

4.6 Overlay Codes

4.6.1 Bushfire Management Code

Identification of Affected Premises

A Bushfire Risk Analysis for the City has been undertaken by the Rural Fire Service of the Queensland Fire and Rescue Services. As a result, premises included in a Bushfire Risk Analysis Overlay have been classified into two categories:

- Medium Bushfire Hazard;
- High Bushfire Hazard.

Purpose

The purpose of this Code is to:

- Ensure that development minimises the potential adverse impacts of bushfire on people, property and the environment;
- Ensure that development on premises identified susceptible to Bushfire Hazard is compatible with the nature of the Bushfire Hazard;
- Ensure that the risks of Bushfire Hazard on existing developed areas are minimised; and
- Reflect State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Applicability

This Code applies to development that is:

- Assessable;
- On premises classified as a High or Medium Bushfire Hazard on a Bushfire Risk Analysis Overlay contained in Chapter 3; and
- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use except for a House, Illuminated Tennis Court, Caretakers Residence, Home Activity, Home Based Business, Dual Occupancy, Shopping Facilities (0-500m ² gfa), Restricted Premises, Detached Bottle Shop, Business Facilities, Tavern, Restaurant, Veterinary Facilities, Car Park, Primary Industry, Aquaculture Minor, Extractive Industry, Cemetery and Crematorium, Park, Telecommunication Facility, Railway Activities, or Outdoor Sport and Entertainment.
Reconfiguring a Lot resulting in one or more additional lots.

Elements of the Code

Part A – For Self-Assessable and Assessable Development

None	None
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Part B – For Assessable Development Only

Safety of People, Property and the Environment

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Buildings are sited to minimise the potential adverse impacts of bushfire on the safety of people, property and the environment.</p>	<p>A1.1 Buildings and structures on lots greater than 2,500m² :</p> <ul style="list-style-type: none"> a) are sited in locations of lowest hazard within the lot; and b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater; and c) are located a minimum of 10 metres from any retained vegetation strips or small areas of vegetation; and d) are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard. <p>A1.2 For buildings and structures on lots less than or equal to 2,500m², setbacks from hazardous vegetation are maximised.</p>
<p>P2 Development minimises the potential adverse impacts of bushfire on the safety of people, property and the environment by mitigating risk through:</p> <ul style="list-style-type: none"> a) lot design; and b) including firebreaks that provides adequate: <ul style="list-style-type: none"> i) setbacks between buildings and structures and hazardous vegetation; and ii) access for firefighting or other emergency vehicles 	<p><i>For development that will result in multiple buildings or lots :</i></p> <p>A2.1 Residential lots are designed so that their size and shape allow for :</p> <ul style="list-style-type: none"> a) efficient emergency access to buildings for fire-fighting appliances (eg by avoiding long narrow lots with long access drives to buildings); and b) setbacks and building siting in accordance with 1.2(a) above; and <p>A2.2 Firebreaks are provided by:</p> <ul style="list-style-type: none"> a) a perimeter road that separates lots from areas of bushfire hazard and that road has : <ul style="list-style-type: none"> • a minimum cleared width of 20 metres; and • a constructed road width and weather standard complying with local government standards; or b) where it is not practicable to comply with 1.5a), fire maintenance trails are located as close as possible to the boundaries of the lots and the adjoining bushland hazard, and the fire/maintenance trails : <ul style="list-style-type: none"> i. have a minimum cleared width of 6 metres; and ii. have a formed width and gradient, and erosion control devices to local government standards; and iii. have vehicular access at each end; and iv. provide passing bays and turning areas for fire-fighting appliances; and v. are either located on public land, or within an access easement that is granted in favour of the local government and QFRS; and

	<p>c) sufficient cleared breaks of 6 metres minimum width in retained bushland within the development (eg creek corridors and other retained vegetation) to allow burning of sections and access for bushfire response.</p>
<p>P3 Adequate road access for firefighting or other emergency vehicles and safe evacuation is provided to minimise the potential adverse impacts of bushfire on the safety of people, property and the environment.</p>	<p>A3.1 Roads are designed and constructed in accordance with applicable local government and State government standards and:</p> <p>a) have a maximum gradient of 12.5%;and</p> <p>b) exclude culs-de-sac, except where a perimeter road isolates the development from hazardous vegetation or the culs-de-sac are provided with an alternative access linking the cul-de-sac to other through roads.</p>
<p>P4 An adequate and accessible water supply for firefighting purposes is provided to minimise the potential adverse impacts of bushfire on the safety of people, property and the environment.</p>	<p>A4.1 For uses involving new or existing buildings with a gross floor area greater than 50m², each lot has:</p> <p>a) a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all ties (minimum pressure and flow is 10 litres a second at 200 kPa); or</p> <p>b) an on-site water storage of not less than 5,000 litres (eg accessible dam or tank with fire brigade tank fittings, swimming pool).</p>
<p>P5 Development does not materially intensify the use of bushfire hazard areas.</p>	<p>A5.1 Development does not result in a high concentration of people living or working in an area at risk from bushfire (e.g. Residential development, shopping centres, tourist facilities, industrial or commercial uses) or involve institutional uses where evacuating people may be particularly difficult (e.g. Child care, aged care and high security correctional centres).</p> <p>A5.2 Development within high bushfire hazard areas complies with a Bushfire Management Plan for the premises.</p> <p>Note:The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the preparation of a Bushfire Management Plan.</p>
<p>P6 Community infrastructure is able to function effectively during and immediately after bushfire events.</p>	<p>A6.1 Development complies with a Bushfire Management Plan for the premises</p>
<p>P7 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.</p>	<p>A7.1 Development complies with a Bushfire Management Plan for the premises.</p>

4.6.2 Cultural Heritage Significance Code

Identification of Affected Premises

Heritage areas and places are those parts of our natural or built environments which:

- Are important to the community, or to section of the community because of their special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance;
- Contribute to our sense of identity as individuals and to our sense of continuity as a community;
- Include both Indigenous and non-Indigenous heritage areas and places¹.

Heritage areas and places in the City are classified into three categories:

- State Heritage Sites;
- Local Heritage Sites;
- Character Precincts;

and are shown on the Cultural Heritage Areas Overlay contained in Chapter 3.

Purpose

The purpose of this Code is to ensure that the following desired development outcomes are achieved:

- Sites of local cultural heritage significance are protected so that these sites are not changed in a manner that would significantly reduce the historic cultural heritage significance of the site; and
- Character Precincts retain their cultural heritage significance and streetscape values and new works are sympathetic to and respectful to these values;
- Development is compatible with and sympathetic to, the cultural heritage significance and streetscape values of Local sites and Character Precincts.

Applicability

This Code applies to development that is:

- Assessable development;
- On premises identified as a Local Heritage Site or Character Precinct on a Cultural Heritage Areas Overlay contained in Chapter 3; and

¹ It is culturally inappropriate to depict Indigenous cultural places on a map so such places are not identified in the Historic Cultural Heritage Significance Overlay

- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use except for Illuminated Tennis Court, Home Activity, Home Based Business, Aquaculture Minor, Cemetery and Crematorium, Telecommunication Facility.
Building Work for the demolition of a building or structure affected by the Cultural Heritage Significance Overlay.
Building Work not associated with a Material Change of Use

Part A – For Self-Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Local Heritage Sites

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Any development of premises or part of premises, of Cultural Heritage Significance must be designed and constructed in a manner which protects the significance of the premises.	A1.1 No acceptable measures are specified. (Note: The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the information which should be provided to demonstrate that the Performance Criteria are achieved.

