

5.9 Mixed Use Zone

5.9.1 Categories of Assessment – Material Change of Use

The following table identifies the categories of assessment for development in the Mixed Use Zone for making a material change of use.

Table 5.9.1 Mixed Use Zone	
Accepted development	
Dwelling house If: <ul style="list-style-type: none"> ▪ in the Transition Precinct; and ▪ not involving a secondary dwelling Note: This includes the parking of heavy vehicles which are necessary in the employment of residents	
Emergency services	
Telecommunications facility If in the Highway Precinct	
Utility installation If for a service for supplying water, hydraulic power or gas	
Accepted development subject to requirements	
Use	Requirements
Dual occupancy If: <ul style="list-style-type: none"> ▪ in the Transition Precinct; and ▪ on a site in excess of 800m²; 	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Dwelling house If: <ul style="list-style-type: none"> ▪ in the Transition precinct; and ▪ involving a secondary dwelling; Note: This includes the parking of heavy vehicles which are necessary in the employment of residents	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Food and drink outlet If: <ul style="list-style-type: none"> ▪ in the Highway Precinct; and ▪ the maximum gross floor area is 200m²; and ▪ there is no drive-through facility; 	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Home-based business If in the Transition Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Low impact industry	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Outdoor sales If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Service industry	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Service station If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Short-term accommodation If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Showroom If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1
Tourist park If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.2 Development Design Code – Table 6.3.1

Table 5.9.1 Mixed Use Zone	
Assessable development	
Use	Assessment benchmarks
Code assessment	
Agriculture supplies store If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Caretaker’s accommodation	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Car wash If in the Transition Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Dual occupancy If not accepted development and in the Transition Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Food and drink outlet If not accepted development and in the Highway Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Hardware and trade supplies	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Hotel If in the Highway Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Transport depot if in the Highway Precinct	Mixed Use Zone Code – Table 5.9.3 Development Design Code – Table 6.3.2
Impact assessment	
Any defined use not listed in this table. Any undefined use.	The Planning Scheme

Editor’s note – The above categories of assessment apply unless otherwise prescribed in the Act or the regulation.

5.9.2 Mixed Use Zone Code

5.9.2.1 Application

- (1) This code applies to development where the code is identified as applicable in the Categories of Assessment Table. When using this code, reference should be made to Section 1.5.2 and, where applicable, Section 1.6.1.

5.9.2.2 Purpose

- (1) The purpose of the Mixed Use Zone is to provide for a variety of uses and activities, including, for example, business, residential, retail, service industry, tourist accommodation or low impact industrial uses or activities.
- (2) The purpose of the Code will be achieved through the following overall outcomes:
 - (a) generally:
 - (i) the scale, presentation, character and built form of development contributes to a high standard of amenity along major transport routes and adjacent to or opposite residential areas;
 - (ii) development is serviced with appropriate urban infrastructure;
 - (iii) development maintains the prevailing streetscape character;
 - (iv) and where affected by the overlay for:
 - (A) bushfire or flood risk:
 - I. the use and works support and do not unduly burden disaster management response or recovery activities, providing for access for evacuation resources and efficient evacuation of sites during emergency events;
 - II. development minimises the exposure of people or property to unacceptable risk from exposure to natural hazards and environmental constraints affecting the land through consideration of location, siting, design, construction and operation;

