





Assessment Responses for

Referral Agency Assessment (Building Work)

Planning Act 2016 & Planning Regulation 2017

Building Act 1975

About this Form

This form **must** to be completed in conjunction with the Early Request for Referral Agency Response (Building Work) Application Form or Building Certifiers Request for Referral Agency Response (Building Work) Application Form.

This form outlines the assessments required for building works where Council is a referral agency to a development application under Schedule 9, Part 3, Division 2, Table 1, Table 3 and/or Division 3, Table 7 of the Planning Regulation 2017.

Use this form if you need Council approval to build closer than permissible to the property boundary (a siting relaxation), excess height and site coverage and amenity and aesthetics.

NOTE: This application does not attract statutory timeframes for advice to be provided. Response timeframes vary

	Property Details				
	Street Address				
	Suburb	State	Postcode		
	Lot on Plan Description				
	CairnsPlan 2016 Zone				
сц	What CairnsPlan Zone is the property located in? Note: You can use the CairnsPlan 2016 property report tool to find the zone.				
uo	Low density residential	Low medium density residential	Rural residential		
Section	Environmental management	Conservation	Rural		
Se	Emerging community	Other (please specify)			
	Applicable Codes (attach more in	formation if required)			
Applicable Codes(attach more information if required)Which part of the Queensland Development Code (QDC) and/or CairnsPlan 2016 are applicable to the proposal?					
	Note: You may need to tick more than o				
Section 2	QDC MP1.1: Design and siting standard for single detached housing - on lots under 450m ² – complete Section 5. QDC MP1.2: Design and siting standard for single detached housing - on lots 450m ² and over – complete Section 6. CairnsPlan 2016 version 3 – section 1.6 – Building work regulated under the planning scheme – complete Section 8. CairnsPlan 2016 version 3 – section 1.8 -Local Govt Administrative Matters for Amenity and Aesthetic Impacts complete Section 9.				
Please complete the appropriate sections below.					
	Things to consider when applying	3			
	For road setbacks:				
	• Are there any infrastructure services along the frontage of the property? (e.g. stormwater inlet pits, power poles, Telstra pits, water meter) – Are they shown on the site plan?				
	 The size of encroachment, roof type, open structure, colours, materials and of those in the street; 				
	• Are there similar setbacks in the street, distance to neighbouring habitable rooms, etc?				
3	• Does it interfere with the outlook and views of neighbouring residents?				
Section 3	Will it cause nuisance or impact on public safety?				
ect	For side and/or rear boundary setbacks:	or other Council infrastructure traversing	the property? Are they shown on the site		
S	 Are there any easements, sewers plan? 	or other council infrastructure traversing	the property? Are they shown on the site		
		dequate daylight and ventilation to habit	able rooms on your property and on any		
	neighbouring properties?	. , c	, , , , , , , ,		
• Is there adequate distance to habitable rooms, the structure is open/semi open, position on t not overshadow, etc?)		open, position on the lot for breeze, does			



