

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