

Part 8 Overlays

8.1 Preliminary

- (1) Overlays identify areas in the planning scheme that reflect state, regional and local level interests and that have one or more of the following characteristics:
 - (a) there is a particular sensitivity to the effects of development;
 - (b) there is a constraint on land use or development outcomes;
 - (c) there is a presence of valuable resources;
 - (d) there are particular opportunities for development.
- (2) Overlays are mapped and included in Schedule 2.
- (3) The changed levels of assessment, if applicable, for development affected by an overlay are in Part 5.
- (4) Assessment criteria for an overlay may be contained in one or more of the following:
 - (a) a map for an overlay;
 - (b) a code for an overlay;
 - (c) a zone code;
 - (d) a local plan code;
 - (e) a development code.
- (5) Where development is proposed on premises partly affected by an overlay, the assessment criteria for the overlay only relates to the part of the premises affected by the overlay.
- (6) Each overlay code identifies the following:
 - (a) the application of the code;
 - (b) the purpose of the code;
 - (c) the overall outcomes that achieve the purpose of the code;
 - (d) the performance outcomes of the code;
 - (e) the acceptable outcomes of the code.
- (7) The overlays for the planning scheme are:
 - (a) 8.2.1 Acid sulfate soils overlay code;
 - (b) 8.2.2 Airport environs overlay code;
 - (c) 8.2.3 Building height overlay code;
 - (d) 8.2.4 Bushfire hazard overlay code;
 - (e) 8.2.5 Coastal processes overlay code;
 - (f) 8.2.6 Extractive resources overlay code;
 - (g) 8.2.7 Flood and inundation hazards overlay code;
 - (h) 8.2.8 Hazardous and explosive facilities overlay code;
 - (i) 8.2.9 Hillslopes overlay code;
 - (j) 8.2.10 Landscape values overlay code;
 - (k) 8.2.11 Natural areas overlay code;
 - (l) 8.2.12 Neighbourhood character overlay code;
 - (m) 8.2.13 Places of significance overlay code;
 - (n) 8.2.14 Potential landslip hazard overlay code;
 - (o) 8.2.15 Transport network overlay code.

8.2 Overlay codes

8.2.1 Acid sulfate soils overlay code

8.2.1.1 Application

This code applies to assessing development within the Acid sulfate soils overlay as shown on the Acid sulfate soils overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

8.2.1.2 Purpose

- (1) The purpose of the Acid sulfate soils overlay code is to ensure that development which occurs on a site containing or potentially containing acid sulfate soils is undertaken so that the potential risks to the natural and built environment or human health associated with disturbing acid sulfate soils are identified and addressed through avoidance or mitigation.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the disturbance of acid sulfate soils is avoided;
 - (b) where the disturbance of acid sulfate soils is reasonably necessary, the generation or release of acid and metal contaminants from acid sulfate soils or potential acid sulfate soils does not have adverse impacts on the natural and built environment and human health.

8.2.1.3 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
Identification and management of acid sulfate soils	
<p>PO1 The extent and location of acid sulfate soils likely to be disturbed is accurately identified.</p>	<p>AO1.1 No excavation or filling occurs on the site.</p> <p>or</p> <p>AO1.2 An acid sulfate soils investigation is undertaken.</p> <p>Note – Planning scheme policy - Acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.</p>

Performance outcomes	Acceptable outcomes
<p>PO2 Development avoids disturbing acid sulfate soils or is managed to prevent the release of acid and metal contaminants.</p>	<p>AO2.1 The disturbance of acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> (a) not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the oxygenation of previously saturated acid sulfate soils; (c) not undertaking filling that results in: <ul style="list-style-type: none"> (i) actual acid sulfate soils being moved below the water table; (ii) previously saturated acid sulfate soils being aerated. <p>or</p> <p>AO2.2 The disturbance of acid sulfate soils is undertaken in accordance with an acid sulphate soils management plan and avoids the release of acid and metal contaminants by:</p> <ul style="list-style-type: none"> (a) neutralising existing acidity and preventing the generation of acid and metal contaminants; (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (c) preventing the in situ oxidation of acid sulfate soils through ground water level management; (d) appropriately treating acid sulphate soils before disposal occurs on or off site; (e) documenting management strategies and reporting requirements in an acid sulfate soils environmental management plan. <p>Note – Planning scheme policy - Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>
<p>PO3 No environmental harm is caused as a result of exposure of acid sulfate soils or potential acid sulfate soils.</p>	<p>AO3.1 No acceptable outcomes are provided.</p>

8.2.2 Airport environs overlay code

8.2.2.1 Application

This code applies to assessing development within the Airport environs overlay as shown on the Airport environs overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

Note – Appendix 5 of the State Planning Policy - State Planning Policy Code: Strategic Airports and Aviation Facilities provides further guidance on the referral of development proposal affected by the Airport environs overlay to the airport manager for assessment.

8.2.2.2 Purpose

- (1) The purpose of the Airport environs code is to protect the existing and future safety, efficiency and operational integrity of Cairns Airport and associated aviation facilities.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) conflicts between the Cairns Airport and surrounding land uses are avoided;
 - (b) development does not create incompatible intrusions, or compromise aircraft safety, in operational airspace;
 - (c) development does not adversely affect the functioning of aviation facilities;
 - (d) development avoids increasing risk to public safety in public safety areas;
 - (e) development is compatible with forecast levels of aircraft noise.

8.2.2.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.2.3.a – Airport environs overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Protection of operational air space	
PO1 Development does not create a permanent or temporary physical or transient obstruction in the operational airspace of Cairns Airport.	AO1.1 Buildings and structures (including construction structures and equipment) do not encroach into the: <ol style="list-style-type: none"> (a) obstacle limitation surface as identified on the Airport environs overlay maps contained in Schedule 2; or (b) PANS-OPS for the Cairns Airport identified on the Airport environs overlay maps contained in Schedule 2.
	AO1.2 Landscaping does not include vegetation that at maturity will encroach into the airport’s operational airspace.
	AO1.3 Transient activities associated with development such as parachuting, hot air ballooning and hang-gliding will not occur within the airport’s operational airspace.

Performance outcomes	Acceptable outcomes
Lighting	
<p>PO2 Development does not impact on the operational aspects of the Cairns Airport with regard to light emission and reflective surfaces.</p>	<p>AO2.1 Development within the lighting buffer zone as identified on the Airport environs light intensity overlay maps contained in Schedule 2, does not emit light that will exceed the maximum light intensity specified for the area.</p> <p>Note – Maximum light intensity of Light Sources measured at 3 degrees above the horizontal.</p> <p>AO2.2 Development within the lighting buffer zone identified on the Airport environs light intensity overlay maps contained in Schedule 2 does not include any of the following types of outdoor lighting:</p> <ul style="list-style-type: none"> (a) straight parallel lines of lighting 500 m to 1000 m long; (b) flare plume; (c) upward shining lights; (d) flashing lights; (e) laser lights; (f) sodium light; (g) reflective surfaces.
Airport public safety area	
<p>PO3 Development in the public safety areas does not increase the risk to life or property.</p>	<p>AO3.1 Development in the public safety areas shown on the Airport environs overlay maps contained in Schedule 2; does not involve:</p> <ul style="list-style-type: none"> (a) an increase in the number of people living, working or congregating in the public safety area; or (b) the manufacture, use or storage of flammable, explosive, hazardous or noxious materials.
Acoustic treatment for noise exposure	
<p>PO4 Development involving a sensitive land use is appropriately located and designed to prevent adverse impacts from aircraft noise.</p>	<p>AO4.1 Development within the 20–>35 ANEF contour radius shown on the Airport environs overlay maps contained in Schedule 2 is consistent with Table 8.2.2.3.b.</p> <p>AO4.2 Development within the 20–>35 ANEF contour radius shown on the Airport environs overlay maps contained in Schedule 2 is designed and constructed to attenuate aircraft noise by achieving the indoor design sound levels specified in Table 8.2.2.3.c.</p>

Performance outcomes	Acceptable outcomes
Emissions	
<p>PO5 Emissions do not affect air turbulence, visibility or engine operation in the operational airspace of Cairns Airport.</p>	<p>AO5.1 Development does not emit smoke, dust, ash or steam into the Cairns Airport's operational airspace.</p>
	<p>AO5.2 Development does not emit a gaseous plume into the Cairns Airport's operational airspace at a velocity exceeding 4.3 m per second.</p>
Function of aviation facilities	
<p>PO6 Development located within the building restricted area for an aviation facility is designed and constructed to mitigate adverse impacts on the function of the facility.</p> <p>Note – SPP Guideline – Strategic airports and aviation facilities provides guidance on meeting the outcomes.</p>	<p>AO6.1 Development located within the building restricted area for an aviation facility does not create:</p> <ul style="list-style-type: none"> (a) permanent or temporary physical obstructions in the line of sight between antennas; (b) an electrical or electromagnetic field that will interfere with signals transmitted by the facility; (c) reflective surfaces that could deflect or interfere with signals transmitted by the facility.
	<p>AO6.2 Development located within the building restricted area for an aviation facility is designed and constructed to mitigate adverse impacts on the function of the facility.</p>
For assessable development	
Wildlife hazards	
<p>PO7 Development does not cause wildlife to create a safety hazard in the operational airspace of Cairns Airport.</p>	<p>AO7.1 Development located within the 3km Wildlife hazard Zone as shown on the Airport environs overlay maps contained in Schedule 2 does not involve uses listed in column 1 of Table 8.2.2.3.d.</p>
	<p>AO7.2 Development located within the 3km Wildlife hazard Zone shown on the Airport environs overlay maps contained in Schedule 2 involving a use listed in column 2 of Table 8.2.2.3.d, includes measures to reduce the potential to attract birds and bats.</p>
	<p>AO7.3 Development located within the 3km and 8km Wildlife hazard Zone shown on the Airport environs overlay maps contained in Schedule 2 involving a use listed in column 1 or column 2 of Table 8.2.2.3.d includes measures to reduce the potential to attract birds and bats.</p>

Performance outcomes	Acceptable outcomes
	<p>AO7.4 Development located within the 8km and 13km Wildlife hazard Zone shown on the Airport environs overlay maps contained in Schedule 2 involving a use listed in column 1 or column 2 of Table 8.2.2.3.d does not increase the potential to attract birds and bats.</p>

Table 8.2.2.3.b — Compatible and incompatible land uses within ANEF contours ^{1,2}

Land use	Compatible	Compatible subject to conditions	Incompatible
<ul style="list-style-type: none"> • Caretaker's accommodation • Community residence • Dual occupancy • Dwelling house • Dwelling unit • Multiple dwelling • Nature-based tourism • Non-resident workforce accommodation • Relocatable home park • Residential care facility • Retirement facility • Rural workers' accommodation • Tourist park 	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
<ul style="list-style-type: none"> • Short-term accommodation • Hotel • Resort complex • Rooming accommodation 	Less than 25 ANEF	25–30 ANEF	Greater than 30 ANEF
<ul style="list-style-type: none"> • Educational establishment • Child care centre 	Less than 20 ANEF	20–25 ANEF	Greater than 25 ANEF
<ul style="list-style-type: none"> • Hospital • Health care services 	Less than 20 ANEF	20–25 ANEF	Greater than 25 ANEF
<ul style="list-style-type: none"> • Community use • Place of worship 	Less than 20 ANEF	20–30 ANEF	Greater than 30 ANEF
<ul style="list-style-type: none"> • Office 	Less than 25 ANEF	25–35 ANEF	Greater than 35 ANEF

¹ Table 8.2.2.3.b 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 8.2.2.3.b.

