

(00008)

DEVELOPMENT CONTROL PLAN 2

HEIGHT AND IMPACT OF BUILDINGS

This Development Control Plan applies to the area shown on the Development Control Plan map marked Development Control Plan 2 Height and Impact of Buildings and to any other areas included by way of amendment. This Plan should be read in conjunction with the Planning Scheme for part of the City of Cairns and is supplementary to that Scheme.

Nothing in this Development Control Plan should be construed to confer any rights to use land for any purpose. Such rights remain vested in the provisions of the Zoning Maps and the Planning Scheme Provisions for part of the City of Cairns.

The Development Control Plan includes the map described as Development Control Plan 2 Height and Impact of Buildings and is divided into the following :

1. ***Aim***
2. Definitions
3. Objectives
4. Implementation

PLANNING STUDY

The Planning Study provides supporting information which is contained in that document marked Development Control Plan 2 - Planning Study, copies of the Study signed for identification by the Clerk of the Executive Council are held at the *office* of the Director of Housing, Local Government and Planning and at the office of the Cairns City Council. The Planning Study can be found in Part B of the Planning Scheme.

December 1996

DEVELOPMENT CONTROL PLAN 2

HEIGHT & IMPACT OF BUILDINGS

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1. AIM

It is the broad aim of this Development Control Plan to provide measures of control concerning the height and impact of all buildings. Control measures apply to all areas shown on the Map and the Development Control Plan provides varying controls which encourage appropriate and desirable forms of development for identified precincts throughout this area.

2. DEFINITIONS

For the purposes of this Development Control Plan the following definitions apply:-

Community Facility

Community Facilities are facilities which Council in its absolute discretion determines will enhance the social structure of the City; have broad applicability to the various socioeconomic groups in the region; and will be of lasting benefit to the wider community.

Deep Planting

Deep Planting is the planting of large shrubs and trees within natural ground.

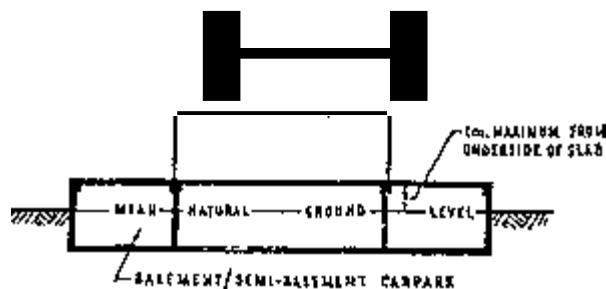
Dense Planting

Dense Planting is the massed planting of shrubs and trees to provide privacy, screening and a landscaped buffer.

Gross Floor Area

The sum of the areas (inclusive of all walls, columns, balconies, stairwells, toilets and other ancillary and service facilities, whether roofed or not) of all storeys of a building or buildings, excluding:-

- (a) the areas (inclusive of all walls and columns) at any topmost storey of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- (b) the area of any unenclosed private balcony whether roofed or not and accessible only from one (1) accommodation unit up to a maximum of twenty (20) per centum of the gross floor area of the floor upon which the subject balcony is situated;
- (c) the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the natural ground level at any location measured from the underside of the slab, which forms the roof to the basement/semi-basement carpark area, to mean natural ground level. Should the ground level of a site be or be proposed to be substantially changed from its natural state, then the City Planner may stipulate the level which shall be regarded as the natural ground level for this calculation having regard to the general level of the surrounding land and roadways.

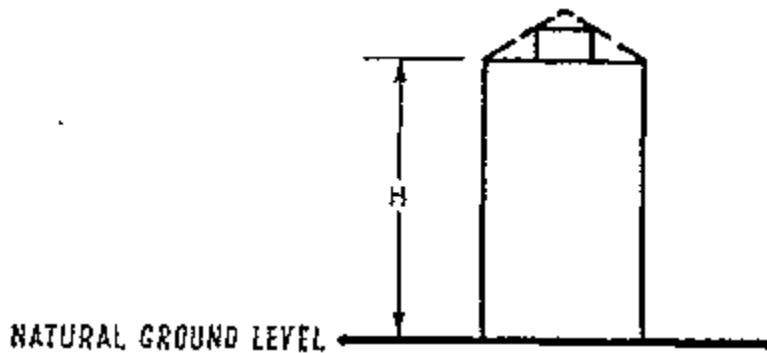


- (d) ground level parking and parking areas within the envelope of the building and associated vehicular access areas; multi-level parking areas outside the building envelope shall not be excluded.

Height

The distance in metres measured from the mean natural ground level to the underside of the ceiling of the topmost level.

- (i) The Council at its discretion may exclude features it considers ancillary to the function of the building from the calculation of height, however the Council, whilst encouraging varied and interesting roof design and concealed lift towers, does not favour excessively tall parapets or roof features such as spires, domes, flag poles and the like.
- (ii) (a) For buildings with a height of 15 metres or more, features ancillary to the function of a building shall not exceed 5 metres in height unless otherwise approved by Council.
- (b) For buildings with a height less than 15 metres, features ancillary to the function of the building shall not exceed 3.5 metres in height.



Identified Historical Building

A building nominated by the Council by resolution which is considered to represent the history or architectural history of the City and which *in* the opinion of Council warrants retention or a building entered in the Heritage Register pursuant to the provisions of the Queensland Heritage Act.

Landscaping

Landscaping is the treatment of the areas surrounding a building for the purpose of enhancing and/or protecting the amenity of the site containing the building as well as the amenity of adjoining properties and the streetscape.

