

5.6 Code for Mixed Use Premises

PURPOSE

The purpose of this code is to provide for the development of mixed use premises where such premises can take advantage of available physical and social infrastructure in ways that protect and enhance local amenity and fit within the Shire’s preferred land use pattern (including the distribution of Centres) and transport network.

(1) Element: Location Suitability

PURPOSE

To encourage development and use of mixed use premises at locations where such premises are able:

- to benefit from, and contribute to, concentrations of pedestrian activity, and
- to encourage and support opportunities for local employment, increased public transport use, and increased walking and cycling, and
- to avoid the creation of unplanned centres that could undermine the economic and social viability of existing and planned centres, and
- to avoid adversely impacting on the amenity of the surrounding area.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Mixed-use premises must be located:</p> <ul style="list-style-type: none"> • in an area where mixed use premises are in keeping with, and contribute to, the area’s desired local character, amenity and role within the Shire, and/or • on a site fronting, or within a short and easy walking distance of, an area or use which frequently attracts a high level of pedestrian activity. 	<p>A1 Premises are developed on a site with frontage to a Arterial Main Street, Sub Arterial Main Street, Major Collector or Minor Collector Street and:</p> <ul style="list-style-type: none"> • in a Town Centre Core, Village Centre or Local Centre precinct, or • on a site in a Town Centre Frame precinct which is within 400 m of a major transport interchange/terminus, or • on a site in a Multi-storey Residential precinct where non-residential uses are specifically provided for in the table of <i>Maximum Preferred Density</i> in Volume 3 of the planning scheme, or • where consistent with the desired precinct intent in a Master Planned Community precinct.

(2) Element: Mix of Use

PURPOSE

To provide for a mix and distribution of uses which are economically, socially and operationally compatible with each other and with those existing or intended in the surrounding area.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Mixed-use premises must incorporate uses which:</p> <ul style="list-style-type: none"> • are compatible with each other, • can co-exist on the site with little or no conflict, and • contribute to the desired character, vitality and amenity of the area. 	<p>A1.1.1 Where in a Town Centre Core or Town Centre Frame precinct, up to 75% of the gross floor area of the premises is used for residential purposes, with the remaining gross floor area used for one or more of the following purposes:</p> <ul style="list-style-type: none"> • Art and craft centre, • Child care centre • Garden centre, • Light industry (less than 50m² gross floor area), • Medical centre, • Office, • Restaurant, Convenience restaurant or Fast-food store, • Shop, • Special use, • Gymnasium or other indoor recreation use (not being a sports facility, nightclub or other licensed premises), • Veterinary Clinic. <p>OR</p> <p>A1.1.2 Where in a Multi-storey Residential precinct, the premises have non-residential gross floor area no more than the maximum preferred for the particular precinct (refer to Volume 3 of this Planning Scheme), with the non-residential use being for one or more of the following purposes:</p> <ul style="list-style-type: none"> • Art and craft centre, • Child care centre • Garden centre, • Light industry (less than 50m² gross floor area), • Medical centre, • Office, • Restaurant, Convenience restaurant or Fast-food store, • Shop, • Special use, • Gymnasium or other indoor recreation use (not being a sports facility, nightclub or other licensed premises), • Veterinary Clinic. <p>AND</p> <p>A1.2 The premises are designed, and can be readily adapted to accommodate two or more different uses with no, or only minor building work, and no operational works.</p> <p>AND</p> <p>A1.3 The premises have uses which can attract high levels of customer visitation (like shops, cafes, restaurants and business or community uses offering counter services) which are located at ground storey level along the principal street frontage and, if applicable, at the street corner.</p>

(3) Element: Siting and Design of Premises

PURPOSE

To provide for the layout, scale, form and character of mixed use premises:

