

Planning and Development (Draft Variation No 342) Consultation Notice 2018

Notifiable instrument NI2018—225

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 342) Consultation Notice 2018*.

2 Draft variation to the Territory Plan

The planning and land authority (the *Authority*) has prepared a draft plan variation No 342 – Belconnen town centre (the *Draft Variation*) to vary the Territory Plan. The Draft Variation contains changes to zones within the Division of Belconnen and amendments to the Belconnen precinct map and code.

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 Directorate (EPSDD) 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 22 June 2018 (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/draftvariations>

4 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. 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, EPSDD 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, EPSDD 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 be made public unless you request otherwise.

Note 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.

6 Effect of the draft plan variation

- (1) Section 65 of the Act applies to the draft variation. This means that the provisions of Draft Variation No 342 have interim effect, and apply to development applications lodged on or after 4 May 2018.
- (2) During the period of interim effect, the Territory, the Executive, a Minister or a territory authority must not do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the draft plan variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.
- (3) Interim effect will end on the day the earliest of the following happens:
- (a) the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the *Legislation Act 2001*;
 - (b) the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1) (b) or section 76 (2) (b) (v) of the Act;
 - (c) 1 year after the date of the consultation notice.

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 342 – Belconnen town centre*

In this instrument:

Draft plan variation No 342 – Belconnen town centre means the draft plan variation in the schedule.

Fleur Flanery
Delegate of the planning and land authority
02 May 2018



ACT
Government

Environment, Planning and
Sustainable Development

Attachment 1

Planning and Development Act 2007

Draft Variation to the Territory Plan No 342

Belconnen town centre:
Zone changes and amendments to the
Belconnen precinct map and code

May 2018

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

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Contents

1.	INTRODUCTION	1
1.1	Summary of the Proposal	1
1.2	Outline of the process	2
1.3	Public Consultation.....	3
2.	EXPLANATORY STATEMENT.....	4
2.1	Background	4
2.2	Site Description	4
2.3	Current Territory Plan Provisions	5
2.4	Proposed Changes.....	8
2.4.1	Proposed Changes to the Territory Plan Map.....	8
2.4.2	Proposed Changes to Territory Plan	8
2.5	Reasons for the Proposed Draft Variation.....	10
2.6	Planning Context.....	11
2.6.1	National Capital Plan	11
2.6.2	Territory Plan	11
2.7	Interim Effect	11
2.8	Consultation with Government Agencies.....	12
3.	DRAFT VARIATION.....	19
3.1	Variation to the Territory Plan.....	19
3.2	Variation to the Territory Plan written statement	20

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1. INTRODUCTION

1.1 Summary of the Proposal

Draft Variation to the Territory Plan No. 342 (DV342) Belconnen town centre incorporates the key recommendations of the approved 2016 Belconnen town centre master plan, which provides guidance on the desired future built form and character of the town centre as it develops over the next 10 to 20 years.

The Belconnen master plans vision for the centre identifies that the town centre's features, including the lake, open spaces, layout and nearby institutions provide unique economic and environmental advantages. The master plan aims to improve and strengthen these aspects to ensure the town centre is an attractive, accessible and desirable place for people to live, work and enjoy.

DV342 rezones a number of areas within the town centre and surrounding areas, including:

- two blocks within the service trades area from service trades commercial to urban open space to retain access to existing open space areas for workers and visitors
- an area along Lathlain Street from trades and services to commercial business zone and urban open space, to promote activity west of the mall and revitalise the area; and
- a residential area on College Street from suburban core to high density residential to expand the existing area of high density residential development close to the town centre, and provide a more appropriate interface between the centre and surrounding residential land.

DV342 also amends the permitted uses in selected areas within the town centre, including prohibiting residential use in the service trades area and permitting a supermarket within the commercial business zone near the Emu Bank and Eastern Valley Way intersection. The variation also introduces building heights to the centre up to 27 storeys in selected locations, and accommodates the height of approved development within the town centre. Building setbacks and active frontage requirements in accordance with the approved master plan are incorporated to ensure interesting and safe public spaces for pedestrians. Awning requirements are also included to ensure all weather protection along the main pedestrian areas.

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 Public Consultation

Written comments about the draft variation are invited from the public by **22 June 2018**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section of EPSDD. 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 the EPSDD Access Canberra Customer Service Centre at 16 Challis Street, Dickson
- made on the 'Have 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 the EPSDD Access Canberra customer service centre in Dickson and may be published on EPSDD's website. Comments made available will include name and 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 the EPSDD Access Canberra 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

DV342 incorporates the key planning policy recommendations contained within the Belconnen town centre master plan approved in 2016.

