

Planning and Development (Draft Variation No 348) Consultation Notice 2016

Notifiable instrument NI2016—667

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification) and s 64 (Public consultation—notice of interim effect etc)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 348) Consultation Notice 2016*.

2 Draft variation to the Territory plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 348 – Incorporating Active Living Principles into the Territory Plan (the **Draft Variation**) to vary the Territory Plan. The Draft Variation contains changes throughout the Territory Plan including the strategic directions; various zone objectives; several development codes and a general code; and definitions to embed active living principles.

3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
 - (a) the Draft Variation; and
 - (b) the background papers relating to the Draft Variation.
- (2) Copies of the documents mentioned in section 3(1) are available for inspection and purchase at Access Canberra, Environment, Planning and Sustainable Development Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on 10 February 2017 (the **Consultation Period**).
- (3) Copies of the documents mentioned in section 3(1) are also available for inspection during the Consultation Period online at http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/draft_variations_to_the_territory_plan

Invitation to give written comments

- (1) The Authority invites written comments about the Draft Variation during the Consultation Period. Comments should include reference to the Draft Variation

and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (**EPSDD**). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

- (2) Written comments should be provided to the Authority by:
 - (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to Access Canberra, Environment, Planning and Sustainable Development Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

5 Public inspection of written comments

- (1) Copies of written comments about the Draft Variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends at Access Canberra, Environment, Planning and Sustainable Development Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at www.planning.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the **Act**) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the draft plan variation

Section 65 of the Act does not apply in relation to the Draft Variation and therefore it does not have interim effect. The current Territory plan will continue to apply while the Draft Variation remains in draft form.

7 Obtaining further information

Further information about the Draft Variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at Terrplan@act.gov.au, a reference to the Draft Variation should be included in any email.

8 Meaning of *draft plan variation No 348 – Incorporating Active Living Principles into the Territory Plan*

In this instrument:

Draft plan variation No 348 –Incorporating Active Living Principles into the Territory Plan means the draft plan variation in the schedule.

Note 1: Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPSDD Information Privacy Policy* which are available through the EPSDD website.

Brett Phillips
Delegate of the planning and land authority
07 December 2016



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
No 348

Incorporating Active Living Principles
Into the Territory Plan

December 2016

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

The Draft Variation to the Territory Plan 348 (DV348) proposes to incorporate active living principles into the Territory Plan. The ACT Government's vision for Canberra is to be a healthy, active, vibrant city that is well connected and equitable; a centre for innovation, creativity and economic growth. While Canberra has good facilities to support active living, Canberra is a low density and dispersed city that relies on cars as the predominant mode of transport. Car dependency and sedentary lifestyles can contribute to a significant proportion of the population being physically inactive, overweight or obese. This can lead to the onset of chronic diseases and a poorer quality of life.

Urban planning can play a vital role in creating a healthier population, as outlined in the ACT Government's *Towards Zero Growth: Healthy Weight Action Plan* (2013) and demonstrated through its work with the Heart Foundation (ACT) on the Active Living Program.

Active living is seen as a way of life where people integrate organised and/or informal physical activity into their everyday lives and routines. Active Travel is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking and cycling – as well as skating, skateboarding, and the use of mobility aids. It also includes using any of these forms as incidental activity associated with the use of public transport. Active living can assist the Territory in meeting the Australian National Physical Activity and Sedentary Behaviour Guidelines on a daily basis.

In conjunction with the Heart Foundation (ACT), six active living principles have been developed for the ACT:

1. Connected places - providing connections between major uses and activity centres
2. Open space - valuing open spaces, parks and places
3. Mixed land use and density - encouraging diversity in activities, land uses and development densities
4. Safe and attractive places - ensuring places are safe and attractive to everyone using that place
5. Supportive infrastructure - providing supportive infrastructure that encourages regular physical activity
6. Environments for all - ensuring places are inclusive and have equitable access by all Canberrans.

These principles are proposed to be incorporated into the Territory Plan and intended to support active living that can promote active lifestyles leading towards an economically, environmentally and socially thriving and resilient Territory. The Minister for Planning's Statement of Planning Intent (2015) also identifies active living principles being incorporated into Canberra's planning and the statutory framework (the Territory Plan) as an immediate action.