Section 3	 For side and/or rear boundary setbacks (continued) Will the proposed structure impact on the amenity and privacy of residents on neighbouring properties? What is the location in relation to views from adjoining lots, location in relation to private outdoor spaces/habitable rooms on adjoining buildings/structures? For height dispensations Is the request because of the slope of terrain of the land? Will the proposed development overshadow any adjoining house/s? Will the structure obstruct the outlook from adjoining properties?
	Queensland Development Code
Section 4	This form does not include the particulars of Queensland Development Code Acceptable Solutions. Please refer to either MP1.1 , (for lots under 450m ²) or MP1.2 , (for lots 450m ² and over) of <u>Queensland Development Code</u> . Indicate the non-compliance with the Queensland Development Code's Acceptable Solutions and describe how the proposal complies with the relevant Performance Solutions.
Š	Note: You may need to address more than one solution if multiple apply CairnsPlan 2016 has alternate provisions for site coverage, height and alternate provisions for boundary setbacks in certain zones. Please see CairnsPlan property report tool to find your zoning.
ion 5	 MP1.1 – Design and siting standard for single detached housing on lots under 450m² A1 Minimum road setbacks for buildings or structures. e.g. The proposed dwelling house is to be set back 2.9 metres from the Smith Street frontage. Describe how the proposed development does not meet A1 of the Queensland Development Code. e.g. The proposed dwelling house is to be set back 2.9 metres from the Smith Street frontage Describe how the proposal facilitates an acceptable streetscape. i.e. The location of a building or structure facilitates an acceptable streetscape, appropriate for – (a) For a detached dwelling the minimum road setback is: (b) the road boundary setbacks of neighbouring buildings or structure; and (c) the outlook and views of neighbouring residents; and (d) nuisance and safety to the public.
Section	 A2 Minimum side and/or rear boundary clearance for buildings or structures. Describe the how the proposed development does not meet A2 of the Queensland Development Code. e.g. The proposed dwelling house is to be set back 1.2 metres from the eastern side boundary. Describe how the proposal provides adequate light and ventilation to habitable rooms on both the lot and neighbouring lots and does not adversely impact on the amenity and privacy of residents on adjoining lots. i.e. Buildings and structures – (a) provide adequate daylight and ventilation to habitable rooms; and (b) allow adequate light and ventilation to habitable rooms of buildings on adjoining lots. (c) do not adversely impact on the amenity and privacy of residents on adjoining lots.

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A5 Minimum separation for windows or balcony from the side and/or rear boundary. Describe how the proposed development does not meet A5 of the Queensland Development Code. *e.g. The proposed window on the northern side of the building is to be set back 1.2 metres from the eastern side boundary.*

Describe how the proposal provides adequate visual privacy for neighbours. *i.e.* Buildings are sited and designed to provide adequate visual privacy for neighbours.

A6 Minimum wall set back from side and/or rear boundary. Describe how the proposed development does not meet A6 of the Queensland Development Code. *e.g. The proposed shed be set back 600mm from the eastern side boundary.*

Describe how the proposal's location facilitates normal building maintenance *i.e.* The location of a building or structure facilitates normal building maintenance

A7 Structures located within the corner truncation for road frontages Describe how the proposed development does not meet A7 of the Queensland Development Code. *e.g. The proposed gatehouse be set back 600mm from the corner of Smith and Jones streets frontages.*

Describe how the proposal's location provides for adequate sight lines *i.e.* The size and location of structures on corner sites provide for adequate sight lines.

A8 Sufficient space for on-site carparking. Describe how the proposed development does not meet A8 of the Queensland Development Code. *e.g. The proposed dwelling house will have one carparking space.*

Describe how the proposal's on-site parking meets the needs of the residents.

i.e. Sufficient space for on-site carparking to satisfy the projected needs of residents and visitors, appropriate for -

(a) the availability of public transport; and

(b) the availability of onstreet parking; and

(c) the desirability of onstreet parking in respect to the streetscape; and

(d) the residents likelihood to have or need a vehicle.



A9 Sufficient outdoor living space. Describe how the proposed development does not meet A9 of the Queensland Development Code. *e.g. The proposed dwelling house will have an outdoor living space of 15m²*.

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Describe how the proposal's outdoor living space is sufficient.

i.e. A detached dwelling has its own individual outdoor living space which –

(a) has suitable size and slope is to allow residents to extend their living activities outdoors; and

(b) is available for the sole use of the residents of individual dwellings; and

(c) is adequately separated from each other to provide visual privacy

MP1.2 – Design and siting standard for single detached housing on lots 450m² and over

A1 Minimum road setbacks for buildings or structures. Describe how the proposal does not meet A1 of the Queensland Development Code. *e.g. The proposed dwelling house is to be set back 4.5 metres from the Smith Street frontage.*

Describe how the proposal facilitates an acceptable streetscape.

i.e. The location of a building or structure facilitates an acceptable streetscape, appropriate for -

(a) the bulk of the building or structure; and

(b) the road boundary setbacks of neighbouring buildings or structures; and

(c) the outlook and views of neighbouring residents; and

(d) nuisance and safety to the public.