- III. works do not contribute to an increase in the severity of natural hazard events and are designed, located and operated to minimise risk to people and damage to property, disruption to development function and re-establishment time following an event;
- IV. development involving the manufacture or storage in bulk of hazardous materials does not adversely impact on public safety or the environment;
- V. works retain the natural processes and protective function of landforms and vegetation in natural hazard areas;
- (B) infrastructure:
 - I. the viability of essential community infrastructure is protected by requiring on-site buffering and separation of new development on adjoining sites that could limit the on-going operation of existing infrastructure;
 - II. an appropriate level of amenity is maintained for development in the vicinity of identified infrastructure;
 - III. the interaction between transport infrastructure and sensitive land uses is managed to maintain the efficiency of the transport network and to protect community health and amenity;
- (C) water resources:
 - I. water supply catchments are protected from activities that may endanger the quality of drinking water supplies and the groundwater management areas;
 - II. development does not adversely impact on the recharge capacity of the groundwater management areas;
- (b) for land in the Highway Precinct:
 - (i) uses reliant on and benefitting from passing traffic, the road transport sector, tourism, entertainment, sale of bulky goods, showrooms and trade sales are the dominant activity;
 - (ii) accommodation uses minimise the potential for conflict with industrial and business activity in the area;
 - (iii) in Moura, vehicle and pedestrian traffic associated with the development is directed to Dawson Parade wherever possible;
 - (iv) development provides a high standard of visual amenity;
- (c) for land in the Transition Precinct:
 - (i) development manages the potential adverse impacts between sensitive land uses and non-residential uses;
 - (ii) on the abandonment of non-residential uses, land is redeveloped for residential purposes as the preferred land use;
 - (iii) development provides for a transition from housing on the north-eastern side of Kariboe Street to the light industry and other non-residential uses fronting Callide Street;
 - (iv) vehicle and pedestrian traffic associated with non-residential uses is directed to Callide Street wherever possible;

5.9.2.3 Requirements for accepted development or assessment benchmarks

Table 5.9.2 For accepted development
Acceptable Outcomes
General
Site suitability
AO1.1 Development for sensitive land uses does not occur on sites listed on the Contaminated Land Register or Environmental Management Register.
Built Form
AO2.1 Direct pedestrian access from the footpath to the front entrance of the building is provided and separated from vehicle access and parking areas.
and
AO2.2 Front fences are less than 1.2m high or are 75% transparent.
and
AO2.3 Landscaping along all road frontages has either a maximum height of 0.5m or a minimum clear trunk height of 1.5m at maturity.

Table 5.9.2 For accepted development

Acceptable Outcomes

and

In the Transition Precinct

AO2.4 Maximum building height is 8.5m above ground level.

and

AO2.5 Buildings are set back at least:

- (a) 6m from the primary street frontage;
- (b) 3m from the secondary street frontage;
- (c) 3m or half the building height from a side boundary, whichever is greater;
- (d) 6m from the rear boundary;

and

AO2.6 Garages are at or behind the ground level building setback.

and

AO2.7 Site cover does not exceed 50%.

In the Highway Precinct

AO2.8 Maximum building height is 12m above ground level.

and

AO2.9 Total use area is no more than 75% of the site, excluding car parking areas.

and

AO2.10 Buildings are setback from all road frontages by a minimum distance of 6m.

and

AO2.11 Buildings, loading/unloading areas and refuse storage are setback from common boundaries with land in the General Residential Zone by a minimum distance of:

- (a) 6m to rear boundaries; and
- (b) 3m or half the building height, whichever is the greater, from side boundaries

and

AO2.12 Any ancillary office or sales area is located at the front of the building and designed with 25% of un-observed glazing in facades facing public areas.

and

AO2.13 Public entrances to buildings have an awning with minimum dimensions of 800mm.

Servicing

AO3.1 Stormwater is discharged to a lawful point of discharge that integrates with established drainage infrastructure.

Residential uses

Secondary dwelling

AO4.1 The minimum site area is 600m².

and

AO4.2 The secondary dwelling has a maximum floor area of 60m².

and

AO4.3 The maximum separation between the secondary dwelling and the existing dwelling is 10m.

and

AO4.4 The design of the secondary dwelling uses materials and features that match the existing dwelling.

and

AO4.5 The secondary dwelling uses the same property access as the principal dwelling.

