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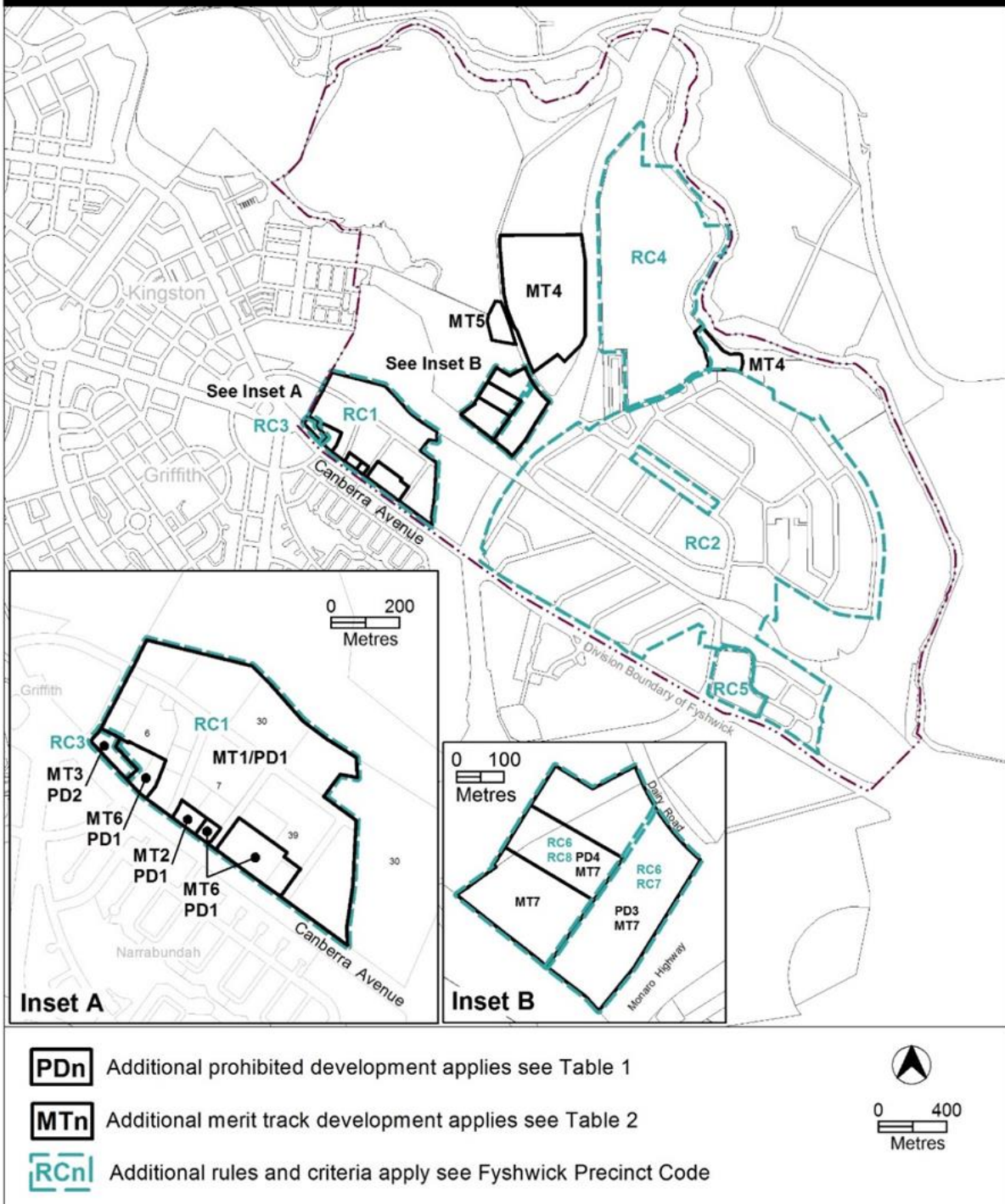
Government