Section 6

Section 5 (continued)

A2 Minimum side and/or rear boundary clearance for buildings or structures. Describe how the proposal does not meet A2 of the Queensland Development Code.

eg. The proposed dwelling house is to be set back 1.2 metres from the eastern side boundary.

Describe how the proposal provides adequate light and ventilation to habitable rooms on both the lot and neighbouring lots and does not adversely impact on the amenity and privacy of residents on adjoining lots. *i.e.* Buildings and structures –

(a) provide adequate daylight and ventilation to habitable rooms; and

(b) allow adequate light and ventilation to habitable rooms of buildings on adjoining lots.

(c) do not adversely impact on the amenity and privacy of residents on adjoining lots.



A5 Minimum separation for windows or balcony from the side and/or rear boundary. Describe how the proposal does not meet A5 of the Queensland Development Code. *e.g. The proposed window on the northern side of the building is to be set back 1.2 metres from the eastern side boundary.*

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Describe how the proposal provides adequate visual privacy for neighbours *e.g. Buildings are sited and designed to provide adequate visual privacy for neighbours.*

A6 Minimum wall set back from side and/or rear boundary. Describe how the proposal does not meet A6 of the Queensland Development Code. Describe the encroachment/eg. The proposed shed be set back 600mm from the eastern side boundary.

Describe how the proposal's location facilitates normal building maintenance. *i.e.* The location of a building or structure facilitates normal building maintenance.

A7 Structures located within the corner truncation for road frontages Describe how the proposal does not meet A7 of the Queensland Development Code. *e.g. The proposed gatehouse be set back 600mm from the corner of Smith and Jones streets frontages.*

Describe how the proposal's location provides for adequate sight lines *i.e.* Describe the size and location of structures on corner sites provide for adequate sight lines.

A8 Sufficient on-site carparking. Describe how the proposal does not meet A8 of the Queensland Development Code. *e.g. The proposed development has one on-site carpark.*

Describe how the proposal's location provides for adequate on-site car parking.

i.e. Sufficient space for on-site carparking to satisfy the projected needs of residents and visitors, appropriate for –

(a) the availability of public transport; and

(b) the availability of on-street parking; and

(c) the desirability of onstreet parking in respect to the streetscape; and

(d) the residents likelihood to have or need a vehicle.



A9 Sufficient on-site carparking. Describe how the proposal does not meet A8 of the Queensland Development Code. *e.g. The proposed development has one on-site carpark.*

Describe how the proposal's location provides for adequate on-site car parking. *i.e.* Sufficient space for on-site carparking to satisfy the projected needs of residents and visitors, appropriate for – (a) the availability of public transport; and (b) the availability of on-street parking; and (c) the desirability of onstreet parking in respect to the streetscape; and (d) the residents likelihood to have or need a vehicle.

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Cairns Plan 2016

The *Building Act 1975* permits planning schemes to regulate, for the Building Code of Australia (BCA) or the Queensland Development Code (QDC), matters prescribed under a regulation under the Building Act 1975 (section 32).

Schedule 9, Division 2, Table 1 of the *Planning Regulation 2017* it is declared that building work for a building or structure which is a single detached class 1a or a class 10 building or structure within the Hillslopes overlay may trigger a referral. Where building work is triggered it is assessed against the criteria within Table 1.8.a.

When describing the encroachment, please include all the applicable measurements.

Eg. The proposed dwelling is set back 5m from the Smith Street road frontage, with a height of 3.5 metres from natural ground level, and for a length of 10m.

Section 1.6 of CairnsPlan 2016	
1 Alternative provisions to QDC boundary cleara Management, Rural Residential or Rural Zones	nce for Conservation, Emerging Community, Environmental
For Conservation zone:	
Quantifiable standard	Qualitative standard
 Where within the Conservation zone, buildings are set back not less than: (a) 40 metres from the frontage to a state controlled road; (b) 20 metres from the frontage to any other road; (c) 10 metres from the side and rear boundaries 	Within the Conservation zone, buildings are set back from the boundaries of the site to maintain the character and amenity of the area
Describe the encroachment.	Describe how the proposal meets the qualitative standard.