Character Precinct

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Development of premises within a Character Precinct must be designed and constructed in a manner which protects the Character values of the precinct.	<p>A1.1 The design of, and materials used in, the development of premises within a Character Precinct complement the Character values of that precinct; and</p> <p>A1.2 The design buildings or ancillary structures or part of buildings or ancillary structures must reflect and compliment the form, bulk, height, scale, siting, orientation, roof profiles and materials and details of buildings or structures within the Character Precinct, without necessarily repeating these elements and detailing; and</p> <p>A1.3 Development does not obscure:</p> <p>a) the appearance or prominence of the main elements of the Precinct when viewed from public rights of way; or</p> <p>b) vistas of the Precinct; and</p> <p>A1.4 Development is sited so that it does not detract from or conflict with the character values of the Precinct. The spacing between a new building, structure or item and any existing building, structure or item within the precinct is sympathetic to, and respectful, of, the precinct's character values. The setback of any new development from the street is compatible with the existing setback of other buildings, structures or items from the street; and</p> <p>A1.5 Landscape features which are a component of the character values are retained and enhanced; and</p> <p>A1.6 All ancillary buildings, structures or services are obscured from view from the street or are designed to compliment the character values of the precinct and its streetscape.</p>

4.6.3 Demolition Code

Identification of Affected Premises

- Heritage Buildings are retained by:
- Minimising the loss of the distinctively tropical form and setting of pre World War 2 Cairns. The low set and the high set 'Queenslander' houses are recognised as an endearing feature of the region. The retention of such dwellings and of many older commercial and light industrial structures is considered important in ensuring Cairns and environs retains one of its major man-made attributes.

Queenslanders with the relatively steep pitched corrugated iron roofing, verandahs, lattice work, hooded windows and timber cladding, are recognised as one the State's major icons. They add character to many of the mature streetscapes of urban Cairns and to such towns as Gordonvale and Babinda;

- Providing a mechanism for the retention of multiple phases of Cairns architecture and dwellings by providing demolition controls that move with the passage of time. The control is set at 50 years prior to the current year, rather than being an elected and static year (i.e. 1950). This means that, by the end of the current decade, housing from the 1960s will be under demolition controls so that provisions are made for the retention of aspects of Cairns' development during that period, for future generations;
- Minimising the loss of retail and other commercial premises, which add significantly to the character and setting of a place. Along with relevant plantings they provide opportunity of compatible adaptation to a range of contemporary uses: restaurants, craft shops, coffee shops, and other specialty outlets.

Purpose

The purpose of this Code is to:

- Minimise the loss of pre World War 2 commercial, industrial and residential buildings (e.g. high set Queenslander houses) that gives much of the City its unique character; and
- Ensure the preservation of buildings where they form an important part of a streetscape where the buildings and streetscape were constructed or established fifty years ago;
- Ensure the retention of heritage buildings; and
- Ensure any archaeological evidence of earlier use is identified and recorded prior to redevelopment of the site.

Applicability

This Code applies to development that is:

- Assessable;
- Where it is planned to demolish, remove or relocate:
 - a) a building on a local heritage site identified on the Cultural Heritage Overlay contained in Chapter 3; or
 - b) a building which was constructed 50 or more years ago, within a Character Precinct identified on the Cultural Heritage Overlay contained in Chapter 3; and
 - c) identified in the table below

APPLICABLE DEVELOPMENT
Material Change of Use except for Illuminated Tennis Court, Home Activity, Home Based Business, Aquaculture Minor, Cemetery and Crematorium, Telecommunication Facility.
Building Work for the demolition of a building or structure affected by the Cultural Heritage Significance Overlay except for minor building work.

Elements of the Code

Part A – For Self-Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Demolition, Removal or Relocation of a Heritage Building

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Heritage buildings are retained.	<p>A1.1 A building may be demolished or removed where the building:</p> <ol style="list-style-type: none"> a) cannot be repaired (and this is supported by relevant engineering reports); and b) lacks the original character and form. <p>(Note: In certain circumstances Council may require additional reporting or recording before demolition.)</p>

P2 The building must not suffer loss of integral components (e.g. side verandahs) that contribute to its overall character and setting.	A2.1 Where part of a building is intended to be demolished only for aesthetic, adjusted needs (i.e. to provide wheelchair access or to accommodate additional persons) the remaining part of the building retains its traditional building character.
P3 The relocated Heritage Building contributes to, and does not detract from, the character and setting of its new premises.	A3.1 No acceptable measure is specified.
P4 Any evidence of earlier use exposed by demolition is assess and recorded.	A4.1 No acceptable measure is specified.

4.6.4 Flood Management Code

Identification of Affected Premises

Premises affected by this Code are:

- Premises affected by the 1 in 100 year flood event (the defined flood event); or
- Premises containing or adjoining a waterway or drainage path.

The 100 ARI year flood inundation overlay contained in Chapter 3 identifies the general location of the 100 ARI year flood event (defined flood event) based on the findings of the relevant flood studies and stream management plans. The overlay does not represent exhaustive mapping of the defined flood event in the City.

Flood studies and stream management plans have been prepared, or are being prepared for identified catchments and these plans may contain further information regarding the location of the defined flood event for these catchments.

Purpose

The purpose of this Code is to ensure that:

- All new development has flood immunity from the defined flood event;
- Development on premises will not cause significant adverse impacts on adjoining or other external premises; and
- Development does not adversely impact on ecological functions including water quality or the hydraulic capacity of waterways or other drainage paths; and
- New development does not create an adverse impact on existing properties in the Barron Delta and the values of the Delta are protected.

Applicability

This Code applies to development that is:

- Assessable development;
- On premises:
 - a) affected by the 1 in 100 year flood event (defined flood event) as shown on the Overlay Maps; or
 - b) containing or abutting a waterway as shown on the Vegetation Conservation/ Waterways Significance Overlay Maps; and
- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use , except a material change of use within an existing building, House, Home Activity, Home Based Business, Caretakers Residence, Illuminated Tennis Court, Dual Occupancy, Shopping Facilities 0 – 500m ² gfa, Restaurant, Veterinary Facilities, Primary Industry, Aquaculture Minor, Extractive Industry, Park, Telecommunications Facility, Railway Activities, or Outdoor Sport and Entertainment.
Reconfiguring a Lot , resulting in one or more additional lots
Operational Works associated with Reconfiguring a Lot
Operational Work , involving excavation or filling of more than 50m ³ of material not associated with a Material Change of Use.

Elements of the Code

Part A – For Self-Assessable and Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 An acceptable level of flood immunity must be provided for new development.	A1.1 Development satisfies the minimum levels set out in Table 1 below; and
P2 An acceptable level of flood immunity must be provided for the access to new development.	A2.1 Access to new development is in accordance with the Queensland Urban Drainage Manual.
P3 Development on premises, other than in a riparian corridor, does not result in a significant impact on other premises.	A3.1 Excavation or filling in premises results in a no worsening on other premises both upstream and downstream of up to 20 millimetres; and A3.2 Development does not occur within the riparian corridor.
P4 Drainage paths on premises are maintained free of obstruction to permit unimpeded flow of stormwater.	A4.1 Where premises contain a waterway a drainage reserve or easement with a minimum width of 10 metres from the high bank of the waterway is provided; and A4.2 No excavation or filling of drainage paths are permitted.
P5 New development does not create an adverse impact on existing properties within Barron Delta as mapped on the Smithfield - Barron District Flood Inundation (ARI 100 year) Overlay Map.	A5.1 No acceptable measures are specified. Note: The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the information which should be provided to demonstrate that the Performance Criteria is achieved.