Table 8.2.2.3.c — Desirable indoor design sound levels for sensitive land uses

Land use	Location within development	Indoor design sound level dB(A)
<ul style="list-style-type: none"> • Caretaker's accommodation • Community residence • Dual occupancy • Dwelling house • Dwelling unit • Home based business • Multiple dwelling • Nature-based tourism • Non-resident workforce accommodation • Relocatable home park • Residential care facility • Retirement facility • Rooming accommodation • Rural workers' accommodation • Short-term accommodation • Tourist park 	<ul style="list-style-type: none"> • Sleeping areas 	50
	<ul style="list-style-type: none"> • Other habitable areas 	55
<ul style="list-style-type: none"> • Short-term accommodation • Hotel • Resort complex • Rooming accommodation 	<ul style="list-style-type: none"> • Sleeping areas 	55
<ul style="list-style-type: none"> • Educational establishment • Child care centre 	<ul style="list-style-type: none"> • Libraries • Classrooms • Study areas • Sleeping areas 	50
	<ul style="list-style-type: none"> • Teaching areas • Assembly areas 	55
<ul style="list-style-type: none"> • Hospital • Health care services 	<ul style="list-style-type: none"> • Wards • Theatres • Treatment and consulting rooms 	50
	<ul style="list-style-type: none"> • Laboratories 	65
<ul style="list-style-type: none"> • Community use • Place of worship 	<ul style="list-style-type: none"> • All indoor areas 	50
<ul style="list-style-type: none"> • Office 	<ul style="list-style-type: none"> • Private offices • Conference rooms 	55
	<ul style="list-style-type: none"> • Open offices 	65

Table 8.2.2.3.d — Land uses associated with increases in wildlife strikes and hazards

Column 1 High Risk	Column 2 Moderate Risk
<ul style="list-style-type: none"> • Aquaculture (fish processing/packing plant); • Conservation estate (e.g. wetland); • Cropping (turf farm, fruit tree farm); • High-impact industry (food processing plant more than 200 tonnes per annum); • Intensive animal industry (piggery); • Low impact industry (food processing plant); • Major sport, recreation and entertainment facility (showground); • Medium-impact industry (food processing plant less than 200 tonnes per annum); • Utility installation (Food / organic waste facility, Putrescible waste facility (e.g. landfill, transfer station). 	<ul style="list-style-type: none"> • Animal husbandry (cattle/dairy farm); • Conservation estate (all other); • Intensive animal industry (poultry farm); • Major sport, recreation and entertainment facility (all other); • Outdoor sport and recreation; • Park; • Utility installation (Sewage/wastewater treatment facility, Non-putrescible waste facility e.g. landfill, transfer station).

8.2.3 Building height overlay code

8.2.3.1 Application

This code applies to assessing development within the Building height overlay as shown on the Building height overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

8.2.3.2 Purpose

- (1) The purpose of the Building height overlay code is to enable increased building height and development opportunities and ensure tropical urbanism and high quality design outcomes are achieved.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development achieves building height and design variety for the precincts identified on the Building height overlay map contained in Schedule 2;
 - (b) development provides a transition in height and development intensity from the Cairns city centre to surrounding areas;
 - (c) development provides for an appropriate interface to surrounding areas. The Cairns city centre contains the highest and most intense form of development within the region;
 - (d) development is set back from street frontages and property boundaries to:
 - (i) maintain the character and amenity of the streetscape and surrounding area;
 - (ii) maintain view lines and vistas to the mountains and the ocean along streets, from public places, and between developments;
 - (iii) achieve tropical urbanism outcomes through design and siting;
 - (iv) provide appropriate separation between buildings for privacy and amenity, and to allow for the penetration of breezes and sunlight;
 - (v) provide for active streetscapes, where appropriate for the zone;
 - (vi) provide a pleasant pedestrian environment and passive surveillance of the street;
 - (vii) provide for deep landscaping;
 - (viii) maintain appropriate spaces between buildings on the same site or adjoining sites;
 - (e) development demonstrates tropical urbanism through:
 - (i) providing a high standard of design reflective of the qualities of good urban places;
 - (ii) buildings and structures by their design and setting reflect the concept of a 'city in a rainforest';
 - (iii) appropriate use of materials and landscaping;
 - (iv) provision of shading to all building facades to improve the amenity for residents and occupants of the building and the appearance of the building;
 - (f) development provides appropriate space between buildings on the same site and adjoining sites to:
 - (i) avoid the impression and appearance of a wall of buildings;
 - (ii) avoid oppressive relationships between buildings;
 - (iii) facilitate deep landscaping and reflect the concept of a 'city in a rainforest';
 - (iv) maintain view lines and vistas to the mountains and ocean along streets, from public places, and between developments;
 - (v) provide privacy and a high standard of amenity for residents and occupants;
 - (vi) allow for the penetration of breezes and sunlight;
 - (vii) achieve tropical urbanism outcomes through design and siting;
 - (g) development is designed and sited to avoid duplication or repetition of façade treatments or design elements for buildings on the same site or on adjoining sites;
 - (h) development is designed to respect:
 - (i) the cultural heritage significance of adjoining or nearby Places of local significance or State heritage places;

- (ii) the transitional nature of the area from low residential densities to medium and higher densities;
- (i) Car parking structures and access points are designed and situated to:
 - (i) ensure they are not visually dominant the streetscape;
 - (ii) maintain and protect pedestrian safety and amenity;
- (j) development in residential areas is of a scale, use, type and orientation that does not adversely affect the amenity of the area;
- (k) development maintains and protects the operational integrity of the Cairns Airport;
- (l) development provides landscaping in both the horizontal and vertical plane to:
 - (i) achieve the concept of a 'city in a rainforest';
 - (ii) enhance the visual quality, amenity and identity of the area.

Precinct 1 – Eastern precinct

- (3) In addition to 8.2.3.2(2), the overall outcomes sought for the precinct are:
 - (a) the precinct provides for the highest form of development within the building height overlay area;
 - (b) the height of development does not exceed the height of the corresponding Obstacle limitation surface as identified on the Airport environs overlay map contained in Schedule 2;
 - (c) development achieves an appropriate interface and transition to surrounding areas within and outside the Building height overlay area;
 - (d) development by its design, form and orientation recognises the importance of the Esplanade parklands to the landscape character of the region;
 - (e) Where within the Specialised centre zone Precinct 1 – hospitals and allied medical, development supports the overall outcomes sought for the zone precinct, whilst ensuring that the overall outcomes sought for the Building height overlay code are achieved.

Precinct 2 – Central precinct

- (4) In addition to 8.2.3.2(2), the overall outcomes sought for the precinct are:
 - (a) the precinct provides for the transition in height across the Building height overlay area, with the highest development in Precinct 1 and the lowest development in Precinct 3;
 - (b) development by design, form and siting responds to the city gateway function of Sheridan Street by:
 - (i) maintaining and protecting the view lines and vistas to the mountain ranges;
 - (ii) ensuring there is appropriate separation between buildings and variety in façade treatments to avoid the appearance of a wall of buildings;
 - (c) Where within the Mixed use zone development provides for active frontages.

Precinct 3 – Western precinct

- (5) In addition to 8.2.3.2(2), the overall outcomes sought for the precinct are:
 - (a) Precinct 3 – Western precinct contains the following sub-precinct:
 - (i) Sub-precinct 3a – McLeod / Minnie Street
 - (b) the precinct provides for buildings of the lowest height within the Building height overlay area to complete transition in height across the Building height overlay area;
 - (c) development achieves an appropriate interface and transition to surrounding areas within and outside the Building height overlay area;
 - (d) development by design, form and siting responds to the city gateway function of Sheridan Street by:
 - (ii) maintaining and protecting the view lines and vistas to the mountain ranges;
 - (iii) ensuring there is appropriate separation between buildings and variety in façade treatments to avoid the appearance of a wall of buildings;
 - (e) Where within the Mixed use zone, development provides for active frontages.

Note – Planning scheme policy – Tropical urbanism provides guidance on the implementation of these overall outcomes and the criteria for assessment set out within Table 8.2.3.3.a below.

8.2.3.3 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.3.3.a – Building height overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
<p>PO1 Development is consistent with the purpose and overall outcomes sought for the overlay area.</p>	<p>AO1.1 No acceptable outcomes are provided</p>
Site requirements	
<p>PO2 The site is of suitable area, dimensions and shape to ensure that the development:</p> <ul style="list-style-type: none"> (a) maintains the character and amenity of the streetscape and surrounding area; (b) achieves appropriate separation from property boundaries and buildings on site or adjoining sites; (c) provides for appropriate landscaping; (d) provides for appropriate car parking, access and manoeuvring; (e) provides appropriate recreation areas for residents. (f) provides for appropriate infrastructure and services. 	<p>AO2.1 No acceptable outcomes are provided.</p>
Height	
<p>PO3 The height of buildings and structures is compatible with the character of the area and:</p> <ul style="list-style-type: none"> (a) does not adversely affect the amenity of the area; (b) maintains the primacy of the Cairns city centre as the area accommodating the highest and most intense form of development in the region; (c) ensures that there is an appropriate transition of building height within and outside the overlay area; (d) provides for access to natural light and ventilation for development and to adjoining developments and sites; (e) maintains and protects the operational aspects of the Cairns Airport; (f) is consistent with the purpose and overall outcomes sought for the overlay and each precinct. <p>Note – The Obstacle limitation surface is shown on the Airport environs overlay maps contained in Schedule 2.</p>	<p>AO3.1 In Precinct 1, the height of any building or structure is not more than the height of the corresponding Obstacle limitation surface as identified on the Airport environs overlay map contained in Schedule 2.</p> <p>Note – Height is inclusive of the roof height.</p>
	<p>AO3.2 In Precinct 2, the height of any building or structure is not more than 28 metres and 9 storeys.</p> <p>Note – Height is inclusive of the roof height.</p> <p>Note – If the height within the Obstacle limitation surface as shown on the Airport environs overlay maps contained in Schedule 2 is less than AO3.2, the height specified within the Obstacle limitation surface is the maximum allowable height.</p>
	<p>AO3.3 In Precinct 3, the height of any building or structure is not more than 20 metres and 5 storeys.</p>
	<p>or</p> <p>AO3.4</p>

Performance outcomes	Acceptable outcomes
	<p>In Sub-precinct 3a, the height of any building or structure is not more than 30 metres and 10 storeys.</p> <p>Note – Height is inclusive of the roof height</p> <p>Note – If the height within the Obstacle limitation surface as shown on the Airport environs overlay maps contained in Schedule 2 is less than AO3.3, the height specified within the Obstacle limitation surface is the maximum allowable height.</p>
Site coverage	
<p>PO4 Development ensures that on-site there is sufficient space outside of, and around the building to:</p> <ul style="list-style-type: none"> (a) maintain view lines and vistas to the mountains, the Esplanade and ocean along streets, between developments and from public places; (b) provide appropriate areas for deep landscaping to reflect and contribute to the concept of a ‘city in a rainforest’; (c) maintain privacy and amenity for occupants of the site and adjoining sites; (d) provide for adequate access to sunlight and ventilation for development on the site and on adjoining sites; (e) provide adequate separation between buildings on the site and adjoining sites; (f) ensure buildings maintain a moderate overall width. 	<p>AO4.1 The site coverage is not more than 40%.</p>
<p>PO5 Where development is within the Mixed use zone or the Specialised centre zone, the site coverage ensures that there is sufficient spaces outside of, and around the building to provide for:</p> <ul style="list-style-type: none"> (a) maintain view lines and vistas to the mountains, the Esplanade and ocean along streets, between developments and from public places; (b) provide appropriate areas for deep landscaping to reflect and contribute to the concept of a ‘city in a rainforest’; (c) maintain privacy and amenity for occupants of the site and adjoining sites; (d) provide for adequate access to sunlight and ventilation for development on the site and on adjoining sites; (e) provide adequate separation between buildings on the site and adjoining sites; (f) ensure buildings maintain a moderate overall width. 	<p>AO5.1 Where development is within the Mixed use zone or the Specialised centre zone, the site coverage is not more than:</p> <ul style="list-style-type: none"> (a) 80% for the first 2 storeys; (b) 40% for development above 2 storeys.
Setbacks	
<p>PO6 Development is set back from all site boundaries to:</p>	<p>AO6.1 Where within Precinct 1 – Eastern precinct and not within the Specialised centre zone</p>

Performance outcomes	Acceptable outcomes
<ul style="list-style-type: none"> (a) maintain the character and amenity of the streetscape and surrounding area; (b) maintain view lines and vistas to the mountains, the Esplanade and ocean along streets, between developments and from public places; (c) maintain privacy and amenity for residents and occupants; (d) maximise the availability of light and ventilation to development, adjoining sites and public places; (e) avoid a visually over bearing built form; (f) provide for appropriate landscaping to reflect and contribute to the concept of a 'city in a rainforest'; (g) achieve tropical urbanism outcomes. 	<p>development including car parking other than where basement car parking wholly located below ground, is set back a minimum of:</p> <ul style="list-style-type: none"> (a) 6 metres from street frontage(s), other than the Esplanade; (b) 15 metres from the Esplanade; (c) ¼ of the height of the building above ground level or 3 metres, whichever is the greater, from the side and rear boundaries.
<p>Note – Planning scheme policy – Tropical urbanism provides guidance on meeting the performance outcome.</p>	<p>AO6.2 Where within Precinct 1 – Eastern precinct and within the Specialised centre zone, development is set back a minimum of:</p> <ul style="list-style-type: none"> (a) no acceptable outcome is provided for street frontage(s), other than the esplanade; (b) 15 metres from the Esplanade; (c) 0 metres from side and rear boundaries for the first 2 storeys where adjacent another property within the Specialised centre zone; (d) ¼ of the height of the building above ground level or 3 metres, whichever is the greater from the side and rear boundaries where for development above the first two storeys; (e) ¼ of the height of the building above ground level or 3 metres, whichever is the greater, from the side and rear boundaries, where the boundary adjoins a site within a zone other than the Specialised centre zone. <p>Note – Where development is for a basement car parking structure located wholly below ground, development must still comply with landscaping and deep landscaping requirements.</p>
	<p>AO6.3 Where within Precinct 1 – Eastern precinct, basement car parking structures located wholly below ground, are set back a minimum of:</p> <ul style="list-style-type: none"> (a) 6 metres from all street frontages; (b) 0 metres from the side and rear boundaries. <p>Note – Where development is for a basement car parking structure located wholly below ground, development must still comply with landscaping and deep landscaping requirements.</p>
	<p>AO6.4 Where within Precinct 2 – Central precinct or Precinct 3 – Western precinct, development including car parking other than where basement car parking wholly located below ground, is set back a minimum of:</p> <ul style="list-style-type: none"> (a) 6 metres from street frontage(s); (b) ¼ of the height of the building above ground level or 3 metres, whichever is the greater, from the side and rear boundaries.
	<p>AO6.5 Where within Precinct 2 – Central precinct or Precinct 3 – Western precinct and within the Mixed use zone, development is set back in accordance with the setback provisions of the</p>