Landscaping includes any combination of the following:-

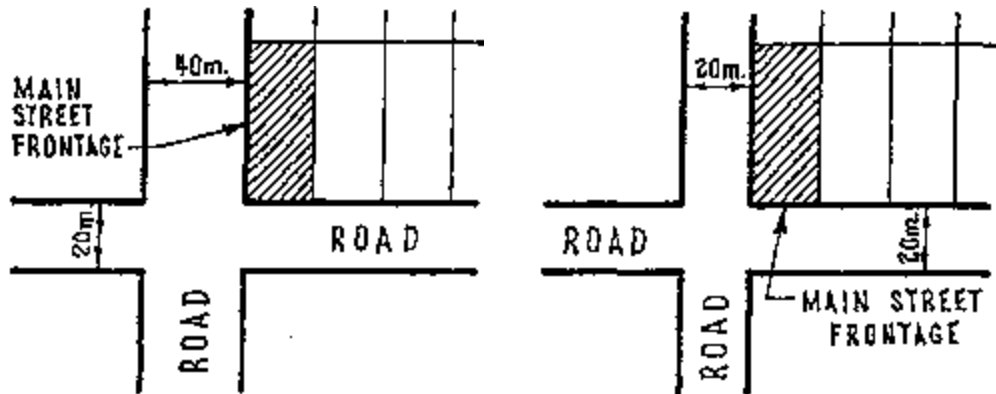
- a) planting of trees, hedges, shrubs and lawn;
- b) laying out of gardens;
- c) paving of pathways or courtyards;
- d) water features.

Main Street Frontage

The Main Street Frontage is the frontage to the widest road, or where both roads are the same width, the road frontage of the least length.

However, in the case where the site is irregular in shape, the *frontage* of the narrower leg of the site shall be deemed not to be the Main Street Frontage unless otherwise approved by Council.

In the situation of a site with frontage to the Esplanade, the Esplanade shall be deemed to be the Main Street Frontage.



Minimum Allotment Area

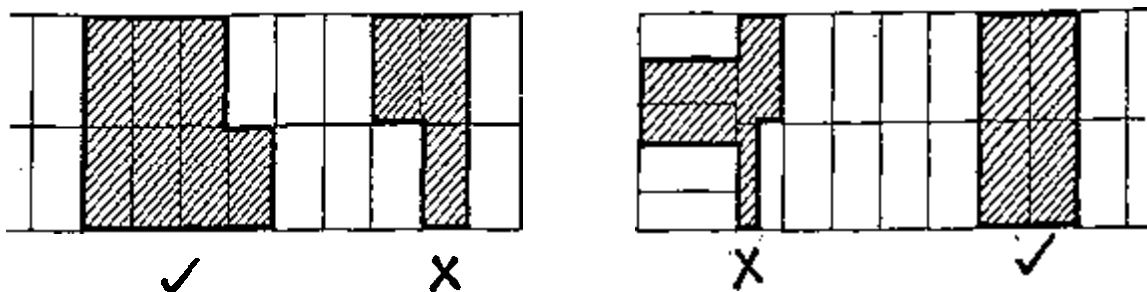
The smallest site area upon which a tall building may be permitted.

Plot Ratio

Plot Ratio means the ratio between the gross floor area of a building and the area of the site upon which the building is located.

Regularly Shaped Allotment

Regularly Shaped Allotment means an allotment which is principally square or rectangular in configuration and which may be comprised of one or more parcels of land the subject of a development application.



Site Coverage

The largest area of a site occupied by a building/s at any level projected on to a horizontal plane and expressed as a percentage of total site area.

In the calculation of site coverage, the area occupied by the building/s shall be calculated by measuring along the external perimeter of the building/ including all passageways, staircases and the like. Unenclosed private verandahs, balconies or patios accessible only from one accommodation units, hotel room, motel room or the like shall be excluded from the calculation provided the depth of the verandah, balcony or patio measured from its back wall exceeds 1.25 metres but does not exceed 2.75 metres.

In all zones, the site coverage shall include all ancillary buildings (eg, restaurants, foyers, reception areas) except where, in the opinion of the Council, such ancillary buildings are considered to be outbuildings (garages, carports, pergolas and the like).

For developments where several buildings of different storeys *are* proposed to be erected on the one site, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest building.

Social Services

Social Services are services which Council in its absolute discretion determines : will improve the social infrastructure of the City; have broad applicability to the various socio-economic groups in the region; and will be of lasting benefit to the wider community.

Storey

Storey means that space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above. A level used partly or solely for car parking is included as a storey, other than basement or semi-basement carparking which is excluded.

Tall Building

A Tall Building is defined as any building or structure having a height in excess of eleven (11) metres.

The Esplanade

For the purposes of *this* Development Control Plan, the Esplanade means the road immediately fronting Trinity Bay and its adjoining parkland from the intersection with Spence Street to the intersection with Lily Street, including that length of Abbott Street from the intersection of Kerwin Street to the intersection of Upward Street.

3. OBJECTIVES

- To retain the existing low rise character of the residential suburbs of Cairns.
- To contain the development of tall buildings within the areas most suitable for this form of development.
- To encourage the highest intensity of development within the core area of the Central Business District.
- To provide a transition of building forms and activity from the Central Business District and other commercial nodes to the suburbs.
- To maintain and enhance the tropical landscape of Cairns.
- To protect and enhance the image of the Central Business District,
- To encourage the retention of historical buildings.
- To encourage complementary architectural styles in appropriate areas and the development of a vernacular architecture.
- To provide for the establishment of clearly recognisable district commercial nodes.