TABLE 1

LAND USE ²	FILL LEVEL	FLOOR LEVEL
Residential Uses Tourist and Short Term Accommodation Uses Community Uses with a residential component	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	150 mm above 1 in 100 year A.R.I. immunity.
Retail Uses Business and Commercial Uses Industry and Associated Uses Community Uses involving access by the public Permanent Residential Car parking	Immunity to 1 in 100 year A.R.I. Flood/Storm Tide Event	Immunity to 1 in 100 year A.R.I. Flood Event
Temporary Car parking	Immunity to 1 in 20 year A.R.I. Flood/Storm Tide Event	
Parks and open space	Immunity to 1 in 5 year A.R.I. Flood/Storm Tide Event	

² Refer to groupings of land uses set out in Chapter 5 Definitions.

4.6.5 Height and Impact of Buildings Code

Identification of Affected Premises

Controls on building heights reflect community attitudes that there is a tolerance of tall buildings in the CBD with less acceptance of tall buildings in other locations such as residential suburbs.

Premises included in a Height and Impact of Building Overlay has been classified into 5 Precincts described in the following table:

PRECINCT	DESCRIPTION
Precinct 1	This area is the core of the City Centre Planning Area where the highest intensity of development and the greatest mix of commercial, businesses residential uses and tourist and short term accommodation uses are preferred. Buildings in this precinct are limited in height by the Obstacle Limitation Surface, which permits structures up to a height of 48 metres.
Precinct 2	This area includes the balance of the City Centre Planning Area and includes land in the Commercial and Tourist and Residential Planning Areas.
Precinct 3 and Precinct 3a	This area includes land in the Tourist and Residential Planning Area and a number of sites in the Commercial and Community Facilities Planning Areas.
Precinct 4	This area includes land in the Tourist and Residential and Commercial Planning Areas. This Precinct includes Cairns North, which remains predominantly residential in character.

Purpose

The purpose of this Code is to ensure that the following desired development outcomes are achieved:

- Development of Tall Buildings is contained within Precincts 1, 2, 3, 3a and 4, which are the only areas suitable for this form of development;
- Encourage the highest intensity of development within Precinct 1 being the core area of the Central Business District;
- The transition of building heights and activity within the Central Business District;
- Design of Tall Buildings is of a contemporary design that complements and reflects the established character and tropical image of the City;
- In residential areas, buildings are of a scale that complements the residential character of the area, and does not adversely affect the amenity of the area;
- To protect the operational aspects of the Cairns International Airport.

Applicability

This Code applies to development that is:

- Assessable;
- On premises identified as being included in Precincts 1, 2, 3, 3a or 4 on a Height and Impact of Buildings Overlay contained in Chapter 3; and
- Identified in the table below.

APPLICABLE DEVELOPMENT

Material Change of Use , involving the construction of a tall building.
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Elements of the Code

Part A – For Self-Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Site Area

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 A site for a Tall Building must contain sufficient area to ensure that the Tall Building does not have an adverse effect on the desired character and amenity of the surrounding area or on the amenity of adjoining premises.</p>	<p>A1.1 The site for a Tall Building has the minimum area identified below for the respective Precinct:-</p> <ul style="list-style-type: none"> - Precinct 1 – No acceptable measure specified - Precinct 2 – 1000 m² - Precinct 3 – 2000 m² - Precinct 3a – 1000 m² - Precinct 4 – 2500 m². <p>(Note: The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the information which should be provided to demonstrate that the performance criteria are achieved.)</p>

Shape of Site

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 A site for a Tall Building must be of a suitable shape to ensure that the Tall Building does not have an adverse effect on the desired character and amenity of the surrounding area or on the amenity of adjoining premises.</p>	<p>A1.1 The site for a Tall Building satisfies the criterion identified below for the respective Precinct:</p> <ul style="list-style-type: none"> a) for Precinct 3 and 4, regularly shapes site; or b) for Precinct 1, 2 and 3a, no acceptable measures are specified.

Height

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Tall buildings must:</p> <ul style="list-style-type: none"> a) reinforce the core of the CBD as the area accommodating the highest intensity of development; and b) ensure that there is a transition of building height from the CBD to the suburbs; and c) protect and enhance the image of the CBD – North Cairns District; and d) maintain and enhance the tropical character of the CBD – North Cairns District. 	<p>A1.1 In Precinct 1, the maximum height of a building or structure is 48 metres except where the Obstacle Limitation Surface³ for the Cairns International Airport requires a lesser height; and</p> <p>A1.2 In Precinct 2, the height of any building or structure is not greater than 30 metres; and</p> <p>A1.3 In Precincts 3 and 3a, the height of any building or structure is not greater than 18 metres; and</p> <p>A1.4 In Precinct 4,</p> <ul style="list-style-type: none"> a) where the site: <ul style="list-style-type: none"> i) has a frontage to Sheridan Street or Lake Street; and 11.5 metres; or ii) is regularly shaped, then parts of the building or structure may exceed 11.5 metres in height to a maximum of 15 metres. Those parts of the building or structure that exceed 11.5 metres must be located on the Sheridan Street or Lake Street frontage; or b) in all other cases the height of any building or structure is not greater than 11.5 metres.
<p>P2 The overall height of buildings:</p> <ul style="list-style-type: none"> a) is not excessive; and b) is consistent with similar developments in the locality; and c) promote breeze and natural light through increased floor to ceiling heights. 	<p>A2.1 Shadow diagrams must be prepared to ensure that solar access to neighbouring premises is encouraged and maintained. Particular regard must be given to openings, walls and windows of habitable rooms of all neighbouring premises to allow for the access of the north and north-easterly sun.</p>

Podium

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Tall Buildings must provide a podium that:</p> <ul style="list-style-type: none"> a) contributes to the character and streetscape of the Precinct; and b) integrates with the existing development on adjoining premises; and c) provides protection and shelter to pedestrians from the sun and rain; and d) does not produce adverse wind conditions at street level. 	<p>A1.1 The podium is not greater than 11.5 metres in height, measured from the existing mean footpath level at the boundary of the site except where it can be demonstrated that:</p> <ul style="list-style-type: none"> a) a greater height assists in maintaining or enhancing particular cityscape or heritage characteristics of buildings on the site or of other adjoining buildings; and b) it is desirable to match the heights of adjoining buildings, particularly heritage buildings.

³ Within Precinct 1, the Obstacle Limitation Surface for the Cairns International Airport ranges from 46.0 metres AHD to 70.0 metres AHD (refer to CBD – North Cairns District Plan, Obstacle Limitation Surface Overlay Map).

