CAIRNSPLAN 2016 – ADOPTION AND COMMENCEMENT OF PROPOSED MINOR AMENDMENT (CAIRNSPLAN 2016 AMENDMENT 3 OF 2019 - MINOR)

P Cohen | 8/20/13 | #6204608

RECOMMENDATION:

That Council:

1. Resolves to decide to amend the CairnsPlan 2016 Planning Scheme and make ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;

2. Resolves to prepare ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;

3. Resolves to adopt ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;

4. Sets 11 November 2019 as the commencement date for the ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’;

5. Resolves to adopt CairnsPlan 2016 Version 2.1 (incorporating ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’) in accordance with the requirements of the Planning Act 2016;

6. Sets 11 November 2019 as the commencement date of the CairnsPlan 2016 Version 2.1;

7. Publish a public notice in the Queensland Government Gazette, a local newspaper and on Council’s website advising of the adoption and commencement of ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ and CairnsPlan 2016 Version 2.1; and

8. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the adoption and commencement of CairnsPlan 2016 Amendment 3 of 2019 – Minor and CairnsPlan 2016 Version 2.1 in accordance with the requirements of the Planning Act 2016.
**EXECUTIVE SUMMARY:**

The CairnsPlan 2016 planning scheme provides the framework by which proposed development in the region is assessed. It is important that the CairnsPlan 2016 remain a contemporary planning scheme through regular amendments to address industry feedback, respond to emerging development trends, reflect planning decisions and rectify any workability issues as they arise.

Planning schemes should not regulate building works to the extent they are identified as Building Assessment Provisions relating to Building Works under the *Building Act 1975*. The manner in which CairnsPlan 2016 intersects with the Building Assessment Provisions is outlined in section 1.6 of CairnsPlan. It identifies the applicability of the Flood and Inundation Hazard Overlay as being the source of information relating to land liable to flooding for the purposes of assessing Building Work under the Building Act.

The Building Assessment Provisions include the Queensland Development Code MP3.5 which applies to land liable to flooding with some notable exceptions such as some extensions to dwelling houses and to Class 10 buildings (domestic non-habitable structures such as sheds, patios, carports, garages, swimming pools and the like).

Through the tables of assessment, Building Work is identified as Accepted Development with the Flood and Inundation Hazards Overlay Code as an applicable element for that assessment. Class 10 buildings fall within the dwelling house definition and therefore carry a requirement to achieve immunity to the 1% AEP level. The inconsistency between the QDC applicability and the planning scheme has created debate around the applicability of CairnsPlan to these types of buildings and whether it could, or should, be even considered against these works.

Council has received legal advice which confirms that the Planning Scheme can apply in some circumstances but this does not resolve the inconsistent outcomes of the two provisions. A minor amendment to the Flood and Inundation Hazards overlay code has been prepared to assist in obtaining consistency of outcomes across the Building Assessment Provisions.

This amendment is a short term solution to a future major amendment to CairnsPlan which reconstructs the storm tide and flood hazards mapping and code(s) which will further clarify the applicability of the Scheme to Building Works potentially impacted by flooding.

**BACKGROUND:**

The CairnsPlan 2016 was adopted by Council on 24 February 2016 and commenced on 1 March 2016. Since its commencement, Council officers have been assessing development applications against the CairnsPlan 2016.

Recent debate around the Building Assessment Provisions and the applicability of the Flood and Inundation Hazards Overlay Code to Building Work has necessitated a review of the current scheme.
Officers have identified a minor amendment to the scheme that will provide some clarity to the industry and remove the requirement for assessment of some extensions to dwelling houses and to Class 10 buildings that are currently captured by the Building Act and the responsibility of the private building certifiers.

**COMMENT:**

Minor Amendments

*Minister’s Guidelines and Rules under the Planning Act 2016 July 2017* sets out the process for making amendments to a planning scheme.

Minor Amendments are used for matters that are not considered administrative, but are still considered minor in nature where they do not result in a change to a zone or affect a land owner.

