

Owner	Planning and Sustainability
Implementation	15 June 2021
Next Review	June 2025

PART 1 – POLICY OPERATION

Policy Development and Purpose

This Local Planning Policy (Policy) has been prepared under Schedule 2, Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This purpose of this policy is to provide guidance for the consideration of development within the City's Mixed Use zones including land classified as Mixed Use in the Urban Development zone or in any structure plan.

Policy Objectives

The objectives of this Policy are:

1. To provide planning guidance for subdivision and built form in Mixed Use zones, in order to facilitate development that encourages the delivery of:
 - A desired built form that addresses and enhances urban streetscapes; and
 - A desired balance and compatible mixture of residential and non-residential land uses.
2. To prevent the role and function of Activity Centres being compromised by limiting the size of a range of uses in the Mixed Use zone.

Relationship to Other Policies, Guidelines and Documents

This policy is to be read in conjunction with the development standards and requirements of District Planning Scheme No. 2 and its associated policies.

PART 2 – POLICY PROVISIONS

This Policy applies to all Mixed Use zones in the City except where it is inconsistent with the provisions specified in a Structure Plan, Policy or Local Development Plan, then the provisions in that Structure Plan, Policy or Local Development Plan shall prevail.

General policy provisions

The City supports the creation of vibrant mixed use developments that are appropriately designed and scaled which contribute to the provision of housing, employment and commercial opportunities. The City recognises that certain non-residential uses can co-exist with residential development and be

accommodated without adversely affecting residential amenity. In this regard consideration must be given to the objectives of the Mixed Use Zone under District Planning Scheme No. 2 which are:

- (a) To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- (b) To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

Development requirements:

The non-residential use of land within the Mixed Use zone shall not cause undue conflict through the generation of traffic, demand for parking or the emission of noise, light, fumes, odours, dust, vibration, electrical interference, waste water or any other form of pollution or activity which may be undesirable or incompatible with residential uses.

Buildings shall be of a high standard of architectural design and include additional building detail, articulation, colours and textures to enhance architectural quality.

In the interests of contributing to a desirable amenity and street level activation, development in mixed use zones should be designed and laid out with non-residential uses at the ground floor where these are proposed.

Amenity

Non-residential uses abutting or in the same building as residential development shall be designed to minimise impact on residents and shall address, noise, light, fumes, odours, dust, vibration, electrical interference, waste water, traffic, visual amenity, safety, visual privacy and any other matter that may detract from the amenity of residents and the area. Noting that the Mixed Use zone is expected to accommodate a wider range of activity than typical Residential zoned land.

Design Principles

Buildings shall address the street by way of major openings and entries so as to provide a level of passive surveillance from inside the building to adjacent streets and the public realm. For nonresidential uses, the use of blank walls shall be minimised and glazing to openings shall not be obscured with signage, translucent films, paint, fittings or furniture.

Where blank walls cannot be avoided they should be designed in such a way that they contribute to a safe and attractive street environment by:

- Minimising the length and height of blank walls; and

- Articulating blank walls through the creative application of complementary materials, avoiding large continuous masses of the same finish and/or the provision of appropriately integrated structural features, lighting, street furniture, artworks and/or landscaping.

Non-residential uses must achieve a nil setback to the primary street except at areas along the building frontage providing access and where variations improve the building articulation as determined by the City.

Buildings to be used for residential purposes only may have a nil setback from the primary street and an average setback not exceeding 3.0 metres.

Mixed use development should be designed with a degree of adaptability to allow for change of use and dwelling size over time to respond to changing needs.

All buildings, which are in the first instance not proposed to be used for any non-residential purposes must have a designated room, to be provided at the front of the building abutting the primary street on the ground floor. This room shall include:

- Direct access to the primary street and separate pedestrian access from the primary street to the balance of the building;
- A minimum gross floor area of 12m²;
- An elevation facing the primary street, glazed to a minimum of 60% or 8m² (whichever is the lesser) with a visually permeable material; and
- A minimum ceiling height of 3.2 metres.

An awning is to be provided along portions of the building with a nil setback to the street boundary, with a:

- Minimum height of 3.0 metres above the footpath; and
- Minimum depth of 2.5 metres or to the outer edge of a footpath, whichever is the lesser, as measured from the lot boundary.

Maximum floor areas

Having regard to the objectives of the Mixed Use zone and to prevent any adverse impacts and ensure that they do not detract from the function of activity centres or interfere with the activity centres hierarchy that could lead to Mixed Use zones competing with Neighbourhood or other activity centres, a maximum floor area for non-residential uses is necessary. The maximum area of Shops, Offices, Pharmacies, Restaurants, Showrooms and Take-Away Food Outlets shall not exceed a net lettable area of 300m² for each tenancy.

Minimum lot size

To prevent land in Mixed Use zones from being subdivided into small lots to be used for Single House development only, which may preclude other uses in the future, the City requires a minimum lot size

of 300m². In this regard the City will not support any applications for subdivision within Mixed Use zones where lots of less than 300m² are proposed.

Conditions of approval

In its determination of any application for non-residential uses, in addition to any other powers provided for under District Planning Scheme No. 2, the City may impose conditions designed to minimise the impact on the amenity of residential uses, including limiting the scale of the development and restricting the times during which the use may operate.