While a number of recommendations from the previous 2001 Belconnen masterplan have been realised, there have been a number of strategic planning documents released since then, such as the ACT Planning Strategy 2012, which encourage the consideration of urban intensification measures for the centre.

In addition to the zone changes for a number of specific sites, the review of the provisions applying across the town centre has also involved the identification of the need for additional measures in the Belconnen precinct code. This includes stipulation of maximum building heights for the town centre, identifying new development opportunities and improving pedestrian activity through the centre.

2.2 Site Description

The subject area is the Belconnen town centre and a section of the residential area to the south, as identified in Figure 1. This figure also identifies the sites proposed to be rezoned under DV342. The town centre lies to the south of Lake Ginninderra, an artificial lake providing stormwater management and recreation opportunities for the town centre.

The town centre is a significant employment base within the ACT, with Commonwealth departments and retail businesses being the biggest employers. The centre also contains a number of important community, education and recreation uses including Belconnen library, Lake Ginninderra College and the Canberra International Sports and Aquatic Centre.

The town centre contains a wide range of building heights, from the single and two storey service trades area to the central business area with development ranging from four storeys up to 27 storeys.

Surrounding areas are predominately low density residential suburban to the south, west and north of the centre, and the University of Canberra within walking distance of the town centre to the east.

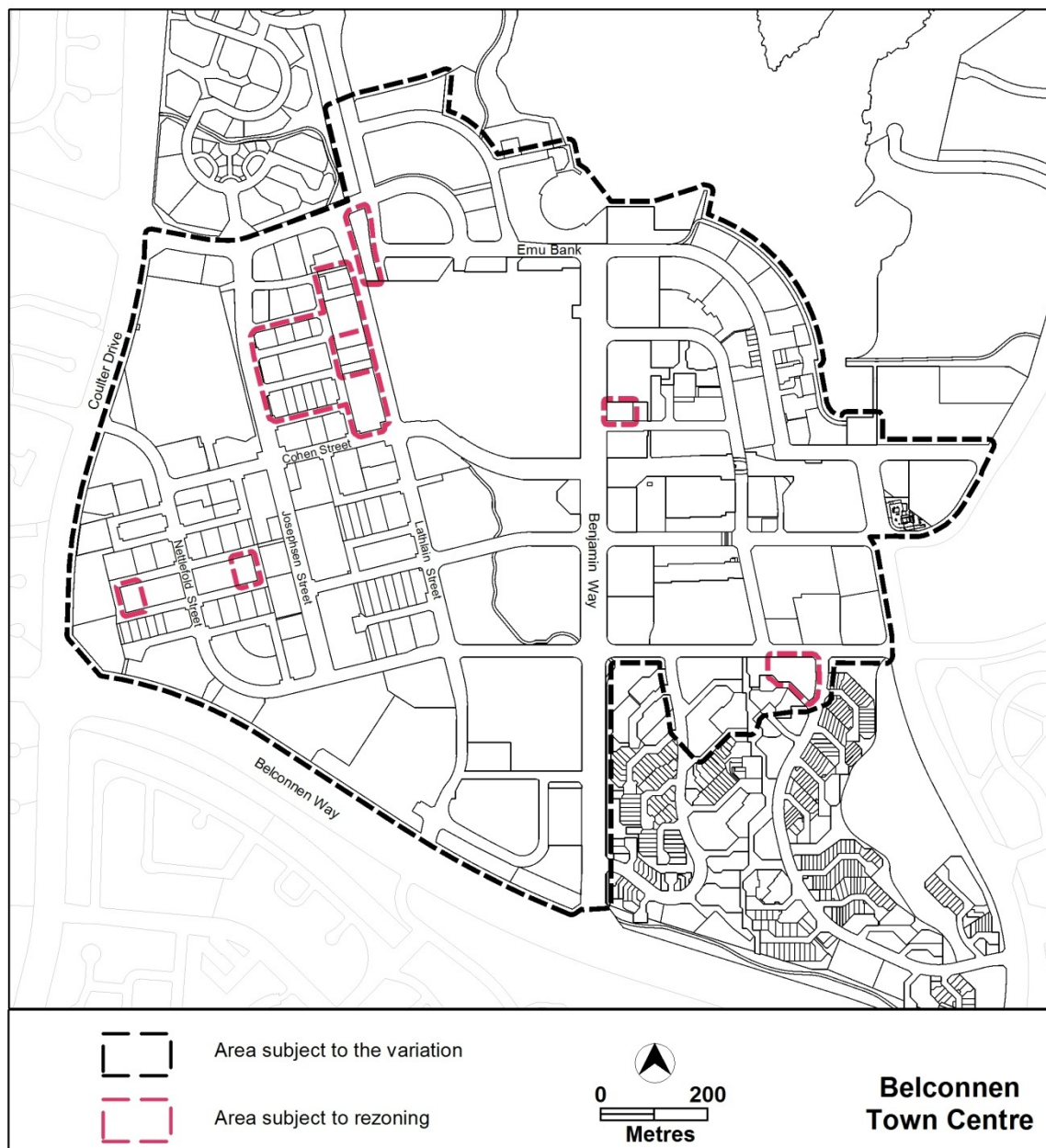