Dual occupancy

AO5.1 Each dwelling has a minimum gross floor area of 60m² exclusive of vehicle accommodation.

and

AO5.2 Each dwelling has 1 covered car parking space with a minimum dimension of 5m by 3m wide with independent driveway access to its respective street frontage.

and

AO5.3 Each dual occupancy provides an additional car parking space for visitors.

And

AO5.4 An outdoor living space for the exclusive use of each residence is provided which:

- (a) has a minimum area of 40m²; and
- (b) has a minimum dimension of 4m; and
- (c) is directly accessible from internal living areas; and

Table 5.9.2 For accepted development

Acceptable Outcomes

- (d) is orientated within 20 degrees of north where practical; and
- (e) includes a minimum area of 2m² for outdoor clothes drying;

Home-based business

- AO6.1** Only one non-resident employee is on the premises at any one time.
and
AO6.2 The maximum gross floor area used is 50m².
and
AO6.3 There is no:
- (a) sale of any goods from the premises other than those manufactured or serviced on the site;
 - (b) hiring out of materials, goods, appliances or vehicles;
 - (c) display of goods visible from outside the dwelling;
 - (d) re-fuelling of vehicles; or
 - (e) storage of chemicals, gases or other hazardous materials;
- and
AO6.4 Signs displayed on the premises do not exceed 1.0m² in area.
and
AO6.5 The use does not rely on delivery vehicles larger than a 2.5t rigid vehicle.
and
AO6.6 The use operates between 8.00am and 6.00pm Monday to Saturday.
and
AO6.7 The use operates for a maximum of 25 hours in any week.
and
AO6.8 A maximum of one parking space is provided in addition to the requirements of the principal dwelling.
and
AO6.9 The use utilises the same vehicle access as the existing dwelling.

Short-term accommodation and tourist park

- AO7.1** Development occurs on sites with a minimum area of 2,000m².
and
AO7.2 Sites have a minimum primary road frontage of 20m.
and
AO7.3 Where adjoining a non-residential use, a 1.8m high acoustic barrier is provided to the common boundary.
and
AO7.4 Communal open space areas (both indoor and outdoor):
- (a) have a total sum that occupies at least 30% of the site area;
 - (b) are consolidated so that 70% of these areas are in a single location and have a minimum dimension of 5m;
 - (c) are accessible to all users of the site;
- and
AO7.5 Access arrangements preclude the need for vehicles to reverse on or off the site.
and
AO7.6 Landscaping comprising large trees and spreading groundcovers is provided along the primary road frontage of the site to a minimum depth of 2m.

Non-residential use

Streetscape and activity

- AO8.1** The main entry to the building is visible and directly accessible from the street.
and
AO8.2 Direct pedestrian access from the footpath to the front entrance of the building is provided and separated from vehicle access and parking areas.
and
AO8.3 Car parking is provided at the rear of the building with vehicle access occupying no more than 10m of the site frontage.
and
AO8.4 A full width sealed footpath extends along the full frontage of the site.

Table 5.9.2 For accepted development

Acceptable Outcomes

and

AO8.5 Landscaping comprising large trees and spreading groundcovers is provided along the primary road frontage of the site to a minimum depth of 2m.

Amenity

AO9.1 The vertical illumination resulting from direct or indirect light from the premises is 8lux or less when measured at ground level at any point 1.5m outside the site.

and

AO9.2 All mechanical plant and equipment fitted to service the development incorporates acoustic attenuation and is fully screened from view at the property boundary.

and

AO9.3 Development achieves the applicable requirements of:
(a) the *Environmental Protection (Air) Policy 2019*; and
(b) the *Environmental Protection (Noise) Policy 2019*;

and

AO9.4 Where a site has a common boundary with a sensitive land use:
(a) a 1.8m high solid acoustic screen fence is constructed along the full length of each common boundary; and
(b) the loading and unloading of service vehicles occurs only between the hours of:
(i) 7:00am and 6:00pm, Monday to Friday; and
(ii) 7:00am and 12:00pm on Saturdays; and
(iii) loading or unloading does not occur on Sundays and public holidays;

and

AO9.5 Windows located above ground level and overlooking an adjoining residential use:
(a) are fitted with fixed external privacy screens; or
(b) incorporate non-transparent glazing; or,
(c) have minimum sill heights of 1.5m;

