intrude into the prescribed airspace of the Airport.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
		A6.2	Where adjoining Cityport, building height is staggered down to be compatible with the exiting character of Seaport.
P7	Development must not adversely impact of the amenity of the adjoining premises and the locality.	A7.1	Buildings on sites with frontages to a State-controlled road, existing or proposed arterial road or existing or proposed sub-arterial road, as identified on Plan 3: Road Network , are set back 8 metres from the road frontage.
		A7.2	In the case of a corner site, which has frontage to two of these higher order roads, buildings are setback 8 metres from the highest order road and 6 metres from the other road.
		A7.3	In other cases, buildings are setback – <ul style="list-style-type: none"> • 6m from the main road frontage; and • 3m from any secondary road frontage.
P8	The siting of buildings contributes to the desired amenity of the area and protects the amenity of other land uses.	A8	Main entrances are easily identifiable and directly accessible from the street.
P9	Buildings and ancillary structures are – <ul style="list-style-type: none"> • responsive to the tropical climate by taking into account prevailing breezes and solar orientation • designed to minimise energy consumption; and • incorporate sustainable design principles to minimise adverse impacts on the community and development. 	A9	Development considers the sustainable design principles outlined in the Sustainable Development Code .
Landscaping			
P10	Landscaping provides a buffer between industrial uses and non-industrial uses, in particular, sites adjoining Cityport and the CBD.	A10.1	Development complies with the Landscaping Code .
		A10.2	Development complies with the Industrial Development Code .

4.2 Industrial & Liquid Bulk Planning Area Code

Intent

The key infrastructure for the planning area is the fuel farms which play an important role in the functioning and viability of the Port and the City as a whole. The planning area provides for the continued operation of the existing fuel farms, along with bulk storage and distribution of petroleum products, combustible fuels and liquids.

The long-term development of the fuel farms will focus on consolidating the fuel farm footprint within the existing tank farm to improve efficiency of fuel storage.

Development located adjoining the fuel farm should contribute to a "buffer" zone, which provides for activities that are cognisant of both the fuel farm and surrounding non-industrial uses and the potential effects that future development may have on these areas. Low-key retail and service uses which cater for the needs of employees and users of Seaport may also be appropriate.

All development is designed and constructed to comply with the relevant control measures and all necessary approvals and licences obtained prior to operation. Acceptable degrees of risk are to be maintained at all times. A risk assessment may be required to accompany development proposals.

The existing fuel line and gas connection to Tanker Wharf will be maintained and upgraded as necessary, as will Tanker Wharf itself.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Industrial & Liquid Bulk Planning Area.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	Development in this area is to facilitate the storage and distribution of liquid bulk.	A1	Development within the Industrial & Liquid Bulk Planning Area should include the following uses — <ul style="list-style-type: none"> • Fuel Depot • Industry, including — <ul style="list-style-type: none"> - flammable industry - fuel storage area • Service Station (where associated within the principle use) • Where ancillary to the principle use and primarily servicing the employees and users of Seaport — <ul style="list-style-type: none"> - commercial premises - restaurant - shop
P2	Development does not compromise the long-term efficient operation of Seaport.	A2.1	Development complies with the Seaport LAP Code .
		A2.2	Development complies with the Industrial Development Code .
P3	Development does not adversely affect the amenity of — <ul style="list-style-type: none"> • the planning area; or • adjoining land uses. 	A3	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
Built Form			
P4	The height of buildings must be compatible with the existing and desired character of the area.	A4.1	No maximum building height is specified, although building height should be similar to the surrounding development and will not intrude into the prescribed airspace of the Airport.
		A4.4	Development complies with the Industrial Development Code .
P5	Development must not adversely impact of the amenity of the adjoining premises and the locality.	A5	Buildings on sites with frontages to a State-controlled road, existing or proposed arterial road or existing or proposed sub-arterial road, as identified on Plan 3: Road Network are set back 8 metres from the road frontage.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
		A5.2	In the case of a corner site, which has frontage to two of these higher order roads, buildings are setback 8 metres from the highest order road and 6 metres from the other road.
		A5.3	In other cases, buildings are setback – <ul style="list-style-type: none"> • 6m from the main road frontage; and • 3m from any secondary road frontage.
P6	The siting of buildings contributes to the desired amenity of the area and protects the amenity of other land uses.	A6	Main entrances are easily identifiable, and directly accessible from the street.
P7	Buildings and ancillary structures are – <ul style="list-style-type: none"> • responsive to the tropical climate by taking into account prevailing breezes and solar orientation • designed to minimise energy consumption; and • incorporate sustainable design principles to minimise adverse impacts on the community and development. 	A7	Development considers the sustainable design principles outlined in the Sustainable Development Code .
Amenity			
P8	Development minimises any potential impacts on adjoining land uses and acceptable degrees of risk are maintained at all times.	A8	Development is undertaken in accordance with the Industrial Development Code .