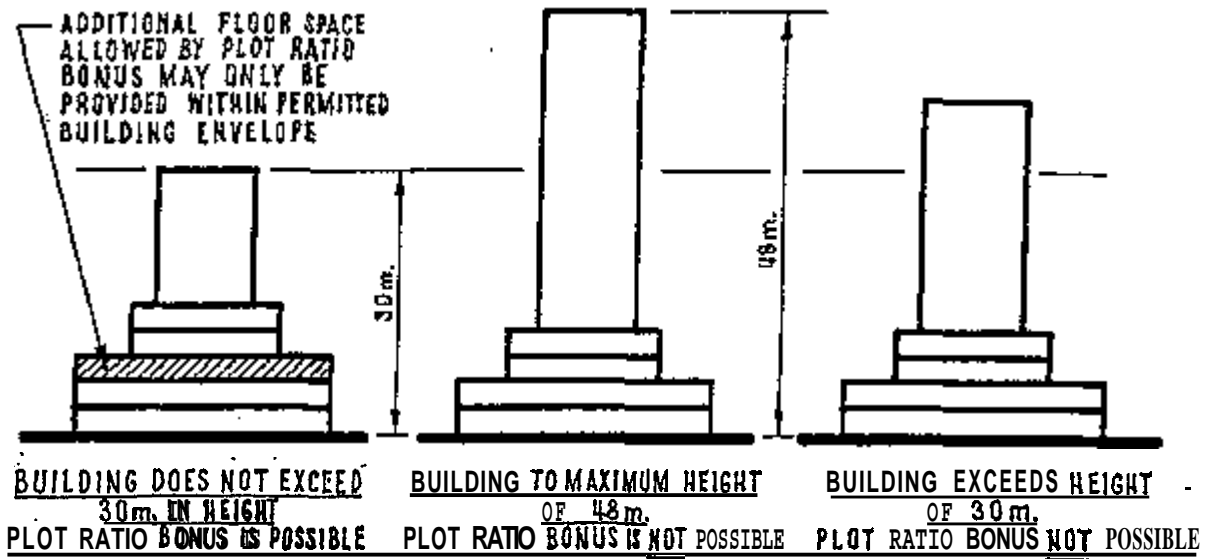
4. IMPLEMENTATION

For the purposes of this Development Control Plan, the plan area has been categorised into eight specific precincts, the boundaries of which are displayed on the Development Control Plan map.

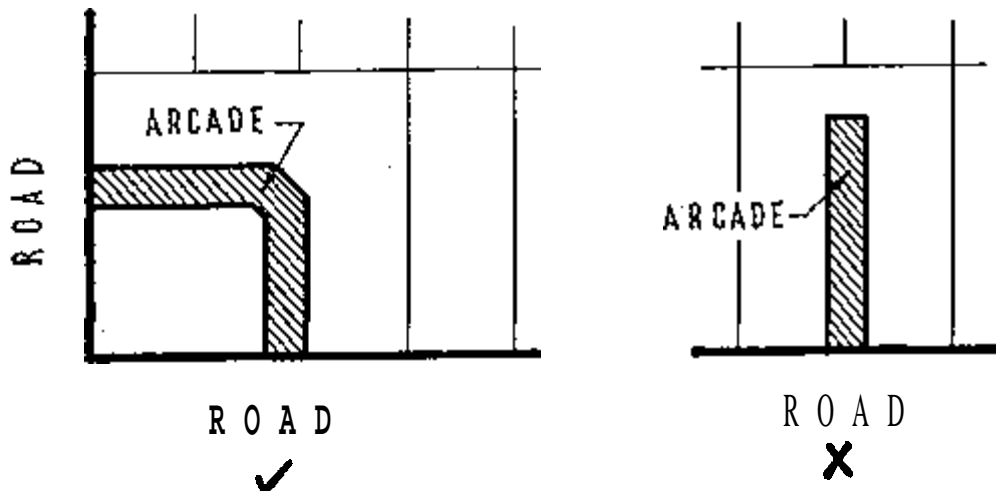
Implementation provisions have been established for each of the eight precincts. The development of any building or structure shall comply with the development provisions of the applicable precinct.

4.1 Precinct 1

- (A) Minimum Site Area - none specified.
- (B) Shape of Site - none specified.
- (C) Site Coverage - The site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
 - (i) Levels up to a height of 11 metres 100%
 - (ii) Levels between a height of 11 metres and a height of 18 metres 50%
 - (iii) Levels above a height of 18 metres 30%
 - (iv) Council may relax the site coverage requirements specified above to facilitate the construction of a multi-storey carparking station.
- (D) Plot Ratio - The base plot ratio for all buildings shall be 4:1. Council may, at its absolute discretion, permit a higher plot ratio in some circumstances. These circumstances are as follows:-
 - (i) Where a tall building is proposed and the maximum height of the building does not exceed 30 metres, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council but shall not exceed the ratio of 1:1.



- (ii) Where an identified historical building is to be retained and renovated, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iii) Where an arcade which links two different streets or pedestrian/park areas or links a street to a pedestrian/park area is provided, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.



- (iv) Where footpath widenings are dedicated to the Council as road reserve or are legally secured to the Council's satisfaction, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (v) Where a landscaped public courtyard is provided within a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.

- (vi) Where community facilities and/or social services are proposed in association with a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council. In assessing the desirability of granting an increase in floor space for a community facility and/or social service, the Council shall consider :-
- o the financial objectives of the organisation or company which will operate the facility/service;
 - o the nature of the facility/service;
 - o the mechanisms available to Council to ensure that the facility/service will continue to operate in a form acceptable to Council.

Council may impose a condition/s on the approval of the development to ensure the facility/service has lasting benefit to the wider community.