Environment and
Sustainable Development

Fyshwick Precinct Map and Code

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Fyshwick Precinct Map



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Fyshwick Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	IZ2	<i>bulk landscape supplies</i> <i>bulky goods retailing</i> <i>business agency</i> <i>club</i> <i>financial establishment</i> <i>funeral parlour</i> <i>general industry</i> <i>industrial trades</i> <i>liquid fuel depot</i> MAJOR UTILITY INSTALLATION <i>public agency</i> <i>recycling facility</i> <i>scientific research establishment</i> <i>service station</i> <i>store</i> <i>vehicle sales</i> <i>veterinary hospital</i> <i>waste transfer facility</i>
PD2	CZ2	<i>drink establishment</i> <i>indoor entertainment facility</i> <i>tourist facility</i> <i>tourist resort</i>
PD3	CZ3	<i>child care centre</i> <i>hospital</i> RESIDENTIAL USE
PD4	CZ3	RESIDENTIAL USE

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	IZ2	<i>produce market</i>
MT2	IZ2	<i>office, service station</i>
MT3	CZ2	<i>scientific research establishment</i>
MT4	NUZ4	<i>treatment plant</i>
MT5	NUZ4	<i>educational establishment</i>
MT6	IZ2	<i>office, produce market</i>
MT7	CZ3	<i>agriculture</i> <i>defence installation</i> <i>scientific research establishment</i>

Fyshwick Precinct Code

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Introduction

Name

The name of this code is **Fyshwick Precinct Code**.

Application

The code applies to the Division of Fishwick.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

Acronyms

ACTPLA	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
ESDD	ACT Environment and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TAMS	ACT Territory and Municipal Services Directorate

Additional rules and criteria

This part applies to blocks and parcels identified in the Fyshwick Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – West Fyshwick industrial area

This part applies to blocks and parcels identified in area RC1 shown on the Fyshwick Precinct Map.

Element 1: Use

Rules	Criteria
1.1 SHOP – floor area limit	
R1 The maximum <i>gross floor area</i> of <i>SHOP</i> complies with all of the following: a) on Fyshwick section 30 block 18, for display and sale of alcohol beverages – 1200 m ² b) in all other locations – 200 m ²	This is a mandatory requirement. There is no applicable criterion.

RC2 – Industrial mixed use zone

This part applies to blocks and parcels identified in area RC2 shown on the Fyshwick Precinct Map.

Element 2: Use

Rules	Criteria
2.1 SHOP – floor area limit	
R2 The maximum <i>gross floor area</i> per shop complies with all of the following: a) <i>SHOP</i> selling food or supermarket, except produce market – 200m ² b) <i>SHOP</i> , except <i>bulky goods retailing</i> – 3000m ²	This is a mandatory requirement. There is no applicable criterion.

RC3 – Canberra Avenue Corridor Site

This part applies to the corridor site RC3 on the Fyshwick precinct map.

RC3 includes the Canberra Avenue corridor site.

Element 3: Use

Rules	Criteria
3.1 Restaurant and shop	
<p>R3</p> <p>One or more of the following uses are permitted where it is ancillary to other uses:</p> <p>a) <i>restaurant</i></p> <p>b) <i>SHOP</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 4: Buildings

Rules	Criteria
4.1 Number of storeys	
<p>R4</p> <p>The maximum number of <i>storey</i> is 4.</p>	<p>C4</p> <p>The number of <i>storeys</i> comply with all of the following:</p> <p>a) are compatible with existing, or future desired character of, adjacent development</p> <p>b) are appropriate to the scale and function of the use</p> <p>c) minimise detrimental impacts, including overshadowing and excessive scale</p> <p>d) are no higher than the established tree canopy along main avenues with primarily landscaped frontage</p>
4.2 Setback	
<p>R5</p> <p>The minimum front setback to Canberra Avenue is 10m.</p>	<p>C5</p> <p>Building frontages to Canberra Avenue achieve all of the following:</p> <p>a) consistent with established building lines</p> <p>b) a landscaped setting.</p>

Rules	Criteria
4.3 Materials and finishes	
R6 Building colours are off-white to light buff/grey.	C6 Any alternative colours used achieve all of the following: <ul style="list-style-type: none"> a) Relate to clearly defined elements of the building b) are predominantly earthy toned c) minor elements in the building facade may be accented d) subsidiary to the main off-white to light buff/grey materials.