4.3 Mixed Cargo Planning Area Code

Intent

The Mixed Cargo Planning Area incorporates the major port related wharfage areas including the bulk container and storage areas and associated industries. This planning area is divided into two areas, Dutton Street and Cook Street, separated by the Navy Planning Area.

With the consolidation of general cargo to Wharves 7 & 8, general cargo handling, loading, unloading and transportation of commodities will occur in the Dutton Street area. The wharf is expected to be expanded due to the relocation of port uses from Wharves 4 & 5 onto Wharves 7 & 8. The existing fuel wharves and fuel line to the adjoining fuel depots will be maintained in the short-term.

The primary purpose of the Cook Street area is to provide for core port activities and associated industrial activities.

This area will provide for the major port related wharfage activities including bulk container and storage areas and associated industries. Adjacent lands are also available for the expansion of the core port activities.

There is the potential for the expansion of the Navy base within this planning area.

The location of this Planning Area away from non-industrial uses provides an opportunity for the wharf areas, associated large-scale industries, and storage areas to be expanded. Major port handling areas and port industries will be concentrated in this area. The key waterfront location of this planning area should be maximised with the effective utilisation of wharfage areas. Large scale industries, bulk storage facilities, cargo and container storage, wet/dry bulk and break bulk commodities and associated industries which are reliant on this waterfront location will locate within this area.

Future development should be directly related to the port and require this strategic waterfront location. Commercial and office uses are not appropriate in this area except where they are directly associated with the bulk sugar terminal or any of the principal port related uses.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Mixed Cargo Planning Area.

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	Development is to facilitate the storing and distribution of general cargo and industrial activities associated with core port activities.	A1	<p>Development within the Mixed Cargo Planning area should include the following uses —</p> <ul style="list-style-type: none"> • Freight Depot • Industry, including — <ul style="list-style-type: none"> - container handling & storage - general bulk & cargo - large scale industry - port handling activities - port industry - port support & operational uses - warehouse distribution activities - wet/dry bulk commodities • Navy • Public Purpose • Public Utility • Uses ancillary to the principle use • Warehouse
P2	Development demonstrates that it requires this key port and waterfront location.	A2	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P3	Development does not compromise the long-term efficient operation of Seaport.	A3.1	Development complies with the Seaport LAP Code .
		A3.2	Development complies with the Industrial Development Code .
P4	<p>Development does not adversely affect the amenity of —</p> <ul style="list-style-type: none"> • the planning area; or • adjoining land uses. 	A4	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
Built Form			
P5	The height of buildings must be compatible with the existing and desired character of the area.	A5	No maximum building height is specified, although building height should be similar to the surrounding development and will not intrude into the prescribed airspace of the Airport.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P6	Development must not adversely impact the amenity of the adjoining premises and the locality.	A6.1	Buildings on sites with frontages to a State-controlled road, existing or proposed arterial road or existing or proposed sub-arterial road, as identified on Plan 3: Road Network , are set back 8 metres from the road frontage.
		A6.2	In the case of a corner site, which has frontage to two of these higher order roads, buildings are setback 8 metres from the highest order road and 6 metres from the other road.
		A6.3	In other cases, buildings are setback – <ul style="list-style-type: none"> • 6m from the main road frontage; and • 3m from any secondary road frontage.
P7	Buildings and ancillary structures are – <ul style="list-style-type: none"> • responsive to the tropical climate by taking into account prevailing breezes and solar orientation • designed to minimise energy consumption; and • incorporate sustainable design principles to minimise adverse impacts on the community and development. 	A7	Development considers the sustainable design principles outlined in the Sustainable Development Code .