Minor Amendments do not require State interest review or public consultation.

**Building Works and Land Liable to Flooding**

The Building Act, Building Regulation, Planning Act and Planning Regulation allow Councils and private building certifiers to assess development applications for Building Works in flood hazard areas.

The Building Act and the Planning Act are both explicit in that a Planning Scheme should not regulate Building Work. In the event it does do this it would not have effect.

Council is able to make a resolution which identifies the flood hazard area for their local government area and to the extent known, the characteristics of the flood hazard (such as velocity, volume, height and the like), as well as a freeboard level above 300mm which building work should achieve. This becomes part of what is known as the Building Assessment Provisions (BAPs) which applies to Building Works development applications and approvals. It is the responsibility of the private building certification industry to assess building works against the BAPs.

The Building Act prohibits Planning Schemes from regulating Building Works in a flood hazard area. CairnsPlan, however, makes the Flood and Inundation Hazard Overlay Code apply to Building Works. The private certification industry have queried whether this is lawful?

The answer is – Yes.

The Flood and Inundation Overlay Code in CairnsPlan contains an amalgam of the flood and storm tide mapping. While the development outcomes are consistent, the application to building works is quite different as a planning scheme can regulate building works in a storm tide hazard area.
Notwithstanding the legality of the Scheme, this can cause confusion and frustration within the industry and community. It is recommended the Council embark on a major amendment to separate the mapping of the hazard areas. This approach is encouraged by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). This is considered to be a major project which requires dedicated resource and attention and will be part of Council’s major amendment package which is currently being drafted.

In the interim, it is noted that sheds, patios, garages and car ports (being non-habitable) are not required to achieve any immunity under QDC MP3.5 whereas CairnsPlan currently requires immunity to the 1% AEP level. In some cases this has resulted in the raising the ground level by up to 1 metre. These works are not required to meet this under the BAPs and it is resulting in impractical development outcomes and unnecessary assessment by Council when it should be regulated by the industry in accordance with the QDC provisions.

The proposed minor amendment to the Flood and Inundation Hazard Overlay will create consistency with the requirements of the QDC MP3.5 and the State’s model code for flooding (which was released only very late in the finalisation of the CairnsPlan).

This is considered only a minor amendment because it does not affect any one land owner, does not result in change to a hazard area, and does not result in any changes to the zones or policy position about flooding characteristics.

Any alteration of the proposed amendment to extend beyond that proposed will be considered a Qualified State Interest Amendment, or a Major Amendment.

**OPTIONS:**

**Option 1**

That Council:

1. Resolves to decide to amend the CairnsPlan 2016 Planning Scheme and make ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the *Planning Act 2016*;

2. Resolves to prepare ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the *Planning Act 2016*;

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8. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the adoption and commencement of CairnsPlan 2016 Amendment 3 of 2019 – Minor and CairnsPlan 2016 Version 2.1 in accordance with the requirements of the Planning Act 2016.

Or

Option 2

That Council not proceed with the proposed amendment to CairnsPlan 2016.

CONSIDERATIONS:

Risk Management:

The process for preparing amendments to the CairnsPlan 2016 will be undertaken in accordance with the statutory process set out in the Minister’s Guidelines to mitigate potential risks.

Council Finance and the Local Economy:

A budget allocation has been provided in the 2019/20 financial year to complete amendments to CairnsPlan 2016. Operational costs involved with this amendment are minor in nature and within budget.

Community and Cultural Heritage

The CairnsPlan 2016 identifies and seeks to protect places of local significance. This amendment delivers an improved outcome for the community by improving the assessment process for minor building works.

Natural Environment

This amendment has no specific impact on the natural environment.
Corporate and Operational Plans:

The preparation of amendments to the CairnsPlan 2016 to ensure it remains contemporary is directly aligned with the strategic goals of the Corporate Plan 2017-2022 in relation to serving the community, it contributes towards “An efficient organisation providing best practices service delivery through leadership, effective management of people, assets and finances.”

