* + 1. Mixed use zone code

# Application

1. This code applies to assessing development in the Mixed use zone.
2. When using this code, reference should be made to Part 5.

Note – Development within 150 metres of Strategic Port Land, as identified on the maps contained within Schedule 2, may be referred to Ports North for third party advice.

# Purpose

1. The purpose of the Mixed use zone is to provide for a variety of uses and activities, including, for example, business, residential, retail, service industry, tourist accommodation or low impact industrial uses or activities.
2. The local government purpose of the code is to recognise the presence of areas of mixed land use outside the hierarchy of centres that contain a wide variety of uses.
3. The purpose of the code will be achieved through the following overall outcomes:
	1. a mix of appropriate uses within the precincts are established;
	2. development in the mixed use zone does not compromise the role and successful function of centres within the hierarchy of centres, whether as a result of the impacts from an individual development or the potential cumulative impacts of multiple developments; the scale, character and built form of development contributes to a high standard of amenity;
	3. development reflects and responds to the natural features and constraints of the land.

# Mixed use precinct 1 – Commercial

1. In addition to [6.2.14.2](#_bookmark0)(3), the overall outcomes sought for the precinct are:
	1. development within the precinct provides a mix of land uses where the predominant land use is for commercial purposes;
	2. development does not diminish the amenity of any adjoining residential areas and reflects and responds to the character of the area;
	3. medium density residential and short term accommodation uses are provided in a mixed use setting involving commercial or retail uses on the lower and ground floor storeys;
	4. development addresses the street frontage and provides car parking behind buildings.

# Mixed use precinct 2 – Trades and services

1. In addition to [6.2.14.2](#_bookmark0)(3), the overall outcomes sought for the precinct are:
	1. development within the precinct provides a mix of land uses where the predominant land use is for trades and services purposes;
	2. development for low impact industry uses is facilitated;
	3. residential development is only established where an appropriate level of amenity can be achieved and it does not compromise the ability for low impact industry uses to be developed;
	4. development does not affect the operational aspects of the Port of Cairns.

# Mixed use precinct 3 – Residential

1. In addition to [6.2.14.2](#_bookmark0)(3), the overall outcomes sought for the precinct are:
	1. development within the precinct provides a mix of land uses where the predominant land use is for residential purposes;
	2. development is provided through the adaptive reuse of existing buildings;
	3. development maintains the residential scale and character of the area;
	4. a range of accommodation activities are established;
	5. development provides a high level of amenity taking into account impacts such as traffic, noise, dust, odour and lighting;
	6. industry activities are not established.

Note – For code assessable development, the role and function of centres within the hierarchy of centres is outlined in Schedule 6.

Note – For Impact assessable development, the role and function of the hierarchy of centres is described 3.3.2 Element – Centres and centre activities within Part 3 Strategic framework in addition to Schedule 6.

# Assessment benchmarks and requirements

**Table** [**6.2.14.3**](#_bookmark1)**.a – Mixed use zone code – assessment benchmarks for assessable development and requirements for accepted development**

|  |  |  |
| --- | --- | --- |
| **Performance outcomes** | **Acceptable outcomes** | **Applicant response** |
| **For accepted development subject to requirements and assessable development** |
| **Height** |
| **PO1**The height of buildings and structures is of a scale compatible with the character of the area and does not adversely affect the amenity of the area.Note – A visual impact assessment may be required where a proposed development exceeds the height stated in AO1.1, AO1.2 or AO1.3. Planning scheme policy – Landscape values provides guidance on undertaking a visual impact assessment.Note – The site coverage stated in AO2.1 and AO2.2 and the setbacks stated in AO3.1, AO3.2, AO4.1 and AO4.2 correspond with the heights stated in AO1.1, AO1.2 and AO1.3. Where a proposed development exceeds the height stated in AO1.1, AO1.2 or AO1.3, the proposed development will also be assessed against PO2, PO3 and PO4. | **AO1.1**Within Mixed use precinct 1 – Commercial, buildings and structures are not more than:1. 11 metres in height; or
2. 14 metres and 3 storeys in height, where involving a mix of land uses that includes multiple dwellings;

