

15.0 Urban Mixed Use Zone

15.1 Zone Purpose

15.1.1 Zone Purpose Statements

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

15.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
KINGSTON	
(a) A mix of urban uses is proposed for the former Kingston High School site that is able to provide for a range of commercial, residential, recreational, and community services.	(a) The redevelopment of this site is to be facilitated by a planning framework that clearly outlines the location and types of future land uses that are able to address community needs and complement other commercial uses within central Kingston.

15.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
KINGSTON	
(a) The future development of the former Kingston High School site should generate increased community activity and business interest within central Kingston.	(a) The development model for this site should be exciting, vibrant and futuristic. It should fit within an overall planning framework that provides for an integrated and coordinated mix of uses.

15.2 Use Table

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
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 30 m 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 sales	
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 if 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	

15.3 Use Standards

15.3.1 Non-Residential Use

Objective:	
To ensure that non-residential use does not unreasonably impact residential amenity.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Hours of operation must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p>P1</p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p>	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>

<p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p>A3</p> <p>External lighting must comply with all of the following:</p> <p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>P3</p> <p>External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>
<p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 5.00 pm Saturdays;</p> <p>(c) 9.00 am to 12 noon Sundays and Public Holidays.</p>	<p>P4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p>

	<ul style="list-style-type: none"> (e) noise reducing structures between vehicle movement areas and dwellings; (f) the level of traffic on the road; (g) the potential for conflicts with other traffic.
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15.4 Development Standards for Buildings and Works

15.4.1 Building Height

Objective:	
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in the General Residential Zone or Inner Residential Zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be no more than:</p> <p style="padding-left: 40px;">10 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the scale of nearby buildings; (c) not unreasonably overshadow adjacent public space; (d) allow for a transition in height between adjoining buildings, where appropriate; (e) be no more than 12 m.
<p>A2</p> <p>Building height within 10 m of a residential zone must be no more than 8.5 m.</p>	<p>P2</p> <p>Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.</p>

15.4.2 Setback

Objective:
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <p>3 m, if fronting Channel Highway.</p> <p>nil m, if fronting any other street.</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape; (c) enhance the characteristics of the site, adjoining lots and the streetscape; (d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created; (e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.
<p>A2</p> <p>Building setback from the General Residential or Inner Residential Zone must be no less than:</p> <ul style="list-style-type: none"> (a) 3 m; or (b) half the height of the wall, <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from the General Residential or Inner Residential Zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <ul style="list-style-type: none"> (a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; (b) overlooking and loss of privacy; (c) visual impact when viewed from adjoining lots,

	taking into account aspect and slope.
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15.4.3 Design

Objective:	
To ensure that building design for non-residential uses contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design for non-residential use must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place. 	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <ul style="list-style-type: none"> (a) provide the main access to the building in a way that addresses the street or other public space boundary; (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces; (c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space; (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street; (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact; (f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;

	<p>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(h) be consistent with any Desired Future Character Statements provided for the area.</p>
<p>A2</p> <p>Walls of a building facing the General Residential Zone or Inner Residential Zone must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2</p> <p>No Performance Criteria.</p>

15.4.4 Passive Surveillance

Objective:	
To ensure that building design for non-residential uses provides for the safety of the public.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design for non-residential uses must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade;</p>	<p>P1</p> <p>Building design must provide for passive surveillance of public spaces by satisfying all of the following:</p> <p>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</p> <p>(b) locate windows to adequately overlook the street and adjoining public spaces;</p> <p>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</p> <p>(d) locate external lighting to illuminate any entrapment spaces around the building site;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p>

<p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) provide well-lit public access at the ground floor level from any external car park.</p>	<p>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</p> <p>(g) provide for sight lines to other buildings and public spaces.</p>
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15.4.5 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Landscaping along the frontage of a site is not required if all of the following apply:</p> <p>(a) the building extends across the width of the frontage, (except for vehicular access ways);</p> <p>(b) the building has a setback from the frontage of no more than 1 m.</p>	<p>P1</p> <p>Landscaping must be provided to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>
<p>A2</p> <p>Along a boundary with the General Residential Zone or Inner Residential Zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p>P2</p> <p>Along a boundary with the General Residential Zone or Inner Residential Zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in the General Residential Zone or Inner Residential Zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.</p>

15.4.6 Outdoor Storage Areas

Objective:	
To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas. 	<p>P1</p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; (b) not encroach upon car parking areas, driveways or landscaped areas.