- to be in keeping with the desired character of the locality, and
- to be compatible with the existing and/or intended use of surrounding premises, and
- to allow for the premises to be adapted for different uses and types of occupancy over time, and
- to contribute to making the adjacent street(s), or other public space(s), more attractive, more interesting and safe.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Buildings must front and address the principal street, and address any adjoining parks or other public spaces.</p>	<p>A1.1 Buildings have:</p> <ul style="list-style-type: none"> • main entries and windows at ground storey level in the principal street, or street corner, facade, and; • windows and/or doors in any facade fronting an adjoining park, public square, courtyard or similar public or communal space. <p>AND</p> <p>A1.2 Premises have a street frontage orientation, rather than being oriented towards a side or rear boundary.</p>
<p>P2 Buildings must be of a height and density consistent with the desired character of the locality.</p>	<p>A2 Premises have a height and density that do not exceed the preferred maximum stated for the precinct in which the site is situated (Volume 3 of this Planning Scheme refers).</p>
<p>P3 Buildings must be designed to be easily adaptable to different uses over time.</p>	<p>A3.1 Habitable parts of buildings above ground storey have a depth (excluding balconies) of not more than 12 metres to allow for good penetration of natural light within the building, except where a light well or court is incorporated which provides for an effective depth of not more than about 12 to 15 metres.</p> <p>AND</p> <p>A3.2 Any ground storey (and, in a Town Centre Code or Town Centre Frame precinct, first storey) of a building has:</p> <ul style="list-style-type: none"> • a height of at least 3.2 metres to allow for possible changes of use over time, or • a height of less than 3.2 metres by way of a false floor or ceiling. <p>AND</p> <p>A3.3 Clearly defined residential entry areas are provided from street frontages and/or car parking areas which are separate from the entry areas provided for other building users.</p> <p>AND</p> <p>A3.4 Clearly marked, safe and secure car parking areas for residents are provided which are physically separated from the parking areas provided for other building users.</p>
<p>P4 The ground storey of the building must be:</p> <ul style="list-style-type: none"> • located at or close to the principal street frontage and/ or any other major public or communal pedestrian space so 	<p>A4.1 Buildings at ground storey level:</p> <ul style="list-style-type: none"> • are setback from the street frontage in accordance with the relevant Acceptable Measures of the relevant land use code (sections 2, 3, 4, 5 and 6 of Volume 4 refer) or Local Area Code in which the premises are situated, or

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PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P4 cont that a continuous or mostly continuous built form edge (accommodating publicly accessible use and/or visual interest) is created, or</p> <ul style="list-style-type: none"> • otherwise consistent with the desired streetscape character of the locality as described in the relevant Performance Criteria of the relevant land use code or Local Area Code in which the premises are situated. 	<ul style="list-style-type: none"> • where no street frontage setback is otherwise required, are setback less than 6 metres from the principal street frontage for at least 20% of the building's front facade. <p>OR A4.2 Site specific measures are used to ensure the premises enhance, or at least do not compromise, the desired streetscape character in accordance with a competently prepared, Streetscape Concept Plan and/or Landscape Plan.</p>
<p>P5 Premises must be orientated towards on-site or adjoining open space, or otherwise to take advantage of any attractive view or desirable aspect, without causing unacceptable levels of adverse impact.</p>	<p>A5.1 Site specific measures are applied such that:</p> <ul style="list-style-type: none"> • residents are provided with a sense of address and privacy, and • overlooking and/or overshadowing or adjoining living areas is avoided or minimised, and • dwelling entries are visible from the street and/or other public and communal spaces. <p>AND A5.2 The premises are sited and designed such that sunlight to the living room windows and/or private open spaces of dwellings on adjoining sites, or to adjoining public open space, is not reduced to less than 4 hours between 9am and 3pm on 21 June, (or by 20% less than existing if already less than 4 hours).</p>
<p>P6 On-site car parking must be provided in a location that is convenient, legible and efficient to use, without adversely affecting the desired streetscape character or amenity of the locality, and having particular regard to:</p> <ul style="list-style-type: none"> • the expected extent of sharing of parking spaces at different times by different uses, • the availability of on-street and other publicly available spaces in the vicinity of the site, • the availability and accessibility of public transport, and • accessibility during the operational hours of the use requiring the car parking. 	<p>A6 The number of car parking spaces provided on the site is in accordance with the Acceptable Measures of the <i>Code for Transport, Traffic and Parking</i>.</p>

