

## Dwelling houses in the Hillslopes overlay

### What is the purpose of the Hillslopes overlay?

The purpose of the Hillslopes overlay is to identify areas that provide a scenic backdrop for the region and ensure that development on hillslopes maintains the safety of people and property, and protects the natural environment.

### Do I need to make an application for a Development Permit?

Dwelling houses are generally accepted development subject to requirements within a residential zone and the Hillslopes overlay. Accepted development subject to requirements must comply with all requirements for accepted development.

The requirements for accepted development within the Hillslopes overlay code in Part 8 of the CairnsPlan 2016 are as follows:

- Excavation and filling does not exceed 50m<sup>3</sup> and:
  - is not more than 1.8 metres in height for each batter or retaining wall;
  - is set back a minimum of 2 metres from property boundaries;
  - is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with the requirements of Planning scheme policy - Landscaping;
  - 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.
- No vegetation damage occurs.
- Development does not occur on land with a gradient in excess of 1 in 6 (16.6%).

It is important to note that there are other applicable codes within the CairnsPlan 2016 for Dwelling houses.

Where development does not comply with the requirements for accepted development, development becomes Code assessable. Part 5 of the CairnsPlan 2016 identifies the level of assessment for a Dwelling house in each zone. Where development is

Code or Impact assessable, a development application must be lodged with Council.

### How do I make a development application for a Dwelling house?

Lodge your development application:

- In person at Council's Administration Building at 119-145 Spence Street, Cairns
- Online at <http://www.cairns.qld.gov.au/payments/da-online>
- By mail to:  
Attention: Manager, Development, Planning & Property  
Cairns Regional Council  
PO Box 359  
Cairns Qld 4870

If you need assistance with your development application, a consultant town planner can assist in preparing and lodging the development application for you.

### What is the application fee?

There is no application fee for a Dwelling house where it is accepted development subject to requirements and complies with the requirements for accepted development. If it does not comply, an application for a Development Permit will be required.

There are fees to lodge an application for a Development Permit. Refer to Council's Fees and Charges Schedule for a full list of the application fees.

### If approved, what conditions are generally applied to development within the Hillslopes overlay?

Any conditions of approval will depend on the scale, nature and location of the proposed development. However, conditions may relate to matters including, but not limited to:

- Access
- Extent of earthworks

- Extent of vegetation removal
- Exterior house colours
- Connection to services
- Infrastructure works
- Requirements for geotechnical certification

### Will I have to pay infrastructure charges for a Dwelling house?

Infrastructure charges do not apply to Dwelling houses.

### Do I need any other approvals?

In addition to any planning approvals, you will need to obtain a Building works approval for any Building works and an approval for Plumbing and drainage work. An Operational works permit may also be required for vegetation removal, excavation and filling or works on a Local government road.

### What else do I need to know?

It is important that development in the Hillslopes overlay uses external colours, materials and surface treatments that blend with the surrounding natural environment and do not detract from the scenic amenity of the Hillslopes. An Amenity and Aesthetics Impact referral agency assessment must be undertaken to determine whether development will achieve this.

Where a Dwelling house within the Hillslopes overlay is accepted development, this assessment will be undertaken by Council as the referral agency during the Building works application process. Alternatively, this referral agency assessment can be undertaken early prior to lodging an application for Building works.

Section 1.8 within Part 1 of the CairnsPlan 2016 identifies the assessment criteria by which the development will be assessed.

The Buildings works application will need to be made to a private certifier. The private certifier will either refer the application on your behalf or require you to refer the application to Council for the assessment.

The referral is a statutory process under the *Planning Regulation 2017*.

Where a Dwelling house within the Hillslopes overlay is Code or Impact assessable, this referral agency assessment will be undertaken during the Material Change of Use application process.

Check with Council to see what other requirements may apply to your proposed development.

### For more information

Phone: 1300 692 247

Visit: [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)

Email: [townplanner@cairns.qld.gov.au](mailto:townplanner@cairns.qld.gov.au)

Last updated: 22 October 2021  
#5031083 v8