- (vii) In order to facilitate the construction of a multi-storey carparking station.

Any increase in plot ratio shall not exceed 2:1 so that the absolute maximum plot ratio shall not exceed 6:1, except in the case of the construction of a multi-storey carparking station.

- (E) Height - The overall height, measured to the uppermost projection of any building or structure, shall not exceed the height permitted by the Obstacle Limitation Surface for the Cairns International Airport; provided that, if the Obstacle Limitation Surface permits a height, as defined by this Planning Scheme, greater than 48 metres, then the height of any building or structure shall not exceed 48 metres.

(F) Setbacks

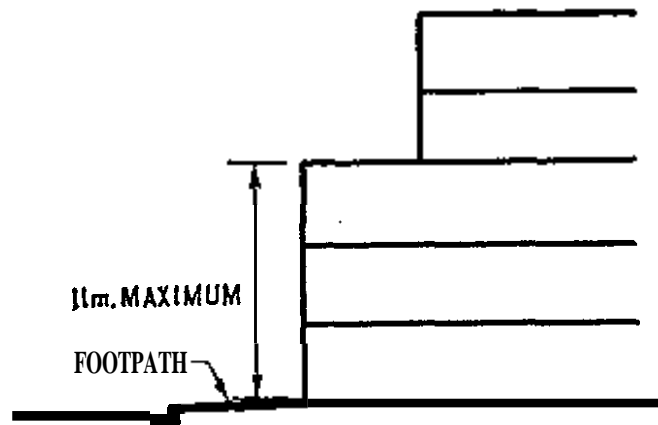
- (i) For all buildings, the setback of those levels up to a height of 11 metres from the road alignment/alignments of the site shall be zero unless otherwise approved by Council.
- (ii) In the case where a development includes a site cover up to 50% for those levels between a height of 11 metres and a height of 18 metres :
- (a) The setbacks for the levels between a height of 11 metres and a height of 18 metres shall be :
- o a minimum of 6 metres from the main street frontage.
 - o a minimum of 4 metres from other street frontage/s.
 - o a minimum of 2 metres from the side and rear boundaries.
- (b) Setbacks for the levels above a height of 18 metres shall be
- o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
 - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
 - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.

(iii) In the case where a development includes a site cover up to 30% for all levels above a height of 11 metres, the setbacks for these levels shall be :

- a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
- a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
- a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.

(iv) . Council may relax the setback requirements specified above to facilitate the construction of a multi-storey carparking station.

(G) Podium - In *the* case where *the* podium of a tall building may cover 100% of a site, the podium shall not exceed 11 metres in height. The height of the podium shall be measured from the existing mean footpath level at the boundary of the site.



Council may allow the podium to be a greater height where the circumstances of the case so warrant. The consideration of such circumstances shall be restricted to :-

- (i) where the podium height so determined assists in maintaining or enhancing the particular cityscape or heritage characteristics of that development or other adjoining development in the vicinity;
- (ii) where it is desirable to match the heights of adjoining buildings.

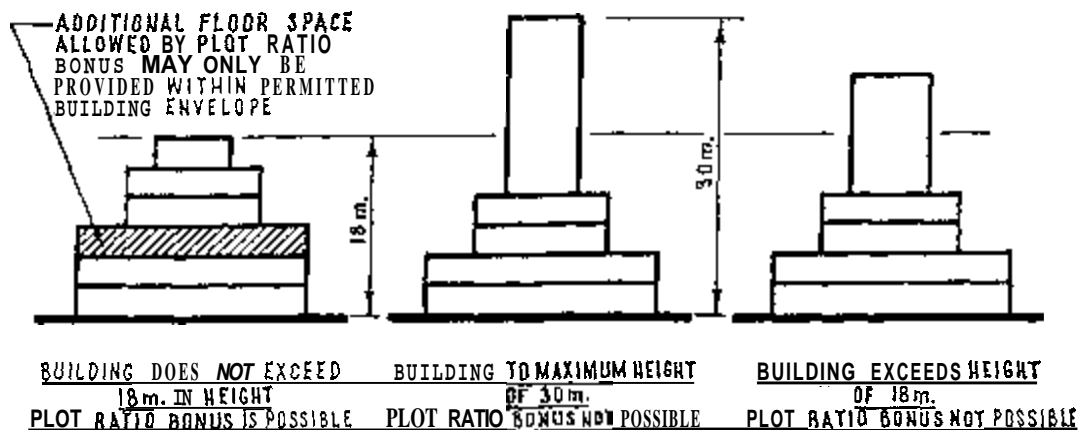
(H) Landscaping

- (i) Council may require the retention or relocation of vegetation *determined* by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (ii) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.
- (iii) Council shall require the provision of or contribution towards the landscaping of streets and other public areas. The location and standard of construction shall be in accordance the CBD Landscape Master Plan adopted by the Council or as otherwise determined by Council from time to time.

- (I) **City Image** - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the Central Business District and shall also be designed to complement the tropical character and climate of the City as required by the Council.
- (J) **Noise Attenuation** - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours, as revised *from* time to time, shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

4.2 **Precinct Two**

- (A) **Minimum Site Area** - for a tall building shall be 1500m².
- (B) **Shape of Site** - none specified.
- (C) **Site Coverage** - The site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
 - (i) Levels up to a height of 11 metres 100%
 - (ii) Levels between a height of 11 metres and a height of 18 metres 50%
 - (iii) Levels above a height of 18 metres 30%
 - (iv) Council may relax the site coverage requirements specified above to facilitate the construction of a multi-storey carparking station.
- (D) **Plot Ratio** - The base plot ratio for all buildings shall be 2:1. Council may, at its absolute discretion, permit a higher plot ratio in some circumstances. These circumstances *are* as follows:-
 - (i) Where a tall building is proposed on a site capable of accommodating a tall building and the maximum height of the building does not exceed 18 metres, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council but shall not exceed the ratio of 1:1.



