

Chapter 4 Codes

4.1 Codes in the CairnsPlan

Codes set out the performance requirements to be satisfied by development. The Codes are one of the measures to assist in achieving the DEOs.

There are four categories of Codes referred to in this Chapter:-

4.1.1 Planning Area Codes

A Code has been prepared for each of the 19 Planning Areas established by the CairnsPlan. These Codes set out the basic requirements for development in each of the Planning Areas. Where there are particular requirements for development in a Planning Area in a particular District, these requirements are identified.

Where there is no Code for a specific land use, the Code for the Planning Area in which the use is proposed to be established applies.

Where there is a Code for a specific use, the Code may modify the provisions of the Code for the Planning Area in which the use is proposed to be established.

It should be noted that the Cityport Planning Areas are addressed somewhat differently to the other Planning Areas. The Cityport land is divided into two main areas – Cityport North and Cityport South. Within each of these Planning Areas there are smaller or more discrete areas known as precincts. The Cityport North Planning Area Code and the Cityport South Planning Area Code each include provisions that apply to the entire respective Planning Area, as well as to specific precincts within the respective Planning Areas.

It should also be noted that the other specific overlays and Land Use Codes contained in the Planning Scheme do not apply to the Cityport North Planning Area or the Cityport South Planning Area unless specifically called up by the Cityport Codes. This is due to the fact that the provisions of the Cityport North and Cityport South Planning Areas Codes relating to matters such as height, setbacks and design are specific to these Planning Areas.

4.1.2 Overlay Codes

Codes have been prepared for the majority of the Overlays established by the CairnsPlan. These Codes set out particular requirements for development on a premises affected by an Overlay.

4.1.3 Land Use Codes

These Codes set out the performance requirements to be satisfied by specific land uses.

4.1.4 General Codes

These Codes set out the performance requirements which apply to one or more of the aspects of development as defined by the *Integrated Planning Act*, which are controlled by the CairnsPlan.

4.2 Structure of Codes

Each of the Codes contained in the CairnsPlan is structured as follows:

Identification of Affected Premises

This is a description of the elements of the overlay maps, which affect development.

Purpose

This is a concise statement of what is to be achieved by the Code.

Applicability

This is a statement identifying the aspects of development to which the Code applies.

Elements

The Elements represent specific aspects or characteristics of a particular form of development.

Performance Criteria

The Performance Criteria are statements of the outcomes to be achieved to satisfy the purpose of the Code.

Acceptable Measures

Acceptable Measures describe one way of achieving the respective Performance Criteria.

4.3 Codes and Approvals

4.3.1 Self-Assessable Development

For self-assessable development identified in the Assessment Table for a District, compliance with the Acceptable Measures is the only way in which the Performance Criteria can be satisfied.

If compliance with the Acceptable Measures cannot be achieved, the development will require code assessment.

4.3.2 Code Assessable Development

For code assessable development, compliance with the Acceptable Measures represents one way in which the Performance Criteria can be satisfied.

Alternative solutions may be presented. In this case, the proponent must demonstrate that the Performance Criteria of the Code are satisfied by the alternative solutions.

Where no acceptable measures are specified, the proponent is required to demonstrate that the Performance Criteria are satisfied and, thus, the Purpose of the Code is satisfied.

4.3.3 Impact Assessable Development

The Codes are also applicable to impact assessable development; in particular, impact assessable development should have regard to the purpose of each of the Codes applicable to the particular location and form of development.

4.4 Applicability of Codes

Table 1 identifies the level of assessment for material change of use and provides a guide to the Codes applicable to material change of use for a particular purpose in each District.

Table 2 identifies the level of assessment for the other aspects of development and provides a guide to the Codes applicable to a particular aspect of development in each District.

The Overlays applicable to a particular District are shown on the Overlay Maps for that District. The Overlays relating to Potential or Actual Acid Sulfate Soil Material and to Operational Aspects of the Cairns International Airport are also mapped at City scale to provide a legible overview of the area affected by these Overlays.

The Overlay Maps identify whether a site is affected by a particular Overlay. The Overlay Maps and the Assessment Tables together identify the level of assessment for a particular aspect of development and if the Code for a particular Overlay is applicable.

The Codes applicable to a particular assessable development are identified during the application stage of IDAS, the integrated development assessment system, set out in the *Integrated Planning Act*.