4.4 Navy Planning Area Code

Intent

This planning area is intended to support HMAS Cairns Naval Base and the associated naval wharves. It is expected that the redevelopment of the existing Navy base and wharf facilities will occur in order to facilitate the expansion of Navy operations.

The waterfront location of this Planning Area makes it of strategic importance. While this area consists primarily of Commonwealth land, future development in this planning area has the potential to affect the function and operation of Seaport and it is, therefore, intended that any future development be undertaken in consultation with Ports North.

In the unlikely event that this land becomes available for redevelopment (other than for naval uses) the expansion of Seaport onto this land is intended. In these circumstances wharves, large scale port industries, dry bulk cargo berths and wharf related uses and activities are preferred.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Navy Planning Area.

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	Future re-development of this area maximises this key waterfront location and does not compromise the future functioning of Seaport and Cityport.	A1.1	Development within the Navy Planning Area should include the following uses — <ul style="list-style-type: none"> • Industry, including – <ul style="list-style-type: none"> - large-scale industry - light industry - port handling facilities - port industry • Navy • Public Utility
		A1.2	Future development is to be undertaken in consultation with the Ports North.
		A1.3	Development complies with the Seaport LAP Code .

4.5 Waterfront Industry Planning Area Code

Intent

The Waterfront Industry Planning Area will incorporate a diverse range of marine orientated industrial uses including low-impact industrial and port activities, including shipyards, ship maintenance, fishing bases, commercial fishing operations and marinas, barge ramps, vessel storage and harbour operational and port service activities.

Existing shipyards, dry dock/ship repair operations, general cargo and the commercial fishermen's base are located within the waterfront area of this planning area. The continued operation and expansion of these marine orientated industries and activities is encouraged. Recreational uses such as boat clubs are also envisaged in this area.

Port support and operational uses such as emergency services and port service activities may also be appropriate.

It is envisaged that an Industrial Waterfront Business Park will be developed in this planning area with linkages to the Industrial Planning Area. Commercial and office-related uses associated with the waterfront industries will form part of this area. These uses are intended only where they are directly associated with the port activities or where they are for related government or port purposes. Low-key retail and service uses which cater for the needs of employees and users of Seaport may also be appropriate.

Public access and boat ramps may be provided for recreational purposes where they do not compromise the operation of the port and the environmental values of the area.

Due to navigational restrictions, development near Smith's Creek is restricted.