Performance outcomes	Acceptable outcomes
	<p>Mixed use zone code for the first 2 storeys.</p> <p>AO6.6 Where within Precinct 2 – Central precinct or Precinct 3 – Western precinct and within the Mixed use zone, development greater than 2 storeys is set back ¼ of the height of the building above ground level or 3 metres, whichever is the greater from the side and rear boundaries.</p> <p>AO6.7 Where within Precinct 2 – Central precinct or Precinct 3 – Western precinct, basement car parking structures located wholly below ground, are set back a minimum of: (a) 6 metres from all street frontages; (b) 0 metres from the side and rear boundaries.</p> <p>Note – Where development is for a basement car parking structure located wholly below ground, development must still comply with landscaping and deep landscaping requirements.</p>
Built form	
<p>PO7 Development is designed to respect development on adjoining sites and the transitional nature of the overlay area as it shifts to medium and higher residential densities</p>	<p>AO7.1 No acceptable outcomes are provided.</p>
<p>PO8 Development is designed and sited to ensure that: (a) buildings are moderate in width and avoid a visually overbearing built form; (b) development does not result in the appearance of a wall of buildings when viewed from streets and public places; (c) view lines and vistas are maintained to the mountains, the Esplanade and ocean along streets, between developments and from public places; (d) privacy and amenity for residents and occupants on the site and adjoining sites is maintained; (d) the availability of light and ventilation to development, adjoining sites and public places is maximised.</p>	<p>AO8.1 The maximum width of any building elevation, in any plane is 30 metres.</p> <p>AO8.2 The separation between towers on a single site or from towers on adjoining sites is not less than 16 metres.</p>
<p>PO9 Development is designed to provide variety in built form and building facade treatments to avoid the appearance of continuous bulk when viewed from adjoining sites, streets and public places.</p>	<p>AO9.1 No acceptable outcomes are provided</p>
<p>PO10 Development is designed and sited to ensure balconies and habitable rooms are oriented to the street frontage and the rear of the site, to maintain privacy and residential amenity between adjoining developments and sites and to discourage</p>	<p>AO10.1 Habitable rooms and balconies are to be oriented to the street frontage(s) and the rear of the site, unless the building (including balconies) is setback a minimum of 8 metres from the corresponding side boundary.</p>

Performance outcomes	Acceptable outcomes
overlooking.	
<p>PO11 Development provides for an appropriate, accessible and functional communal recreation area for the benefit of residents and occupants.</p>	<p>AO11.1 Development is designed to provide a minimum 12 metre x 12 metre communal recreation area.</p> <p>Note – The space can include the space required to meet minimum landscaping requirements.</p>
<p>PO12 Development is designed to ensure vehicle access points comply with the requirements of the Parking and access code and do not dominate the streetscape.</p>	<p>AO12.1 Vehicle access points are designed to:</p> <ul style="list-style-type: none"> (a) comply with the requirements of the Parking and access code; (b) maximise street front landscaping; (c) not dominate the street frontage. <hr/> <p>AO12.2 Where development has frontage to more than one street, vehicle access is gained from the secondary street;</p> <p>or</p> <p>AO12.3 Where development fronts the Esplanade and another street, vehicle access is not gained from the Esplanade.</p>
<p>PO13 Development is designed to ensure that car parking is not a visible feature from the street or public places.</p>	<p>AO13.1 Car parking is located within the building;</p> <p>or</p> <p>AO13.2 Car parking is located behind the building and screened from view from the street or public places by the built form or by landscaping.</p>
<p>PO14 Development is designed to ensure that building plant and equipment, including street based infrastructure, including but not limited to; air conditioning units, electricity pad mounts, refuse storage areas, hydrants & switchboards, is part of the architectural form of the development and is not a visible when viewed from adjoining sites, streets or public places.</p>	<p>AO14.1 No acceptable outcomes are provided.</p>

Performance outcomes	Acceptable outcomes
Tropical urbanism	
<p>PO15 Development provides a high standard of design that:</p> <ul style="list-style-type: none"> (a) achieves tropical urbanism outcomes; (b) positively contributes to the image of the region and provides a visually appealing and interesting skyline when viewed from surrounding areas including but not limited to the coral sea; (c) displays the qualities of good urban places; (d) reflects the concept of a 'city in a rainforest'; (d) uses appropriate materials; (e) provides high quality landscaping. <p>Note – Planning scheme policy – Tropical urbanism provides guidance on meeting the performance outcome.</p>	<p>AO15.1 No acceptable outcomes are provided.</p>
<p>PO16 Development is designed and sited to provide articulation and relief in the façade through design and practical features.</p>	<p>AO16.1 Building facades are to be articulated and provide contrast between light and shadow.</p>
<p>PO17 Visible walls are provided with architectural treatments to provide relief through depth, texture, colour, light and shade.</p>	<p>AO17.1 Where a wall is greater than 3 metres high and more than 6 metres wide, architectural relief is provided in the form of windows, penetrations or other design features including through the use of depth, texture, colour, light and shade.</p> <p>AO17.2 Treatments of facades along street frontages are to be 'returned' on side or rear elevations (where visible from a public place) for a distance of 10 metres.</p>
<p>PO18 Development achieves tropical urbanism through responding to the tropical climate and providing a comfortable environment for residents and occupants.</p>	<p>AO18.1 Building facades are to be articulated and designed to facilitate 50% shading to each façade.</p> <p>AO18.2 Buildings are orientated to exclude summer sun from living areas and utilise prevailing breezes.</p> <p>AO18.3 Buildings, materials and external surfaces are light in colour to assist in reducing internal temperatures.</p>
<p>PO19 Development is designed and sited to reflect tropical urbanism through the use of:</p> <ul style="list-style-type: none"> (a) balconies and shading devices; (b) light coloured surfaces; (d) vegetation to shade surfaces; (e) large openings; (f) orientation that minimises summer sun in living areas and maximises prevailing breezes. 	<p>AO19.1 No acceptable outcomes are provided</p>

Performance outcomes	Acceptable outcomes
<p>PO20 Development occurring mid-block and with frontage to two parallel north-south streets improves local pedestrian connectivity.</p>	<p>AO20.1 Where a development is mid-block and has a frontage of 60m or greater, a through block link is to be provided affording public access through the site between the two street frontages.</p>
Landscaping	
<p>PO21 Development is landscaped both horizontally on the site and structures, and vertically to provide a meaningful contribution to reflect the concept of a 'city in a rainforest'.</p> <p>Note – Planning scheme policy – Tropical urbanism provides guidance on meeting the performance outcome.</p>	<p>AO21.1 Development is designed to provide the following:</p> <ul style="list-style-type: none"> (a) deep planting areas with a minimum dimension of 5 metres x 5 metres is provided at each corner of the site; (b) deep planting is provided along the full frontage of the site with a minimum dimension of 2 metres, and a total area of 50m² or 5% of the total site area, whichever is the greater; (c) a minimum of 25% of the horizontal plane of the site is landscaped; (d) buildings and structures are vertically landscaped for a minimum of 15% of the surface area of each façade, for the full height of the development. <p>Note – Compliance with the vertical landscaping requirements can be achieved through mature vegetation projecting out of the horizontal plane.</p>

8.2.4 Bushfire hazard overlay code

8.2.4.1 Application

This code applies to assessing material change of use, reconfiguring a lot or operational works within the Medium, High or Very high bushfire hazard area identified on the Bushfire hazard overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

Note – The bushfire hazard buffer areas shown on the Bushfire hazard overlay maps contained in Schedule 2 are 100m buffers for the purposes of Building works triggers and referrals.

Note – The Bushfire hazard overlay code does not apply to Building Works applications. Building works are assessable under the relevant Building Assessment Provisions and not this planning scheme. Refer also to section 1.6 of this planning scheme.

Note – For the purposes of the Building Code of Australia and AS3959 Construction of Buildings in Bushfire-Prone Areas the land identified within the Bushfire overlay is designated as a bushfire prone area.

8.2.4.2 Purpose

- (1) The purpose of the Bushfire hazard overlay code is to ensure that development minimises the potential adverse impacts of bushfire on people, property and the environment.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is protected from bushfire hazards and maintains the safety of people and property;
 - (b) development avoids medium, high and very high bushfire risk areas;
 - (c) development has suitable access to water for fire fighting purposes;
 - (d) development does not increase the risk of fire hazards;
 - (e) community infrastructure is able to function effectively during and immediately after bushfire events.

8.2.4.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.4.3.a – Bushfire hazard overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Safety of people, property and the environment	
<p>PO1 Development maintains the safety of people and property by:</p> <ol style="list-style-type: none"> (a) avoiding areas of Medium, High or Very high bushfire hazard; or (b) mitigating the risk through: <ol style="list-style-type: none"> (i) the siting of development; (ii) including firebreaks that provide adequate: <ol style="list-style-type: none"> (A) setbacks between lots/buildings/structures and hazardous vegetation; (B) access for firefighting/other emergency vehicles. (iii) adequate road access for firefighting/other emergency vehicles and safe evacuation; (iv) adequate and accessible water supply for firefighting purposes. 	<p>AO1.1 Development is not located in a Medium, High or Very high bushfire hazard area.</p>

Performance outcomes	Acceptable outcomes
<p>Note – The preparation of a Bushfire Management Plan may be required to demonstrate achievement of the Outcome. Planning scheme policy - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>	
For assessable development	
Safety of people, property and the environment	
<p>PO2 Development maintains the safety of people and property by:</p> <ul style="list-style-type: none"> (a) avoiding areas of Medium, High or Very high bushfire hazard; or (b) mitigating the risk through: <ul style="list-style-type: none"> (i) lot design and the siting of development; (ii) including firebreaks that provide adequate: <ul style="list-style-type: none"> (A) setbacks between buildings/structures and hazardous vegetation; (B) Access for firefighting/other emergency vehicles. (iii) provide adequate road access for firefighting/other emergency vehicles and safe evacuation; (iv) providing adequate and accessible water supply for firefighting purposes. <p>Note – The preparation of a Bushfire Management Plan may be required to demonstrate achievement of the Outcome. Planning scheme policy - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>	<p>AO2.1 Lots are designed so that their size and shape allow for efficient emergency access to buildings for fire-fighting appliances (e.g. by avoiding long narrow lots with long access driveways to buildings).</p> <hr/> <p>AO2.2 Development (including the potential for future buildings or structures) on lots:</p> <ul style="list-style-type: none"> (a) are sited in locations of lowest hazard within the lot; (b) provide a minimum building setback from hazardous vegetation of 20 metres or the distance required to achieve a Bushfire Attack Level BAL-29 (as identified in AS3959-2009), whichever is the greater. <hr/> <p>AO2.3 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"> (i) a minimum cleared width of 20 metres; (ii) a constructed road width and weather standard complying with Planning scheme policy – FNQROC Regional Development Manual; <p>or</p> <ul style="list-style-type: none"> (b) a fire maintenance trail/s located as close as possible to the boundaries of the lots and the adjoining bushfire hazard, and: <ul style="list-style-type: none"> (i) have a minimum cleared width of 6 metres; (ii) have a minimum formed width of 4 metres; (iii) have a gradient that does not exceed 25%; (iv) have a cross slope that does not exceed 5%; (v) connect to roadways at each end and have passing bays at least every 200m, with access points at least every 400m - where possible. <p>or</p>