In the Territory Plan the active living principles are proposed to be incorporated in the various sections including the statement of strategic directions, various zone objectives, development codes, Community and Recreation Facilities Location Guidelines General Code, definitions and Estate Development Code. This will require a number of minor amendments to the existing controls as well as the introduction of new controls.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment, Planning and Sustainable Development Directorate (EPSDD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing

committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by **10 February 2017**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPSDD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to EPSDD's Customer Service Centre at 16 Challis Street, Dickson
- made on the 'Your Say' website: <https://www.yoursay.act.gov.au/>

Copies of written comments will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at EPSDD's customer service centre in Dickson and may be published on EPSDD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at EPSDD Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The ACT Government's vision for Canberra is to be a healthy, active, vibrant city that is well connected, compact and equitable; a centre for innovation, creativity and economic growth. Active living is integral to this vision. While Canberra has many facilities that support active living and active travel—such as parks, bushland, recreation areas and bike paths—Canberra's low density, dispersed nature means private vehicles are still the predominant mode of transport.

In line with national trends, the proportion of the ACT's population that is classified as being overweight or obese is significant. It is estimated that about two-thirds of the ACT's adults are overweight or obese. The consequences of obesity include chronic diseases (such as cardiovascular disease and diabetes) that lead to increased healthcare costs and a poorer quality of life.

Urban environments can undoubtedly promote active lifestyles and lead to economically, environmentally and socially thriving and resilient cities. Urban planning can play a vital role in creating a healthier ACT population, as outlined in the Government's *Towards Zero Growth: Healthy Weight Action Plan* (2013) and demonstrated through its partnership with the Heart Foundation ACT on the Active Living Program. Six active living principles that have been developed for the ACT are now intended to be incorporated into the Territory Plan for supporting active living in the ACT. Incorporating specific provisions into the Territory Plan will ensure that a supportive environment for a healthy, active Canberra is achieved.

2.2 Active living principles into the Territory Plan

The Minister for Planning's Statement of Planning Intent (2015) identifies, as an immediate action, active living principles being incorporated into the Territory Plan. Embedding active living principles in the Territory Plan can ensure the ACT will be accessible with well-designed and attractive urban environments that promote the health, wellbeing and economic prosperity of all Canberrans.

Based on advice from the Heart Foundation (ACT), extensive research findings and case study examples, some 45 recommendations are to be incorporated into the Territory Plan. These recommendations also reflected results of preliminary consultation with key stakeholder groups and industry.

These changes will contribute to the ACT Government's vision for an active and healthy Canberra by embedding the concept of active living throughout the Territory Plan. In this regard, there will not be a specific code for active living. The proposed changes range from the insertion of key active living terminology into the current rules and criteria, to the introduction of new active living provisions, concepts and definitions into the Territory Plan. The changes will make a significant difference to implementing active living measures within Canberra, providing a range of benefits to the broader community and supporting industry and businesses.

The draft variation to the Territory Plan (DV348) will place the ACT at the forefront of best practice by the inclusion of active living principles into the Territory's statutory planning framework (the Territory Plan).

2.3 Current Territory Plan Provisions and proposed changes

The Territory Plan written statements subjected to this variation are detailed as follows.

2.3.1 Statement of Strategic Directions

The statement of strategic directions does not contain any specific provisions for active living. DV348 proposes to amend the statement to include new specific provisions that will introduce the six active living principles and ensure that existing principles prioritise active transport and support the connectivity of active transport networks. DV348 also amends a number of existing principles to ensure the active living principles are fully integrated throughout the statement of the strategic directions.

2.3.2 Zone objectives

The current zone objectives for the following zones do not contain any specific statements about active living:

- RZ1 Suburban Zone
- RZ2 Suburban Core Zone
- RZ3 Urban Residential Zone
- RZ4 Medium Density Residential Zone
- RZ5 High Density Residential Zone
- Commercial CZ1 Core Zone

- Commercial CZ2 Business Zone
- Commercial CZ3 Services Zone Objectives
- Commercial CZ4 Local Centres Zone
- Commercial CZ5 Mixed Use Zone
- IZ2 Mixed Use Industrial Zone
- Community Facility zone
- PRZ1 Urban Open Space Zone
- PRZ2 Restricted Access Recreation Zone and
- TSZ1 Transport zone.