Built Form

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES																																		
P1 Tall Buildings: a) do not detract from the continuity of the existing built form; and b) define the linear space of the street; and c) do not dominate the streetscape; and d) ensure that there is separation between towers; and e) ensure that the availability of light and ventilation to towers and adjoining development is maximised; f) the character of the precinct is maintained and enhanced.	A1.1 Site Coverage <table border="1"> <thead> <tr> <th rowspan="2">Precincts</th> <th colspan="3">For all buildings except multi-storey carparking station</th> <th>For multi-storey carparking</th> </tr> <tr> <th>Up to 11.5 metres (height)</th> <th>11.5 metres to 18 metres (height)</th> <th>Greater than 18 metres (height)</th> <th>Up to 18 Metres (height)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>100%</td> <td>50%</td> <td>30%</td> <td>100%</td> </tr> <tr> <td>2</td> <td>100%</td> <td>50%</td> <td>30%</td> <td>100%</td> </tr> <tr> <td>3</td> <td>35%</td> <td>25%</td> <td>-</td> <td>-</td> </tr> <tr> <td>3a</td> <td>100%</td> <td>50%</td> <td>-</td> <td>-</td> </tr> <tr> <td>4</td> <td>35%</td> <td>25%</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Precincts	For all buildings except multi-storey carparking station			For multi-storey carparking	Up to 11.5 metres (height)	11.5 metres to 18 metres (height)	Greater than 18 metres (height)	Up to 18 Metres (height)	1	100%	50%	30%	100%	2	100%	50%	30%	100%	3	35%	25%	-	-	3a	100%	50%	-	-	4	35%	25%	-	-
	Precincts		For all buildings except multi-storey carparking station			For multi-storey carparking																													
		Up to 11.5 metres (height)	11.5 metres to 18 metres (height)	Greater than 18 metres (height)	Up to 18 Metres (height)																														
	1	100%	50%	30%	100%																														
	2	100%	50%	30%	100%																														
	3	35%	25%	-	-																														
	3a	100%	50%	-	-																														
4	35%	25%	-	-																															

		A1.2 Setbacks						
		For all buildings – frontage setbacks						
		Up to 11.5 metres (height)	11.5 metres to 18 metres (height)			Greater than 18 metres (height)		
			M	O	S	M	O	S
		For Precinct 1 and 2						
Site Coverage Up to 30%	0m	½ of height of all levels above 11.5m	1/3 of height of all levels above 11.5m	¼ of height of all levels above 11.5m	-	-	-	
Site Coverage 31% - 50%	0m	6m	4m	2m	6m + ½ of height of all levels above 11.5m	4m + 1/3 of height of all levels above 11.5m	2m + ¼ of height of all levels above 11.5m	
Site Coverage between 51% and 100%	0m	NAMS	NAMS	NAMS	NAMS	NAMS	NAMS	
		For Precincts 3a						
For all buildings	0m	6m	4m	2m	NAMS	NAMS	NAMS	
		For Precincts 3 and 4						

	Where frontage to Esplanade	15m	15m	1/3 of the height of the building with a minimum of 6m	¼ of height of the building	NAMS	NAMS	NAMS
	Other road frontages for a tall building	6m or a minimum of ½ the height of the building which ever is the greater	6m or a minimum of ½ the height of the building which ever is the greater	1/3 of the height of the building with a minimum of 6m	¼ of height of the building	NAMS	NAMS	NAMS
<p>M – Main Frontage O – Other Frontage S – side and rear frontage NAMS – No acceptable measures are specified</p>								

<p>P2 There is a transition of building form from the CBD to the suburbs.</p>	<p>A2.1 The plot ratio of a Tall Building satisfies the criteria identified in the Table below for the respective Precinct.</p>		
	Precinct	Base Plot Ratio	Maximum Plot Ratio
	<p>1 2 3 3a 4</p>	<p>4:1 2:1 NAMS 2:1 NAMS</p>	<p>5:1 4:1 1.75:1 3:1 1.5:1</p>
<p>The maximum plot ratio may be achieved by demonstrating that development provides wider community benefit through design aspects or incorporating features required within the City. Such aspects and features shall be determined at the discretion of the Council and may include but not be limited to:</p> <ul style="list-style-type: none"> a) the retention of a local heritage site, or building within a character precinct, or façade; or b) the provision of pedestrian links via parks or walkways or landscaped public courtyards; or c) the provision of a multi-storey vehicle parking station for use by the public; or d) the provision of community facilities or social infrastructure in association with a development; or e) other items as determined by Council. <p>NAMS = No acceptable measures are specified</p>			

4.6.6 Hillslopes Code

Identification of Affected Premises

The forested Hillslopes above the coastal plain and river valleys are landscape features representative of, and uniquely characteristic of the City. The Hillslopes:

- Are natural features which make the City attractive to both residents and tourists and which contribute in distinguishing Cairns from other cities. A desired development outcome for land identified on a Hillslopes Overlay is to protect these features; and
- Are important habitat areas and form a link between the coastal lowlands and mountain ranges. A desired development outcome for land identified on a Hillslopes Overlay is to protect this function.

Land identified in a Hillslopes Overlay has been classified according to:

- The location of the land in either an urban area, a growth area or a rural area in the City; and
- The extent of the constraints on the land as a result of landscape and visual quality, gradient and slope stability.

The applicable categories of land in a Hillslopes Overlay are:

CATEGORY	DESIRED DEVELOPMENT OUTCOMES
Category 1 (Urban)	<p>Land included in this category may have opportunities for limited forms of development. The desired development outcomes for this land is for development to:</p> <ul style="list-style-type: none"> • respond to the constraints of the site (including gradient and slope stability);and • protect visual amenity; and • protect landscape character; and • be serviceable and accessible.
Category 2 (Urban)	<p>Land included in this category is generally so constrained for development that it is considered to be unsuitable for development. The desired development outcomes for this land is to retain the land in a natural state or where possible to rehabilitate the land. Development on this land is not a desired outcome because of –</p> <ul style="list-style-type: none"> • the risk of detrimental impact: <ul style="list-style-type: none"> a) on slope stability or erosion potential of the land; and b) on community safety and the protection of property and persons; and • the nature of the constraints of the site (including gradient and slope stability); and • the visual prominence and landscape character of the land; and • the difficulty of servicing such land without the need for substantial engineering solutions that detrimentally impact on the unique characteristics and features of the Hillslopes.
Category 1 (Rural)	<p>Land included in this category is included within a Rural Planning Area. This category of land includes land that has:</p> <ul style="list-style-type: none"> • the characteristics of Category 1 (Urban). The desired development outcomes for this land are the outcomes described for land included in the Category 1 (Urban) above; or • the characteristics of Category 2 (Urban). The desired development outcomes for this land are the outcomes described for land included in the Category 2 (Urban) above.

Purpose

The purpose of this Code is to ensure that:

- Development on Hillslopes is safe and serviceable
- Development maintains the safety of people, property and the environment;
- The ecological values, landscape character and visual quality of the Hillslopes are protected from development so as to retain the scenic backdrop to the City;
- Development on Hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land; and
- To ensure that the desired development outcomes for each category of Hillslopes land are achieved; and

Applicability

This Code applies to development that is:

- Assessable;
- On land, or part of land identified as Category 1 (Urban), Category 2 (Urban) or Category 1 (Rural) which includes land of 15% or greater slope in a Hillslopes Overlay contained in Chapter 3; and
- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use , except for a, Home Activity, Home Based Business, Primary Industry.
Reconfiguring a Lot
Operational Work
Building Work , not associated with a Material Change of Use other than minor building work.