Performance outcomes	Acceptable outcomes
	<p>(c) sufficient cleared breaks of 6 metres minimum width in retained bushland within the development (e.g. creek corridors and other retained vegetation) to allow burning of sections and access for bushfire response.</p> <p>AO2.4 Roads are designed and constructed in accordance with Planning scheme policy – FNQROC Regional Development Manual; (a) have a maximum gradient of 12.5%; (b) exclude cul-de-sacs, except where a perimeter road isolates the development from hazardous vegetation or the cul-de-sac are provided with an alternative access linking the cul-de-sac to other through roads.</p> <p>Note – Figure 8.2.4.3.a provides guidance on meeting the outcomes.</p> <p>AO2.5 For uses involving new or existing buildings with a gross floor area greater than 50m², each lot has a reliable reticulated water supply that has sufficient flow and pressure characteristics for firefighting purposes at all times being a minimum pressure and flow is 10 litres a second at 200 kPa.</p>
<p>PO3 Development does not materially intensify the use of bushfire hazard areas.</p>	<p>AO3.1 Development does not result in a high concentration of people living or working in an area at risk from bushfire (e.g. accommodation activities, business activities, centre activities, community activities, entertainment activities, industry activities or involve institutional uses where evacuating people may be particularly difficult (e.g. Child care centre, Residential care facility and Detention facility).</p> <p>AO3.2 Development within High or Very high bushfire hazard areas complies with a Bushfire Management Plan for the premises.</p> <p>AO3.3 Bushfire hazard is minimised with planting of bushfire resistant species near Medium, High and Very high Bushfire Hazard areas identified on the Bushfire hazard overlay maps contained in Schedule 2.</p> <p>Note – Planning scheme policy – Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>

Performance outcomes	Acceptable outcomes
<p>PO4 Community infrastructure is able to function effectively during and immediately after bushfire events.</p>	<p>AO4.1 Development complies with a Bushfire Management Plan for the premises.</p> <p>Note – Planning scheme policy – Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>
<p>PO5 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>AO5.1 Uses that include manufacturing or storage of hazardous materials do not occur or are adequately separated from the hazard area and the development complies with a Bushfire Management Plan for the premises.</p> <p>Note – Planning scheme policy – Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>
Scenic amenity	
<p>PO6 Bushfire management measures do not have a detrimental impact on scenic amenity values.</p>	<p>AO6.1 No acceptable outcomes are provided.</p>
Natural areas	
<p>PO7 Bushfire management measures are designed, located and managed to minimise impacts on natural areas.</p>	<p>AO7.1 No acceptable outcomes are provided.</p>

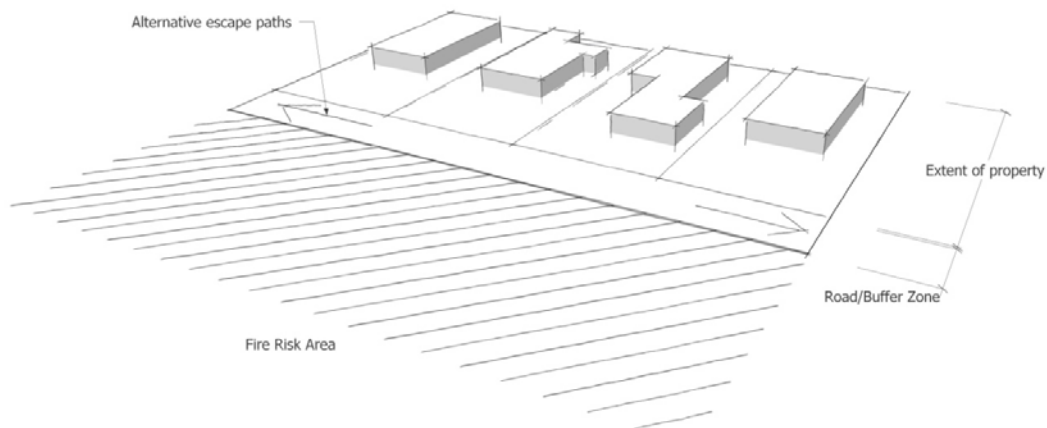


Figure 8.2.4.3.a – Buffer zones for bushfire risk areas

8.2.5 Coastal processes overlay code

8.2.5.1 Application

This code applies to assessing development within the Coastal processes overlay as shown on the Coastal processes overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

Editor's note – As referenced in Part 1, this planning scheme does not appropriately integrate the Coastal hazards – Erosion prone areas aspect of the State Planning Policy. Therefore, the State Planning Policy prevails over all mapping and assessment criteria relating to Coastal hazards - Erosion prone areas within this planning scheme. Refer to the State Planning Policy mapping and Part E Interim Development Assessment Provisions for Coastal hazards - Erosion prone areas.

8.2.5.2 Purpose

- (1) The purpose of the Coastal processes overlay code is to:
 - (a) reduce risk to people and property from coastal processes;
 - (b) allow coastal processes to occur naturally;
 - (c) ensure that development takes into account the predicted changes in sea level rise as a consequence of climate change.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development minimises exposure of people and property to unacceptable coastal hazards, and maximises their ongoing safety;
 - (b) development allows for natural coastal processes, including as a result of sea level rise, to occur without interference;
 - (c) coastal protection works are only undertaken as a mitigation action where erosion within an erosion prone area poses an imminent threat to public safety and property outside the erosion prone area;
 - (d) development within the Erosion prone area minimises the intensification of existing uses or structures other than for existing community infrastructure;
 - (e) development preserves the integrity of the coastal building line as the defined seaward boundary for building work and other development;
 - (f) community access to the foreshore or public use of coastal waters is maintained and where appropriate, increased.

8.2.5.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.5.3.a – Coastal processes overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Coastal building lines	
<p>PO1 Development adjacent to the coast or a reserve for a coastal resource with a defined coastal building line does not extend seaward of the coastal building line.</p>	<p>AO1.1 Development (where for buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line except for uncovered and unenclosed cantilevered balconies where:</p> <ol style="list-style-type: none"> (a) not extending greater than 3 metres seaward of the coastal building line; (b) set back not less than 6 metres from the seaward boundary of the lot.

Performance outcomes	Acceptable outcomes
	Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.
<p>PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast development is set back to maintain the amenity and use of the coastal resource.</p>	<p>AO2.1 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and other permanent structures such as swimming pools and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.</p>
For assessable development	
Coastal access	
<p>PO3 Development ensures public access to the coast and coastal waters is provided to a safe and serviceable standard and is not impeded by private use of the coastal resource.</p>	<p>AO3.1 Development incorporates public access to the coast and coastal waters where: (a) adjacent to a reserve; or (b) has direct frontage to the coastline.</p> <p>AO3.2 Where adjacent to the coast, development improves the standard and number of public access points to the coast.</p>
Coastal processes	
<p>PO4 Development allows for natural fluctuations of the coast to occur, including appropriate allowance for climate change and sea level rise.</p>	<p>AO4.1 No acceptable outcomes are provided.</p>
Erosion prone areas	
<p>PO5 Development is located, designed and managed to: (a) allow natural coastal processes to occur; (b) protect people and property from coastal erosion risks; (c) avoid the use of coastal protection works, as far as practical.</p> <p>Note – For the purposes of PO5 Coastal protection work means any permanent or periodic work undertaken primarily to manage the impacts of coastal hazards, including altering physical coastal processes such as sediment transport.</p>	<p>AO5.1 Development is not located in the Erosion prone area within the Coastal management district shown on the Coastal processes overlay maps contained in Schedule 2, unless: (a) the development cannot be feasibly located elsewhere; (b) it is coastal-dependent development, or is temporary, readily relocatable or able to be abandoned development.</p> <p>Note – Coastal –dependant development is defined in Schedule 1.2.</p> <p>Note – For the purposes of AO5.1, Temporary, readily relocatable or able to be abandoned development means a land use or structure that, if threatened by adverse coastal hazard impacts, will be relocated, or discontinued and removed rather than protected from the impacts because: (1) it is not anticipated to remain in place for more than 10 years and/or is capable of being disassembled or easily removed (2) there will be negligible adverse economic or social consequences associated with its relocation, or from it being discontinued or removed.</p>

Performance outcomes	Acceptable outcomes
	<p>AO5.2 Development that is for the redevelopment of existing permanent buildings or structures is located on a part of the site that is not within the Erosion prone area shown on the Coastal processes overlay maps contained in Schedule 2;</p> <p>or</p> <p>AO5.3 Where it is not feasible to locate the redevelopment outside an Erosion prone area, the redevelopment:</p> <p>(a) is located:</p> <ul style="list-style-type: none"> (i) as far landward from the seaward property boundary as possible, or (ii) landward of the seaward alignment of the neighbouring buildings; <p>(b) provides space seaward of the development within the premises to allow for the future construction of erosion control structures.</p> <p>Note – For the purposes of AO5.2 and AO5.3 Redevelopment means development that affects permanent built structures on an already developed site. Redevelopment includes the expansion of a building footprint or addition of a structure, reconstruction or remodelling an exterior, demolition and replacement of existing structures, or the establishment of an alternative type of use and associated land disturbing activities</p> <p>AO5.4 Development that involves coastal protection work (excluding beach nourishment) only occurs as a last resort where coastal erosion presents an imminent threat to public safety or existing buildings and structures, and all of the following apply:</p> <ul style="list-style-type: none"> (a) the property and use cannot reasonably be relocated or abandoned, and (b) any coastal protection works to protect private property is located as far landward as practicable and on the lot containing the property to the maximum extent reasonable, and (c) the coastal protection work mitigates any increase in coastal hazard risk for adjacent areas. <p>Note – For the purposes of AO5.4 Coastal protection work means any permanent or periodic work undertaken primarily to manage the impacts of coastal hazards, including altering physical coastal processes such as sediment transport.</p>

8.2.6 Extractive resources overlay code

8.2.6.1 Application

This code applies to assessing development within the Extractive resources overlay as shown on the Extractive resources overlay maps contained in Schedule 2.

When using this code, reference should be made to Part 5.

8.2.6.2 Purpose

- (1) The purpose of the Extractive resources overlay code is to protect resource processing areas and associated haulage routes and separation areas, and to ensure development is compatible with the nature and long term availability of the resource.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development associated with resource extraction is located within the identified resource processing areas;
 - (b) the development of sensitive land uses does not occur within the resource processing and separation areas;
 - (c) development within a resource separation area or haulage route separation area mitigates any existing or potential impacts caused by extractive industry activities.

8.2.6.3 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.6.3.a – Extractive resources overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
Development in the resource processing areas	
PO1 Development does not constrain or prevent the long term availability of the resource.	AO1.1 Development is for extractive industry, or directly associated with extractive industry.
	AO1.2 Development is for a use or temporary use that would not constrain existing or future extractive industry.
Development in the resource separation areas and haulage route separation areas	
PO2 The development of sensitive land uses does not occur within the resource separation areas.	AO2.1 No acceptable measures identified.
PO3 Development located within a resource separation area or haulage route separation area is designed to mitigate the potential adverse impacts from an existing or future extractive industry.	AO3.1 Development is designed to mitigate the potential adverse impacts from existing or future extractive industry activities to acceptable levels by: <ul style="list-style-type: none"> (a) locating buildings and structures the greatest distance practicable from the extractive resource processing area and associated haulage route; (b) designing buildings so that habitable rooms are furthestmost from the resource processing area and associated haulage route;

Performance outcomes	Acceptable outcomes
	<ul style="list-style-type: none"> (c) minimising openings in walls closest to the haulage route; (d) providing mechanical ventilation to habitable rooms; (e) use of appropriate construction methods and materials including insulation and glazing materials; (f) providing private outdoor recreation space adjacent to a building façade shielded from the haulage route, extractive industry and/or resource processing area.
<p>PO4 Development within a haulage route separation area does not adversely affect the safe and efficient operation of vehicles transporting extractive materials.</p>	<p>AO4.1 The number of access points to a haulage route is not increased.</p>

8.2.7 Flood and inundation hazards overlay code

8.2.7.1 Application

This code applies to assessing development within the Flood and inundation hazards overlay as shown on the Flood and inundation hazards overlay maps contained in Schedule 2 or development for:

- (a) Emergency services (if for a police station); or
- (b) Industry activities (if including components which store, treat or use hazardous materials); or
- (c) Substation; or
- (d) Utility installation; or
- (e) Emergency services; or
- (f) Hospital; or
- (g) Major electricity infrastructure; or
- (h) Special industry.

When using this code, reference should be made to Part 5.

Note – The Flood and Inundation hazards overlay maps contained in Schedule 2 identify areas (flood and inundation areas) where flood and storm tide inundation modelling has been undertaken by Council. Other areas not identified by the Flood and inundation hazards overlay maps contained in Schedule 2 may also be subject to a Flood or inundation event.

The mapping data source for the Floodplain assessment precinct is very broad and is a high level default mapping product required by State policy to be reflected in areas where the inundation level of the defined hazard event has not been determined through appropriate flood studies. The map is provided to ensure that the risk of inundation is assessed and mitigated when development is proposed in these areas.