For development affected by one or more overlays

Biodiversity

AO10.1 Uses and associated works are confined to areas not identified on Overlay Maps OM-0201 - OM-0204.

or

AO10.2 For areas identified as Regulated Vegetation Category R and where an assessment confirms the presence of a defined drainage feature, watercourse or native vegetation, development is excluded from the mapped area.

or

AO10.3 Where a PMAV is approved by an administering authority following the commencement of this planning scheme, development may occur in mapped Regulated Vegetation Areas on Overlay Maps OM-0201 - OM-0204 where the PMAV identifies no regulated vegetation exists.

or

AO10.4 Where development within an area identified on Overlay Maps OM-02 - OM-0204 is unavoidable, measures recommended by a qualified ecologist to minimise adverse impacts on the mapped feature are implemented.

and

AO10.5 Development is setback from land identified as Wildlife Habitat, Watercourses or Wetlands on Overlay Maps OM-0201 - OM-0204 a minimum of:
(a) 20 metres if in an urban or rural residential area;
(b) 50 metres in other areas;

and

AO10.6 Development does not involve the removal of native vegetation from an area identified as regulated vegetation on Overlay Maps OM-0201 - OM-0204 without the express consent of the relevant administering authority, except where identified as exempt clearing work under the Regulation.

Flood Risk

AO11.1 New buildings are not located within the area identified as Flood Hazard Area on Overlay Maps OM-0401 - OM-0404.

Table 5.9.2 For accepted development

Acceptable Outcomes

or

AO11.2 Development is sited above the defined flood level, or the highest known flood event, in accordance with the requirements of Council's adopted Floodplain Resolution.

or

AO11.3 Building work below the nominated flood level allows for the flow through of flood water at ground level by:

- (a) leaving the structure below flood level unenclosed; or
- (b) aligning any enclosure below flood level with the direction of water flow; or
- (c) ensuring any enclosure below flood level and not aligning with the direction of water flow have openings that are at least 50% of the enclosed area with a minimum opening of 75mm;

and

AO11.4 Resilient building materials are used below the nominated flood level in accordance with current building assessment provisions.

and

AO11.5 Signage is provided on site indicating at least one clear and direct pedestrian and vehicle evacuation route that remains passable during all floods up to and including the defined flood event.

and

AO11.6 Works associated with the proposed development do not:

- (a) involve a net increase in filling greater than 50m³; or
- (b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or
- (c) change flood characteristics outside the site in ways that result in:
 - (i) loss of flood storage;
 - (ii) loss of/changes to flow paths;
 - (iii) acceleration or retardation of flows; or
 - (iv) any reduction in flood warning times;

and

AO11.7 There is no manufacture or storage of hazardous materials on site or the floor level of buildings involving the manufacture or bulk storage of hazardous materials is located 300mm above the level of a defined flood event, or the highest known flood event.

and

AO11.8 Works in urban areas do not involve:

- (a) any physical alteration to a watercourse or floodway including vegetation clearing;
- (b) a net increase in filling;

and

AO11.9 Essential community infrastructure is not located on land identified as Flood Hazard Area on Overlay Maps OM-0401 - OM-0404.