15.4.7 Fencing

Objective:	
To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Fencing must comply with all of the following:</p> <ul style="list-style-type: none"> (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in the General Residential Zone or Inner Residential Zone must be no more than 2.1 m and must not contain barbed wire. 	<p>P1</p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in the General Residential Zone or Inner Residential Zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the height of the fence; (b) the degree of transparency of the fence; (c) the location and extent of the fence; (d) the design of the fence; (e) the fence materials and construction; (f) the nature of the use;

	<p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>
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15.4.8 Residential Amenity

Objective:	
To ensure that buildings for residential use provide reasonable levels of residential amenity and safety.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A dwelling must have at least one habitable room window (other than a bedroom) facing between 30 degrees west of north and 30 degrees east of north.</p>	<p>P1</p> <p>A dwelling must be sited and designed to optimise sunlight to at least one habitable room (other than a bedroom).</p>
<p>A2</p> <p>The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised by complying with any of the following:</p> <p>(a) have a side boundary setback no less than 3 m;</p> <p>(b) be offset no less than 1.5 m from the windows of habitable rooms on adjacent lots where on the same horizontal lane;</p> <p>(c) have a window seal height no less than 1.5 m.</p>	<p>P2</p> <p>The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and off-set or by use of solid or translucent screening.</p>
<p>A3</p> <p>Outdoor living space must be provided for a dwelling that complies with all of the following:</p> <p>(a) be no less than 10 m²;</p>	<p>P3</p> <p>Outdoor living space must be provided for a dwelling with dimensions sufficient for the projected requirements of the occupants.</p>

(b) have a width no less than 2 m.	
A4 Habitable rooms of dwellings adjacent to streets carrying more than 6000 vehicle per day must be designed to achieve internal noise levels no more than 45 dBa in accordance with relevant Australian Standards for acoustics control, (including AS3671 - Road Traffic, and AS2107 - Habitable Rooms).	P4 Habitable rooms of dwellings adjacent to streets carrying more than 6000 vehicle per day must be designed, through site layout and building design, to provide internal noise levels that accord a reasonable level of residential amenity for the occupants.

15.4.9 Environmental Values

Objective:	
To ensure that the location and design of buildings and works avoids and minimises adverse environmental impacts.	
Acceptable Solutions	Performance Criteria
A1 No environmental values will be adversely impacted.	P1 The design, location and construction of all buildings and works must satisfy all of the following: (a) avoids, minimises and mitigates adverse environmental impacts; (b) offsets impacts on trees of high conservation value.

15.5 Development Standards for Subdivision

15.5.1 Subdivision

Objective:	
To provide for lots with appropriate area, dimensions, services, roads and access to public open space to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements.	
Acceptable Solutions	Performance Criteria
A1 The size of each lot must be no less than:	P1 The size of each lot must be sufficient to accommodate development consistent with the

<p>300 m².</p> <p>except if for public open space, a riparian reserve or utilities.</p>	<p>Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>
<p>A2</p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following;</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) clear of easements; (c) clear of title restrictions that would limit or restrict the development of a commercial building; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 10 m x 15 m in size. 	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be reasonably capable of accommodating use and development consistent with Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements; (b) provides for sufficient useable area on the lot for on-site parking and maneuvering, unless adequate arrangements are made for suitable alternative solutions to future likely demand generated by the development potential of the lot; (c) minimises the need for earth works, retaining walls, and cut & fill associated with future development.
<p>A3</p> <p>The frontage for each lot must be no less than:</p> <p>15 m.</p>	<p>P3</p> <p>The frontage of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to any Local Area Objectives or Desired Future Character Statements.</p>
<p>A4</p> <p>No Acceptable Solution.</p>	<p>P4</p> <p>The arrangement of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the subdivision will not compromise appropriate and reasonable future subdivision of the entirety of the parent lot; (b) accords with any relevant road network plan adopted by the Planning Authority; (c) facilitates the subdivision of neighbouring land with subdivision potential through the provision of connector roads, where appropriate, to the common boundary;

	(d) provides for acceptable levels of access, safety, convenience and legibility through a consistent road function hierarchy.
A5 Each lot must be connected to services adequate to support the likely future use and development of the land.	P5 No Performance Criteria.
A6 No Acceptable Solution.	P6 Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.
A7 No environmental values will be adversely impacted.	P7 The design, location and construction of all buildings and works must satisfy all of the following: (a) avoids, minimises and mitigates environmental impact arising from future use and development; (b) offsets impacts on trees of high conservation value.