It is proposed to amend these zones' objectives and introduce new active living objectives. Key policy outcomes to be achieved range from encouraging active living and active travel to attractive, safe and well-lit pedestrian environments, and safe pedestrian and cycle access.

2.3.3 Development codes

This draft variation seeks to amend the rules and criteria in the Multi-unit Housing, Commercial, Industrial, Community Facility, Parks and Recreation and Estate Development Codes to:

- a. prioritise active travel
- b. ensure accessibility of land uses by active travel
- c. promote connectivity to surrounding active travel networks
- d. support the development of attractive streets and public places and
- e. introduce the concept of minimum safe walking distances in local, group and town centres, along with bus stops, public parks and community facilities.

2.3.4 Community and Recreation Facilities Location Guidelines General Code

DV348 seeks to amend the Community and Recreation Facilities Location Guidelines General Code to require consideration of active living in the selection of locations for community and recreation facilities. It is expected that the introduction of DV348 will reinforce and clarify active living concepts such as permeability, shade, amenity and proximity to public transport in the general code.

2.3.5 Definitions

The Territory Plan definitions do not contain terminologies representing active living. DV348 seeks to introduce active living and active travel, two new terminologies within the Territory Plan's Definitions to cover this.

2.3.6 Estate Development Code

This draft variation seeks to amend the rules and criteria in the Estate Development Code to prioritise active transport, ensure accessibility of land uses by active transport and support the development of attractive streets and public places. The proposed changes would incorporate concepts relating to active landscapes and public places, walking, cycling and public transport, as well as the provision of well-lit access.

2.4 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- 1) respond to the Planning Minister's Statement of Planning Intent (2015)
- 2) respond to *Towards Zero Growth: Healthy Weight Action Plan* (2013) the ACT Government's vision for a healthy, active and vibrant Canberra
- 3) respond to advice from the Heart Foundation (ACT), as part of the ACT Active Living Program.
- 4) encourage active living through amending and introducing some provisions in various codes in the Territory Plan.
- 5) improve the health, social and economic benefits of active living for the ACT community, and
- 6) consider active living throughout the Territory Plan to prepare new development applications, urban renewal and infrastructure.

2.5 Planning Context

2.5.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.5.2 ACT planning framework

The Statement of Strategic Directions sets out the principles for giving effect to the main objective of the Territory Plan as required by the *Planning and Development Act 2007*. The draft variation is consistent with the Territory Plan - Statement of Strategic Directions in the following ways.

DV348 seeks to amend the statement of strategic directions to bring them in line with planning principles for active living. As the Statement is the overarching strategic direction for the Territory Plan, incorporation of the active living principles within the Statement will ensure the broad direction of the Territory Plan supports active living.

The Statement provides broad principles under a triple bottom line framework of environmental, economic and social sustainability. The Statement considers some active living principles, such as open space, but has gaps in the inclusion of other active living principles such as mixed land use and density which will be reviewed by DV348. For example, while recognising the need to support employment and enhance the role of centres, the Statement does not currently include connecting employment with housing, or recognise the connection between the two as an important contributing factor for active living. Also mixed-use development is only mentioned once in the Statement. In some sections, centres are described as only retail or commercial centres, which may limit consideration of these locations as centres with a genuine mix of activities and mix of uses.

DV348 also complements and responds to the relevant actions of the Planning Minister's Statement of Planning Intent (2015) and *Towards Zero Growth: Healthy Weight Action Plan* (2013). It states, as an immediate action, incorporating active living principles into Canberra's planning and statutory framework (the Territory Plan) in all aspects of future planning and development.

2.6 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.7 Consultation with Government Agencies

The EPSDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council

National Capital Authority

The National Capital Authority provided the following comments on 11 August 2016:

“The National Capital Authority supports the general inclusion of active living principles in the Territory Plan and has no comment to make on the specific provisions included in the draft variation.”

Response

Noted

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 12 August 2016:

“In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 348 and I have no comments to provide other than to note my support.”

Response

Noted

Environment Protection Authority

The Environment Protection Authority provided the following comments on 15 August 2016:

“Thank you for the opportunity to review and provide comment on the Territory Plan draft variation DV348 to incorporate active living principles into the Territory Plan. The Environment Protection Authority supports the proposed variation and has no concerns in relation to the proposed variation.”