Section 8

Section 7

<i>,</i> ,	For Emerging Community zone	
	Quantifiable standard	Qualitative standard
	 Where within the Emerging community zone, buildings are set back not less than: (a) 40 metres from the frontage to a State controlled road; (b) 10 metres from the frontage to a Major rural road; (c) 6 metres from the frontage of any other road; (d) 6 metres from the side and rear boundaries of the site 	Where within the Emerging community zone, buildings are set back to: (a) maintain the rural character and amenity of the area; (b) achieve separation from neighbouring development and road frontages.
	Describe the encroachment.	Describe how the proposal meets the qualitative standard.



	For Environmental management zone	
	Quantifiable standard	Qualitative standard
	 Where within the Environmental management zone other than Environmental management precinct 2 – Russell Heads, buildings are set back not less than 6 metres from all boundaries Where within the Environmental management precinct 2 – Russell Heads, buildings are set back not less than: a) 1.5 metres from side and rear boundaries; and (b) 3 metres from river and road frontage boundaries 	Within the Environmental management zone, buildings are set back to: (a) maintain the character and amenity of the areas; (b) achieve separation from neighbouring buildings and from road frontages.
	Describe the encroachment.	Describe how the proposal meets the qualitative standard.
	For Rural Residential zone	
ed)	Quantifiable standard	Qualitative standard
Section 8 (Continued)	Where within the Rural residential zone, buildings are set back not less than: (a) 10 metres from the frontage to a State controlled road, Major rural road or Subarterial road; (b) 6 metres from the frontage to any other road; (c) 3 metres from the side and rear boundaries of the site.	Where within the Rural residential zone, the setback of buildings: (a) maintains the amenity of adjoining premises and the rural residential character of the area and zone the site is located in; (b) achieves separation from neighbouring buildings and frontages.
Sectio	Describe the encroachment.	Describe how the proposal meets the qualitative standard.
	For Rural zone	
	Quantifiable standard	Qualitative standard
	Where within the Rural zone, buildings are set back not less than: (a) 40 metres from the frontage to a State controlled road; (b) 10 metres from the frontage to a Major rural road; (c) 6 metres from the frontage of any other road; (d) 6 metres from the side and rear boundaries of the site.	Where within the Rural zone, buildings are set back to: (a) maintain the rural character of the area; (b) achieve appropriate separation from agricultural activities occurring on adjoining premises; (c) achieve separation from neighbouring buildings and from road frontages.
	Describe the encroachment.	Describe how the proposal meets the qualitative standard.

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	Alternative provisions to QDC boundary clearan land.	ce where an approved Building Envelope Plan applies to the
	Quantifiable standard	Qualitative standard
	Where development is located on a lot that has a Building Envelope Plan that has been approved by Council as a condition of a development approval, development is setback in accordance with the Building Envelope Plan.	The setback of buildings and structures: (a) maintains the amenity of adjoining premises and the residential character of the area and zone the site is located in; (b) achieves appropriate separation from neighbouring buildings and property boundaries; (c) is consistent with the established streetscape within the area; (d) ensures that parking can be facilitated on the site without extending into the road reserve.
	Describe the encroachment.	Describe how the proposal meets the qualitative standard.
	—	or a building other than a garage or carport from a secondary ntrolled road, sub-arterial or major collector road, is parallel
	Quantifiable standard	Qualitative standard
Section 8 (Continued)	Buildings and structures (excluding garages, carports or open carports) are set back from a secondary street frontage by not less than 1.5 metres where the secondary street frontage is parallel or generally parallel to the primary street frontage and is for a State Controlled road, Sub-arterial road or a Major collector road where no vehicular access is permitted under a condition of a relevant development approval. Describe the encroachment.	The setback of buildings and structures: (a) maintains the amenity of adjoining premises and the residential character of the area and zone the site is located in; (b) achieves appropriate separation from neighbouring buildings and property boundaries; (c) is consistent with the established streetscape within the area; (d) ensures that parking can be facilitated on the site without extending into the road reserve. Describe how the proposal meets the qualitative standard.
	 Alternative provisions to QDC for road setback for road frontage where the secondary frontage for 	or a building other than a garage or carport from a secondary
	Quantifiable standard	Qualitative standard
	Buildings and structures (excluding garages, carports or open carports) are set back from a secondary street frontage by not less than 3 metres from a secondary street frontage boundary where the secondary street frontage forms a corner with the primary street frontage.	The setback of buildings and structures: (a) maintains the amenity of adjoining premises and the residential character of the area and zone the site is located in; (b) achieves appropriate separation from neighbouring buildings and property boundaries; (c) is consistent with the established streetscape within the area; (d) ensures that parking can be facilitated on the site without extending into the road reserve.
	Describe the encroachment.	Describe how the proposal meets the qualitative standard.