Elements of the Code

Part A – For Self-Assessable Development

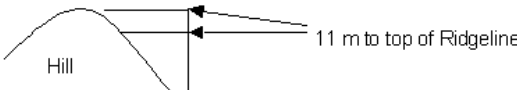
PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Slope Stability

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development:</p> <ul style="list-style-type: none"> a) does not have a detrimental impact on slope stability or erosion potential of the land; and b) maintains the safety of people, property and hazardous materials manufactured or stored in bulk, from the risk of landslide. 	<p>General</p> <p>A1.1 The premises is not subject to landslide hazard, either internally or from sloping land above the premises; or</p> <p>A1.2 The development includes measures that ensure:</p> <ul style="list-style-type: none"> a) the long term stability of the premises; and b) the premises will not be adversely affected by landslide activity originating on sloping land above the premises; and <p>A1.3 Development does not result in the redirection of surface water or groundwater; and</p> <p>A1.4 No development occurs on land with a gradient that exceeds 33.3% (1 in 3).</p> <p>NOTE FOR A1.1: The applicant can demonstrate that the development site is not subject to landslide hazard because slopes are less than 15%.</p> <p>NOTE for A1.2: A site specific geotechnical analysis prepared by a registered professional engineer may be required to demonstrate that the site is not subject to landslide hazard. Refer to Planning Scheme Policy Reports and Information Council May Request</p> <p>For development that involves excavation or filling –</p> <p>A1.3 Excavation or filling:</p> <ul style="list-style-type: none"> a) does not occur within 2.0 metres of any boundary of the development envelope; and b) does not exceed 1.8 metres in height; and c) is retained; and d) batters on any one lot does not exceed a maximum number of two; and e) is stepped with a minimum width 2 metre berm.

Visual Amenity and Landscape Character

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 The landscape character and visual amenity quality of the Hillslopes are retained and remain the scenic backdrop to the City.</p>	<p>General</p> <p>A1.1 Access ways and driveways are:</p> <ul style="list-style-type: none"> a) constructed with surface materials that blend with the surrounding environment ;and b) landscaped with dense planting; and c) provided with erosion control measures immediately after construction to minimise the visual impact of the construction. <p>A1.2 Aeroscreen street lighting is used to minimise the visual impact of onsite lighting on offsite views; and</p> <p>A1.3 The clearing or disturbance of vegetation is limited to clearing or disturbance that:</p> <ul style="list-style-type: none"> a) is necessary for the construction of a necessary proposed road reserve, access road, accessways (including paths, waterway crossings and footbridges) or driveways; and b) minimises canopy clearing or disturbance; and c) minimises riparian clearing or disturbance; and <p>A1.4 Development does not alter the skyline.</p> <p>For development that involves excavation or filling –</p> <p>A1.5 Excavation or filling is limited to the area required for the construction of Building Work and necessary access; and</p> <p>A1.6 Excavation or filling does not result in a terraced effect; and</p> <p>A1.7 All slopes that have excavation or filling conducted on them are revegetated with endemic trees, shrubs and ground covers immediately after the works have been undertaken; and</p> <p>A1.8 Trees at the foot or top of cut or fill batters are protected by the use of appropriate retaining methods and sensitive earth removal or placement; and</p> <p>A1.9 No excavation or filling occurs on land with a gradient that exceeds 33.3% (1 in 3) except for excavation for the purpose of posthole or soil sample drilling; and</p> <p>A1.10 Where the gradient of land exceeds 20% (1 in 5), accessways with a width of greater than 1 metre and driveways are not constructed; and</p> <p>A1.11 Excavation or filling does not alter the skyline; and</p> <p>A1.12 Excavation or filling does not occur:</p> <ul style="list-style-type: none"> a) on a hilltop or ridgeline; and b) in the 11 metres (measured vertically) below a hilltop or ridgeline.  <p>The diagram shows a cross-section of a hill. A horizontal line represents the ridgeline. A vertical line is drawn from the ridgeline down to a point on the slope. A horizontal line is drawn from this point to the right, with an arrow pointing to the text '11 m to top of Ridgeline'. The word 'Hill' is written below the slope.</p>

	<p>For development that involves Building Work</p> <p>A1.13 Building Work is stepped with the terrain to minimise excavation or filling on the land; and</p> <p>A1.14 Where the gradient of land exceeds 15%, Building Work is designed and constructed as split level buildings or as post and beam buildings; and</p> <p>A1.15 The roofline of buildings and structures do not protrude above a ridgeline; and</p> <p>A1.16 Building Work:</p> <ul style="list-style-type: none">a) is finished predominantly in the following exterior colours or surfaces:<ul style="list-style-type: none">i) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; orii) moderately dark to darker wood stains that blend well with the colour and hues of the surrounding vegetation and landscape; andb) is not finished in the following exterior colours or surfaces:<ul style="list-style-type: none">i) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; andii) reflective surfaces; and <p>A1.17 Roofs on buildings or structures are:</p> <ul style="list-style-type: none">a) non reflective and finished in a low contrast colour that blends with the surrounding vegetation and landscape; andb) not finished in terracotta colours, reds, yellows, shades of white, beige or grey; and <p>A1.18 Exterior colour schemes:</p> <ul style="list-style-type: none">a) do not result in the use of a single colour on large surface areas or broad expanses; andb) limit the use of white or other light colours to exterior trim and the highlighting of architectural features; and <p>A1.19 Areas between the first floor (including outdoor deck areas) and ground level are screened from view; and</p> <p>A1.20 Recreational or ornamental features (including tennis courts, ponds and swimming pools) do not occur on land:</p> <ul style="list-style-type: none">a) with a gradient of 33.3% (1 in 3) or more; andb) are designed and sited to respond to the natural constraints of the land and require minimal earthworks.
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Access and Provision of Services

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development:</p> <ul style="list-style-type: none"> a) is adequately and practically supplied with services; and b) is provided with adequate and safe access; c) can be easily accessed by emergency vehicles. 	<p>A1.1 Driveways, in particular angled driveways are designed to enable conventional vehicles to enter and exit the land safely; and</p> <p>A1.2 The driveway shall be constructed in such a manner as to ensure that the crossfall of the driveway be one-way and directed into the hill, for vehicle safety and drainage purposes; and</p> <p>A1.3 Driveways include all necessary associated drainage that intercepts and directs storm water runoff to the road, storm water drainage system; and</p> <p>A1.4 The frontage and depth of all lots is of sufficient width to:</p> <ul style="list-style-type: none"> a) allow driveways to follow as close as possible the natural contours; and b) accommodate any changes in gradient between the road and lot (and not in the road reserve); c) are sited on that part of the land with the flattest gradient. <p>A1.5 Driveways are:</p> <ul style="list-style-type: none"> a) no steeper than 1 in 5 (20%) for the balance of the lot; and b) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot i.e. not within the road reserve.
<p>P2 For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.</p>	<p>A2.1 No acceptable measures are specified.</p> <p>Note: Acceptable measures will respond to the specific constraints of the site and the demands and requirements of the particular development.</p>

4.6.7 Operational Aspects of the Cairns International Airport Code

Identification of Affected Premises

The Cairns International Airport is a major element of the transport infrastructure of the City and is vital to the economies of both the City and the Region.

Development should not compromise the efficient operation of the Airport. State Planning Policy 1/02 *Development in the Vicinity of Certain Airports and Aviation Facilities* requires that the airports and aviation facilities be protected from development that could undermine their safety or operation efficiency.

The applicable operational elements of the Cairns International Airport are:

- The Obstacle Limitation Surfaces;
- Aviation and Navigation Facilities;
- Areas affected by significant noise, as determined by the Australian Noise Exposure Forecast System;
- Operational Airspace and the potential for adverse effects from bird or bat strike, lighting, air turbulence, airborne particles (smoke, dust and other emissions) and transient aviation uses;
- Procedures for Air Navigation Services – Aircraft Operational Surfaces (PANS-OPS);
- Public Safety Areas at the ends of runway/s; and
- Reflect SPP 1/02 *Development in the Vicinity of Certain Airports and Aviation Facilities*.

The operational elements may vary from time to time.

Purpose

The purpose of this Code is to ensure that the Cairns International Airport and State significant aviation facilities within the City are protected from the adverse impacts of development.