Response

Noted

Heritage Council

The Heritage Council provided the following comments on 18 August 2016:

“The Council has reviewed the Draft Variation and notes that minor amendments to existing provisions and the introduction of new provisions to the Territory Plan are proposed. The amendments and new provisions will improve active living outcomes, and do not necessitate any direct impacts to places or objects on the ACT Heritage Register or Aboriginal places and objects in the ACT.

The Council notes that the provisions of the Heritage Act 2004 will continue to apply to development affecting registered heritage places and objects and Aboriginal places or objects. In this context, the Council has no objections to the proposed Draft Territory Plan Variation 348.”

Response

Noted

3. DRAFT VARIATION

3.1 Variation to the Territory Plan Written Statements

The Territory Plan is varied in all of the following ways:

Variation to the *Statement of Strategic Directions*

3.1.1 Variation to the Statement of Strategic Directions

1. Part 2.1 – Statement Of Strategic Directions; Principles For Sustainable Development; Environmental Sustainability Item 1.10; Social Sustainability Items 1.18 and 1.24

Substitute

1.10 Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, encourage active travel, reduce energy consumption, increase physical activity, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.

Insert

1.18A Development is planned to promote active living through the following six principles:

- a) providing connectivity between uses and activity nodes
- b) preserving open space
- c) encouraging mixed land use and density
- d) ensuring public places are safe and attractive for all
- e) providing supportive infrastructure that encourages regular physical activity
- f) ensuring environments promote social inclusion, and are equitable and where practicable are accessible by all.

Substitute

1.24 All new developments and re-developments will be planned with appropriate and segregated network facilities for pedestrians and cyclists; provision for accessible public transport; a legible and permeable hierarchy of roads; conveniently located commercial and community facilities; and a network of open spaces.

2. Part 2.1 – Statement Of Strategic Directions; Spatial Planning and Urban Design Principles; Items 2.1, 2.5 and 2.6

Substitute

- 2.1** Canberra will continue to develop as a series of discrete urban areas within a landscape setting of hills, ridges and other open spaces. Each town will offer a diversity of housing types; the broadest possible range of employment opportunities; and convenient, linked access prioritising active travel to centres, community facilities and open space.

Substitute

- 2.5** A wide range of housing types will be permitted in identified residential areas close to centres and major transport routes to increase choice; maximise opportunities for affordable housing; and secure some intensification of development consistent with maintaining residential amenity. Outside of these areas, planning policies will protect the typically low density, garden city character of Canberra's suburban areas.

Insert

- 2.6A** Development will provide suitable and well-designed supportive infrastructure that enhances people of all abilities experience of the urban environment and encourages and supports regular physical activity.

Variation to the Zone Objectives

3.1.2 Variation to the Residential Zones Objectives

3. Part 3.1 – Residential Zones; RZ1 Suburban Zone, RZ3 Urban Residential Zone, RZ4 Medium Density Residential Zone and RZ5 High Density Residential Zone

Insert

- j) Promote active living and active travel

4. Part 3.1 – Residential Zones; RZ2 Suburban Core Zone

Insert

- k) Promote active living and active travel

3.1.3 Variation to the Commercial Zones Objectives

5. Part 4.1 – Commercial Zones; CZ1 Core Zone Objectives

Substitute

- d) Encourage an attractive, safe and well-lit pedestrian environment with convenient access to public transport

Insert

- i) Promote active living and active travel
- j) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.

6. Part 4.1 – Commercial Zones; CZ2 Business Zone Objectives

Insert

- f) Promote active living and active travel
- k) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- g) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport

7. Part 4.1 – Commercial Zones; CZ3 Services Zone Objectives

Insert

- g) Promote active living and active travel
- h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport

- i) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.

8. Part 4.1 – Commercial Zones; CZ4 Local Centres Zone Objectives

Insert

- f) Promote active living and active travel
- g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.

9. Part 4.1– Commercial Zones; CZ5 Mixed Use Zone Objectives

Insert

- f) Promote active living and active travel
- g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- h) Provide a mixture of compatible land uses and integrate suitable business, office, residential, retail and other development in accessible locations so as to encourage walking and cycling, and maximise public transport patronage.