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5 Alternative provisions to QDC for boundary clearance for a structure that is a retaining wall, where the wall roses above the finished level of the road and is located within the low density residential, low-medium residential, medium density residential, rural residential or tourist accommodation zone.

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	Quantifiable standard	Qualitative standard
	No nominated setback where the structure: (a) is not more than 1.8 metres in height in any single rise; (b) is one of a maximum of two retaining walls on the same slope; and (c) Incorporates a minimum 1 metre wide landscaped berm between any retaining walls. In all other circumstances, the structure is set back a minimum of 6 metres	Retaining walls: (a) do not have an adverse impact on the amenity, privacy or function of the site or adjoining premises; (b) do not result in loss of access to sunlight; (c) are not visually intrusive or overbearing where viewed from surrounding areas and adjoining premises; (d) incorporate landscaping to visually soften built form elements; (e) avoid excessive changes to the natural landform, including vegetation, as a result of the location, position on site, scale, design, extent and alignment; (f) avoids adverse impacts on landscape values; (g) where within a Hillslopes area identified on the Hillslopes overlay maps contained in Schedule 2, avoids adverse impacts on landscape values to the scenic amenity quality of the hillslopes areas.
1	Describe the encroachment.	Describe how the proposal meets the qualitative standard.

6 Alternative provisions to QDC for boundary clearance for road setback for a structure that is a combined retaining wall and fence and is located within the low density residential, low-medium residential, medium density residential, rural residential or tourist accommodation zone.

Quantifiable standard	Qualitative standard
No nominated setback where the structure has a maximum combined height of 2.8 metres and the: (a) fence is located within 1 metre of the top of the retaining wall; (b) fence is a minimum of 50% visually permeable; (c) maximum height of the fence component is 2 metres; (d) maximum height of the retaining wall is 1.8 metre. In all other circumstances, the structure is set back a minimum of 6 metres.	Retaining walls: (a) do not have an adverse impact on the amenity, privacy or function of the site or adjoining premises; (b) do not result in loss of access to sunlight; (c) are not visually intrusive or overbearing where viewed from surrounding areas and adjoining premises; (d) incorporate landscaping to visually soften built form elements; (e) avoid excessive changes to the natural landform, including vegetation, as a result of the location, position on site, scale, design, extent and alignment; (f) avoids adverse impacts on landscape values; (g) where within a Hillslopes area identified on the Hillslopes overlay maps contained in Schedule 2, avoids adverse impacts on landscape values to the scenic amenity quality of the hillslopes areas.
Describe the encroachment.	Describe how the proposal meets the qualitative standard.

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7 Alternative provisions to QDC for boundary clearance for side and/or rear boundaries for a structure that is a combined retaining wall and fence and is located within the low density residential, low-medium residential, medium density residential, rural residential or tourist accommodation zone.

