

## 6.2.14 Mixed use zone code

### 6.2.14.1 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.

### 6.2.14.2 Purpose

- (1) The purpose of the Mixed use zone code is to provide for a mix of activities that may include business, retail, residential, tourist accommodation and associated services, service industry and low impact industrial uses.
- (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:
  - (a) a mix of appropriate uses within the precincts are established;
  - (b) 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;
  - (c) development reflects and responds to the natural features and constraints of the land.

#### Mixed use precinct 1 – Commercial

- (4) In addition to 6.2.14.2(3), the overall outcomes sought for the precinct are:
  - (a) development within the precinct provides a mix of land uses where the predominant land use is for commercial purposes;
  - (b) development does not diminish the amenity of any adjoining residential areas and reflects and responds to the character of the area;
  - (c) 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;
  - (d) development addresses the street frontage and provides car parking behind buildings.

#### Mixed use precinct 2 – Trades and services

- (5) In addition to 6.2.14.2(3), the overall outcomes sought for the precinct are:
  - (a) development within the precinct provides a mix of land uses where the predominant land use is for trades and services purposes;
  - (b) development for low impact industry uses is facilitated;
  - (c) 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;
  - (d) development does not affect the operational aspects of the Port of Cairns.

#### Mixed use precinct 3 – Residential

- (6) In addition to 6.2.14.2(3), the overall outcomes sought for the precinct are:
  - (a) development within the precinct provides a mix of land uses where the predominant land use is for residential purposes;
  - (b) development is provided through the adaptive reuse of existing buildings;
  - (c) development maintains the residential scale and character of the area;
  - (d) a range of accommodation activities are established;
  - (e) development provides a high level of amenity taking into account impacts such as traffic, noise, dust, odour and lighting;

- (f) industry activities are not established;

**6.2.14.3 Criteria for assessment**

Part A - Criteria for self-assessable and assessable development

**Table 6.2.14.3.a – Mixed use zone code – self-assessable and assessable development**

Performance outcomes	Acceptable outcomes
<b>For self-assessable and assessable development</b>	
<b>Height</b>	
<p><b>PO1</b> 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.</p> <p>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.</p> <p>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.</p>	<p><b>AO1.1</b> Within Mixed use precinct 1 – Commercial, buildings and structures are not more than: (a) 11 metres in height; or (b) 14 metres and 3 storeys in height, where involving a mix of land uses that includes multiple dwellings;</p> <p>or</p> <p><b>AO1.2</b> Within Mixed use precinct 2 – Trades and services, buildings and structures are not more than 11 metres in height;</p> <p>or</p> <p><b>AO1.3</b> Within Mixed use precinct 3 – Residential, buildings and structures are not more than 11 metres and 2 storeys in height;</p> <p>Note – Height is inclusive of the roof height.</p>
<b>Site coverage</b>	
<p><b>PO2</b> The site coverage of all buildings: (a) does not result in a built form that is bulky or visually obtrusive to the streetscape; (b) respects the individual character of the zone and/or precinct and responds to the features of the site.</p>	<p><b>AO2.1</b> Within Mixed use precinct 1 – Commercial and Mixed use precinct 2 – Trades and services, site coverage is not more than 80%;</p> <p>or</p> <p><b>AO2.2</b> Within Mixed use precinct 3 – Residential, site coverage is not more than 50%.</p>

Performance outcomes	Acceptable outcomes
<b>Setbacks</b>	
<p><b>PO3</b> Front building setbacks are consistent with the prevailing setbacks in the street.</p>	<p><b>AO3.1</b> 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.</p> <p>or</p> <p><b>AO3.2</b> For all other development, buildings and structures are set back not less than: (a) 6 metres from the primary road frontage; (b) 3 metres from any secondary road frontage.</p>
<p><b>PO4</b> Side and rear building setbacks:</p> <ul style="list-style-type: none"> <li>(a) are appropriate to the scale of the development and the character of the locality;</li> <li>(b) are sufficient to minimise overshadowing and overlooking of adjoining premises;</li> <li>(c) provide adequate separation and buffering from residential premises;</li> <li>(d) minimise unusable spaces between buildings / boundaries.</li> </ul>	<p><b>AO4.1</b> 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:</p> <ul style="list-style-type: none"> <li>(a) is set back 0 metres from the side and rear boundaries; or</li> <li>(b) not less than 3 metres from the side and rear boundaries;</li> </ul> <p>or</p> <p><b>AO4.2</b> 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.</p> <p>Note – Refer to the definition of Centre zone contained in Schedule 1.2.</p>
<b>For assessable development</b>	
<b>Uses and other development</b>	
<p><b>PO5</b> Development:</p> <ul style="list-style-type: none"> <li>(a) does not compromise or perform the role and function of a centre within the hierarchy of centres in the region;</li> <li>(b) services local and visitor needs of the surrounding catchment;</li> <li>(c) complements the scale and character of the surrounding area;</li> <li>(d) protects the amenity of adjoining premises and surrounding uses.</li> </ul>	<p><b>AO5.1</b> Shopping centres located within Mixed use precinct 1 – Commercial or Mixed use precinct 2 – Trades and services do not exceed 500m<sup>2</sup> GFA.</p> <p><b>AO5.2</b> Shopping centres are not established within Mixed use precinct 3 – Residential.</p> <p><b>AO5.3</b> Development for a shop or single tenancy within a shopping centre does not exceed 200m<sup>2</sup> GFA.</p>

Performance outcomes	Acceptable outcomes
<p>Note – The role and function of the hierarchy of centres is described 3.3.2 Element – Centres and centre activities within Part 3 Strategic framework.</p> <p>Note – A Centre need and impact assessment may be required to demonstrate compliance with this performance outcome.</p>	<p><b>AO5.4</b> Department stores and supermarkets are not established within the Mixed use zone.</p>
<b>Site constraints</b>	
<p><b>PO6</b> Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.</p> <p>Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.</p>	<p><b>AO6.1</b> No acceptable outcomes are provided.</p>
<b>Additional requirements for Mixed use precinct 1 – Commercial</b>	
<p><b>PO7</b> Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for Mixed use precinct 1 – Commercial.</p>	<p><b>AO7.1</b> No acceptable outcomes are provided.</p>
<b>Additional requirements for Mixed use precinct 2 – Trades and services</b>	
<p><b>PO8</b> 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.</p>	<p><b>AO8.1</b> No acceptable outcomes are provided.</p>
<b>Additional requirements for Mixed use precinct 3 – Residential</b>	
<p><b>PO9</b> Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for Mixed use precinct 3 – Residential.</p>	<p><b>AO9.1</b> No acceptable outcomes are provided.</p>
<p><b>PO10</b> Development is of a size, scale and design to complement the traditional character of the precinct.</p>	<p><b>AO10.1</b> Development provides for the retention and/or adaptive re-use of buildings.</p> <p><b>AO10.2</b> Development complements the traditional residential scale and character of the area.</p>