3.1.4 Variation to the Industrial Zone Objective

10. Part 5.1 – IZ2 Mixed Use Industrial Zone Objective

Substitute

- c) Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities, including by encouraging active travel and access to public transport.

3.1.5 Variation to the Community Facility Zone Objectives

11. Part 6.1 – Community Facility Zone Objectives

Insert

- g) Promote active living and active travel
- h) Provide safe pedestrian and cycling access to community facilities to promote active living.

3.1.6 Variation to the Parks and Recreation Zones Objective

12. Part 7.1 – PRZ1 Urban Open Space Zone Objective

Insert

- g) Provide safe pedestrian and cycling access to urban open space to promote active living.

13. Part 7.1 – PRZ2 Restricted Access Recreation Zone Objective

Insert

- e) Provide safe pedestrian and cycling access to recreation facilities to promote active living.

3.1.7 Variation to the Transport and Services Zone Objective

14. Part 8.1 – TSZ1 Transport Zone Objective

Substitute

- c) Provide for active travel and public transport.

Variation to the Development codes

3.1.8 Variation to the Multi Unit Housing Development Code

15. Part 3.4 – Multi Unit Housing Development Code; Element 4: Site Design; Item 4.1 Site Design, 4.2 Site open space – RZ1 and RZ2, 4.3 Site open space- RZ3, RZ4, RZ5 and commercial zones; Criteria C37, C38 , C39

Substitute

Rules	Criteria
4.1 Site design	
<p>R37</p> <p>For developments (other than <i>apartments</i>) of 40 <i>dwellings</i> or more, the design of the common areas, pedestrian and vehicle access areas comply with all of the following provisions of the Estate Development Code:</p> <ul style="list-style-type: none"> a) public realm standards for on-street parking b) pedestrian paths c) verge landscaping d) water sensitive urban design. 	<p>C37</p> <p>Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following:</p> <ul style="list-style-type: none"> a) reasonable safety and lighting b) reasonable functionality and space to support active living c) reasonable accessibility and inclusion for all residents d) reasonable residential amenity e) landscaping beside internal driveways f) provision for pedestrians and cyclists g) sufficient off-street parking h) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.
4.2 Site open space – RZ1 and RZ2	
<p>R38</p> <p>This rule applies to RZ1 and RZ2. Not less than 40% of the total site area is allocated to one or more of the following:</p> <ul style="list-style-type: none"> a) <i>communal open space</i> with a minimum dimension of 2.5m b) <i>private open space</i> that complies with all of the following - <ul style="list-style-type: none"> i) a minimum dimension of 2.5m ii) is associated with dwellings at the <i>lower floor level</i>. <p>Not less than 20% of the total site area is <i>planting area</i>.</p>	<p>C38</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> a) sufficient useable space for the recreation and relaxation of residents to support active living b) sufficient space for planting, particularly trees with deep root systems c) provision for on-site infiltration of stormwater run-off d) provision of outdoor areas that are inclusive and readily accessible to all residents for a range of uses and activities. e) reasonable connectivity for pedestrians and cyclists to key

	<p>local destinations and community uses.</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> i) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the site ii) whether any adjoining or adjacent public open space is readily available for the use of residents.
4.3 Site open space – RZ3, RZ4, RZ5 and commercial zones	
<p>R39</p> <p>This rule applies to RZ3, RZ4, RZ5 and commercial zones.</p> <p>Not less than 20% of the total site area is allocated to the following:</p> <ul style="list-style-type: none"> a) for developments with fewer than 20 <i>dwellings</i>, none of which are <i>apartments</i>, one or more of the following - <ul style="list-style-type: none"> i) <i>communal open space</i> that complies with all of the following <ul style="list-style-type: none"> a) a minimum dimension of 2.5m b) is directly accessible from common entries and pathways ii) <i>private open space</i> that complies with all of the following <ul style="list-style-type: none"> a) a minimum dimension of 2.5m b) is associated with <i>dwellings</i> at the <i>lower floor level</i> 	<p>C39</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> a) sufficient useable space for a range of recreational activities for residents to support active living b) sufficient space for planting, particularly trees with deep root systems c) a contribution to on-site infiltration of stormwater run-off d) reasonable accessibility and inclusion for all residents e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses. <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> i) whether the total area of <i>upper floor level private open space</i> contributes to the