RC4 – Agricultural area

This part applies to blocks and parcels identified in area RC4 shown on the Fyshwick Precinct Map.

Element 5: Use

Rules	Criteria
5.1 Agriculture	
There is no applicable rule.	C7 Development is consistent with an intensive agricultural landscape character.

RC5 – Block 8 section 48 Fyshwick

This part applies to blocks and parcels identified in area RC5 shown on the Fyshwick Precinct Map.

Element 6: Use

Rules	Criteria
6.1 SHOP – floor area limit	
<p>R8</p> <p>The maximum <i>gross floor area</i> per shop complies with all of the following:</p> <ul style="list-style-type: none">a) for one supermarket only – 1000m²b) for all other <i>SHOP</i> selling food or supermarket, except produce market – 200m²c) <i>SHOP</i>, except <i>bulky goods retailing</i> – 3000m²	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC6 – Dairy Road mixed use area

This part applies to any proposed residential development on the blocks and parcels identified in the area RC6 shown on the Fyshwick Precinct Map.

Element 7: Residential Amenity

Rules	Criteria
7.1 Noise attenuation - external sources	
<p>R9</p> <p>This rule applies in addition to R67 of the <i>Multi Unit Housing Development Code</i> and R42 of the <i>Single Dwelling Housing Development Code</i> which require mitigation of noise from road traffic, rail and regulated sources.</p> <p>For residential development all dwellings shall be constructed to comply with the relevant sections of AS/NZS 2107:2016 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level).</p> <p>Compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of rail traffic noise, and endorsed by the ACT Government entity responsible for transport planning.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R10</p> <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA).</p> <p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Noise Zone Standard as detailed in the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is in use.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
7.2 Air quality assessment	
<p>R11</p> <p>Prior to any residential development being proposed for the site, an air quality assessment must be undertaken to demonstrate that the existing industrial uses both within and external to the site will not have adverse impacts on existing and proposed sensitive uses.</p> <p>The air quality assessment will need to demonstrate that impacts from emissions sources both within the site and from the surrounding industrial uses is appropriately assessed in accordance with the Environment Protection Authority's applicable guidelines at the time and endorsed by the Environment Protection Authority.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
7.3 Noise and odour – internal sources	
<p>R12</p> <p>Where subdivision (including unit titling) of parcels is proposed, noise and odour management plans are prepared by a suitably qualified person and endorsed by the Environment Protection Authority.</p> <p>The plans will demonstrate how the development addresses noise and odour emissions from within the site and how the impacts are mitigated for sensitive uses on and adjoining the site.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 8: Use

Rules	Criteria
8.1 Restrictions on use	
<p>R13</p> <p>The maximum <i>gross floor area</i> for a supermarket or a <i>shop</i> selling food is 300m²</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R14</p> <p>The maximum <i>gross floor area</i> for an <i>office</i> on any <i>tenancy</i> is 2000m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R15</p> <p>The maximum gross floor area for all <i>NON RETAIL COMMERCIAL USE</i> is 40,000m²</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R16</p> <p>This rule applies to Area A in Figure 1: The maximum number of storeys is 4</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R17</p> <p>This rule applies to Area B in Figure 1: The maximum number of storeys is 8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R18</p> <p>This rule applies to <i>multi-unit housing</i> only. The maximum number of <i>dwellings</i> is 1300.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R19</p> <p><i>Educational establishment</i> is only permitted where it is for technical and vocational training.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R20</p> <p>Stadium or arena is not permitted. Note: Stadium, arena fall under the definition of <i>outdoor recreation facility</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R21</p> <p>Agriculture is only permitted where it is for horticulture and apiaries</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>8.2 Contamination</p>	
<p>R22</p> <p>An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