Statutory:

The amendments to CairnsPlan 2016 will be prepared in accordance with the requirements of the Planning Act 2016. The statutory process for amending a planning scheme is set out in the Minister’s Guidelines and Rules under the Planning Act 2016 July 2017.

Policy:

CairnsPlan 2016 is the major policy for development within the Cairns Region. Additionally, the Queensland Development Code MP3.5 provides clear application of the Building Assessment Provisions. The amendments seeks to reconcile the difference between the two documents.

CONSULTATION:

Significant industry and community engagement was undertaken during the preparation of the CairnsPlan 2016 over three separate rounds of consultation.

Minor Amendments do not require public consultation. Notwithstanding, this amendment is being undertaken in direct response to engagement with the local Building Certification industry.

Local officers of the Department of State Development, Manufacturing, Infrastructure and Planning were engaged to discuss the proposed Minor Amendment and feedback was provided on 15 October 2019 that confirmed the ability to adopt the proposed amendment as a Minor Amendment.

ATTACHMENTS:

Attachment 1 – Draft Amendment to Flood and Inundation Hazards Overlay Code
Attachment 2 – CairnsPlan 2016 v2.1 for adoption

Paul Cohen
Coordinator Development Services

Peter Boyd
Manager Strategic Planning and Approvals

Kelly Reaston
General Manager Planning and Environment
Attachment 1 – Draft Flood and Inundation Hazard Overlay Code

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 0(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 0(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 0(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 0(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.

Criteria for assessment

Part A – Criteria for self-assessable and assessable development

Table 0.0.a – Flood and inundation hazards overlay code – self-assessable and assessable development

<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PO1</strong></td>
<td></td>
</tr>
<tr>
<td>Development is located and designed to:</td>
<td>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;</td>
</tr>
<tr>
<td>(a) ensure the safety of all persons;</td>
<td>or</td>
</tr>
<tr>
<td>(b) minimise damages to the development and contents of buildings;</td>
<td>AO1.2</td>
</tr>
<tr>
<td>(c) provide suitable amenity;</td>
<td>Development is designed to provide immunity to the Defined Inundation Event as outlined within Table 0.0.b plus a freeboard of 300mm.</td>
</tr>
<tr>
<td>(d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</td>
<td></td>
</tr>
</tbody>
</table>

**Additional requirements for Precinct 2 – Mount Peter**

<table>
<thead>
<tr>
<th>PO2</th>
<th>AO2.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

| AO2.2 |
| Filling of land does not occur within Sub-precinct 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**
<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
</table>
| **PO3** Development in Precinct 3 – CBD and environs ensures filling is not more than the planned loss of flood storage capacity. | **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; |
| **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. |
| **Hazardous materials and chemicals** | |
| **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. | **AO4.1** Hazardous materials and chemicals are stored above the defined inundation event. |
| **AO4.2** Structures used to store hazardous materials and chemicals are designed to prevent intrusion of flood and storm tide inundation. |
| **For assessable development** | |
| **Safety of people and property** | |
| **PO5** Development minimises the exposure of people and property to unacceptable risk from flooding and storm tide inundation.  
Note – Planning Scheme Policy – Natural hazards provides guidance on preparing a Flood and inundation hazard assessment. | **AO5.1** No acceptable outcomes are provided. |
| **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. | **AO6.1** No acceptable outcomes are provided. |
| **Cumulative impacts of developments** | |
| **PO7** Development does not directly or cumulatively cause or increase adverse impacts from flood or storm tide inundation on:  
(a) properties or land; | **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. |
### Performance outcomes