<p>b) in all other cases, <i>communal open space</i> that complies with all of the following -</p> <ul style="list-style-type: none"> i) a minimum dimension of 2.5m ii) is directly accessible from common entries and pathways. <p>Not less than 10% of the total site area is <i>planting area</i>.</p>	<p>function of other open space on the site</p> <ul style="list-style-type: none"> ii) whether any adjoining or adjacent public open space is readily available for the use of residents.
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16. Part 3.4 – Multi Unit Housing Development Code; Element 10: Building and site design—building with 4 or more storeys; new Item 10.3 Stairwell features; new criterion C96a

Insert

Rules	Criteria
10.3 Stairwell features	
There is no applicable rule.	<p>C96A</p> <p>Stairwells achieve all of the following:</p> <ul style="list-style-type: none"> a) are open or visually permeable to facilitate natural surveillance b) are accessible and encourage physical activity by providing an attractive alternative to lifts c) are located in a position more prominent than lifts.

3.1.9 Variation to the Commercial Zones Development Code

17. Part 4.2 – Commercial Zones Development Code; Element 3: Buildings; Item 3.1 Building design and materials; Criterion C3

Substitute

Rules	Criteria
3.1 Building design and materials	
There is no applicable rule.	<p>C3</p> <p>Buildings achieve all of the following:</p>

	<ul style="list-style-type: none"> a) a contribution to the amenity and character of adjacent public spaces b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i>, pedestrian and cycling experience c) minimal reflected sunlight d) articulated building forms e) a contribution to permeability by providing pedestrian access through or around buildings and connections to external path networks f) floor plans that encourage walking within the building, including the use of stairwells g) physically open or visually permeable stairwells to facilitate natural surveillance.
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18. Part 4.2 – Commercial Zones Development Code; Element 3: Buildings; Item 3.3 Car parking structures; Criterion C6

Substitute

Rules	Criteria
3.3 Parking structures	
There is no applicable rule.	<p>C6</p> <p>Parking structures achieve all of the following:</p> <ul style="list-style-type: none"> a) integrate with the built form of adjacent existing development b) avoid blank walls and provide interesting and attractive facades when facing public areas.

**19. Part 4.2 – Commercial Zones Development Code; Element 4: Site;
Item 4.1 Landscaping; Criterion C14**

Substitute

Rules	Criteria
4.1 Landscaping	
<p>There is no applicable rule.</p>	<p>C14</p> <p>Landscaping associated with the development achieves all of the following:</p> <ul style="list-style-type: none"> a) response to site attributes, including streetscapes and landscapes of documented heritage significance b) appropriate scale relative to the road reserve width and building bulk c) vegetation types and landscaping styles which complement the <i>streetscape</i> d) integration with parks, reserves and public transport corridors e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings f) contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living areas g) minimal overlooking between buildings h) satisfies utility maintenance requirements i) minimises the risk of damage to aboveground and underground utilities

	<ul style="list-style-type: none"> j) screens aboveground utilities k) provides adequate sight lines for vehicles, cyclists and pedestrians, especially near street corners and intersections l) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.
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20. Part 4.2 – Commercial Zones Development Code; Element 5: Access; Intent; Item 5.1 Access; Criterion C19

Substitute

Intent:

- a) To ensure safe and efficient access for pedestrians, cyclists and vehicles
- b) To ensure adequate parking facilities are provided

Rules	Criteria
5.1 Access	
There is no applicable rule.	<p>C19</p> <p>Pedestrian and cyclist entrances, and driveways to the site achieves all of the following:</p> <ul style="list-style-type: none"> a) are clearly visible from the front boundary b) pedestrian and cycle access is provided through the site to increase permeability c) pedestrian and cycle access paths to commercial buildings feed into and provide connections to existing path networks d) priority is provided for pedestrian and cyclist access.