Applicability

This Code applies to development that is:

- Self-assessable or assessable;
- On land identified as affected by:
 - the Obstacle Limitation Surfaces Overlay; or
 - PANS-OPS Map; or

- the Australian Noise Exposure Forecast Overlay; or
- the Primary Light Control and Bird and Bat Strike Hazard Overlay; or
- the Public Safety Zone Overlay contained in Chapter 3; and
- Identified in the table below.

APPLICABLE DEVELOPMENT	
Material Change of Use,	except for a House, Illuminated Tennis Court, Caretakers Residence, Home Activity, Home Based Business, Dual Occupancy, Shopping Facilities (0-500m2 gfa), Restricted Premises, Detached Bottle Shop, Tavern, Service Station, Veterinary Facilities, Primary Industry, Aquaculture Minor, , Business and Technology Park or Railway Activities, except for the construction of a building or structure under 11.5 metres in height where the Obstacle Limitation Surfaces Overlay applies; or except for retail uses and business and commercial uses within an existing building.
Reconfiguring a Lot	

Elements of the Code

Part A – For Self-Assessable and Assessable Development

Protection of Operational Air Space

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The construction of buildings or other structures does not interfere with the movement of aircraft or the safe operations of the Airport.	A1.1 Buildings or other structures do not protrude into the Obstacle Limitation Surface or PANS-OPS for the Cairns International Airport, as identified on the Overlay Map;

Lighting

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Development does not impact on the operational aspects of the Cairns Airport with regard to light emission.	A1.1 Lighting does not exceed the maximum intensity of illumination, within the respective zone, as identified on the Overlay Maps.

Managing Bird and Bat Hazard to Aircraft

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development and the design of facilities and landscaping in the immediate environs of the airport does not compound the potentially serious hazard from wildlife (bird or bat) strike.</p>	<p>A1.1 For a Public Utility (refuse collection and disposal) The use is not located within the 13km radius shown on the overlay map; or</p> <p>A1.2 For the following uses Aquaculture (major); or Industry Class B uses involving food handling or processing; or Primary industries involving fruit or turf production; or Intensive animal husbandry including the keeping or protection of wildlife outside enclosures:</p> <ol style="list-style-type: none"> a) The uses are not located within the 3km radius shown on the overlay map; or b) Where the uses are located between the 3km radius and 8km radius (Area 2) shown on the overlay map: <ol style="list-style-type: none"> i. Potential food or waste sources are covered and collected so that they are not accessible to wildlife: or ii. For agriculture involving fruit or turf production, wildlife deterrent measures are carried out: or c) The uses are located outside the 8km radius as shown on the overlay map. <p>A1.3 For a Restaurant or Outdoor Sport and Recreation</p> <ol style="list-style-type: none"> a) Where the use is located within the 3km radius shown on the overlay map potential food and waste sources are covered and collected so that they are not accessible to wildlife; or b) The use is located outside the 3km radius.

Part B – For Assessable Development Only

Acoustic Treatment to Buildings to Lessen the Impact of Aircraft Noise

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Land uses not directly associated with the Airport are protected from noise levels that may cause harm or undue interference as indicated on Table 1.</p>	<p>A1.1 For Residential and Tourist and Short Term Accommodation Uses</p> <ol style="list-style-type: none"> a) is located outside the 20ANEF; or b) within the 20 – 25 ANEF contour and is acoustically insulated to at least the minimum standards as required by AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction for the 20 – 25 ANEF; and <p>A1.2 For Non Residential Uses No acceptable measures are specified.</p>

Protection of Operational Air Space

<p>P1 Emissions do not affect air turbulence, visibility or engine operation in operational airspace.</p>	<p>A1.1 None of the following is emitted:</p> <ul style="list-style-type: none"> a) a gaseous plume at a velocity exceeding 4.3m/s; or b) smoke, dust, ash or steam.
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Lighting

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development does not impact on the operational aspects of the Cairns Airport with regard to light emission.</p>	<p>A1.1 Development does not involve external lighting or a road layout that creates straight parallel lines of lighting that is 500 metres to 1000 metres long; and</p> <p>A1.2 Buildings and structures do not contain reflective cladding; upwards shining lights, or flashing or sodium lights.</p>

End of Runway Public Safety Zone

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development in public safety areas, does not increase the risk to life or property.</p>	<p>A1.1 A significant increase in the number of people living, working or congregating in public safety areas is avoided.</p>

Function of Aviation Facilities¹

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Development does not impair the function of the aviation facilities at Cairns Airport, Saddle Mountain, Mt Bellenden Ker and the northern beaches (Airservices Aust Ref Nos 452, 453, 462A, 463, 464, 467A, 557, 566 & 1180) by creating physical obstructions, electrical or electro-magnetic interference and deflection of signals.</p>	<p>For NDB</p> <p>A1.1 Works or uses are not located within the sensitive area of the Holloways Beach NDB site as depicted on the Aviation Facilities Overlay Map that involve any:</p> <ul style="list-style-type: none"> a) buildings, structures or other works within 60 metres of the site; or b) metallic buildings or structures between 60 and 150 metres of the site; or c) buildings or structures with a size greater than 2.5 metres in any dimension between 60 and 150 metres of the site; or d) other works between 60 and 150 metres of the site which exceed 3 metres in height; or e) buildings, structures or other works between 150 and 500 metres of the site which exceed 7.9 metres in height. <p>For DME</p> <p>A1.2 Works or uses are not located within the sensitive area of the Machans Beach DME site as depicted on the Aviation Facilities Overlay Map that involve any buildings, structures or other works:</p> <ul style="list-style-type: none"> a) between 115 and 230 metres of the site which exceed 1 metres in height; or b) between 230 and 500 metres of the site which exceed 2 metres in height; or c) between 500 and 1000 metres of the site which exceed 4 metres in height; or d) between 1000 and 1500 metres of the site which exceed 8.5 metres in height.

