

INTRODUCTION TO CAIRNSPLAN

INTRODUCTION

CairnsPlan is the Planning Scheme for the City of Cairns. CairnsPlan establishes Council's planning intentions for the City for the next 10 – 15 years. CairnsPlan replaces The Planning Scheme for the Balance of the City of Cairns gazetted on the 29 November 1996, The Planning Scheme for Part of the City of Cairns gazetted on 31 January 1997 and part of the Mareeba Planning Scheme gazetted on the 19 June 1982 and Douglas Planning Scheme gazetted on the 6 June 1981 that apply to Cairns.

This User's Guide is one of a series of guides that have been prepared to assist in the interpretation and implementation of CairnsPlan.

RELATIONSHIP TO STATE LEGISLATION

CairnsPlan has been prepared in accordance with the *Integrated Planning Act 1997* (IPA). IPA forms the foundation of Queensland's development assessment legislation. The purpose of IPA is to seek to achieve ecological sustainability.

Underpinning IPA is the Integrated Development Assessment System (IDAS). IDAS is the structure for integrating State and Local Government assessment and approval processes for development. CairnsPlan functions as part of IDAS.

STRUCTURE OF CAIRNSPLAN

CairnsPlan is comprised of the following elements:

SECTION	DESCRIPTION
Chapter 1	Introduction
Chapter 2	Desired Environmental Outcomes
Chapter 3	Planning for Districts <ul style="list-style-type: none">▪ Assessment Tables
Chapter 4	Codes
Chapter 5	Definitions

This guide is one of a series of guides which has been prepared to assist people interpret CairnsPlan.



For further enquiries:

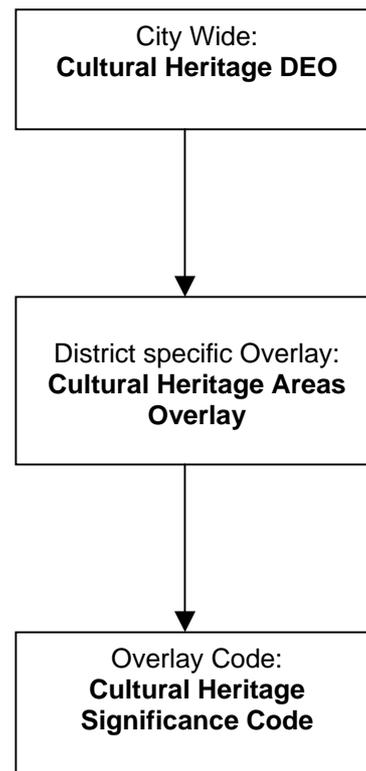
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DESIRED ENVIRONMENTAL OUTCOMES

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Desired Environmental Outcomes (DEOs) are the foundation of the CairnsPlan and identify the overall desired outcomes which are sought to be achieved by CairnsPlan. The DEOs are the link between the purpose of the *Integrated Planning Act* of seeking to achieve ecological sustainability and the measures of the CairnsPlan to advance this purpose. The DEOs apply to the whole of the city and cover a broad range of issues such as community needs, economic activity and nature conservation.

To assist in achieving the DEOs, CairnsPlan has established a series of Overlays and supporting Codes. The Overlays capture areas significant to achieving the DEOs and the associated Overlay Code prescribes how development is to occur in the area.



PLANNING FOR DISTRICTS

DISTRICTS

Planning for Districts establishes the detailed framework for land use and development within the City. All land within the City is included in one of twelve districts. Each district is the subject of a District Plan that provides detailed information on the preferred pattern of development and the Overlays that are applicable to the District. The twelve districts are:

Cairns Beaches	Inner Suburbs
Barron – Smithfield	White Rock – Edmonton
Redlynch Valley	Gordonvale – Goldsborough
Freshwater – Stratford – Aeroglen	Babinda
CBD – North Cairns	The Islands
Portsmith – Woree Industrial	Rural Lands

PLANNING AREAS

The City is comprised of 19 Planning Areas. Planning Areas identify areas of similar or compatible land use and identify the dominant land use preferred in each Planning Area. The Planning Areas are the key element in illustrating the land use strategy for the City.

ASSESSMENT TABLES

Development Assessment Tables are the tool to determine, for a specific proposal on a parcel of land, if –

- An application is needed for the proposed development; or
- The development must meet specific criteria.

Each District is provided with the following Assessment Tables:

- Initial Level of Assessment- Material Change of Use;
- Initial Level of Assessment - Other Development; and
- Conversion Table.

How to use the Assessment Tables is explained in **User's Guide 2: When is a Development Application Required & How to Determine a Level of Assessment.**

OVERLAYS

The overlays in CairnsPlan are a series of layers that identify areas or places that constrain the use of land for development due to their environmental value or their adverse effects on development e.g. cultural heritage features, wetlands, steep slopes.

The overlays applicable to a particular District are shown in the Overlay maps for that District.

CODES

Codes establish the performance requirements to be satisfied by development. The codes are one of the measures to assist in achieving the DEOs. CairnsPlan has four categories of Codes:

- **Planning Area Codes** – these Codes set out the basic requirements for development in each of the Planning Areas;
- **Overlay Codes** – these Codes set out particular requirements for the development on a premises affected by an Overlay;
- **Land Use Codes** – these Codes set out the performance requirements to be satisfied by specific land uses; and
- **General Codes** – these Codes set out the performance requirements that apply to one or more of the aspects of development as defined by the *Integrated Planning Act*, which are controlled by the CairnsPlan.

WHICH CODE/S ARE APPLICABLE?

In the Assessment Tables for each District are the tables titled 'Guide to applicability of Codes' for 'Material Change of Use' and 'Other aspects of Development'. These tables provide a guide only, to which of the Codes from the four categories of Codes are applicable for a particular development activity in the respective district. Other Codes deemed applicable to a proposed development will also be used by Council to assess the proposal.

HOW DO PERFORMANCE CRITERIA AND ACCEPTABLE MEASURES AFFECT MY DEVELOPMENT?

If you cannot meet all acceptable measures, or demonstrate compliance with the Performance Criteria to Council's satisfaction, or an approval cannot be conditioned to achieve compliance, the application must be refused.

Code assessable developments do not have to comply with every acceptable solution, indeed it is expected that an alternative solution may be proposed by the applicant.

The applicant should be able to demonstrate compliance with all relevant Performance Criteria (PC). In some cases a specific PC might be argued by the applicant to be not relevant to the subject development. Alternatively a case might be made that while proposal conflicts with a specific and relevant PC, the development will still meet the purpose of the code and should be approved.

Obviously any significant departures from the applicable codes are likely to be refused. While Council does have some discretion under IPA to approve development that conflicts with applicable codes, there must be sufficient grounds to do so having regard to the purpose of the code and relevant State Planning Policies, and the decision must not compromise the achievement of Desired Environmental Outcomes for the planning scheme area.

USING THE DEFINITIONS TO DETERMINE A LAND USE

Chapter 5 provides a comprehensive list of Land Use and Administrative definitions. The Land Use definitions have a specific meaning for the purpose of the Assessment Tables in CairnsPlan. The definitions should be used to determine a new land use for a proposed 'development. The Uses are grouped in seven categories:

Residential Uses	Business and commercial uses
Tourist and short term accommodation uses	Industry and associated uses
	Community facilities
Retail Uses	Recreation