21. Part 4.2 – Commercial Zones Development Code; Element 5: Access; Intent; Item 5.3 Service access and delivery; Criterion C22

Substitute

Rules	Criteria
5.3 Service access and delivery	
<p>R22</p> <p>Goods loading and unloading facilities comply with all of the following:</p> <p>a) are located within the site</p> <p>b) allow for service vehicles to enter and leave the site in a forward direction.</p> <p>Note: Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.</p>	<p>C22</p> <p>Facilities for the loading and unloading of goods achieve all of the following:</p> <p>a) safe and efficient manoeuvring of service vehicles</p> <p>b) does not unreasonably compromise the safety of pedestrians or cyclists</p> <p>c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway</p> <p>d) does not unreasonably affect on-street or off-street car parking</p> <p>e) adequate provision for the manoeuvring of vehicles.</p>

22. Part 4.2 – Commercial Zones Development Code; Element 12: Buildings; Intent

Substitute

- c) To promote an attractive pedestrian and cycling environment

Substitute

- e) To promote development that creates a diverse, lively and attractive character and provides an attractive, safe and interlinked pedestrian environment to support active living

Insert

- g) To promote development that maximises permeability by providing pedestrian and cyclist access through or around buildings and connections to external path and on-road networks.

23. Part 4.2 – Commercial Zones Development Code; Element 14: Buildings; Intent

Substitute

- c) To promote development that creates a diverse, lively and attractive character and provides a safe and connected pedestrian and cycling environment to support active living

Insert

- d) To promote development that maximises permeability by providing pedestrian access through or around buildings and connections to external path and on-road networks.

24. Part 4.2 – Commercial Zones Development Code; Element 16: Buildings; Item 16.2 Building design; Criterion C53

Substitute

Rules	Criteria
16.2 Building design	
There is no applicable rule.	C53 Development contributes to the amenity and character of the adjacent public spaces by achieving all of the following: <ul style="list-style-type: none">a) interesting, functional, active and attractive facades that contribute positively to the <i>streetscape</i> and the pedestrian and cycling experienceb) minimal visual impact of reflected sunlight

	<p>c) articulated building forms to complement the <i>desired character</i></p> <p>d) permeability by providing pedestrian access through or around buildings and connections to external path and on-road networks</p> <p>Integration of plant installations and service structures with the building design, so they are set back from the building facade and screened from public areas.</p>
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3.1.10 Variation to the Industrial Zones Development Code

25. Part 5.2 – Industrial Zones Development Code; Part B – General Development Controls; Element 4: Parking and site access; Intent; Item 4.1 Vehicle access and parking

Substitute

- a) To provide for safe and efficient access, circulation and parking facilities for pedestrians, cyclists and vehicles

Rules	Criteria
4.1 Access and Parking	

3.1.11 Variation to the Community Facility Zone Development Code

26. Part 6.2 – Community Facility Zone Development Code; Element 4: Traffic Impact; New intent

Substitute

Element 4: Access

Insert

Intent

- a) To ensure safe and efficient access for pedestrians, cyclists and vehicles
- b) To ensure adequate parking facilities are provided

27. Part 6.2 – Community Facility Zone Development Code; Element 4: Traffic Impact; New Item 4.2 Access; New criteria C14A

Insert

Rules	Criteria
4.2 Access	
There is no applicable rule.	<p>C14A</p> <p>Access to and within the site achieves all of the following:</p> <ul style="list-style-type: none"> a) pedestrian and cyclist entrances and driveways are clearly visible from the front boundary b) reasonable pedestrian and cycle access is provided through the site to increase permeability c) pedestrian and cycle access paths to community facilities feed into and provide enhanced connections to appropriate off-road path networks and on-road cycle routes d) cyclist entry complies with the Bicycle Parking General Code.

3.1.12 Variation to the Parks and Recreation Zones Development Code

28. Part 7.2 – Parks and Recreation Zones Development Code; Element 4: Parking and Site Access; Intent

Substitute

Element 4: Access

Substitute

Intent

- a) To provide for safe, convenient access to meet the needs of all users and visitors

- b) To encourage design of access and parking as part of the overall design of the development

29. Part 7.2 – Parks and Recreation Zones Development Code; Element 4: Parking and Site Access; Items 4.1 Traffic generation, 4.2 Vehicle Access and Parking, 4.3 Bicycle Parking, 4.4 Pedestrian Movement; Criteria C22, C23, C24, C25

Substitute

Rules	Criteria
4.1 Pedestrian Movement	
There is no applicable rule.	C22 Safe and convenient movement of public transport passengers, pedestrians and cyclists is provided.
4.2 Bicycle Parking	
There is no applicable rule.	C23 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.
4.3 Vehicle Access and Parking	
There is no applicable rule.	C24 Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.
4.4 Traffic generation	
There is no applicable rule.	C25 The existing road network can accommodate the amount of traffic likely to be generated by the development.