Future development within this area should not compromise the operation of the port or the environmental qualities of Trinity Inlet and Smith's Creek.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Waterfront Industry Planning Area.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	A diverse range of marine orientated industrial uses is developed in this area which takes into consideration the sites waterfront location.	A1	<p>Development within the Waterfront Industry Planning Area should include the following land uses –</p> <ul style="list-style-type: none"> • Business/Technology/Industrial Park • Freight Depot • Indoor Entertainment • Industry – <ul style="list-style-type: none"> - general and bulk cargo - general & low-impact industry - marine orientated industry - port industry - port support & operational uses - ship servicing, repairs & maintenance - warehouse distribution activities • Marina including – <ul style="list-style-type: none"> - commercial fishing operations - marina • Public Utility • Recreational & Sporting Clubs • Transport Depot • Where ancillary to the principle use and primarily serving the employees and users of the Seaport – <ul style="list-style-type: none"> - commercial premises - shop • Uses ancillary to the principle use • Warehouse
P2	Development demonstrates that it requires this key waterfront location.	A2	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P3	Development does not compromise the long-term efficient operation of Seaport.	A3.1	Development complies with the Seaport LAP Code .
		A3.2	Development complies with the Industrial Development Code .
P4	<p>Development does not adversely affect the amenity of –</p> <ul style="list-style-type: none"> • the planning area; or • adjoining land uses. 	A4	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Built Form			
P5	The height of buildings must be compatible with the existing and desired character of the area.	A5.1	No maximum building height is specified, although building height should be similar to the surrounding development and will not intrude into the prescribed airspace of the Airport.
		A5.2	Development complies with the Industrial Development Code .
P6	Development must not adversely impact of the amenity of the adjoining premises and the locality.	A6.1	Buildings on sites with frontages to a State-controlled road, existing or proposed arterial road or existing or proposed sub-arterial road, as identified on Plan 3: Road Network are set back 8 metres from the road frontage.
		A6.2	In the case of a corner site, which has frontage to two of these higher order roads, buildings are setback 8 metres from the highest order road and 6 metres from the other road.
		A6.3	In other cases, buildings are setback – <ul style="list-style-type: none"> • 6m from the main road frontage; and • 3m from any secondary road frontage.
P7	Buildings and ancillary structures are – <ul style="list-style-type: none"> • responsive to the tropical climate by taking into account prevailing breezes and solar orientation • designed to minimise energy consumption; and • incorporate sustainable design principles to minimise adverse impacts on the community and development. 	A7	Development considers the sustainable design principles outlined in the Sustainable Development Code .
Environmental Management			
P8	The environmental values of Trinity Inlet and Smith's Creek are maintained and protected.	A8	Development is undertaken in accordance with the Environmental Protection Code .

VOLUME THREE: SEAPORT LOCAL AREA PLAN

Development Principles – applicable to development involving a Business/Technology/Industrial Park only.

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Business & Technology Park			
P1	The design and siting of building must contribute to the desired amenity of the area.	A1	Buildings are designed to address the main road frontage.
P2	The Business & Technology Park must be designed and constructed to relate to and provide high level of accessibility to adjacent and related facilities	A2.1	The internal road layout of the Business and Technology Park provides a link to adjacent and related facilities
		A2.2	Pedestrian links are provided between sites within the Business and technology Park, and between the Park and adjacent and related facilities.
P3	The transport of goods to and front site within the Business and Technology Park must not affect the movement of traffic on roads adjacent to the site.	A3.1	The site is provided with a loading/unloading facility
		A3.2	The site is provided with a manoeuvring area so that a single unit truck may enter and leave the site in forward gear.
P4	Landscaping must be provided to create an attractive facility and to enhance the amenity of the area	A4.1	Development complies with the landscaping code
		A4.2	The setback areas from the road frontages are landscaped and maintained clear of car parking areas, refuse storage facilities and the like.

4.6 Industrial Planning Area Code

Intent

The Industrial Planning Area is located on the western side of Tingira Street and does not have direct access to the waterfront. It is envisaged that an Industrial Business Park will be developed in this planning area with linkages to the Waterfront Industry Planning Area.

This planning area is intended to provide for a range of activities that support the primary activities and operation of the port. Such activities include general industries, low-impact industries, storage premises, and warehouse and distribution uses. Commercial and office support activities may also be appropriate depending on their scale and location.

This planning area adjoins a substantial conservation area to the south and any future development should be designed to minimise any potential impact on this area.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Industrial Planning Area.