(4) Element: On-Site Open Space

PURPOSE

To provide for on-site open space which:

- provides residents with opportunities for convenient, attractive and comfortable private outdoor living, and
- includes practical and attractive landscaping which enhances the appearance of the premises from outside the site, enhances the micro-climatic conditions within the site and is consistent with the character and amenity of the locality, and
- if necessary, contributes to the buffering of the premises from any adjoining incompatible or sensitive premises.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Private open space must be provided for each dwelling unit (or potential dwelling unit) to suit expected user needs by:</p> <ul style="list-style-type: none"> • being clearly defined for private use, • being directly accessible from a main living area, • having dimensions capable of accommodating a variety of domestic outdoor recreational activities, and • addressing privacy, outlook and maximum year round use. 	<p>A1.1 On-site open space is provided in accordance with the relevant Acceptable Measures of the land use code (sections 2, 3, 4, 5 and 6 of Volume 4 refer) or Local Area Code in which the premises are situated.</p> <p>OR</p> <p>A1.2 Where there are no relevant Acceptable Measures of another applicable code:</p> <p>(a) on-site open space having a total minimum area of 30% of the area of the site is provided, including:</p> <ul style="list-style-type: none"> • private open space having a total minimum area equal to 20% of the total building gross floor area within the premises, and • landscaping of at least 10% of the area of the site; and <p>(b) secure and conveniently accessible private open space for each dwelling unit (or potential dwelling unit) is provided in the form of a courtyard, balcony or roof deck, having a total minimum area of:</p> <ul style="list-style-type: none"> • 25.0m² where at ground level, with no dimension less than 3m; or • 10.0m², with no dimension less than 2.5m, otherwise; <p>and no one space having an area of less than 6.0m².</p>
<p>P2 High quality soft and hard landscaping must be provided which is in keeping with the siting, scale and design of the premises, and the desired character and amenity of the locality.</p>	<p>A2.1.1 On-site landscaping is provided in accordance with the relevant Acceptable Measures of the code for Landscaping Design.</p> <p>OR</p> <p>A2.1.2 Where there are no relevant Acceptable Measures of the code for Landscaping Design, soft and hard landscaping is provided on the premises which includes:</p> <ul style="list-style-type: none"> • feature planting areas along highly visible frontages - comprising attractive trees, low planting and hard landscaping extending along any part of the street frontage not occupied by buildings or access ways, for a minimum depth of 2.0m,

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PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P2 continued	<ul style="list-style-type: none"> • shade trees in open air car parks - provided at a spacing of one tree for every 4 bay widths, • screen or buffer planting to any incompatible adjoining use or around any outdoor garbage bin or other service area - comprising densely planted trees and shrubs in areas having a minimum width of 2.0m and/or solid, visually attractive, fencing, walls or other screening structures of a height of at least 1.8m, • planting structurally integrated into the building form (eg, comprising terrace, courtyard, roof-deck and/or front entry planting) which softens the appearance of buildings, provides visual interest, and contributes to a more comfortable on-site micro-climate, and • soft landscaping using predominantly or exclusively native species and provided in a way that generally does not rely on high levels of maintenance.