- (ii) Where an identified historical building is to be retained and renovated, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iii) Where an arcade which links two different streets or pedestrian/park areas or links a street to a pedestrian/park area is provided, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (iv) Where footpath widenings are dedicated to the Council as road reserve or are legally secured to the Council's satisfaction, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (v) Where a landscaped public courtyard is provided within a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council.
- (vi) Where community facilities and/or social services are proposed in association with a development, Council may permit an increase in plot ratio. The amount of any increase shall be determined by Council. In assessing the desirability of granting an increase in floor space for a community facility and/or social service, the Council shall consider :-
 - o the financial objectives of the organisation or company which will operate the facility/service;
 - o the nature of the facility/service;
 - o the mechanisms available to Council to ensure that the facility/service will continue to operate in a form acceptable to Council.

Council may impose a condition/s on the approval of the development to ensure the facility/service has lasting benefit to the wider community.
- (vii) In order to facilitate the construction of a multi-storey carparking station.

Any increase in plot ratio shall not exceed 2:1 so that the absolute maximum plot ratio shall not exceed 4:1, except in the case of the construction of a multi-storey carparking station.

(E) Height - shall not exceed 30 metres.

(F) Setbacks

- (i) For all buildings, the setback of those levels up to a height of 11 metres from the road alignment/alignments of the site shall be zero unless otherwise approved by Council.
- (ii) In the case where a development includes a site cover up to 50% for those levels between a height of 11 metres and a height of 18 metres :
 - (a) The setbacks for the levels between a height of 11 metres and a height of 18 metres shall be :

- o a minimum of 6 metres from the main street frontage.
 - o a minimum of 4 metres from other street frontage/s.
 - o a minimum of 2 metres from the side and rear boundaries.
- (b) Setbacks for the levels above a height of 18 metres shall be
 - o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
 - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
 - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.
- (iii) In the case where a development includes a site cover up to **30%** for all levels above a height of 11 metres, the setbacks for these levels shall be :
 - o a minimum of one half of the height of all levels above a height of 11 metres, from the main street frontage.
 - o a minimum of one third of the height of all levels above a height of 11 metres, from other street frontage/s.
 - o a minimum of one quarter of the height of all levels above a height of 11 metres, from the side and rear boundaries.
- (iv) Council may relax the setback requirements specified above to facilitate the construction of a multi-storey carparking station and the construction of a convention centre.
- (G) Podium - In the case where the podium of a tall building may cover 100% of a site, the podium shall not exceed 11 metres in height. The height of the podium shall be measured from the existing mean footpath level at the boundary of the site.

Council may allow the podium to be a greater height where the circumstances of the case so warrant. The consideration of such circumstances shall be restricted to :

 - (i) where the podium height so determined assists in maintaining or enhancing the particular cityscape or heritage characteristics of that development or other adjoining development in the vicinity;
 - (ii) where it is desirable to match the heights of adjoining buildings.
- (H) Landscaping
 - (i) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
 - (ii) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

- (iii) Council shall require the provision of or contribution towards the landscaping of streets and other public areas. The location and standard of construction shall be in accordance with the CBD Landscape Master Plan adopted by the Council or as otherwise determined by Council from time to time.
- (I) City Image - Development proposals within *this* precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the Central Business District and shall also be designed to complement the tropical character and climate of the City as required by the Council.
- (J) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours, as revised from time to time, shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and **as** specified in Section 4.9 of this Development Control Plan.
- (L) Notwithstanding the height limit specified in Clause (E) above and the setbacks specified *in* Clause (F) above, a maximum height of 48 metres, subject to any constraint imposed by the Obstacle Limitation Surface for the Cairns International Airport, and reduced setbacks, as set out in an agreement between the Queensland Government and Council, may apply for the site bounded by Abbott Street, Shields Street and the Esplanade described as being R 1242, Parish of Cairns and containing the historical Cairns Court House which shall be retained for heritage purposes if the land is redeveloped for other purposes.

4.3 Precinct Three

- (A) Minimum Site Area - for a tall building shall be 2000m².
- (B) Shape of Site - The site for a tall building shall be regularly shaped unless otherwise approved by Council. Council may exercise a discretion to permit a tall building to be developed on a site other than a regularly shaped allotment provided the predominant part **of** the site is regularly shaped and the design of the overall development is sensitive to surrounding properties and the streetscape.
- (C) Site Coverage - for all buildings within this precinct, the site coverage of a particular level of a building shall not exceed the maximum site coverage for that level as specified below:
 - (i) one storey building 40%
 - (ii) two storey building 35%
 - (iii) buildings in excess of 2 storeys:
 - Levels 1, 2 and 3 35%
 - Levels 4, 5 and 6 25%
- (D) Plot Ratio - shall not exceed 1.75:1.
- (E) Height - shall not exceed 18 metres.

(F) Setbacks - for tall buildings shall be a minimum of:

- (i) one half the height of the building from the main street frontage and a **minimum** of 6 metres;
- (ii) one-third of the height from other street frontage/s and a minimum of 6 metres; and
- (iii) one-quarter of the height from the side and rear boundaries.

For all buildings having frontage to the Esplanade, the setback shall be a **minimum** of 15 metres from the Esplanade.

(G) Landscaping

- (i) All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by the Council.

