

THE KINGBOROUGH INTERIM PLANNING SCHEME 2015

Fact Sheet No. 11

Urban Mixed Use Zone

Purpose of the Urban Mixed Use Zone

The Urban Mixed Use zone provides for the integration of residential, retail, community services and commercial options in urban areas where it is appropriate to do so. A broad range of activities can occur in these areas to maintain the mix of residential, commercial and community uses.

The main purposes of the zone are:

- ❖ To provide for integration of residential, retail, community services and commercial activities in urban locations.
- ❖ To encourage use and development at street level that generates activity and pedestrian movement through the area.
- ❖ To provide for design that maximises the amenity at street level including considerations of microclimate, lighting, safety, and pedestrian connectivity.
- ❖ To ensure that commercial uses are consistent with the activity centre hierarchy.
- ❖ To ensure development is accessible by public transport, walking and cycling.

There are no local area objectives and desired future character statements contained within the Scheme that are relevant to the Urban Mixed Use zone.

Allowable uses in the Urban Mixed Use Zone

The types of activities that can occur are controlled through the Table of Uses section that sets out a range of uses that are allowable and any further qualification if required. The Use Classes are defined in Part B - 8.0 of the Scheme. The allowable uses for the Urban Mixed Use zone are as follows:

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if for home-based child care in accordance with a licence under the Child Care Act 2001
Passive recreation	
Residential	Only if home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30m ²
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Business and professional services	
Community meeting and entertainment	
Food services	Except if a take away food premises with a drive through facility
General retail and hire	Except if adult sex product shop
Natural and cultural values management	
Residential	Only if above ground floor level

Discretionary	
Use Class	Qualification
Bulky goods	Only if garden and landscape supplies
Educational and occasional care	Except if no permit required
Emergency services	
Equipment and machinery sales and hire	
Food services	Except if permitted
General retail and hire	Only if not displacing an existing residential use or be in a building last used for residential purposes Except if permitted Except if an adult sex product shop
Hospital services	
Hotel industry	Except if adult entertainment venue
Research and development	
Residential	Except if no permit required or permitted
Service industry	
Sports and recreation	
Storage	
Tourist operation	
Transport depot and distribution	Only if public transport access facilities
Utilities	Except if no permit required
Vehicle fuel sales and service	
Vehicle parking	
Visitor accommodation	Except if camping and caravan park or overnight camping area
Prohibited	
Use Class	Qualification
All other uses	

Although the use table sets out the 'status' of a use as 'No Permit Required' or 'Permitted', it is important to note that a use deemed as 'No Permit Required' may require a permit where a performance criterion is relied upon, including Code provisions and the requirement for a planning permit under a Code, for example. Similarly, a 'Permitted' application may be deemed as Discretionary where it relies upon a performance criterion of the Scheme. This status is usually able to be interpreted by the applicant, however, there are incidences where the determination may be required by planning staff upon initial assessment of the application.

There are standards set out for the zone that are used to guide development within the zone. These include standards relating to both use and development, for example, non-residential use, visitor accommodation, residential building and works, non-dwelling building and works and subdivision. The standards provide guidance on matters such as building height, setbacks, character, parking and the like relevant to the Urban Mixed Use zone and generally as follows (indicative of *Acceptable Solution* only – variation may be allowable under a *Performance Criteria*):

Minimum lot size	300 sqm
Minimum lot frontage	15 metres
Front setbacks	3 metres if fronting Channel Highway Nil m, if fronting any other street
Side setbacks	3 metres or half the height of the wall from the General Residential or Inner Residential Zone
Rear setbacks	3 metres or half the height of the wall from the General Residential or Inner Residential Zone
Height	10 metres
Site coverage	N/a

For a full set of standards for the Urban Mixed Use Zone, please refer to chapter 15.0 of the Kingborough Interim Planning Scheme 2015. The zone provisions specify the *acceptable solutions* and *performance criteria* for each issue. The status of an application as 'No Permit Required', 'Permitted' or 'Discretionary' will further depend upon whether an application relies upon a *performance criteria* and its general compliance with any relevant standards contained in the Scheme.

It is important to note that a number of Codes are contained within the Scheme which can also apply to use and/or development in addition to the zone standards, which may be relevant to your property. For further information on the Code application and where it applies, please refer to Fact Sheet No. 4 – *What is a Code?* These standards apply in conjunction with the zone provisions and prevail where there is any conflict.

If your property is located within an area defined by a Specific Area Plan, you should also refer to the standards contained within the relevant Specific Area Plan at the end of the Scheme. These standards apply in conjunction with the zone and code standards, however, prevail over both zone and code provisions where there is any conflict.