Infrastructure

Roads and railway

AO12.1 Development for a sensitive land use fronting a road identified on Infrastructure Overlay Maps OM-07A01 - OM-07A05 incorporates a landscaped buffer along the frontage of the site:

- (a) a minimum width of two metres to a State-controlled road or one metre to any other identified road;
- (b) incorporating species with a minimum mature height of three metres;

and

AO12.2 Sensitive land uses are:

- (a) designed with outdoor living areas that are shielded from the emission source associated with the road;
- (b) designed with emission-sensitive rooms furthest from the road corridor;
- (c) constructed of materials that achieve the weighted sound reduction value;

Editor's Note: Refer to Part 4.4 of the Queensland Development Code weighted sound reduction values.

and

Electricity

For sites 5 hectares or larger

AO12.3 Sensitive land uses maintain the following separation distances from the following electricity infrastructure:

Table 5.9.2 For accepted development	
Acceptable Outcomes	
	<p>(a) 20 m for transmission lines up to 132 kilovolts;</p> <p>(b) 30 m for transmission lines between 133 kilovolts and 275 kilovolts;</p> <p>(c) 40 m for transmission lines exceeding 275 kilovolts;</p> <p>(d) 50 m for high voltage substations;</p> <p>and</p> <p>AO12.4 A minimum 3m wide densely planted landscaped buffer is provided along the boundary adjoining the major electricity infrastructure or easement, including provision for advanced trees and shrubs that will grow to a minimum height of 10m.</p>
Water Resources	
	<p>AO13.1 Development occurs in a sewerage serviced area and is connected to the reticulated sewerage network.</p> <p>or</p> <p>AO13.2 Development does not involve the establishment or expansion of an on-site wastewater treatment facility.</p> <p>and</p> <p>AO13.3 Development does not involve:</p> <p>(a) any increase in ground level impervious area; and</p> <p>(b) there is no discharge of potential water contaminants;</p>

Table 5.9.3 For assessable development	
Performance Outcomes	
General	
Site suitability	
PO1	Sites on the Contaminated Land Register or Environmental Management Register are remediated prior to plan sealing, issuing of operational works or building works permits or commencement of use for a sensitive land use.
Built form	
In the Transition Precinct	
PO2	Development creates a regularly-spaced urban form and a protected environment for residential uses.
	and
PO3	Re-development of land for new uses provides an increase in the proportion of residential land use in the Precinct.
	or
In the Highway Precinct	
PO4	The built form of development creates an open and functional commercial streetscape with a high level of visual appeal.
	and
PO5	The site layout and design creates a safe, secure and attractive streetscape with direct access to buildings and a visual dominance of the primary use of the site.
Servicing	
PO6	Development is connected to reticulated water supply and sewerage.
	and
PO7	In the Transition Precinct, direct access for non-residential uses to Kariboe Street is only provided where no alternative exists.
	and
PO8	Residential developments up to 10 residential units or commercial developments with a maximum gross floor area of 250m ² allow for individual waste bins for each unit for kerbside collection.
	or
PO9	For residential developments with 6 or more residential units or commercial developments greater than 250m ² in gross floor areas, refuse storage areas are provided on-site for communal industrial-sized waste bins.

Table 5.9.3 For assessable development	
Performance Outcomes	
Specific uses	
Caretaker's accommodation	
PO10	Caretaker's accommodation is subsidiary to the non-residential use on the same site.
	and
PO11	Caretaker's accommodation provides the amenity, privacy and comfort associated with long-term habitation.
Dual occupancy	
PO12	A dual occupancy is of a size that meets the essential accommodation needs of the residents.
	and
PO13	Sufficient space is provided for on-site car parking to provide 1 covered car parking space for the residents and an additional car parking space for visitors with independent driveway access to its respective street frontage.
	and
PO14	Each dwelling has its own exclusive outdoor living space available for private recreational and housekeeping needs.
Home-based business	
PO15	The use protects existing streetscape character, integrates with and is subordinate to the existing dwelling.
	and
PO16	The amenity of the local residential area is protected.
	and
PO17	The home-based business supports the economic viability of existing lawful commercial and industrial uses in the Centre, Industry, Mixed Use and Township zones.
Non-residential uses	
Streetscape and activity	
PO18	Development creates an attractive, interesting, safe, legible and active streetscape, reduces the prominence of vehicle activity, and provides a safe pedestrian environment.
Amenity	
Where sharing a common boundary with a sensitive land use	
PO19	Landscaping and fencing along the full length of each common boundary protects the privacy and amenity of adjoining residences.
	and
Where opposite land in the General Residential Zone	
PO20	Development creates an attractive appearance by:
	(a) establishing landscaping along the site frontage, where not required for access;
	(b) limiting activity in the front setback to landscaping and car parking;
	(c) locating all other activities inside or behind the building;
	and
In all instances	
PO21	Outdoor activities associated with the use maintain the early morning and late evening amenity of the surrounding area.
	and
PO22	Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, telecommunication devices, etc.) is acoustically screened and are fully screened from view at the property boundary.
	and
PO23	Light spill from the premises does not create a nuisance outside the site.
	and
PO24	The air quality objectives of the <i>Environmental Protection (Air) Policy 2019</i> are maintained for the ongoing operation of the use.
	and
PO25	The acoustic objectives of the <i>Environmental Protection (Noise) Policy 2019</i> are maintained for the ongoing operation of the use.
Centre hierarchy	
PO26	Development reinforces the hierarchy of centres and the economic viability of existing uses in the Centre Zone.