Figure 1 Location plan

2.3 Current Territory Plan Provisions

The Territory Plan map zones for the area subject to this variation are shown in **Figure 2**.

The town centre is predominately zoned CZ2 commercial business zone, with a central CZ1 core zone containing the Westfield Belconnen shopping centre adjoining the lake. The town centre also contains a substantial CZ3 service trades area forming the western portion of the town centre, containing the predominant service trades uses.

The town centre contains a wide range of building heights, with the CZ3 zoned area predominately single and two storeys, while the CZ1 core are and CZ2 business zone ranging between six to 12 storeys, along with an approved 28 storey tower development.

Development along Lake Ginninderra within the subject area is zoned CZ6 leisure and accommodation zone, with single and two storey buildings, with RZ5 High Density Residential zoned land behind containing a number of multi storey unit complexes around four storeys tall.

The town centre is subject to the Commercial Zone development code and the Belconnen precinct map and code. The adjoining residential areas are subject to the Residential Zones Development code, Single Dwelling Housing development code and the Multi Unit Housing development code. The community facility land is subject to the Community Facility Zones development code, with the public open space subject to the Parks and Recreation Zone development code. The general codes may also apply.

It should be noted that Belconnen sections 43, 44, 45(part), 49 and 50, while being identified as being subject to the Territory Plan provisions, are 'National Land', and are subject to the provisions of the National Capital Plan and associated Development Control Plans. In this regard, the Territory Plan provisions do not apply to these sites.