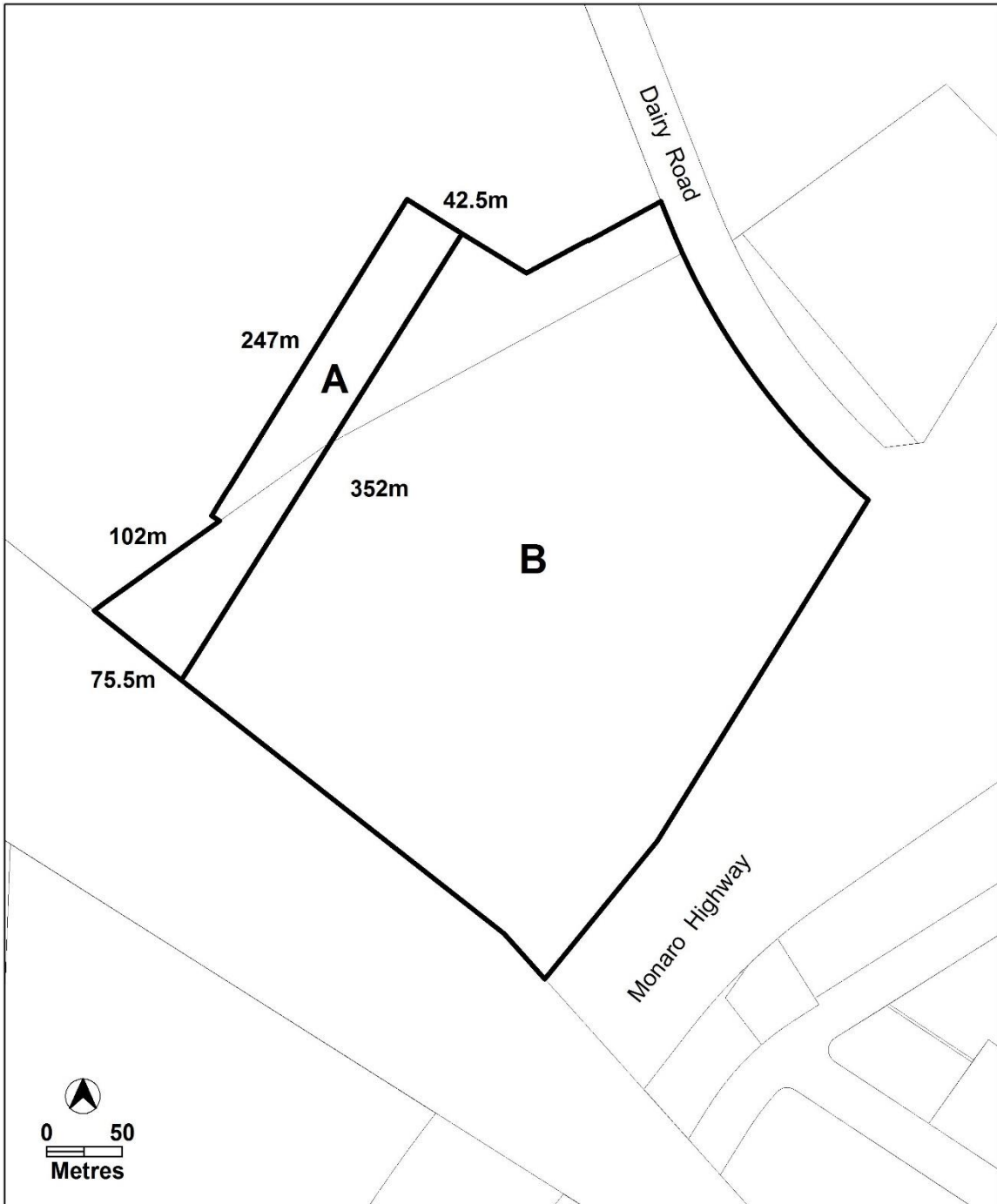


Figure 1 Building heights

Element 9: Environment

Rules	Criteria
9.1 Environment Protection	
<p>R23</p> <p>The Estate Development Plan (EDP) must address all of the following to avoid adverse ecological impacts on the Jerrabomberra Wetlands:</p> <ol style="list-style-type: none"> a) Stormwater runoff and water sensitive urban design measures b) Landscaping to be in accordance with a landscape master plan to complement the existing species and prevent the spread of invasive species. The vegetation adjacent to the site boundary with the wetlands must be a combination of mid-layer shrubs and advanced stock tree planting to provide visual screening of the site from the wetlands. The species are to be chosen to have minimal impact on the wetlands and to avoid any exotic species entering the reserve. c) Bushfire containment measures including but not limited to an edge road and asset protection zone d) Lighting to be designed to avoid light spill into the reserve e) Location of infrastructure including roads, footpaths, utilities, etc f) Public realm considerations including <ul style="list-style-type: none"> • the location and provision of pedestrian access into the wetlands is to be suitable and capable of dealing with the expected increase in patronage as a result of the future residential population on the site • provision and location of suitable open space and recreational facilities on the site to ease pressure on the wetlands as a recreational destination • adequate infrastructure is provided to mitigate any potential significant adverse environmental impact on the wetlands from pedestrian / cycling traffic leaving the site 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>g) no utility infrastructure associated with the development is constructed within the reserve boundary and no overhead lines are constructed adjacent to the wetlands.</p> <p>The above measures in the EDP must be endorsed by the Conservator of Flora and Fauna.</p>	
9.2 Sustainability	