8.2.7.2 Purpose

- (1) The purpose of the Flood and inundation hazards overlay code is to ensure that development:
 - (a) protects the safety of people and minimises damage to property and the environment;
 - (b) does not adversely interfere with the function of drainage catchments and coastal processes or require complex engineering solutions to do so;
 - (c) minimises impacts from flood hazards and storm tide inundation hazards on the community in relation to infrastructure function, environmental values and economic productivity, and improves the resilience of the community to the impacts of climate change.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development maintains the safety of people and property from flood and storm tide inundation hazards;
 - (b) development minimises the exposure of people and property to unacceptable risk from flood and storm tide inundation hazards;
 - (c) development is designed, located and operated to minimise damage to property, disruption to building function and the re-establishment time after a flood or storm tide event;
 - (d) development ensures evacuation routes and emergency services are not impeded;
 - (e) development does not directly or cumulatively cause or increase adverse impacts of flood or storm tide inundation on other properties or require complex engineering solutions to mitigate adverse impacts;
 - (f) hazardous materials are not handled or stored in bulk where it would adversely impact on public safety and the environment as a result of the impacts of flood or storm tide inundation hazard events;
 - (g) development involving essential community infrastructure ensures it remains functional during and immediately after flood and storm tide inundation events;

- (h) development does not adversely impact on ecological functions of waterways, drainage paths and coastal processes.

Precinct 1 – Barron River Delta

- (3) In addition to 8.2.7.2(2), the overall outcomes sought for the precinct are:
 - (a) maintain the characteristics of the floodplain, including its storage capacity, water flow paths and velocities, and environmental qualities;
 - (b) protect the scenic amenity of this major inter-urban break.

Precinct 2 – Mount Peter

- (4) In addition to 8.2.7.2(2), the overall outcomes sought for the precinct are:
 - (a) the extent of filling is limited to Sub-precinct 2a - Low-medium hazard areas only;
 - (b) an efficient drainage network is provided to mitigate loss of natural floodplain storage.

Precinct 3 – CBD and environs

- (5) In addition to 8.2.7.2(2), the overall outcomes sought for the precinct are:
 - (a) development in the precinct ensures development results in no loss of planned floodplain storage.

Precinct 4 – Floodplain assessment

- (6) In addition to 8.2.7.2(2), the overall outcomes sought for the precinct are:
 - (a) defines the flood event;
 - (b) ensures development is compatible with the impact of the flood event.

8.2.7.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.7.3.a – Flood and inundation hazards overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Safety of people and property	
<p>PO1 Development is located and designed to:</p> <ul style="list-style-type: none"> (a) ensure the safety of all persons; (b) minimise damages to the development and contents of buildings; (c) provide suitable amenity; (d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 	<p>AO1.1 Development is sited on parts of the land that is not within the Defined inundation event area as shown on the Flood and inundation hazards overlay maps contained in Schedule 2;</p> <p>or</p> <p>AO1.2 Development is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.7.3.b plus a freeboard of 300mm.</p>
Additional requirements for Precinct 2 – Mount Peter	
<p>PO2 The extent of future filling to support development is limited to areas of medium and low hazard as identified in Precinct 2 on the Flood and inundation hazards overlay maps contained in Schedule 2.</p>	<p>AO2.1 Filling of land to achieve immunity to the 1% AEP event occurs only in Sub-precinct 2a – Low-medium hazard area shown in Precinct 2 on the Flood and inundation hazards overlay maps contained in Schedule 2.</p> <p>AO2.2 Filling of land does not occur within Sub-precinct</p>

Performance outcomes	Acceptable outcomes
	2b – High-extreme hazard area shown in Precinct 2 on the Flood and inundation hazards overlay maps contained in Schedule 2.
Additional requirements for Precinct 3 – CBD and Environs	
<p>PO3 Development in Precinct 3 – CBD and environs ensures filling is not more than the planned loss of flood storage capacity.</p>	<p>AO3.1 Development involving filling of land within the zones shown in Precinct 3 on the Flood and inundation hazards overlay maps contained in Schedule 2 is not more than the following planned levels: (a) 100% of the flood storage capacity of the site in Sub-precinct Zone 1; (b) 60% of the flood storage capacity of the site in Sub-precinct Zone 2;</p> <p>AO3.2 Where development in Sub-precinct Zone 1 necessitates a finished floor level for ground level tenancies above the height of the existing footpath level any ramp, stairs or other features utilised to bridge the variation in floor level are contained wholly within the curtilage of the building.</p>
Hazardous materials and chemicals	
<p>PO4 Hazardous materials and chemicals are located and stored to ensure the public and environment are protected from adverse impacts of inundation waters being contaminated.</p>	<p>AO4.1 Hazardous materials and chemicals are stored above the defined inundation event.</p> <p>AO4.2 Structures used to store hazardous materials and chemicals are designed to prevent intrusion of flood and storm tide inundation.</p>
For assessable development	
Safety of people and property	
<p>PO5 Development minimises the exposure of people and property to unacceptable risk from flooding and storm tide inundation.</p> <p>Note – Planning Scheme Policy – Natural hazards provides guidance on preparing a Flood and inundation hazard assessment.</p>	<p>AO5.1 No acceptable outcomes are provided.</p>
<p>PO6 Development is designed, located and operated to minimise damage to property, disruption to building function and the re-establishment time after a flood or storm tide hazard event.</p>	<p>AO6.1 No acceptable outcomes are provided.</p>
Cumulative impacts of developments	
<p>PO7 Development does not directly or cumulatively cause or increase adverse impacts from flood or storm tide inundation on: (a) properties or land;</p>	<p>AO7.1 Development ensures there is no adverse change to the profile of flood or storm tide hazard events or its behaviour over land that is upstream, downstream or adjacent to the development site.</p>

Performance outcomes	Acceptable outcomes
<p>(b) ecological functions of waterways or other drainage paths, including water quality or their hydraulic capacity;</p> <p>(c) natural coastal processes.</p>	<p>AO7.2 Works do not involve any physical alteration (including vegetation clearing) to:</p> <ul style="list-style-type: none"> (a) a watercourse; (b) drainage path; (c) the coastline; (d) tidal waters and land; or (e) wetlands. <p>AO7.3 Development:</p> <ul style="list-style-type: none"> (a) avoid any reductions of on-site flood storage capacity and storm tide inundation, and contain within the subject site any changes to depth/duration/velocity of flood or storm tide hazards up to and including the 1% AEP Event; or (b) do not change the flood or storm tide characteristics at the Defined Inundation Event outside the site in ways that result in: <ul style="list-style-type: none"> (i) loss of flood storage capacity; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; (iv) any reduction in warning times elsewhere; <p>or</p> <p>AO7.4 The development is supported by a Inundation Hazard management plan that outlines the manner in which impacts of any changes to the flood or storm tide behaviour are mitigated to maintain the safety of people and property and the ecological function of the coast and tidal waters, flood plains, waterways and wetlands.</p>
<p>PO8 Development provides an efficient drainage network which:</p> <ul style="list-style-type: none"> (a) provides capacity for stormwater discharge; (b) minimises flooding from major rainfall events; (c) does not result in loss of floodplain storage; (d) does not result in adverse impacts upstream or downstream; (e) does not result in an unacceptable increase in peak flood levels and flows. 	<p>AO8.1 No acceptable outcomes are provided.</p>
Community infrastructure	
<p>PO9 Community infrastructure is designed to remain functional during and immediately after flood and storm tide hazard events.</p>	<p>AO9.1 Any components of the development that are likely to fail to function or may result in contamination when inundated (e.g. electrical switch gear and motors, water supply pipeline air valves) are:</p> <ul style="list-style-type: none"> (a) located above the Defined inundation event; or (b) designed and constructed to tolerate inundation. <p>AO9.2 Infrastructure is designed and constructed to</p>

Performance outcomes	Acceptable outcomes
	<p>withstand the impacts of flood and storm tide hazard events.</p> <p>AO9.3 Community infrastructure which is located below the Defined Inundation Event level:</p> <ul style="list-style-type: none"> (a) is designed to function effectively during and immediately after the flood or storm tide event; (b) has an emergency rescue area above the Defined Inundation Event level if it is for emergency services or hospitals.
Additional requirements for development within the Rural zone or Emerging community zone	
Evacuation routes and emergency services	
<p>PO10 Development ensures evacuation routes and emergency services are not impeded or otherwise plans for the prospect and impact of isolation or hindered evacuation during a flood or storm tide hazard event.</p>	<p>AO10.1 Development provides an effective evacuation route that remains passable, with sufficient flood or storm surge warning time, to enable people to progressively evacuate to areas above the Defined Inundation Event areas shown on the Flood and inundation hazards overlay maps contained in Schedule 2 in the lead up time to the event.</p>
Additional requirements for Precinct 1 – Barron River Delta	
<p>PO11 Development in Precinct 1 – Barron River Delta maintains the characteristics and values of the floodplain, including its storage capacity, water flow paths and velocities, and environmental qualities.</p> <p>Note – Planning Scheme Policy – Natural hazards provides guidance on preparing a Flood and inundation hazards assessment.</p>	<p>AO11.1 No acceptable outcomes are provided.</p>
<p>PO12 Development in Precinct 1 – Barron River Delta protects the scenic amenity of this major inter-urban break.</p>	<p>AO12.1 Development in the precinct does not result in an adverse impact on the amenity and landscape character of the area to achieve the required level of immunity.</p> <p>Note – The Landscape values overlay code provides further guidance on meeting the outcomes of this Acceptable outcome.</p>

Performance outcomes	Acceptable outcomes
Additional requirements for Precinct 4 – Floodplain assessment	
<p>PO13 Development in Precinct 4 – floodplain assessment ensures siting and layout responds to the flooding potential and maintains personal safety at all times.</p>	<p>AO13.1 Development on land partially affected by Precinct 4 - floodplain assessment is located outside the affected part of the site;</p> <p>or</p> <p>AO13.2 Development defines the flood event based on: (a) the highest known flood event and flood behaviours over land; or (b) the tolerable level of risk to people and property in the design, layout and mitigation measures; or (c) a Flood and inundation hazards assessment.</p> <p>Note – State Planning Policy – State interest guideline – Natural hazards, risk and resilience provides further guidance on Tolerable risk.</p> <p>AO13.3 Development that is for an urban purpose, reconfiguration of a lot (other than for a non-urban purpose), or Community infrastructure, is supported by a detailed Flood and inundation hazards assessment and all necessary measures are implemented to minimise the risk to people and property.</p> <p>Note – Planning Scheme Policy – Natural hazards provides guidance on preparing a Flood and inundation hazards assessment.</p>
<p>PO14 Development is compatible with the potential nature of the flood event defined for the site.</p>	<p>AO14.1 Development is located, designed, operated and managed to be compatible with the defined flood event.</p> <p>Note – The defined flood event in relation to this acceptable outcome is as identified in response to PO14. Where development is not supported by a flood hazard assessment, a risk assessment should provide an indication to the type of use and the level of immunity that would ordinarily be required and the consequence of the event occurring on that particular development.</p>

Table 8.2.7.3.b — Minimum immunity (floor levels) for development in the flood and inundation risk category

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"> • Parks and open space.
5% AEP level	<ul style="list-style-type: none"> • Car parking facilities (including car parking associated with use of land).
1% AEP level	<ul style="list-style-type: none"> • All development (where not otherwise requiring an alternate level of minimum immunity).
0.5% AEP level	<ul style="list-style-type: none"> • Emergency services (if for a police station); • Industry activities (if including components which store, treat or use hazardous materials); • Substation; • Utility installation.
0.2% AEP level	<ul style="list-style-type: none"> • Emergency services; • Hospital; • Major electricity infrastructure; • Special industry.

8.2.8 Hazardous and explosive facilities overlay code

8.2.8.1 Application

This code applies to assessing development within the Hazardous and explosive facilities overlay.

When using this code, reference should be made to Part 5.

8.2.8.2 Purpose

- (1) The purpose of the Hazardous and explosive facilities overlay code is to ensure that development:
 - (a) does not adversely affect the safety, efficiency or operational integrity of hazardous or explosive facilities;
 - (b) manages the risk the operation of a hazardous or explosive facility may pose to people and property.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (c) Development is located, designed and operated to not adversely impact the safety, efficiency and operational integrity of hazardous or explosive facilities;
 - (d) Development manages the number and operations of people living, working and congregating in proximity to hazardous or explosive facilities to reduce the risk to public safety;
 - (e) Development mitigates the potential adverse effects of noise, dust, ground vibration or blast overpressure to ensure safety of people and property in proximity to a hazardous or explosive facility.

8.2.8.3 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.8.3.a – Hazardous and explosive facilities overlay code – Assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
All development	
PO1 Development does not compromise the continued safety, efficiency and operational integrity of a hazardous or explosive facility.	AO1.1 No acceptable outcomes are provided.
PO2 Development is located, designed and operated to mitigate the potential adverse impacts arising from a hazardous or explosive facility.	AO2.1 No acceptable outcomes are provided.
Explosive facility area	
PO3 Development avoids uses that are vulnerable to the direct effects of blast, radiant heat and projectiles.	AO3.1 Unless there is a pre-existing development commitment, development does not: (a) include a new vulnerable land use; (b) intensify an existing vulnerable land use.