<table>
<thead>
<tr>
<th>Description</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) ecological functions of waterways or other drainage paths, including</td>
<td><strong>AO7.2</strong> Works do not involve any physical alteration (including vegetation clearing) to:</td>
</tr>
<tr>
<td>water quality or their hydraulic capacity;</td>
<td>(a) a watercourse;</td>
</tr>
<tr>
<td>(c) natural coastal processes.</td>
<td>(b) drainage path;</td>
</tr>
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<td></td>
<td>(c) the coastline;</td>
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<tr>
<td></td>
<td>(d) tidal waters and land; or</td>
</tr>
<tr>
<td></td>
<td>(e) wetlands.</td>
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<tr>
<td></td>
<td><strong>AO7.3</strong> Development:</td>
</tr>
<tr>
<td></td>
<td>(a) avoid any reductions of on-site flood storage capacity and storm tide inundation, and contain within the subject site any</td>
</tr>
<tr>
<td></td>
<td>changes to depth/duration/velocity of flood or storm tide hazards up to and including the 1% AEP Event; or</td>
</tr>
<tr>
<td></td>
<td>(b) do not change the flood or storm tide characteristics at the Defined Inundation Event outside the site in ways that result</td>
</tr>
<tr>
<td></td>
<td>in: (i) loss of flood storage capacity; (ii) loss of changes to flow paths; (iii) acceleration or retardation of flows; (iv)</td>
</tr>
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<td></td>
<td>any reduction in warning times elsewhere;</td>
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<td></td>
<td>or</td>
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<tr>
<td><strong>AO7.4</strong> The development is supported by a Inundation Hazard management</td>
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<tr>
<td>plan that outlines the manner in which impacts of any changes to the flood</td>
<td></td>
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<tr>
<td>or storm tide behaviour are mitigated to maintain the safety of people and</td>
<td></td>
</tr>
<tr>
<td>property and the ecological function of the coast and tidal waters, flood</td>
<td></td>
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<tr>
<td>plains, waterways and wetlands.</td>
<td></td>
</tr>
<tr>
<td><strong>PO8</strong> Development provides an efficient drainage network which:</td>
<td><strong>AO8.1</strong> No acceptable outcomes are provided.</td>
</tr>
<tr>
<td>(a) provides capacity for stormwater discharge;</td>
<td></td>
</tr>
<tr>
<td>(b) minimises flooding from major rainfall events;</td>
<td></td>
</tr>
<tr>
<td>(c) does not result in loss of floodplain storage;</td>
<td></td>
</tr>
<tr>
<td>(d) does not result in adverse impacts upstream or downstream;</td>
<td></td>
</tr>
<tr>
<td>(e) does not result in an unacceptable increase in peak flood levels and</td>
<td></td>
</tr>
<tr>
<td>flows.</td>
<td></td>
</tr>
<tr>
<td><strong>Community infrastructure</strong></td>
<td><strong>AO9.1</strong> Any components of the development that are likely to fail to function or may result in contamination when</td>
</tr>
<tr>
<td></td>
<td>inundated (e.g. electrical switch gear and motors, water supply pipeline air valves) are:</td>
</tr>
<tr>
<td><strong>PO9</strong> Community infrastructure is designed to remain functional during</td>
<td>(a) located above the Defined inundation event; or</td>
</tr>
<tr>
<td>and immediately after flood and storm tide hazard events.</td>
<td>(b) designed and constructed to tolerate inundation.</td>
</tr>
<tr>
<td></td>
<td><strong>AO9.2</strong></td>
</tr>
<tr>
<td>Performance outcomes</td>
<td>Acceptable outcomes</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Infrastructure is designed and constructed to withstand the impacts of flood and storm tide hazard events.</td>
<td></td>
</tr>
</tbody>
</table>
| **AO9.3** Community infrastructure which is located below the Defined Inundation Event level:  
  (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

<table>
<thead>
<tr>
<th>PO10</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AO10.1</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>