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	A range of activities that support the primary activities and operation of the port and which take advantage of the industrial location are located in this area.	A1	Development within the Industrial Planning Area should include the following land uses – <ul style="list-style-type: none"> • Business/Technology/Industrial Park • Commercial Premises • Freight Depot • Industry, including – <ul style="list-style-type: none"> - general & low-impact industry - port support & operational uses - ship servicing, repairs & maintenance - warehouse distribution activities • Public Purpose • Public Utility • Transport Depot • Where ancillary to the principle use and primarily serving the employees and users of the Seaport – <ul style="list-style-type: none"> - commercial premises - shop • Uses ancillary to the principle use • Warehouse

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P2	Development does not compromise the long-term efficient operation of Seaport.	A2.1	Development complies with the Seaport LAP Code .
		A2.2	Development complies with the Industrial Development Code .
P3	Development does not adversely affect the amenity of — <ul style="list-style-type: none"> • the planning area; or • adjoining land uses. 	A3	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
Built Form			
P4	Development is of a bulk and scale that is compatible with surrounding buildings.	A4.1	Development has a maximum building height of two storeys or 12 metres.
		A4.2	Development is undertaken in accordance with the Industrial Development Code .
P5	Development must not adversely impact of the amenity of the adjoining premises and the locality.	A5.1	Buildings on sites with frontages to a State-controlled road, existing or proposed arterial road or existing or proposed sub-arterial road, as identified on Plan 3: Road Network are set back 8 metres from the road frontage.
		A5.2	In the case of a corner site, which has frontage to two of these higher order roads, buildings are setback 8 metres from the highest order road and 6 metres from the other road.
		A5.3	In other cases, buildings are setback — <ul style="list-style-type: none"> • 6m from the main road frontage; and • 3m from any secondary road frontage.
P6	Buildings and ancillary structures are — <ul style="list-style-type: none"> • responsive to the tropical climate by taking into account prevailing breezes and solar orientation • designed to minimise energy consumption; and • incorporate sustainable design principles to minimise adverse impacts on the community and development. 	A6	Development considers the sustainable design principles outlined in the Sustainable Development Code .

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Environmental Management			
P7	The environmental values of the adjoining significant environmental areas are maintained and protected.	A7	Development is undertaken in accordance with the Environmental Protection Code .

Development Principles – applicable to development involving a Business/Technology/Industrial Park only.

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Business & Technology Park			
P1	The design and siting of building must contribute to the desired amenity of the area.	A1	Buildings are designed to address the main road frontage.
P2	The Business & Technology Park must be designed and constructed to relate to and provide high level of accessibility to adjacent and related facilities	A2.1	The internal road layout of the Business and Technology Park provides a link to adjacent and related facilities
		A2.2	Pedestrian links are provided between sites within the Business and technology Park, and between the Park and adjacent and related facilities.
P3	The transport of goods to and front site within the Business and Technology Park must not affect the movement of traffic on roads adjacent to the site.	A3.1	The site is provided with a loading/unloading facility
		A3.2	The site is provided with a manoeuvring area so that a single unit truck may enter and leave the site in forward gear.
P4	Landscaping must be provided to create an attractive facility and to enhance the amenity of the area	A4.1	Development complies with the Landscaping Code
		A4.2	The setback areas from the road frontages are landscaped and maintained clear of car parking areas, refuse storage facilities and the like.

5.0 General Seaport Codes

5.1 Seaport LAP Code

The purpose of this code is to facilitate the achievement of the following desired development outcomes for Seaport —

- ensure the safe and efficient operation of the Seaport;
- maintain acceptable levels of impact from port activities on adjoining non-industrial areas;
- ensure the waterfront development areas are utilised efficiently;
- ensure the amenity of the Seaport is maintained and enhanced; and
- ensure development balances economic, social and environmental factors to minimise adverse impacts on the community and the environment.

Applicability

These development principles apply to development that is —

- exempt or assessable development; and
- in the Seaport LAP area.