<p>There is no applicable rule</p>	<p>C24</p> <p>Development demonstrates that there is no net gain of urban heat.</p> <p>Compliance with this criterion is demonstrated in a microclimate assessment report by a qualified professional which details building and place design and use of mitigating measures including:</p> <ul style="list-style-type: none"> a) low thermal mass, high albedo and or high emissivity building materials and/or finishes b) inclusion of canopy trees to achieve an overall minimum of 30% shade across the precinct. c) use of permeable surfaces. d) use of water features e) appropriate location of open space and buildings f) other types of cooling measures such as green roofs, vertical gardens and shade structures. <p>This criterion does not apply to a development application for the change of use of an existing building or structure.</p>
9.3 Cat containment	
<p>R25</p> <p>The provisions of the Domestic Animals Act relating to cat containment apply.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC7 – Gas pipeline impact area

This part applies to blocks and parcels identified in the area RC7 shown on the Fyshwick Precinct Map.

Element 9: Use

Rules	Criteria
9.1 Safety management study (SMS)	
<p>R26</p> <p>This rule applies to the gas pipeline impact area shown in Figure 2.</p> <p>Development complies with a Safety Management Study plan specific to the development application, prepared by an experienced SMS facilitator who has been approved by a senior officer within the licensed gas utility provider and endorsed by the ACT Government's Technical Regulator.</p> <p>The plan will detail an assessment against the safety management study process and location classifications in accordance with <i>Australian Standard AS2885.1 Pipelines – gas and liquid petroleum</i>.</p> <p>Note: a senior officer within the licensed gas utility provider needs to be a principal engineer, a senior pipeline engineer or the gas network manager.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