Quantifiable standard Qualitative standard No nominated setback where the structure has a maximum Retaining walls: (a) do not have an adverse impact on the combined height of 2.8 metres and the: (a) fence is located amenity, privacy or function of the site or adjoining within 1 metre of the top of the retaining wall; (b) maximum height of the fence component is 2 metres; (c) maximum height of the retaining wall is 1.8 metres. In all other circumstances the structure is set back a minimum of 1.5 metres.

premises; (b) do not result in loss of access to sunlight; (c) are not visually intrusive or overbearing where viewed from surrounding areas and adjoining premises; (d) incorporate landscaping to visually soften built form elements; (e) avoid excessive changes to the natural landform, including vegetation, as a result of the location, position on site, scale, design, extent and alignment; (f) avoids adverse impacts on landscape values; (g) where within a Hillslopes area identified on the Hillslopes overlay maps contained in Schedule 2, avoids adverse impacts on landscape values to the scenic amenity quality of the hillslopes areas.

Describe how the proposal meets the qualitative standard.

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Describe the encroachment.

Section 8 (Continued)

8 Alternative provisions to QDC for site cover for all buildings and structures, when located within the low density residential, low-medium residential, medium density residential, mixed use zone - precinct 3, rural residential, township or tourist accommodation zone.

For where in the low density residential, low medium density residential, medium density residential, mixed use - precinct 3 residential, or tourist accommodation zone

Quantifiable standard	Qualitative standard
Site cover is not more than 50%.	Where within the: (a) Low density residential zone; or (b) Low-medium density residential zone; or (c) Medium density residential zone; or (d) Mixed use zone precinct 3 – Residential; or (e) Tourist accommodation zone; The site coverage of all buildings and structures is in keeping with the character and amenity of the area and zone site is located in.
Describe the encroachment.	Describe how the proposal meets the qualitative standard.

For where in the rural residential zone	
Quantifiable standard	Qualitative standard
Where within the Rural residential zone, site cover is not more than 20%.	Where within the Rural residential zone, the site coverage of all buildings and structures is in keeping with the character and amenity of the area and zone site is located in.
Describe the encroachment.	Describe how the proposal meets the qualitative standard.



For where in the township zone	
Quantifiable standard	Qualitative standard
Where within the Township zone, the site cover is not more than 60%.	Where within the Township zone, the site coverage of all buildings: (a) does not result in a building for that is bulky or visually obtrusive to the streetscape; (b) respects the individual character of the township.
Describe the encroachment.	Describe how the proposal meets the qualitative standard.

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9 Alternative provisions to QDC for building height for a dwelling or associated.	
Quantifiable standard	Qualitative standard
Where located within the nominated setback to a road frontage, buildings are not more than 4.5 metres in height. Where not located within the nominated setback to a road frontage, buildings and structures are not more than 8.5 metres and 2 storeys in height. Note – Height is inclusive of the roof height.	The height of all buildings and structures is in keeping with the amenity of adjoining premises and the character of the area and zone the site is located in.
Describe the encroachment.	Describe how the proposal meets the qualitative standard.

10 Alternative provisions to QDC for on-site car p same lot as a dwelling house.	parking where a secondary dwelling is also proposed on the
Quantifiable standard	Qualitative standard
The secondary dwelling is provided with one off-street car parking space in addition to the two off-street car parking spaces for the primary dwelling house.	Secondary dwellings: (a) are subordinate, small-scaled dwellings; (b) contribute to a safe and pleasant living environment; (c) do not cause adverse impacts on adjoining properties.
Describe the non-compliance.	Describe how the proposal meets the qualitative standard.



Section 1.8 of CairnsPlan

Building work (excluding the construction of an in-ground pool) within the Hillslopes overlay.	
Quantifiable standard Building work (excluding the construction of an in-ground pool): (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.	Qualitative standard The landscape character and scenic amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region
Describe the non-compliance.	Describe how the proposal meets the qualitative standard.
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.	The landscape character and scenic amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region
Describe the non-compliance.	Describe how the proposal meets the qualitative standard.

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Further information

Early Request for Regency Response (Building Work) outlines the required attachments for the application.

Section 10

Section 9

Privacy and Collection Statement

Cairns Regional Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the *Information Privacy Act 2009*. We are collecting your personal information in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*. The information will be used to process this application for a referral agency response, update our records, and undertake compliance related activities as necessary. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.