(5) Element: Environment and Amenity

PURPOSE

To avoid or minimise the noise, vibration and air emissions from any use on the site that could unacceptably impact on other uses on the site or on surrounding sites; and to otherwise provide for acceptable levels of on-site amenity for all occupants of the premises.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Hours of operation for non-residential premises and refuse collection arrangements must allow for acceptable levels of amenity to be maintained and no unreasonable nuisance to be caused to on-site or adjoining residents.	<p>A1.1 Non-residential uses do not operate outside the hours of:</p> <ul style="list-style-type: none"> • 7am to 10pm Monday to Thursday, • 7am to 11pm Friday and Saturday, and • 9am to 10pm Sunday or any public holiday. <p>AND</p> <p>A1.2 Service vehicle loading/unloading and refuse storage/collection facilities are provided:</p> <ul style="list-style-type: none"> • within buildings, or • within enclosed service yards or courtyards that are located other than along the frontage of the site to a street or other public space and out of direct line-of-sight of, and at least 9.0m from, the windows and doors of the main living areas and bedrooms of on-site dwellings. <p>AND</p> <p>A1.3 Refuse collection times are limited to within the hours of:</p> <ul style="list-style-type: none"> • 6am to 6pm Monday to Friday, • 7am to 5pm Saturday, and • 8am to 1pm Sunday or any public holiday.
P2 No environmental harm or nuisance is caused to surrounding premises, and an acceptable level of amenity for on-site residents is established and maintained.	<p>A2.1 Mechanical plant and equipment is enclosed or shielded with acoustically rated materials and is located to ensure that sound pressure levels are no greater than the noise limits specified for the relevant noise types, as identified in Table 3.1 of <i>Planning Scheme Policy No. 7 - Acoustic Environment Assessment</i>.</p>

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PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P2 continued</p>	<p>AND A2.2 Glare conditions and unwanted light-spill onto the windows and doors of on-site and neighbouring dwellings are avoided by:</p> <ul style="list-style-type: none"> (a) selection and installation of light fixtures that comply with relevant Australian Standards AS 4282 - 1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i>, and (b) use of building elements, orientation or landscaping treatments.
<p>P3 The private open spaces and living rooms of adjoining and facing dwellings must be protected from direct overlooking by means of dwelling layout, building orientation, screening devices, landscaping and/ or separation distance.</p>	<p>A3.1 Windows and balconies are screened or obscured where they face directly into the private open space or living area of any other dwelling which is within 9.0m of the window or balcony. Provided that no screening is required for:</p> <ul style="list-style-type: none"> • non-habitable rooms; and • habitable rooms (including bathrooms) which have sill heights of at least 1.5m above floor level or have translucent glass in any window having a lower sill height; and • habitable rooms facing a property boundary where there is a visual barrier (such as a fence, screen or vegetation) that reaches a height of at least 1.5m above the floor level of any such room; and • balconies, terraces, verandahs or decks which have solid or translucent balustrades to a height of at least 1.5m. <p>AND A3.2 Windows and balconies of an upper-level dwelling are designed to prevent overlooking of more than 50% of the private open space of any dwelling directly below.</p>
<p>P4 The emission of sound beyond the boundary of the site¹:</p> <ul style="list-style-type: none"> • maintains the EPP (noise) Environmental values of the receiving acoustic environment; and • is such that ambient sound levels for any nearby residential land and other noise sensitive places are maintained. 	<p>A4 Development and use achieves compliance with the noise limits specified for the relevant noise types, as identified in Table 3.1 of <i>Planning Scheme Policy No. 7 - Acoustic Environment Assessment</i>.</p>
<p>P5 Noise attenuation measures are compatible with the local streetscape, encourage the creation of active street frontages and are designed to discourage crime and anti-social behaviour having regard to:</p> <ul style="list-style-type: none"> • aesthetic quality and compatibility; • physical accessibility; • provision for casual surveillance of public space from dwellings; and • opportunities for concealment or vandalism. 	<p>No Acceptable Measure nominated</p>

¹ To demonstrate compliance with this performance criterion, applicants may need to prepare a noise impact assessment in accordance with *Planning Scheme Policy No. 7 - Acoustic Environment Assessment*.