	<p>For Radar</p> <p>A1.3 Works or uses are not located within the sensitive area of the Redden Creek radar site as depicted on the Aviation Facilities Overlay Map that involve any buildings, structures or other works:</p> <ul style="list-style-type: none">a) within 1000 metres of the site which exceed 4 metres in height; orb) between 1000 and 1500 metres of the site which exceed 8.7 metres in height; orc) between 1500 and 2500 metres of the site which exceed 13 metres in height; ord) between 2500 and 4000 metres of the site which exceed 21 metres in height. <p>For VOR</p> <p>A1.4 Works or uses are not located within the sensitive area of the Machans Beach VOR site as depicted on the Aviation Facilities Overlay Map that:</p> <ul style="list-style-type: none">a) involves any buildings, structures or other works within 300 metres of the site; orb) between 300 and 1000 metres of the site involves any:<ul style="list-style-type: none">i) fences exceeding 2.5m in height; orii) overhead lines exceeding 5m in height; oriii) metallic structures exceeding 8m in height; oriv) trees and open lattice towers exceeding 10m in height; orv) wooden structures exceeding 13m in height. <p>For Glidepath</p> <p>A1.5 Works or uses are not located within the sensitive area of the Cairns Airport Glidepath site as depicted on the Aviation Facilities Overlay Map that involve any buildings, structures or other works:</p> <ul style="list-style-type: none">a) within 700 metres of the site; orb) between 700 and 1000 metres of the site which exceed 6 metres in height; orc) between 1000 and 1500 metres of the site which exceed 8.7 metres in height. <p>For Localizer</p> <p>A1.6 Works or uses are not located within the sensitive area of the Cairns Airport localizer site as depicted on the Aviation Facilities Overlay Map that involve any buildings, structures or other works.</p> <p>For Transmitter</p> <p>A1.7 Works or uses are not located within the sensitive area of the Cairns Airport Transmitter site as depicted on the Aviation Facilities Overlay Map that involve any:</p> <ul style="list-style-type: none">a) metallic buildings or structures between 60 and 150 metres of the site; orb) buildings or structures with a size greater than 2.5 metres in any dimension between 60 and 150 metres of the site; orc) other works between 60 and 150 metres of the site which exceed 3 metres in height; ord) buildings, structures or other works between 150 and 500 metres of the site which exceed 7.9 metres in height.
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	<p>VHF communication</p> <p>A1.8 Works or uses are not located within the sensitive area of the Bellenden Ker VHF communication site as depicted on the Aviation Facilities Overlay Map that involve:</p> <ul style="list-style-type: none"> a) any significant electrical or electromagnetic fields (e.g. arc welding); or b) a permanent or temporary physical line of sight obstruction between transmitting and receiving devices by involving any building, structures or other works above 1593 metres AHD; and <p>A1.9 Works or uses are not located within the sensitive area of the Saddle Mountain VHF communication site as depicted on the Aviation Facilities Overlay Map that involve:</p> <ul style="list-style-type: none"> a) any significant electrical or electromagnetic fields (e.g. arc welding); or b) a permanent or temporary physical line of sight obstruction between transmitting and receiving devices by involving any building, structures or other works above 640 metres AHD. <p>For Markers</p> <p>A1.10 Works or uses are not located within the sensitive area of the Yorkeys Knob outer marker site as depicted on the Aviation Facilities Overlay Map that involve any building, structures or other works which exceed 9.5 metres in height.</p>
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1 refer to State Planning Policy 1 / 02 Guidelines for explanation of Navigation Facilities

TABLE 1 - COMPATIBLE AND INCOMPATIBLE LAND USES WITHIN ANEF CONTOURS^{1, 2}

USES	COMPATIBILITY OF USE WITHIN ANEF CONTOUR OF SITE		
	COMPATIBLE	COMPATIBLE SUBJECT TO CONDITIONS	INCOMPATIBLE
Residential (all forms including caravan parks)	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostels (short-stay)	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Pubic building	Less than 20 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Commercial	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Note: 1. Table 1 excludes consideration of aircraft noise impacts on outdoor spaces specifically. However, the table does reflect the extent/frequency of outdoor space use associated with particular uses.

2. AS 2021 should be referred to by those seeking information / background on the basis for Table 1.

4.6.8 Potential or Actual Acid Sulfate Soil Material Code

Identification of Affected Premises

Acid sulfate soils occur naturally over extensive low lying areas of Coastal Queensland predominantly below 5 metres AHD. Cairns, as a coastal City, includes extensive areas where there is a potential for acid sulfate soils to occur.

Purpose

The purpose of this Code is to:

- Ensure that on premises with the potential to contain acid sulfate soils or premises containing acid sulfate soils development is undertaken so that:
 - a) The disturbance of acid sulfate soils is avoided; or
 - b) The generation or release of acid and metal contaminants from acid sulfate soils do not have significant adverse impacts on the natural and built environment or human health; and
- Reflect State Planning Policy 2/02 Planning and Managing Development involving Acid Sulfate Soils in CairnsPlan.

Applicability

This Code applies to development that is:

- Assessable development;
- On premises:
 - a) with a natural ground level of below 20 metres AHD; and
 - b) where activity affects subsoil below 5 metres AHD (see figure 1); and
- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use of Premises except for a House, Home Activity, Home Based Business, Illuminated Tennis Court, caretakers Residence, Dual Occupancy, Shopping Facilities (0-500m2 gfa), Restricted Premises, Detached Bottle Shop, Business Facilities, Tavern, Restaurant, Child Care Centre, Veterinary Facilities, Primary Industry, Aquaculture Minor, Intensive Animal Husbandry, Industry Class A, B & C, Business and Technology Park, Park, Place of Assembly, Telecommunication Facility, Railway Activities, Institution, Indoor Sport and Entertainment, or Outdoor Sport and Entertainment.
Reconfiguring a Lot resulting in one or more additional lots.
Operational Work , associated with Reconfiguring a Lot.
Operational Work , involving excavation or filling of more than 50m3 of material not associated with a Material Change of Use.

Elements of the Code

Part A – For Self-Assessable and Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Identification and Management of Acid Sulfate Soils

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The extent and location of acid sulfate soils or potential acid sulfate soils must be identified.	A1.1 No acceptable measures are specified. (Note: The Planning Scheme Policy, Reports and Information Council May Request, provides a guide to the information which should be provided to demonstrate that the performance criteria are achieved.)

Disturbance of Acid Sulfate Soils

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 No environmental harm resulting from acid sulphate so or potential acid sulphate soils exposure is caused.	A1.1 No acceptable measures are specified.
P2 The disturbance of acid sulfate soils or potential acid sulfate soils is avoided or minimised.	A2.1 The disturbance of acid sulfate soils or potential acid sulfate soils must be avoided by: <ul style="list-style-type: none"> a) not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils; and b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; and c) not undertaking filling that results in: <ul style="list-style-type: none"> i) actual acid sulfate soils being moved below the water table; and ii) previously saturated acid sulfate soils being aerated.
P3 The release of acid and associated metal contaminants into the environment is avoided or minimised.	A3.1 The disturbance of acid sulfate soils or potential acid sulfate soils avoids the release of acid and metal contaminants by: <ul style="list-style-type: none"> a) neutralising existing acidity and preventing the generation of acid and metal contaminants; and b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment. A3.2 Acid sulphate soils must undergo appropriate treatment before disposal whether or not that disposal occurs offsite.

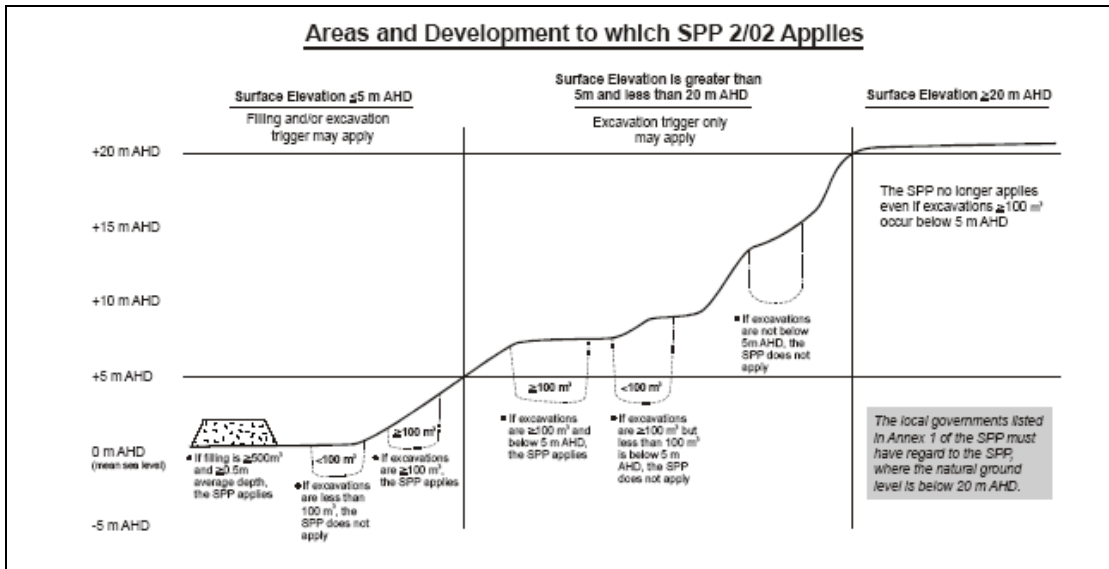


Figure 1

Source: Diagram in Section 3 of the State Planning Policy 2/02 Guideline: Acid Sulfate Soils.