Performance outcomes	Acceptable outcomes
<p>PO4 Development is located, designed and operated to ensure that potential adverse impacts from noise, dust, ground vibration or air blast overpressure are minimised to the greatest extent practicable.</p>	<p>AO4.1 No acceptable outcomes are provided.</p>
Major hazard facility area	
<p>PO5 Development is compatible with the risk associated with a major hazard facility.</p>	<p>AO5.1 Development within a Major hazard facility area 'A' does not result in the establishment or expansion of a vulnerable land use, sensitive land use or commercial land use.</p>
	<p>AO5.2 Development within a Major hazard facility area 'B' does not result in the expansion or establishment of a vulnerable land use.</p>

8.2.9 Hillslopes overlay code

8.2.9.1 Application

This code applies to assessing development within the Hillslopes overlay.

When using this code, reference should be made to Part 5.

Note – For self-assessable development, building work triggered by 1.8(1) must be referred to the local government as a concurrence agency and will be assessed against the criteria within Table 1.8.a.

8.2.9.2 Purpose

- (1) The purpose of the Hillslopes overlay code is to ensure that development on hillslopes maintains the scenic backdrop to the region and ensures the safety of people, property and the environment.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development on hillslopes is safe, serviceable and accessible;
 - (b) the ecological values, landscape character and scenic amenity of the Hillslopes are protected from development so as to retain the scenic backdrop to the region;
 - (c) development on hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land;
 - (d) development responds to the constraints of the site including gradient and slope stability;
 - (e) works do not involve complex engineering solutions.

8.2.9.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.9.3.a – Hillslopes overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
PO1 The landscape character and scenic amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO1.1 Excavation and filling does not exceed 50m ³ .
	AO1.2 No vegetation damage occurs. Note – Refer to the definition of Vegetation damage contained in Schedule 1.2.
	AO1.3 Development is undertaken within 50m of the front boundary of the site.
	AO1.4 Development does not occur on land with a gradient in excess of 1 in 6 (16.6%).
PO2 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: <ol style="list-style-type: none"> (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions. 	AO2.1 Excavation or fill: <ol style="list-style-type: none"> (a) is not more than 1.8 metres in height for each batter or retaining wall; (b) is set back a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with the requirements of Planning scheme policy - Landscaping;

Performance outcomes	Acceptable outcomes
	<p>(d) does not exceed a maximum of 2 batters and 2 berms (i.e. not greater than 3.6 metres in total height) on any one lot.</p> <p>Note – Planning Scheme Policy - FNQROC Regional Development Manual provides guidance for excavation and filling associated with batters and retaining walls.</p>
For assessable development	
Scenic amenity and landscape character	
<p>PO3 The landscape character and scenic amenity quality of the hillslopes areas are retained and remain the scenic backdrop to the region.</p>	<p>AO3.1 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.</p> <p>AO3.2 Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting; (c) provided with erosion control measures.</p> <p>AO3.3 Development does not require the clearing or disturbance of vegetation.</p> <p>AO3.4 Building Work: (a) is finished predominantly in the following exterior colours or surfaces: (i) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (ii) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (b) is not finished in the following exterior colours or surfaces: (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; (ii) reflective surfaces; (c) exterior colour schemes do not result in the use of a single colour on large surface areas or broad expanses.</p> <p>AO3.5 Roofs on buildings or structures are: (a) non reflective and finished in a low contrast colour that blends with the surrounding vegetation and landscape; (b) not finished in terracotta colours, reds, yellows, shades of white, beige or light grey.</p> <p>AO3.6 Areas between the first floor (including outdoor deck areas) and ground level are screened from</p>

Performance outcomes	Acceptable outcomes
	view.
Lot reconfiguration	
<p>PO4 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>AO4.1 The frontage and depth of all lots is of sufficient width to:</p> <ul style="list-style-type: none"> (a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); (b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve. <p>AO4.2 Development does not create new lots containing land of greater than 1 in 4 (25%), except where a rectangular area of land of lesser grade and a nominated driveway/access arrangement is contained within the new lots to accommodate the intended land use, with the balance left in their natural state to the greatest extent possible.</p> <p>Note – The size of rectangular areas is outlined within the lot reconfiguration outcomes identified in each zone code</p> <p>AO4.3 Development does not alter ridgelines.</p> <p>AO4.4 Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.</p>

8.2.10 Landscape values overlay code

8.2.10.1 Application

This code applies to assessing development within the Landscape values overlay.

When using this code, reference should be made to Part 5.

8.2.10.2 Context

This section is extrinsic material under section 15 of the *Statutory Instruments Act 1992*.

The Cairns region is internationally renowned for its outstanding scenery, from the Great Barrier Reef and Wet Tropics World Heritage Areas to the forested hillslopes, rainforests, stunning seascapes, freshwater scenery and canefields. The region's landscapes and natural areas also have important cultural significance for the region's indigenous communities.

The Cairns region coastline is one of the few places in the world where two extensive natural World Heritage Areas meet. The Great Barrier Reef is the world's largest World Heritage Area and the most extensive coral reef system, of exceptional natural beauty. The Wet Tropics rainforest are also world-renowned for their biodiversity and natural beauty. Protection and enhancement of these World Heritage Areas and their biodiversity are aims of the Far North Queensland Regional Plan 2009-2031.

Within the Cairns region are large national park areas where steep mountain ranges with tropical rainforests and waterways meet the Coral Sea along a coastal interface of sandy beaches and rocky headlands. The steep hillslopes behind the generally narrow coastal plain are signature landscape features of the city of Cairns and the region generally, creating a dramatic backdrop of rich green vegetation, frequently with cloud capped ridges and peaks. Views to these natural forested hillslopes contribute significantly to the tourist image of Cairns, especially where viewed in combination with canefields, waterways and the coastline.

The coastline of the Cairns region includes many picturesque sandy beaches, attractive bays and visually prominent headlands, where scenic routes provide opportunities for views of the dramatic and largely natural combination of forested mountains and shoreline. Waterways of high scenic value include rivers and creeks, gorges, waterfalls, rockpools and a lake. Fed by the region's high rain rainfall, freshwater creeks and waterfalls flow from mountainous regions through attractive semi-secluded valleys, into gorges and drain into the major river catchments.

Between the coast and the mountains the rural landscape is characterised by distinctive patterns of canefields and other rural production areas, and this rural character is an important part of the region's scenic landscape values.

Numerous lookout and scenic route opportunities in the Cairns region offer view to attractive landscape features, the coastline, Coral Sea and offshore islands. Panoramic or long-distance view corridors are available across a diversity of landscape patterns, including extensive views across canefields and lowlands to distant mountains. The shoreline and seascape scenery is also unusually diverse, ranging from the distinctive Trinity Inlet mudflats and mangroves, to rocky headlands and the azure waters of sandy beaches and islands. The distinctive tropical character and scenic amenity value of these beaches and islands are irreplaceable, and face long term threats from the potential impacts of sea level rise.

Within this scenic context, the Cairns region is also characterised by the distribution and scale of urban areas, and their close visual relationship to the mountains and coastline. Cairns City is the principal centre, with wide streets, large canopied tropical streets and park trees, plus taller buildings and an urban esplanade overlooking the mudflats of Trinity Inlet. The Cairns region is also characterised by its coastal towns and villages and hinterland settlements, each with their own distinct character. There are many attractive places and available views within these settlements such as scenic watercourses, historic buildings, monuments, views and rainforest and water, with many towns framed by a skyline of forested ranges visible from within or from the edges of towns.

The Cairns region is an extensive area of scenic beauty comprised of many natural and rural landscape elements enjoyed by residents and visitors, within close proximity to (and accessible from) the urban area and major routes. Population growth pressures present a challenge to maintain the landscape values that underpin the liveability, cultural significance, tourist image and prosperity of the Cairns region.

8.2.10.3 Purpose

- (1) The purpose of the Landscape values overlay code is to ensure that development protects, maintains and enhances the landscape values within the Cairns region.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) areas of High landscape value are protected, retained and enhanced;
 - (b) areas of Medium landscape value are managed to integrate and limit the visual impact of development;
 - (c) the landscape values of the Coastal scenery zone are managed to integrate and limit the visual impact of development;
 - (d) development maintains and enhances the significant landscape elements and features which contribute to the cultural significance and distinctive character and identity of the Cairns region;
 - (e) ridges and vegetated hillslopes are not developed in a way that adversely impacts on landscape values;
 - (f) inland watercourses, forested mountains and coastal landscape character types remain predominantly natural in appearance in order to maintain the region's diverse character and distinctive tropical image, in particular:
 - (i) areas in the coastal landscape character type which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (ii) inland watercourses which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (iii) the rural character of canfields, grassy hillsides and lowlands landscape character types which are predominantly rural or natural in appearance are maintained.
 - (g) landscape values are maintained when viewed from:
 - (i) lookouts;
 - (ii) scenic routes;
 - (iii) gateways;
 - (iv) public places.
 - (h) view towards High landscape value areas and the Coral Sea are not diminished;
 - (i) development is consistent with the prevailing landscape character of its setting, and is neither visually dominant nor visually intrusive;
 - (j) advertising devices do not detract from the landscape values, character types or amenity of an area.

8.2.10.4 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.10.4.a – Landscape values overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
Development within the High landscape value area	
<p>PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <ul style="list-style-type: none"> (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; (g) extractive industry operations are avoided or screened from view. <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy – Landscape values in satisfaction of a performance outcome</p>	<p>AO1.1 Buildings and structures are not more than 8.5 metres and 2 storeys in height.</p> <p>Note – Height is inclusive of the roof height.</p> <p>AO1.2 Buildings and structures are setback not less than 50 metres from ridgelines or peaks.</p> <p>AO1.3 Development is screened from view from roads or other public places by an existing natural landform or a native vegetation buffer.</p> <p>AO1.4 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.</p> <p>AO1.5 The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note – Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p> <p>AO1.6 No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p> <p>AO1.7 Where for accommodation activities or reconfiguration of a lot involving 5 or more dwellings or 5 or more new lots in a High landscape value area development demonstrates that the height, design, scale, position on site, proposed construction materials and external finishes are compatible with the landscape values.</p> <p>Note – A visual impact assessment undertaken in accordance with Planning scheme policy – Landscape values may be required.</p> <p>AO1.8 Advertising devices do not occur.</p>

Performance outcomes	Acceptable outcomes
Development within the Medium landscape value area	
<p>PO2 Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <ul style="list-style-type: none"> (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) Is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) Retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) Incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) Avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; (f) Avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; (g) Extractive industry operations are avoided or screened from view. <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy – Landscape values in satisfaction of performance outcomes.</p>	<p>AO2.1 Buildings and structures are not more than 8.5 metres and 2 storeys in height.</p> <p>Note – Height is inclusive of the roof height.</p> <p>AO2.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p> <p>AO2.3 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.</p> <p>AO2.4 The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note – Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p> <p>AO2.5 No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p> <p>AO2.6 Advertising devices do not occur.</p>
Development within the coastal scenery zone	
<p>PO3 The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrate and limit the visual impact of development.</p> <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy – Landscape values in satisfaction of a performance outcomes</p>	<p>AO3.1 The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.</p> <p>AO3.2 Where located adjacent to the foreshore buildings and structures are setback:</p> <ul style="list-style-type: none"> (a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer

Performance outcomes	Acceptable outcomes
	<p>that has a minimum width of 10 metres; or</p> <p>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10m from the coastal high water mark. The setback area is landscaped in accordance with the requirements of the landscaping code but may allow areas for pedestrian and vehicle access.</p> <hr/> <p>AO3.3 Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p> <p>(a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscape in accordance with the requirements of the landscaping code but may allow for areas for pedestrian and vehicle access; or</p> <p>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining . The setback area is landscaped in accordance with the requirements of the landscaping code.</p>
<p>PO4 Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters where practicable.</p> <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy – Landscape values in satisfaction of a performance outcomes</p>	<p>AO4.1 No clearing of native vegetation is undertaken within a Coastal scenic area, except for vegetation damage undertaken in accordance with the Vegetation management code.</p>

8.2.11 Natural areas overlay code

8.2.11.1 Application

This code applies to assessing development within the Natural areas overlay.

When using this code, reference should be made to Part 5.