Table 5.9.3 For assessable development	
Performance Outcomes	
Contamination	
PO27	Areas where potentially contaminating substances are stored or used are covered and bunded.
	and
PO28	Provision is made for spills to be controlled on-site for removal and disposal by an approved means.
	and
PO29	Liquid or solid wastes are not discharged directly to land or waters.
For development affected by one or more overlays	
Biodiversity	
PO30	Development avoids land containing matters of environmental significance or provides protection for the values associated with those areas.
	and
PO31	Development establishes and maintains effective buffers to significant vegetation and wildlife habitat.
	and
PO32	Development protects ecological linkages between potential habitat areas to facilitate unimpeded, safe and effective movement of fauna.
	and
PO33	Development prevents the incursion or spread of species identified as invasive biosecurity matters.
Flood Risk	
PO34	Development does not result in any increase in exposure to flood risk for all flood events up to and including the defined flood event.
	and
PO35	Siting and layout provides safe pedestrian and vehicular access and egress for all flood events up to and including the defined flood event.
	and
PO36	Development directly, indirectly and cumulatively avoids any increase in water flow depth, duration or velocity and does not increase the potential for flood damage either on site or on other properties.
	and
PO37	Public safety and the environment are protected from the detrimental impacts of the release of hazardous materials into floodwaters.
	and
PO38	Essential community infrastructure in any area mapped on Overlay Maps OM-0401 - OM-0404 as Flood Hazard Area is able to function effectively during and immediately after flood.
	and
For reconfiguring a lot only	
PO39	The number of lots exposed to flood risk for all flood events up to and including the defined flood event is not increased.
Infrastructure	
Roads and railway	
PO40	Development on premises with a frontage to the road corridors shown on Infrastructure Overlay Maps OM-07A01 - OM-07A05 mitigates the potential adverse impacts of the road corridor including traffic noise, headlights and streetlights.
	and
PO41	Sensitive land uses on land with a frontage to the road corridors shown on Infrastructure Overlay Maps OM-07A01 - OM-07A05 achieve a level of amenity consistent with the intended use.
	and
Electricity	
PO42	Development is separated from major electricity infrastructure or substations and incorporates buffers to maintain public health and safety, residential amenity and allow access to infrastructure for maintenance.
	and
PO43	Development dedicates part of the site to establish landscaping which screens or otherwise softens the visually obtrusive impacts of electricity infrastructure.

Table 5.9.3 For assessable development

Performance Outcomes

Water Resources

PO44 Stormwater releases and development discharges do not compromise the achievement of water quality objectives of receiving waters, including the groundwater management areas identified on Overlay Map OM-08.

and

PO45 Development does not deteriorate the quality of water supplies obtainable from a town water supply bore identified on Overlay Map OM-08.