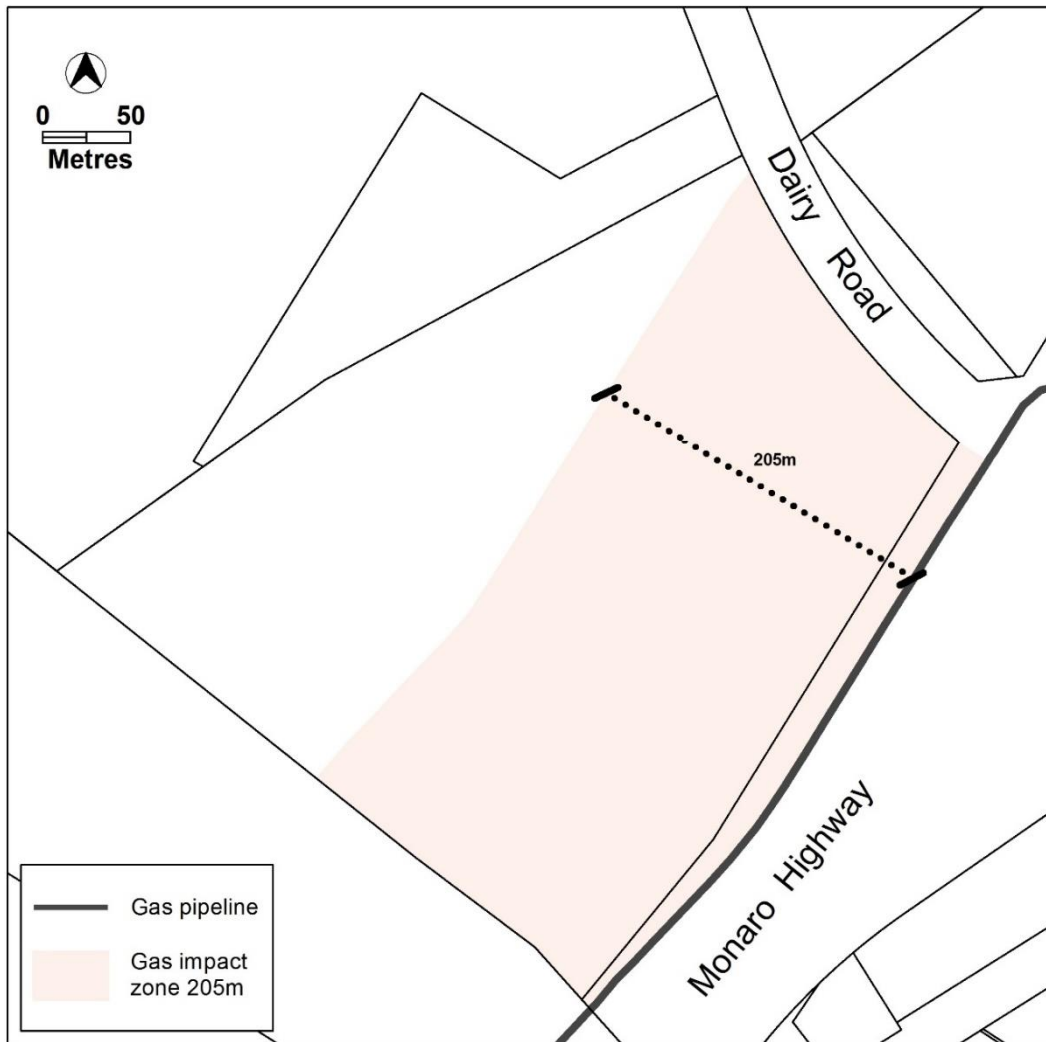


Figure 2 Gas pipeline impact area

RC8 – Jerrabomberra Wetlands interface

This part applies to blocks and parcels identified in the area RC8 shown on the Fyshwick Precinct Map.

Element 10: Use

Rules	Criteria
10.1 Environment	
<p>R27</p> <p>This rule does not apply to any Estate Development Plan Development Application.</p> <p>Any development within 50 metres of the site boundary adjacent to the Jerrabomberra Wetlands must have a light spill assessment demonstrating that there will be no adverse impacts from lighting on the adjacent wetlands.</p> <p>The light spill assessment must be prepared by a suitably qualified professional and must be to the satisfaction of the Conservator of Flora and Fauna.</p>	
<p>R28</p> <p>This rule does not apply to any Estate Development Plan Development Application.</p> <p>A hydrological assessment is to be provided to demonstrate that there will be no adverse hydrological impacts on the Jerrabomberra Wetlands as a result of development on the site.</p> <p>The assessment must be prepared by a suitably qualified hydrological professional and endorsed by the Conservator of Flora and Fauna.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R29</p> <p>This rule does not apply to any Estate Development Plan Development Application.</p> <p>Water Sensitive Urban Design (WSUD) measures shall be implemented in accordance with a WSUD assessment demonstrating that there are no adverse impacts on the Jerrabomberra Wetlands and be endorsed by the Conservator of Flora and Fauna.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R30</p> <p>This rule does not apply to any Estate Development Plan Development Application.</p> <p>A landscape plan for the site shall be prepared demonstrating that the species used are appropriately chosen and managed to remove any risk of introduction of incompatible species to the Jerrabomberra Wetlands.</p> <p>The vegetation adjacent to the site boundary with the wetlands must be a combination of mid-layer shrubs and advanced stock tree planting to provide visual screening of the site from the wetlands. The species are to be chosen to have minimal impact on the wetlands and to avoid any exotic species entering the reserve.</p> <p>The landscape plan is endorsed by the Conservator of Flora and Fauna.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>