#### Additional requirements for Precinct 1 – Barron River Delta

| 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.  
  **Note** – Planning Scheme Policy – Natural hazards provides guidance on preparing a Flood and inundation hazards assessment. | **AO11.1** | No acceptable outcomes are provided. |
|------|----------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------|
| **PO12** | Development in Precinct 1 – Barron River Delta protects the scenic amenity of this major inter-urban break. | **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.  
  **Note** – The Landscape values overlay code provides further guidance on meeting the outcomes of this Acceptable outcome. |
<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Additional requirements for Precinct 4 – Floodplain assessment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>PO13</strong> Development in Precinct 4 – floodplain assessment ensures siting and layout responds to the flooding potential and maintains personal safety at all times.</td>
<td><strong>AO13.1</strong> Development on land partially affected by Precinct 4 - floodplain assessment is located outside the affected part of the site; or <strong>AO13.2</strong> 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. Note – State Planning Policy – State interest guideline – Natural hazards, risk and resilience provides further guidance on Tolerable risk.</td>
</tr>
<tr>
<td><strong>PO14</strong> Development is compatible with the potential nature of the flood event defined for the site.</td>
<td><strong>AO14.1</strong> Development is located, designed, operated and managed to be compatible with the defined flood event. 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.</td>
</tr>
</tbody>
</table>
### Table 0.b — Minimum immunity (floor levels) for development in the flood and inundation risk category

<table>
<thead>
<tr>
<th>Minimum immunity to be achieved (floor levels)</th>
<th>Uses and elements of activities acceptable in the event</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No specified immunity</strong></td>
<td>● Class 10 structures</td>
</tr>
<tr>
<td></td>
<td>Note – Queensland Development Code MP3.5 is not applicable to this class of building.</td>
</tr>
<tr>
<td></td>
<td>Editor's Note – It is recommended, but not mandatory, that carports and garages attached to a Dwelling house is located at or above the 5% AEP level, where it is known and achievable, to minimise the risk of property damage in an inundation event.</td>
</tr>
<tr>
<td></td>
<td>Editor's Note – It is recommended, but not mandatory, that patios, decks and other areas (including non-habitable parts of a Class 1 building) attached to a Dwelling house are located above the 1% AEP level to avoid risk of property damage and ensure safety of people in an inundation event.</td>
</tr>
<tr>
<td></td>
<td>● Additions to a Dwelling house where the additions do not exceed 50% or more of the floor area of the existing building.</td>
</tr>
<tr>
<td></td>
<td>Note – Queensland Development Code MP3.5 applies as a Building Assessment Provision to these additions.</td>
</tr>
<tr>
<td></td>
<td>Note – This does not apply to a Dwelling house where raising or lifting is required to build underneath an elevated building (e.g. Dwelling house of posts, or creation of a two storey building). Where new habitable floor area is to be established underneath an existing Dwelling house (which is already elevated above the ground – e.g. house on posts), the habitable floor area must be located above the 1% AEP level.</td>
</tr>
<tr>
<td><strong>20% AEP level</strong></td>
<td>● Parks and open space.</td>
</tr>
<tr>
<td><strong>5% AEP level</strong></td>
<td>● Car parking facilities (including car parking associated with use of land except where for a Dwelling house).</td>
</tr>
</tbody>
</table>
| 1% AEP level | • All development (where not otherwise requiring an alternate level of minimum immunity).  

**Note** – Relocation of a Dwelling house must ensure that habitable floors are located 300mm above the 1% AEP level even where they may have been previously located below the 1% AEP level.  

**Editor's Note** – Where additions to a Dwelling house exceed 50% or more of the floor area of the existing building this constitutes a material change of use to the Dwelling house and must achieve compliance with criteria for Accepted Development. |
|---|---|
| 0.5% AEP level | • 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 | • Emergency services;  
• Hospital;  
• Major electricity infrastructure;  
• Special industry. |
Attachment 2- CairnsPlan 2016 v2.1 for adoption

To be circulated separately in accordance with the Minister’s Guidelines and Rules under the Planning Act 2016 July 2017.

The maps listed below can be viewed at:

**LGIP MAPPING**

12.01 LGIP – Catchment Map – Parks and Land for Community Purposes
12.02 LGIP - Catchment Map – Sewer
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