Variation to the *Community and Recreation Facilities Location Guidelines General Code*

3.1.13 Variation to the Community and Recreation Facilities Location Guidelines General Code

30. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 3 General Location Guidelines; Item 3.8 Pedestrian Access
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Substitute

Safe access is a key location criteria for all community and recreation facilities. Facilities which are used by pedestrians should avoid locations on arterial roads and other roads with high traffic volumes. Walking distances to bus stops, shops and associated facilities should not involve crossing such roads except where safe crossing are provided. Permeability should be maximised around community and recreation facilities by providing pedestrian access through or around buildings and connections to appropriate path networks. Pathways should be easily identifiable, follow logical desire lines and have clear and safe entry and exit points.

31. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 3 General Location Guidelines; Item 3.9 Lighting/ Surveillance

Substitute

All facilities likely to be used at night should provide well-lit pedestrian and cycling routes to parking areas on and off the site, and good artificial lighting to parking areas and external access points to enhance the safety and security of users. Parking to be used at night should be visible, preferably by users of the facility, to ensure safety and security. Landscaping of areas likely to be used after dark should avoid plantings that screen areas and make them unsafe. After-hours uses should be located together to enhance safety through increased activity.

To maximise surveillance of public areas and thereby increase community safety, co-location of main pedestrian and cycle routes with roads is desirable. , Appropriate separation must be considered between different travel modes with respect to safe travel speeds. Provision of shade, amenity and surveillance must be considered.

32. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Arts’; Community Theatre, Theatre studio and Major Theatre, Concert Hall, Recital Hall; Column ‘Relationship to other uses – close to’

Insert before current text

Near public transport routes;

33. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Cultural Facility’; Public Art Gallery and Library; Column ‘Relationship to other uses – close to’

Insert before current text

Near public transport routes;

34. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Health’; Hospital and Hospice; Column ‘Relationship to other uses – close to’

Insert before current text

Near public transport routes;

Variation to the *Definitions*

3.1.14 Variation to the Definitions

35. Part 13.1 – Definitions; Part B Definitions of Terms; New terms

Insert

Active living is a way of life that integrates physical activity into daily routines.

Insert

Active Travel is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking and cycling – as well as skating, skateboarding, and the use of mobility aids. Active travel also includes using any of these forms as incidental activity associated with the use of public transport.

Variation to the *Estate Development Code*

3.1.15 Variation to the Estate Development Code

36. Part 16.1 – Estate Development Code; Element 4: Public Realm; Item 4.1 Network; Criterion C23

Substitute

Rules	Criteria
4.1 Networks	
There is no applicable rule	<p>C23</p> <p>Public realm spaces achieve all of the following:</p> <ul style="list-style-type: none">a) consistency with the <i>desired character</i>b) accommodation of a range of uses and activities (such as those listed in table 4)c) contribute to providing an attractive streetscape and public placesd) links between existing or proposed areas of open spacee) opportunities for recreational facilities, including facilities for pedestrians and cyclistsf) opportunities for wildlife corridors between natural areasg) stormwater management.

37. Part 16.1 – Estate Development Code; Element 2: Public transport, walking and cycling; Item 2.2 Bus stops; Rule R4

Substitute

Element 2: Walking, cycling and public transport

Substitute

Rules	Criteria
2.2 Bus stops	
<p>R4</p> <p>At least 95 per cent of dwellings proposed for the estate comply with at least one of the following:</p> <ul style="list-style-type: none"> a) are within 500m of a bus stop on an existing or proposed <i>coverage route</i> with well-lit and connected walking access b) are within 750m of a bus stop on an existing or proposed <i>frequent network</i>. 	<p>C4</p> <p>The location of bus stops achieves all of the following:</p> <ul style="list-style-type: none"> a) a reasonable distance from all dwellings in the <i>estate</i> b) reasonable way-finding c) convenient access for users.

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