4.6.9 Vegetation Conservation & Waterway Significance Code

Identification of Affected Premises

It is important that remaining natural areas are conserved in order to protect biological diversity and to maintain essential ecological processes and landscape integrity.

The Vegetation Conservation / Waterway Significance Overlays identifies:

- Premises that have vegetation conservation values; and
- Significant waterways.

Conservation Attributes

Vegetation conservation values for areas on an Overlay have been assessed considering the following conservation attributes:

- Presence of endangered, rare or vulnerable plant species;
- Regional significance of vegetation type;
- Structural integrity of any remnant vegetation;
- Size or connectivity of any remnant vegetation;
- Corridor function;
- Catchment process;
- Presence of riparian or wetland areas.

The categories of vegetation conservation values on the Overlay and the characteristics of each category are contained in the following table.

CATEGORY	CHARACTERISTICS
Key Conservation	Premises within this designation possess very high values for at least two of the conservation attributes and high values for the remaining attributes.
Moderate Conservation	Premises within this designation possess high values for at least four of the conservation attributes.
Low Conservation or Very Low Conservation	Premises within this designation possess at least one of the conservation attributes. Premises may contain more than one attribute, that will need to be identified and considered in any development application.

The significance of waterways included in an Overlay has been assessed considering the following conservation attributes:

- Biodiversity values;
- Riparian and instream habitat;

- Hydrological and water quality values;
- The presence of remnant riparian areas; and
- Connectivity to areas of high biodiversity or conservation reserves.

The categories of Significant Waterways identified on an Overlay and the characteristics of each category are contained in the following table.

CATEGORY	CHARACTERISTICS
Category 1	Have riparian areas included in a Key Conservation Value area on an Overlay; or Have stream sections that are in close proximity to conservation reserves or areas of high ecological values such as National Parks, World Heritage Areas or Key Conservation Value areas; or Are ranked by the two highest ratings in the FNQ 2010 Regional Environmental Strategy - Key Waterways Report.
Category 2	Have riparian areas located within 200m of a Key Conservation Values area on the Overlay; or Have riparian areas located within 200m of a conservation reserve.
Category 3	Have a well developed riparian area generally greater than 25m in width.
Category 4	Have a well developed riparian area generally less than 25m in width.

The waterways identified in the Vegetation Conservation / Waterway Significance Overlay are not limited to waterways that may be classified as a "watercourse" for the purposes of the Water Act 2000.

Purpose

The purpose of this Code is to ensure that the following desired development outcomes are achieved:

- The protection of the conservation values;
- The protection biodiversity;
- Essential ecological processes are maintained;
- The protection of identified conservation values and connectivity of vegetation communities;
- The prevention of fragmentation, alienation or adverse impacts in vegetation communities; and
- The protection of waterways and riparian corridors.

Applicability

This Code applies to development that is:

- Assessable; and
- On premises:
 - a) within a Conservation Value designation; or
 - b) containing or abutting a Significant Waterway; and
- Identified on a Vegetation Conservation / Significant Waterway Significance Overlay contained in Chapter 3; and
- Identified in the table below.

APPLICABLE DEVELOPMENT
Material Change of Use , except for a Home Activity, Home Based Business, Primary Industry.
Reconfiguring a Lot
Operational Work
Building Work not associated with a Material Change of Use other than minor building work.

Elements of the Code

Part A – For Self-Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Protection of Conservation Values

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
Low and Very Low Conservation Values	
P1 Development must not unnecessarily affect vegetation conservation values.	<p>A1.1 The vegetation on premises must be retained except vegetation within a 6m radius of the outer limits of the footprint of an approved building; and</p> <p>A1.2 Development does not damage the root zone of vegetation through compaction, excavation or filling; and</p> <p>A1.3 Development does not affect any hydrological scheme, which causes drainage or flooding of vegetation.</p>

Key or Moderate Conservation Values	
P2 Development does not fragment or alienate areas identified as having key or moderate conservation values	A2.1 No acceptable measures are specified.
P3 Development optimises the viability and connectivity of areas identified as having key or moderate conservation values.	A3.1 No acceptable measures are specified.
P4 Development does not adversely affect vegetation conservation values in areas identified as having a key or moderate conservation value.	<p>A4.1 Where development occurs:</p> <ul style="list-style-type: none"> a) it is located on that part of the site which poses the least threat to the vegetation conservation values, for example: <ul style="list-style-type: none"> i) adjacent to existing development; ii) within an existing cleared area; iii) within a disturbed area with little potential for rehabilitation; iv) within an area close to an access road; and b) Buildings and structures are constructed within building areas identified as having the least impact on the vegetation conservation values; and c) Roads, driveways, infrastructure and park facilities are located outside areas identified as having Key or Moderate Conservation Values, apart from boardwalks, pathways and similar facilities which assist in the appreciation and interpretation of the area; and d) Fence lines are located outside areas of identified as having Key or Moderate Conservation Values. <p>A4.2 The vegetation on premises must be retained except vegetation within a 6m radius of the outer limits of the footprint of an approved building; and</p> <p>A4.3 Development does not damage the root zone of vegetation through compaction, excavation or filling; and</p> <p>A4.4 Development does not affect any hydrological scheme, which causes drainage or flooding of vegetation.</p>

Riparian Corridors

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The riparian corridor adjacent to waterways must be maintained.	<p>A1.1 Development does not occur within the riparian corridor; and</p> <p>A1.2 The riparian corridor is:</p> <ul style="list-style-type: none"> a) transferred to public ownership for an appropriate reserve purpose; or b) protected through an Environmental Covenant; and <p>A1.3 Vegetation within the riparian corridor is retained.</p>
P2 Degraded sections of the riparian corridor must be rehabilitated.	A2.1 Degraded sections of the riparian corridor are revegetated with endemic species typical of the riparian corridor in the area.

Development Adjacent to Waterways and Riparian Corridors

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The riparian corridor adjacent to waterways must be maintained.	A1.1 Development and infrastructure must not be located in a riparian corridor.
P2 Development of premises adjoining or containing a waterway must not adversely affect the integrity of the waterway or the riparian corridor.	<p>A2.1 All roads must:</p> <ul style="list-style-type: none"> a) not be located in a riparian corridor; and b) be developed and constructed to achieve a low speed environment where adjacent to a riparian corridor; and <p>A2.2 Open space areas are:</p> <ul style="list-style-type: none"> a) located adjacent to riparian corridors; and b) located to provide connectivity between riparian corridors and areas of vegetation conservation value; and <p>A2.3 Low intensity development and the lowest intensity of development is located adjacent to the riparian corridor.</p>

Ecological Values and Natural Processes

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 The ecological values and natural processes of waterways must be protected to maintain or enhance environmental quality and aquatic habitat values.	A1.1 Development of a premises adjoining or containing a waterway does not involve clearing of vegetation or modification of the bed or banks of the waterway.
P2 No interference with waterways occurs unless necessary to improve channel stability.	A2.1 No acceptable measures are specified.