Elements of the Code

Development Principles

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
General			
P1	Planning areas adjoining the waterfront and wharfage areas are utilised primarily for port related activities.	A1	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P2	Public access to the Inlet and Smiths Creek is provided only where it does not impact on the operation of the port, and where it does not present a risk to personal safety.	A2	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P3	Development is to be designed and constructed to an engineering standard acceptable to Ports North.	A3	Development complies with the Works, Services & Infrastructure Code .
P4	Development is located and carried out in a manner that separates and where necessary, provides a physical buffer to incompatible land uses.	A4	No acceptable solution provided. The applicant is to provide a solution which achieves the Performance Criteria.
P5	Development affecting land below high water mark (such as landings, ramps, berthing facilities and retaining walls) is designed and constructed according to relevant standards.	A5	Design and construction is in accordance with the requirements of the <i>Fisheries Act 1994</i> , the <i>Harbours Act 1955</i> and the <i>Transport Infrastructure Act 1994</i> .

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Environmental & Risk Management			
P6	The design and location of any future uses minimises any potential impact on the environmental values of Trinity Inlet or Smith's Creek.	A6.1	Development complies with water quality, air quality and noise standards administered through the <i>Environmental Protection Act 1994</i> .
		A6.2	Development is undertaken in accordance with the Environmental Protection Code .
		A6.3	Where any use has the potential to impact on the environment, the necessary Environmental Management Plans will be prepared and approved prior to any on-site works or commencing the use.
		A6.4	Where necessary, all construction and on-site works are undertaken in accordance with an approved Environmental Management Plan for Acid Sulphate Soils.
P7	Major industrial development, or development constituting a potential safety risk or hazard, demonstrates it can meet acceptable safety standards.	A7.1	Development complies with the Industrial Development Code .
		A7.2	Development complies with State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities.
P8	Development is designed and located such that an acceptable level of flood immunity is provided.	A8.1	Development complies with the Development of Flood Prone Land Code where applicable.
P9	The disturbance of acid sulphate soils or potential acid sulphate soils is avoided or minimised.	A9.1	Development does not involve excavation works where there is potential or actual acid sulphate soils; or
		A9.2	Development complies with the Assessment & Management of Acid Sulfate Soils Code .
Landscaping			
P10	On-site landscaping assists in creating an attractive environment and enhancing the amenity of the area.	A10	Development complies with the Landscaping Code .
P11	Landscaping provides a buffer between industrial uses and non-industrial uses.	A11	Development complies with the Landscaping Code . Development complies with the Industrial Development Code .

VOLUME THREE: SEAPORT LOCAL AREA PLAN

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
Car Parking & Access			
<p>P12 Parking facilities provide –</p> <ul style="list-style-type: none"> • sufficient car parking spaces for the amount and type of vehicle traffic likely to be generated and terminated; • convenient location, easily assessable, attractive and safe to use; • appropriate design so access points are located to operate efficiently and safely and minimise conflict; and • car parking spaces are of a suitable size and dimension to meet user requirements. 	<p>A12.1 Development complies with the Parking Code.</p> <p>A12.2 No parking is located on the public road system.</p>		
<p>P13 Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for services vehicles are designed to –</p> <ul style="list-style-type: none"> • be accommodated on-site; • maximise safety and efficiency of loading; and • protect the visual and acoustic amenity of the premises and adjoining premises. 	<p>A13 Loading facilities –</p> <ul style="list-style-type: none"> • are contained wholly within the premises; • are located at the rear of side of the building • are not located adjacent to residential areas; and • are provided with parking bays and manoeuvring areas for service vehicles in accordance with AS2890.2 – Parking Facilities (Off-Street Parking) Commercial Vehicle Facilities 		
<p>P14 Vehicle manoeuvring areas and designed to be operationally safe and functional.</p>	<p>A14.1 Vehicle parking and manoeuvring areas –</p> <ul style="list-style-type: none"> • are designed in accordance with AS2890.1 – Car Parking Facilities (Off-Street Parking); and • provide turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates. <p>A14.2 The parking set down and manoeuvring areas are in accordance with the Traffic and Access Planning Code.</p>		