8.2.11.2 Purpose

- (1) The purpose of the Natural areas overlay is to protect the natural areas of the region through:
 - (a) avoiding development within biodiversity areas, waterways and waterway corridors, wetlands and declared fish habitat areas;
 - (b) minimising adverse direct and indirect impacts of development on natural areas;
 - (c) minimising adverse impacts on sensitive receiving environments;
 - (d) encouraging expansion of habitat and ecological connectivity and restoration of terrestrial and aquatic ecosystems.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:
 - (i) Biodiversity areas;
 - (ii) Wetlands;
 - (iii) Waterways and waterway corridors;
 - (iv) Declared fish habitat areas;
 - (b) where development cannot be avoided, development:
 - (i) Protects and enhances areas of environmental significance;
 - (ii) Provides appropriate buffers to areas of environmental significance;
 - (iii) Protects known populations and supporting habitat of rare and threatened flora and fauna species, as listed in relevant State and Commonwealth legislation;
 - (iv) Ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
 - (v) Does not cause adverse impacts on integrity and quality of water in upstream or downstream catchments, including declared fish habitat areas and the Great Barrier Reef World Heritage Area;
 - (vi) Protects and maintains ecological and hydrological functions of waterways, wetlands, waterway corridors and declared fish habitat areas;
 - (vii) Enhances connectivity across barriers for aquatic species and habitats;
 - (viii) Rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
 - (ix) Protects areas of environmental significance from weeds, pests and invasive species;
 - (c) strategic rehabilitation is directed to areas on or off site where it is possible to achieve expanded habitats and increased connectivity.

8.2.11.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.11.3.a – Natural areas overlay code – self-assessable and assessable development

Performance outcomes		Acceptable outcomes	
For self-assessable and assessable development			
Waterways and waterway corridor areas for Urban waterways A or Non-urban waterways			
<p>PO1 Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration 	<p>AO1.1 Development does not occur on the part of the lot affected by the waterway corridor.</p> <p>Note – Waterway corridors are identified within Table 8.2.11.3.b.</p>		
Waterways and waterway corridor areas for Urban waterways B			
<p>PO2 Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration 	<p>AO2.1 Where a waterway is contained within an easement or reserve for the purpose, development does not occur within the easement or reserve;</p> <p>or</p> <p>AO2.2 Development does not occur on the part of the lot affected by the waterway corridor.</p> <p>Note – Waterway corridors are identified within Table 8.2.11.3.b.</p>		
For assessable development			
Biodiversity areas			
<p>PO3 Development does not cause adverse direct or indirect impacts on biodiversity values.</p> <p>Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report.</p>	<p>AO3.1 Development within a biodiversity area is avoided;</p> <p>or</p> <p>AO3.2 Where development cannot be avoided, development ensures adverse impacts on biodiversity values do not occur by:</p> <ul style="list-style-type: none"> (a) designing, siting, operating and managing development to: <ul style="list-style-type: none"> (i) be situated within existing cleared areas, including necessary fire management infrastructure and fire breaks; (ii) ensure unrestricted fauna movement; (iii) retain and restore habitat corridors and biodiversity values; (iv) provide appropriate buffers to biodiversity areas; (v) minimise light and noise emission into biodiversity areas; (vi) manage domestic animal movements, through adequate containment. 		

Performance outcomes	Acceptable outcomes
	<ul style="list-style-type: none"> (b) protecting and maintaining the values of biodiversity areas; (c) providing for strategic rehabilitation of vegetation species and coverage, and habitat connectivity; (d) protecting undeveloped areas of biodiversity through appropriate land tenure; (e) rehabilitating degraded areas to improve habitat condition, function and extent.
Water quality and integrity	
<p>PO4 Development does not cause adverse impacts on the quality and integrity of water in upstream or down-stream catchments, including the Great Barrier Reef Marine Park.</p>	<p>AO4.1 No acceptable outcomes are provided.</p> <p>Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report.</p>
Declared fish habitat areas and fish habitat buffer areas	
<p>PO5 Development does not cause adverse impacts on fish habitat values.</p> <p>Note – An ecological assessment report may demonstrate compliance with the performance outcome. Planning scheme policy – Natural environment provides guidance on preparing an ecological assessment report</p>	<p>AO5.1 Development ensures adverse impacts on fish habitat values are avoided by designing, siting, operating and managing development to:</p> <ul style="list-style-type: none"> (a) contribute to the protection of fish habitat values; (b) maintain the quality and integrity of declared fish habitat areas and water entering them.
Wetlands and wetland buffer areas	
<p>PO6 Development does not occur within a wetland.</p>	<p>AO6.1 No acceptable outcomes are provided.</p>
<p>PO7 Development is set back from wetlands to maintain water quality, ecological and hydrological functions and values of wetlands and their receiving waters.</p> <p>Note – Planning scheme policy – Natural environment is applicable.</p>	<p>AO7.1 Development is set back from wetlands in accordance with Table 8.2.11.3.c;</p> <p>or</p> <p>AO7.2 Where an alternative buffer is proposed, the width of the alternative buffer is supported by an evaluation of the environmental values, functioning and threats to the wetland.</p>
<p>PO8 Wetlands and wetland buffer areas are maintained, protected and restored.</p> <p>Note – Wetland buffer areas are identified within Table 8.2.11.3.c.</p>	<p>AO8.1 Native vegetation within wetlands and wetland buffer areas is retained.</p> <p>AO8.2 Degraded sections of wetlands and wetland buffer areas are revegetated with native plants in patterns and densities which emulate the relevant regional ecosystem.</p>

Performance outcomes	Acceptable outcomes
Waterways and waterway buffer areas	
<p>PO9 Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration. <p>Note – Planning scheme policy – Natural environment is applicable.</p>	<p>AO9.1 Waterway corridors are provided adjacent to waterways in accordance with the requirements of Table 8.2.11.3.b.</p> <p>or</p> <p>AO9.2 Where a waterway corridor of an alternative width is proposed, the alternative width is supported by an evaluation of the waterway to ensure the protection and maintenance of:</p> <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) opportunities for instream migration; (d) ecological processes; (e) riparian and instream habitat values and connectivity; (f) biodiversity values. <p>AO9.3 Development, other than Community infrastructure or open space is not located within a waterway or waterway corridor.</p>
Additional requirements for Urban waterway A and Non-urban waterway	
<p>PO10 Waterways and waterway corridors are protected, and degraded areas are restored and waterways and waterway corridors transferred to public ownership.</p>	<p>AO10.1 Native vegetation within waterways and waterway corridors is retained.</p> <p>AO10.2 Waterway corridors are:</p> <ul style="list-style-type: none"> (a) transferred to public ownership for an appropriate reserve purpose; or (b) protected through an Environmental Covenant. <p>AO10.3 Degraded sections of waterways and waterway corridors are revegetated with endemic plant species in patterns and densities which emulate the natural state of waterway corridors within the area.</p> <p>AO10.4 The lowest intensity of development is located adjacent to the waterway corridor.</p>

Table 8.2.11.3.b – Widths of waterway corridors for waterways

Waterway classification	Waterway corridor width
Urban waterway A	10 metres, measured perpendicular from the top of the high bank.
Urban waterway B	5 metres, measured perpendicular from the top of the high bank.
Non-urban waterway	25 metres, measured perpendicular from the top of the high bank.

Note – Waterway classifications are identified on the Natural areas overlay mapping contained in Schedule 2 and defined in Schedule 1.2.

Table 8.2.11.3.c — Setbacks and buffer areas for wetlands

Wetland classification	Setback and buffer area
Urban wetland	50 metres from the edge of the wetland.
Non-urban wetland	100 metres from the edge of the wetland.

8.2.12 Neighbourhood character overlay code

8.2.12.1 Application

This code applies to assessing development within the Neighbourhood character overlay.

When using this code, reference should be made to Part 5.

8.2.12.2 Purpose

- (1) The purpose of the neighbourhood character overlay code is to maintain neighbourhood character places and the existing character elements which contribute to the character of the area and to promote development that is consistent with and sympathetic to the character of the streetscape and neighbourhood character area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) neighbourhood character places and existing character elements which contribute to the streetscape and neighbourhood character are retained;
 - (b) the architectural style, height, roof style, building materials, building form and layout, setbacks and orientation of new development is compatible with the existing character elements of the neighbourhood character streetscape and area;
 - (c) extensions or alterations to a neighbourhood character place do not detract from the existing character of the neighbourhood character place or streetscape.

8.2.12.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.12.3.a – Neighbourhood character overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Design and setting	
<p>PO1 When viewed from a public place garages, carports, patios, verandahs, balconies and sheds and other ancillary buildings:</p> <ol style="list-style-type: none"> (a) are subservient to the neighbourhood character place; (b) are consistent with the neighbourhood character streetscape; (c) do not detract from the appearance of existing buildings and neighbourhood character elements. 	<p>AO1.1 Garages, carports, patios, verandahs, balconies, sheds and other ancillary buildings are located in area A on Figure 8.2.12.3.a;</p> <p>or</p> <p>AO1.2 Garages and carports are located wholly under or within an existing building and any associated building works comply with AO3.1;</p> <p>or</p> <p>AO1.3 A carport may be located in area B on Figure 8.2.12.3.a where:</p> <ol style="list-style-type: none"> (a) it is a single vehicle carport no greater than 3m in width and height; (b) it does not have a door to the street frontage. <p>Note – Height is inclusive of the roof height.</p>

Performance outcomes	Acceptable outcomes
<p>PO2 Fences and driveways complement the traditional building and enhance the overall appearance of the neighbourhood character streetscape.</p>	<p>AO2.1 Fences to road frontages are not more than: (a) 1.2 metres in height if solid; or (b) 1.5 metres if partially transparent.</p> <p>AO2.2 Vehicle access crossovers are not more than 3 metres wide.</p>
Raising, relocating or repositioning of buildings within a site	
<p>PO3 Development involving the enclosure of the under storey area of a building: (a) preserves the dominant visual form of the upper storey; (b) does not detract from the overall character of the place or the neighbourhood character streetscape.</p> <p>Note – Planning scheme policy - Neighbourhood character provides guidance on meeting the Performance outcome.</p>	<p>AO3.1 Development of a lower storey is recessed behind the front façade of the upper storey by not less than 1 metre.</p>
<p>PO4 Development involving the raising of buildings on a site: (a) balances the proportions of the upper and lower storeys; (b) maintains the streetscape pattern; (c) does not detract from the character or amenity of the streetscape character.</p>	<p>AO4.1 Development involving the raising of buildings on a site does not reduce the existing front or side boundary setback.</p> <p>AO4.2 Raising of buildings does not: (a) increase the height of the lower storey floor level by more than 0.5 metres from ground level; (b) result in the floor level of the upper storey being more than 3.5 metres from the existing ground level.</p>
For assessable development	
Design	
<p>PO5 Development on a neighbourhood character place: (a) does not diminish its character values; (b) utilises materials that are consistent with the fabric of the neighbourhood character place; (c) is not obtrusive in the neighbourhood character streetscape; (d) is consistent with the existing elements of the neighbourhood character area.</p> <p>Note – Planning scheme policy - Neighbourhood character provides guidance on meeting the Performance outcome.</p>	<p>AO5.1 No acceptable outcomes are provided.</p>

Performance outcomes	Acceptable outcomes
Infill development	
<p>PO6 The form, scale and design of development is consistent with, and sympathetic to, the neighbourhood character streetscape and neighbourhood character area, having regard to:</p> <ul style="list-style-type: none"> (a) architectural style; (b) building form and layout; (c) building orientation; (d) building alignment; (e) building materials; (f) roof style; (g) building height and scale; (h) side and rear boundary setbacks; (i) width (at street frontage); (j) vertical and horizontal patterning. 	<p>AO6.1 Development is consistent with the desired outcomes of the Neighbourhood character area as identified in Planning scheme policy - Neighbourhood Character and is demonstrated through a site assessment and design response.</p> <p>Note – Planning scheme policy- Neighbourhood character gives guidance on the desired character outcomes and preparing a site assessment and design response.</p>
<p>PO7 Buildings relocated onto a site are of a style and character that is compatible with the neighbourhood character streetscape.</p>	<p>AO7.1 No acceptable outcomes provided.</p>
Demolition or removals	
<p>PO8 Development involving demolition or removal of a neighbourhood character place does not occur to retain the streetscape character.</p>	<p>AO8.1 No acceptable outcomes provided.</p>

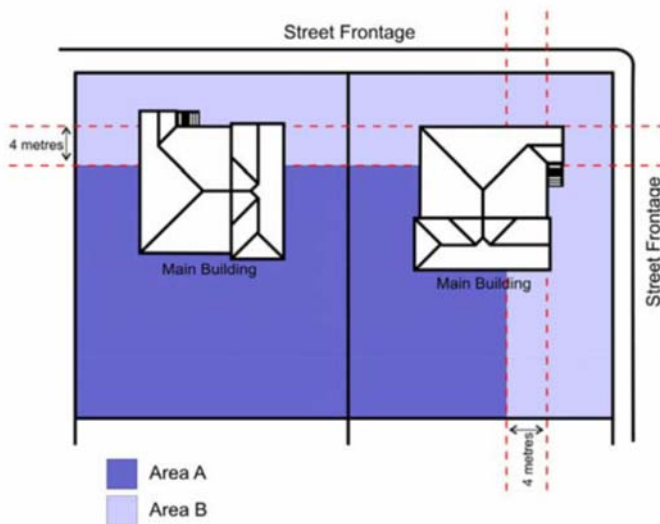


Figure 8.2.12.3.a – Consistent design solutions for carports, sheds and outbuildings

8.2.13 Places of significance overlay code

8.2.13.1 Application

This code applies to assessing development within the Places of significance overlay.