- (ii) The landscaped open space area to be developed in conjunction with residential tall building developments shall incorporate the following:

10% of the site area shall be set aside for deep planting. The location of this area shall be to the satisfaction of Council or the City Planner.

6 metres of dense landscaping adjacent to all road boundaries.

3 metres of dense landscaping adjacent to side and rear boundaries.

dense landscaping shall be clear of structures except paths and driveways necessary to obtain access to the site or to provide for the enjoyment of the landscaped area by residents.

- (iii) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (iv) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

(H) City Image - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the precinct and shall also be designed to complement the tropical character and climate of the City as required by the Council.

(I) Basement Carparking - a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a **minimum** of 2 metres from side and rear boundaries.

- (J) Noise Attenuation - Residential development proposals in this precinct shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code **AS2021** as revised.
- (K) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

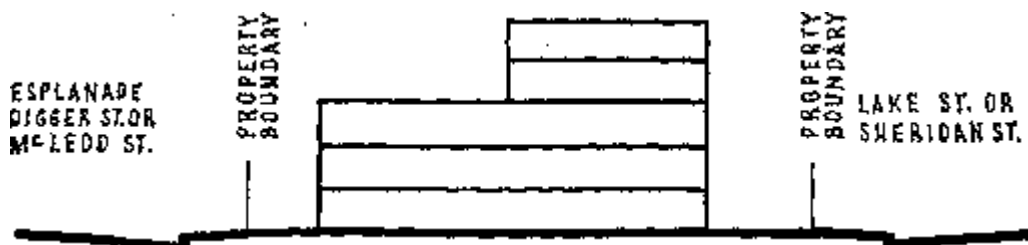
4.4 **Precinct Four**

- (A) Minimum Site Area - for a tall building shall be 3000m².
- (B) Shape of Site - The site for a tall building shall be regularly shaped unless otherwise approved by Council. Council may exercise a discretion to permit a tall building to be developed on a site other than a regularly shaped allotment provided the predominant part of the site is regularly shaped and the design of the overall development is sensitive to surrounding properties and the streetscape.
- (C) Site Coverage - for accommodation units and all tall buildings within this precinct shall not exceed:

(i)	one storey building	40%
(ii)	two storey building	35%
(iii)	buildings in excess of 2 storeys:	
	Levels 1, 2 and 3	35%
	Levels 4 and 5	25%

In the case where a mixed use development includes accommodation units, the site coverage of the accommodation component shall comply with the requirements of provisions (i), (ii) and (iii) as outlined above.

- (D) Plot Ratio - shall not exceed 1.5:1.
- (E) Height -
 - (i) Subject to (ii) below, the height shall not exceed 15 metres.
 - (ii) Notwithstanding (i) above, a building shall not exceed 10 metres in height unless it is proposed to be developed on a regularly shaped allotment approved by Council that has frontage to either Sheridan Street or Lake Street provided that any part of the building in excess of 10 metres shall be substantially located towards the Lake or Sheridan Street alignment, as applicable.



- (F) Setbacks - for tall buildings shall be a minimum of:
- (i) one half the height of the building from the main street frontage and a minimum of **6** metres;
 - (ii) one-third of the height from other street frontage/s and a minimum of **6** metres; and
 - (iii) one-quarter of the height from the side and rear boundaries.
 - (iv) Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Medium Density Residential the setback for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater and be landscaped to the satisfaction of the City Planner, unless otherwise approved by Council.

For all buildings having frontage to the Esplanade, the setback shall be a minimum of 15 metres from the Esplanade.

(G) Landscaping

- (i) All developments fronting Sheridan Street shall provide a **6** metre wide strip of landscaping along the frontage unless otherwise approved by the Council.
- (ii) The landscaped open space area to be developed in conjunction with residential tall building developments shall incorporate the following:
 - 10% of the site area shall be set aside for deep planting. The location of this area shall be to the satisfaction of Council or the City Planner.
 - 6** metres of dense landscaping adjacent to all road boundaries.
 - 3** metres of dense landscaping adjacent to side and rear boundaries.
 - dense landscaping shall be clear of structures except paths and driveways necessary to obtain access to the site or to provide for the enjoyment of the landscaped area by residents.
- (iii) Council may require the retention or relocation of vegetation determined by Council to be significant and may impose conditions on any approval to secure such retention or relocation of the significant vegetation.
- (iv) Council may vary the requirements of C and/or F above in order to facilitate the retention of significant vegetation.

- (H) City Image - Development proposals within this precinct shall be designed to respond to the image, streetscape, building alignment, orientation, scale and amenity of the precinct and shall also be designed to complement the tropical character and climate of the City as required by the Council.

- (I) Basement Carparking - a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.
- (J) Noise Attenuation - Residential development proposals in this precinct shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form **part** of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (K) **Any** development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

45 Precinct Five

- (A) Site Coverage - Site Coverage for accommodation units shall not exceed:
 - a) one storey building 40%
 - b) two or three storey building 35%
- (B) Plot Ratio

Plot ratio shall not exceed :

 - (i) for accommodation units 1.0: 1; and
 - (ii) for non-residential or composite building proposals 1.5:1.
- (C) Height - The height of any building or structure shall not exceed 10 metres. Council may permit a building to exceed 10 metres if it is satisfied that increase in height provides a visually interesting roof line.
- (D) Setbacks

Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.
- (E) Landscaping

All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by Council.
- (F) City Image - The design of all buildings within this precinct shall complement the tropical character and climate of Cairns. In particular, dwellings and accommodation units proposed to be developed in Parramatta Park and North Cairns shall incorporate the vernacular architectural characteristics of those suburbs, unless otherwise approved by the Council.