or**AO1.2**Within Mixed use precinct 2 – Trades and services, buildings and structures are not more than 11 metres in height;or**AO1.3**Within Mixed use precinct 3 – Residential, buildings and structures are not more than 11 metres and 2 storeys in height;Note – Height is inclusive of the roof height. |  |
| **Site coverage** |
| **PO2**The site coverage of all buildings:1. does not result in a built form that is bulky or visually obtrusive to the streetscape;
2. respects the individual character of the zone and/or precinct and responds to the features of the site.
 | **AO2.1**Within Mixed use precinct 1 – Commercial and Mixed use precinct 2 – Trades and services, site coverage is not more than 80%;or |  |

|  |  |  |
| --- | --- | --- |
| **Performance outcomes** | **Acceptable outcomes** | **Applicant response** |
|  | **AO2.2**Within Mixed use precinct 3 – Residential, site coverage is not more than 50%. |  |
| **Setbacks** |
| **PO3**Front building setbacks are consistent with the prevailing setbacks in the street. | **AO3.1**Within Mixed use precinct 1 – Commercial and Mixed use precinct 2 – Trades and services, development fronting a State-controlled road, existing or proposed Sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2, is built to the road frontage.or**AO3.2**For all other development, buildings and structures are set back not less than:1. 6 metres from the primary road frontage;
2. 3 metres from any secondary road frontage
 |  |

|  |  |  |
| --- | --- | --- |
| **Performance outcomes** | **Acceptable outcomes** | **Applicant response** |
| **PO4**Side and rear building setbacks:1. are appropriate to the scale of the development and the character of the locality;
2. are sufficient to minimise overshadowing and overlooking of adjoining premises;
3. provide adequate separation and buffering from residential premises;
4. minimise unusable spaces between buildings / boundaries.
 | **AO4.1**Where the site has a common boundary with land in a Centre zone, Mixed use precinct 1 – Commercial, Mixed use precinct 2 – Trades and services, or an Industry zone, the building:1. is set back 0 metres from the side and rear boundaries; or
2. not less than 3 metres from the side and rear boundaries;

or**AO4.2**Where the site has a common boundary with land in a zone other than a centre, mixed use precinct 1 – Commercial, mixed use Precinct 2 – Trades and services, or Industry zone, the setback from the boundary is not less than 3 metres.Note – Refer to the definition of Centre zone contained in Schedule 1.2. |  |
| **For assessable development** |
| **Uses and other development** |
| **PO5**Development:1. does not compromise or perform the role and function of a centre within the hierarchy of centres in the region;
2. services local and visitor needs of the surrounding catchment;
3. complements the scale and character of the surrounding area;
 | **AO5.1**Shopping centres located within Mixed use precinct 1 – Commercial or Mixed use precinct 2 – Trades and services do not exceed 500m2 GFA. |  |
| **AO5.2**Shopping centres are not established within Mixed use precinct 3 – Residential. |  |

|  |  |  |
| --- | --- | --- |
| **Performance outcomes** | **Acceptable outcomes** | **Applicant response** |
| (d) protects the amenity of adjoining premises and surrounding uses.Note – For code assessable development, the role and function of centres within the hierarchy of centres is outlined in Schedule 6.Note – For Impact assessable development, the role and function of the hierarchy of centres is described 3.3.2 Element – Centres and centre activities within Part 3 Strategic framework in addition to Schedule 6.Note – A Centre need and impact assessment may be required to demonstrate compliance with this performance outcome. | **AO5.3**Development for a shop or single tenancy within a shopping centre does not exceed 200m2 GFA. |  |
| **AO5.4**Department stores and supermarkets are not established within the Mixed use zone. |  |
| **Site constraints** |
| **PO6**Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds. | **AO6.1**No acceptable outcomes are provided. |  |
| **Additional requirements for Mixed use precinct 1 – Commercial** |
| **PO7**Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for Mixed use precinct 1 – Commercial. | **AO7.1**No acceptable outcomes are provided. |  |
| **Additional requirements for Mixed use precinct 2 – Trades and services** |
| **PO8**Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for Mixed use precinct 2 – Trades and services. | **AO8.1**No acceptable outcomes are provided. |  |

|  |  |  |
| --- | --- | --- |
| **Performance outcomes** | **Acceptable outcomes** | **Applicant response** |
| **Additional requirements for Mixed use precinct 3 – Residential** |
| **PO9**Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for Mixed use precinct 3 – Residential. | **AO9.1**No acceptable outcomes are provided. |  |
| **PO10**Development is of a size, scale and design to complement the traditional character of the precinct. | **AO10.1**Development provides for the retention and/or adaptive re-use of buildings. |  |
| **AO10.2**Development complements the traditional residential scale and character of the area. |  |