Note – Land in the places of significance overlay is identified on the Places of significance overlay maps contained in Schedule 2 and includes Places of local significance, State heritage places and premises adjoining a state heritage place.

Note – Statements of significance for places of local significance are contained in Planning scheme policy – Places of significance.

When using this code, reference should be made to Part 5.

8.2.13.2 Purpose

- (1) The purpose of the Places of significance overlay code is to ensure places of local significance are conserved and development is compatible with the cultural significance of the place. Development on premises adjoining a state heritage place protects the cultural significance of the place and its setting.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development does not result in the demolition or removal of a place of local significance, unless there is no prudent and feasible alternative to the demolition or removal. In considering whether there is no prudent and feasible alternative to the demolition or removal of a place of local significance, the Council will have regard to:
 - (i) safety, health, structural and economic considerations;
 - (ii) any other matters the Council considers relevant;
 - (b) development is compatible with the cultural significance of the place of local significance;
 - (c) the adaptive reuse of a place of local significance is encouraged so that the cultural significance is retained;
 - (d) the fabric and setting of a place of local significance is conserved and any changes are managed, documented and interpreted;
 - (e) development does not have a detrimental impact on archaeological values;
 - (f) development on premises adjoining a state heritage place is sympathetic to the cultural significance and setting of the state heritage place.

8.2.13.3 Criteria for assessment

Part A – Criteria for assessable development

Table 8.2.13.3.a – Places of significance overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
Demolition or removal of a place of local significance	
<p>PO1 Development does not result in the demolition or removal of a place of local significance.</p> <p>Note – Guidance on meeting the performance outcome is provided within Planning scheme policy – Places of significance.</p>	<p>AO1.1 No acceptable outcomes are provided.</p>

Performance outcomes	Acceptable outcomes
For assessable development	
<p>PO2 Development is compatible with the conservation and management of the cultural significance of the place.</p> <p>Note – Guidance on meeting the performance outcome is provided within Planning scheme policy – Places of significance.</p>	<p>AO2.1 No acceptable outcomes are provided.</p>
Building work or operational work involving a place of local significance	
<p>PO3 Development conserves the features and values of a place of local significance that contribute to its cultural significance.</p> <p>Note – Guidance on meeting the performance outcome is provided within Planning scheme policy – Places of significance.</p>	<p>AO3.1 Development does not alter, remove or conceal significant features of a place of local significance.</p>
<p>PO4 Changes to a place of local significance are appropriately managed, documented and interpreted.</p> <p>Note – Guidance on meeting the performance outcome is provided within Planning scheme policy – Places of significance.</p>	<p>AO4.1 Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Charter for Places of Cultural Heritage Significance.</p>
	<p>AO4.2 An archival record is prepared to document the changes.</p>
	<p>AO4.3 Development includes interpretation that explains the cultural significance of the place and the changes.</p>
<p>PO5 Development does not adversely affect the character, setting or appearance of the place of local significance, including removal of vegetation that contributes to the cultural heritage significance of the place.</p> <p>Note – Guidance on meeting the performance criteria is provided within Planning scheme policy – Places of significance.</p>	<p>AO5.1 The scale, location and design of the development are compatible with the character, setting and appearance of the place of local significance.</p>
	<p>AO5.2 The development is unobtrusive and cannot readily be seen from surrounding streets or other public places.</p>
	<p>AO5.3 Existing vegetation that forms part of the place is retained and incorporated into the design and layout of development.</p>
<p>PO6 Excavation or other earthworks do not have a detrimental impact on archaeological values.</p> <p>Note – Guidance on meeting the performance criteria is provided within Planning scheme policy – Places of significance.</p>	<p>AO6.1 The impact of excavation is minor and limited to parts of the place of local significance that have been disturbed by previous excavation.</p>
	<p>AO6.2 An archaeological management plan is prepared for development involving subsurface disturbance.</p>

Performance outcomes	Acceptable outcomes
Advertising devices	
<p>PO7 Advertising devices located on or premises adjoining a state heritage place or place of local significance are sited and designed so as to:</p> <ul style="list-style-type: none"> (a) be compatible with the cultural significance of the state heritage place or place of local significance; (b) not obscure the appearance or prominence of the state heritage place or place of local significance when viewed from the street or other public places; (c) not alter or conceal significant features of the state heritage place or place of local significance. 	<p>AO7.1 No acceptable outcomes are provided.</p>
Development on premises adjoining a state heritage place	
<p>PO8 Where on a premises adjoining a state heritage place or place of local significance, development is designed and constructed so as:</p> <ul style="list-style-type: none"> (a) not to obscure the appearance or prominence of the state heritage place from surrounding streets or public places; (b) not to intrude into important vistas of the state heritage place; (c) not to site buildings and structures between a state heritage place and its primary or secondary street frontage; (d) to ensure new buildings or structures are setback from the primary street frontage and are of a height, bulk and scale which retains the visual prominence and values of the state heritage place; (e) to minimise disturbance to the original fabric of the state heritage place; (f) to retain, where intact, the significant or original siting and context of the state heritage place. <p>Note – Guidance on meeting the performance criteria is provided within Planning scheme policy – Places of significance.</p>	<p>AO8.1 No acceptable outcomes are provided.</p>

Editor’s Note – All proposed development on sites of indigenous cultural heritage significance is required to be carried out in accordance with the most current version of the Aboriginal Cultural Heritage Act 2003 - Duty of Care Provisions.

Editor’s Note – Development on a state heritage place is to be carried out in accordance with the most current version of the Queensland Heritage Act 1992. Development on premises adjoining a state heritage place is regulated by the places of significance overlay code.

8.2.14 Potential landslip hazard overlay code

8.2.14.1 Application

This code applies to assessing development within the Potential landslip hazard overlay.

When using this code, reference should be made to Part 5.

Note – The Potential landslip hazard overlay shows modelled areas where the factors contributing to landslide potential accumulate to provide a moderate or higher risk if certain factors are exacerbated (e.g. factors include significant vegetation clearing, cutting and filling, changes to soil characteristics, changes to overland water flow, or changes to sub-surface water flow). It shows areas that the Council has identified where landslides may occur and where land may be impacted by a landslide but does not mean that landslides will occur or that the land will be impacted by a landslide. Other areas not contained within the potential landslip hazard overlay may sustain landslides or be impacted by landslides and consideration should be given to this issue where appropriate.

8.2.14.2 Purpose

- (1) The purpose of the Potential landslip hazard overlay code is to ensure that development protects the safety of people, property and the environment by avoiding the potential risk of a landslide event occurring.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is located, designed and constructed to not put at risk the safety of people, property and the environment
 - (b) development is not at risk from and does not pose a risk to adjacent and nearby sites from landslide;
 - (c) ensures that Community infrastructure is protected from the effects of potential landslides;
 - (d) ensures that vegetation clearing, stormwater management and filling and/or excavation does not create a landslide hazard and/or rectifies potential pre-existing landslide risks;
 - (e) development does not occur where works to provide a solution for safety of people, property or the environment involves complex engineering solutions to overcome risk, or would result in a built form that causes an adverse visual impact on the Hillslopes or Landscape values of the Cairns region.

8.2.14.3 Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 8.2.14.3.a – Potential landslip hazard overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
Safety of people, property and environment	
<p>PO1 The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ol style="list-style-type: none"> (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; 	<p>AO1.1 Development is located on the part of the site that is not affected by the Potential landslip hazard overlay.</p> <p>or</p> <p>AO1.2 Development is on an existing benched site and requires no further earthworks.</p> <p>or</p> <p>AO1.3</p>

Performance outcomes	Acceptable outcomes
<p>(g) waste water disposal areas.</p>	<p>A competent person certifies that:</p> <ul style="list-style-type: none"> (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development; (b) development of the site will not increase the risk of landslide activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented; (e) development does not concentrate existing ground water and surface water paths; (f) development does not incorporate on-site waste water disposal. <p>Note – Planning scheme policy – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p> <p>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure its final disbursement is as per pre-developed conditions. Consideration for location, velocity, volume, and quality should be given.</p> <p>AO1.4 Ancillary and recreational or ornamental features (including tennis courts, ponds and swimming pools):</p> <ul style="list-style-type: none"> (a) do not occur on land with a gradient more than 1 in 4 (25%); (b) are designed and sited to respond to the natural constraints of the land to avoid the need for earthworks.
<p>PO2 The siting and design of necessary retaining structures does not cause an adverse visual impact on the landscape character or scenic amenity quality of the hillslopes areas.</p>	<p>AO2.1 Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.8 metres in height for each batter or retaining wall; (b) is set back a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with the requirements of Planning scheme policy - Landscaping; (d) does not exceed a maximum of 2 batters and 2 berms (i.e. not greater than 3.6 metres in total height) on any one lot. <p>Note – Planning Scheme Policy – FNQROC Regional Development Manual provides for excavation and filling associated with batters and retaining walls.</p>

Performance outcomes	Acceptable outcomes
Additional requirements for Community infrastructure	
<p>PO3 Development for Community infrastructure:</p> <ul style="list-style-type: none"> (a) is not at risk from the landslide hazards; (b) will function without impediment from a landslide; (c) provides access to the infrastructure without impediment from the effects of a landslide; (d) does not contribute to elevated risk of landslide to adjoining properties. 	<p>AO3.1 Development is designed in accordance with the recommendations of a site specific geotechnical assessment which makes reference to the Community infrastructure and its needs and function.</p> <p>Note – A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>

8.2.15 Transport network overlay code

8.2.15.1 Application

This code applies to assessing development identified in Part 5 as requiring assessment against the Transport network overlay code.

When using this code, reference should be made to Part 5.

8.2.15.2 Purpose

- (1) The purpose of the Transport network overlay code is to ensure that development provides transport infrastructure that supports a safe, efficient transport network, including the active transport network.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development provides for transport infrastructure (including active transport infrastructure);
 - (b) development contributes to a safe and efficient transport network;
 - (c) development supports the existing and future role and function of the transport network;
 - (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

8.2.15.3 Criteria for assessment

Part A – Criteria assessable development

Table 8.2.15.3.a – Transport network overlay code – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
Road hierarchy	
<p>PO1 Development supports the road hierarchy for the region.</p> <p>Note – A Traffic impact assessment report prepared in accordance with Planning scheme policy - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</p>	<p>AO1.1 Development is compatible with the intended role and function of the existing and future transport network as identified on the Transport network overlay maps contained in Schedule 2.</p> <p>AO1.2 Development does not compromise the safety and efficiency of the transport network.</p> <p>AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.</p>
Transport infrastructure provision	
<p>PO2 Transport infrastructure is provided in an integrated and timely manner.</p> <p>Note – A Traffic impact assessment report prepared in accordance with Planning scheme policy - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</p>	<p>AO2.1 Development provides infrastructure (including improvements to existing infrastructure) in accordance with:</p> <ol style="list-style-type: none"> (a) the Transport network overlay maps contained in Schedule 2; (b) a Local Plan. <p>Note – The TransLink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</p>

Performance outcomes	Acceptable outcomes
Major transport corridors	
<p>PO3 Development involving sensitive land uses within a major transport corridor buffer area identified in the Transport network overlay maps contained in Schedule 2; is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.</p>	<p>AO3.1 No acceptable outcomes are provided.</p> <p>Note - Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</p> <p>Note - Department of Transport and Main Roads Policy Position Statement: Development on Land Affected by Environmental Emissions from Transport and Transport Infrastructure (Environmental Emissions Policy), Version 2.0 dated 10 May 2013 provides requirements for non-residential building design in a designated transport noise corridor.</p>
<p>PO4 Development does not compromise intended role and function or safety and efficiency of major transport corridors.</p> <p>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</p>	<p>AO4.1 Development is compatible with the role and function (including the future role and function) of major transport corridors.</p> <p>AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p> <p>AO4.3 Intersection and access points associated with major transport corridors are located in accordance with: (a) the Transport network overlay maps contained in Schedule 2; and (b) a Local Plan.</p> <p>Note – Access points to State Controlled roads may require approval under the Transport Infrastructure Act 1994.</p> <p>AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.</p>
<p>PO5 Development retains and enhances existing vegetation between the development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.</p>	<p>AO5.1 No acceptable outcomes are provided.</p>
Pedestrian and cycle movement network	
<p>PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.</p>	<p>AO6.1 Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle movement network is incorporated in the design of the lot layout.</p> <p>AO6.2 The element of the pedestrian and cycle movement</p>

Performance outcomes	Acceptable outcomes
	network is constructed in accordance with the Design Guidelines set out in the Planning scheme policy – FNQROC Regional Development Manual.