(G) Basement Carparking

- (i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.
- (ii) On land zoned Business, Local Shopping, Commercial, Light Industry or General Industry a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.

(H) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast Contours shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.

(I) **Any** development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

4.6 Precinct Six

(A) Site Coverage - Site Coverage for accommodation units shall not exceed:

- a) one storey building 40%
- b) two storey building 35%

(B) Plot Ratio

Plot ratio shall not exceed :

- (i) for accommodation units 0.7:1; and
- (ii) for non-residential or composite building proposals 1.5:1.

(C) Height - The height of any building or structure shall not exceed 7.5 metres. Council may permit a building to exceed 7.5 metres if it is satisfied that an increase in height provides a visually interesting roof line.

(D) Setbacks

Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height, or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.

- (E) Landscaping
- All developments fronting Sheridan Street shall provide a 6 metre wide strip of landscaping along the frontage unless otherwise approved by Council.
- (F) City Image - The design of all buildings within this precinct shall complement the tropical character and climate of Cairns or as otherwise approved by Council. In particular, dwellings and accommodation units proposed to be developed in Edge Hill and Aeroglen shall incorporate the vernacular architectural characteristics of those suburbs, unless otherwise approved by the Council.
- (G) Basement Carparking
- (i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of 3 metres from all street frontages and a minimum of 2 metres from side and rear boundaries.
- (ii) On land zoned Business, Local Shopping, Commercial, Light Industry or General Industry a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.
- (H) Noise Attenuation - Residential development proposals in those parts of this precinct which are located between the 20 and 40 Australian Noise Exposure Forecast contours shall be accompanied by a report prepared by a qualified acoustics engineer. This report is to identify sound control measures that shall form part of the approved building plan and shall be incorporated in the building to alleviate aircraft noise exposure. The report shall have regard to Australian Standards Code AS2021 as revised.
- (I) Hillsides - Dwellings and accommodation units proposed on steeply sloping or hillside sites shall comply with the requirements outlined in (C). However, Council may approve a variation to the measurement of the height of a building if it is satisfied that the **amenity** and outlook of neighbouring properties is not adversely affected.
- (J) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

4.7 Precinct Seven

- (A) Plot Ratio - Plot ratio shall not exceed 1.5:1. In this precinct, those levels of a carpark above ground level shall be included in the calculation of gross floor area.

(B) **Height** - The height of a building or structure within this precinct shall not exceed **15** metres unless otherwise approved by Council. Council may only permit a minor variation to the maximum specified height to allow for the inclusion of architectural features, ornamental features, flagpoles, tent structures and the like.

(C) **Setbacks**

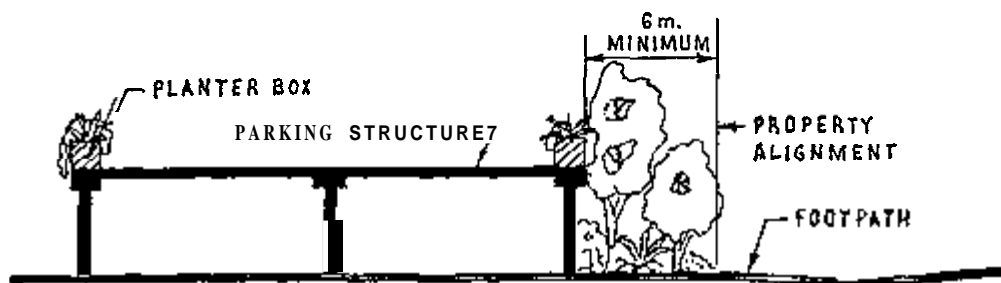
Where any boundary of land zoned Business, Local Shopping or Commercial abuts land zoned Residential or Medium Density Residential, the setbacks for all buildings from the relevant side and rear boundaries shall be one quarter of the height; or 2 metres whichever is the greater unless otherwise approved by Council. Such setback areas shall be landscaped to the satisfaction of the City Planner.

(D) **Basement Carparking**

(i) Subject to (ii) below a structure containing basement or semi-basement carparking shall be set back a minimum of **3** metres from all street frontages and a minimum of 2 metres from side and rear boundaries.

(ii) On land zoned Business, Local Shopping or Commercial, a structure containing basement or semi-basement carparking may have a zero setback from side and rear boundaries excepting where any boundary of the land abuts land zoned Residential or Medium Density Residential, in which case a 2 metre setback requirement shall apply.

(E) **Multi-Level Carparks** - Multi-level carparks shall be set back 6m from each road frontage and the design shall complement the tropical character and climate of Cairns. Council encourages the use of irrigated planter boxes on all edges of the carpark structure and requires the provision of landscaping at ground level of 6m width between the carpark structure and all road alignments.



(F) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

4.8 Precinct Eight

(A) Plot Ratio

Plot ratio shall not exceed 1.5:1.

(B) Height - The height of any building or structure shall not exceed 15 metres unless the Council is satisfied that the greater height is required for an industrial process and/or function. Buildings or structures ancillary to the industrial process or function shall not exceed 15 metres in height.

(C) Any development is to be carried out in accordance with the requirements of the General Provisions (where applicable), and as specified in Section 4.9 of this Development Control Plan.

4.9 General Provisions Applicable to All Precincts

The following provisions apply to precincts where appropriate:

(1) Applications for tall buildings shall be accompanied by:

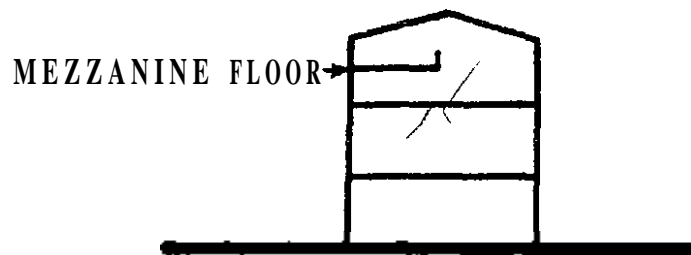
- a) Dimensioned plans drawn at a suitable scale indicating the site layout, typical floor layout, each elevation of the building and a section through the longest axis of the building.
- b) Shadow diagrams which show the shadow cast by the building at 9.00 am, midday, and 4.00 pm on the 21 June, 21 September and 22 December and such a plan shall show ALL affected properties.
- c) A Traffic Study Report prepared by a Registered Professional Engineer. The Council may refuse an application if it is of the opinion that the volume of vehicular traffic generated by the development will be unable to be accommodated in the existing street and traffic system.
- d) A Planning Report prepared by a Town Planner which provides details of the existing environment, the proposed development and the way in which the environment will be modified by the proposed development. The statement shall consider as a minimum, the following criteria: existing land use, terrain, existing and proposed service infrastructure, vehicular and pedestrian traffic generation, proximity to community facilities, aesthetics, effect on the amenity of the immediate area. Upon assessment of such a Report, the Council may decide to require the provision of an Environmental Impact Statement prepared in accordance with the State Government guidelines .
- e) A signed statement certifying that the proposed development has been designed by a Registered Architect.
- f) A certificate from the Cairns Port Authority (or other authority, as the case may be, responsible for flight path determination) certifying that the height of the proposed structure complies with the requirements pertaining to Obstacle Limitation Surface requirements.

- (2) The Council, upon consideration of the Traffic Study Report required by 1(c) above may require as a condition of approval of a consent, rezoning or combined application, a contribution and/or works for the augmentation of the traffic system.
- (3) In all residential developments or developments adjoining residential properties, it is the Council's desire that the orientation of the building should be such that maximum outlook and visual privacy are achieved. Accordingly, the arrangement of units affording a front and rear outlook is encouraged.

The positioning of buildings on an angled axis to the site boundaries may also achieve satisfactory outlook and visual privacy.

Should Council consider that the attainment of a front and rear outlook is impractical, Council shall require the applicant to demonstrate how privacy will be maximised and effect such works as required by the Council to ensure such privacy is maintained.

- (4) Council does not support the use of large expanses of reflective glass as a cladding to the external facades of buildings.
- (5) All buildings having more than three storeys shall provide at least one elevator (lift). Where such an elevator is provided, it shall serve all floors of the building provided that where a storey contains a mezzanine level or one accommodation or commercial unit is of a two storey nature, it shall be sufficient to serve only one of these two levels.



NO LIFT REQUIRED - THREE STOREY BUILDING

- (6) The Council reserves the right to require the redesign of buildings which exhibit excessive blank wall distances without sufficient architectural relief.
- (7) Where more than one building is proposed to be erected on one development site, the spacing between the buildings shall be determined as if each building is sited on separate allotments and the setback provisions of this Development Control Plan shall apply.
- (8) All developments shall comply with the requirements of State and Federal Government Departments and Statutory Authorities as they apply to particular forms of development.
- (9) Tall Building Developments having frontage to the Esplanade, Marlin Parade, those sections of Lake and Shields Streets bounded by Abbott, Aplin, Grafton and Spence Streets, and to Digger Street shall not provide physical vehicle access and setdown areas to those streets unless otherwise approved by the Council.

- (10) Council encourages the use of the services of Registered Architects in the design of development proposals, particularly where the development is to be situated in a visually prominent location or where the development, by virtue of its size, would be enhanced by input from a Registered Architect.

Council reserves the right to require a proposed development to be designed by a Registered Architect or to require the design of a proposed development to be reviewed by a Registered Architect.

- (11) The Council may refuse an application that does not comply with the provisions of this Development Control Plan.

- (12) Notwithstanding any provisions of **this** Development Control Plan to the contrary, the Council may, at its absolute discretion, allow a greater site coverage and a greater plot ratio than those specified to permit expansion and/or redevelopment of the Cairns Base Hospital, the Calvary Hospital, the Cairns Civic Centre, the Bethlehem, Nazareth, Farnorha and Carpentaria Freemasons nursing homes and schools existing at the date of gazettal of this Development Control Plan, provided that the institutional public nature of these facilities is maintained in any expansion or redevelopment.

Any development is to be carried out in accordance with the requirements **of** the General Provisions (where applicable), and as specified in Section **4.9** of this Development Control Plan.

FRESHWATER

STRATFORD

AEROGLEN

BRINSMEAD

WHITFIELD

EDGE HILL

CAIRNS NORTH

MANGOBA

MANUNDA

KANIMBLA

WESTCOURT

BLINGALOW

MOOROOPOOL

PORTSMITH

PARAVILLE

BAYVIEW

Legend

- Precinct 1
- Precinct 2
- Precinct 3
- Precinct 4
- Precinct 5
- Precinct 6
- Precinct 7
- Precinct 8

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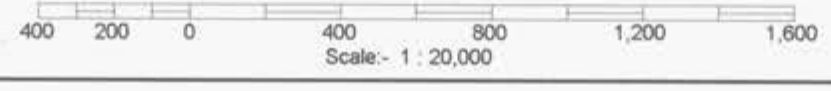
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City of CAIRNS
Development Control Plan 2 - Height & Impact of Buildings



Author: NFB Date: December, 1996



DCP2_RA
Sheet 1 of 1
Revision