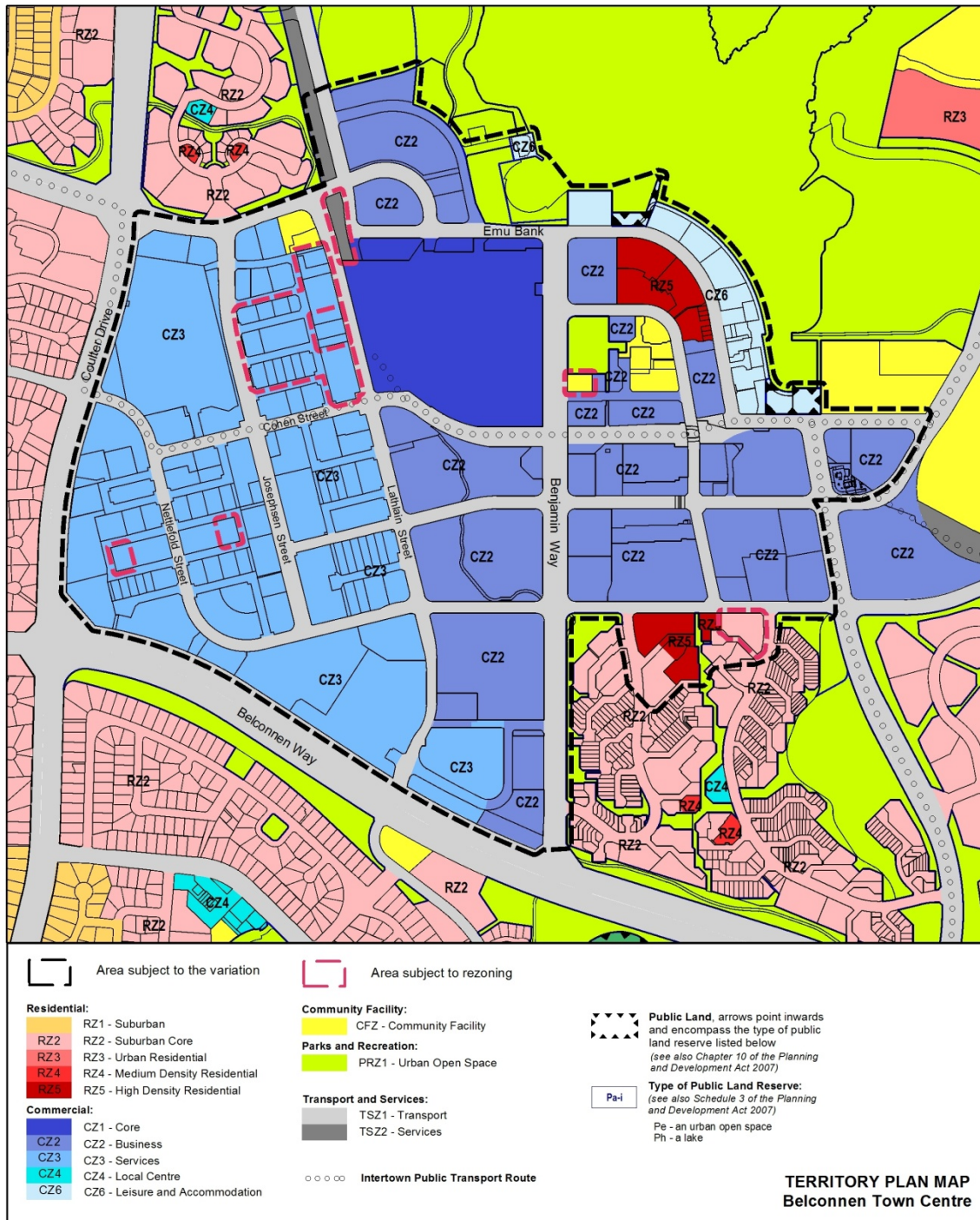


Figure 2 Territory Plan Zones Map

2.4 Proposed Changes

2.4.1 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan map are indicated in Figure 3 at Part 3 of this document and are detailed as follows:

- rezoning portions of sections 5 and 11 from CZ3 services zone to PRZ1 urban open space zone
- rezoning block 1 and part block 24 section 21, and block 3 section 23 from CZ3 services zone area to PRZ1 urban open space zone
- rezoning block 4 section 22, block 8 section 185 and block 7 section 186 from CZ3 services zone to TSZ1 transport zone
- rezoning blocks 2, 3, 4 and 7 section 185 and blocks 1-6 section 186 from CZ3 services zone to CZ2 business zone
- rezoning blocks 21-23 and part block 24 of section 21, blocks 2 and 3 of section 22 and block 2 section 23 from CZ3 services zone to CZ2 business zone
- rezoning block 30 section 52 and adjoining Joynton Smith Drive road reserve from TSZ2 services zone to CZ2 business zone
- rezoning block 41 section 54 from CFZ community facility zone to CZ2 business zone; and
- rezoning block 1 section 88 from RZ2 suburban core zone to RZ5 high density residential zone.

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed surveys.

2.4.2 Proposed Changes to Territory Plan

It is proposed to amend the Belconnen precinct map in accordance with the master plan recommendations by including *residential use* as a prohibited use in the CZ3 services area as well as in sections 185 and 186, which are proposed to be rezoned to CZ2 business zone.

It is proposed to amend the Belconnen precinct code in accordance with the master plan recommendations by:

- specifying a range of building heights across the town centre from three storeys up to 23 storeys in selected locations, including the approved 28 storey development on the corner of Emu Bank and Eastern Valley Way. The provisions will also permit a moderate increase in maximum building heights by an additional four storeys in selected locations where development maintains the building height hierarchy of the centre by retaining the higher buildings towards the core area
- introducing built form provisions including building setbacks for development above 12 storeys, and identifying areas through the centre where buildings will be required to provide active frontages and awnings for improved pedestrian activity and amenity
- increasing the maximum building heights for development in the high density residential zone adjacent to College Street from five storeys to six storeys where development addresses College Street
- permitting a supermarket up to 1,500m² within the CZ2 commercial business zone near the Emu Bank and Eastern Valley Way intersection
- requiring structured car parks located along main pedestrian areas to provide active uses at the ground floor
- restricting residential use on the ground and first floor in selected areas and requiring commercial adaptable lower floors in selected areas
- provisions for consolidation, subdivision, boundary realignments, and easements to improve urban form and development outcomes; and
- nominating a road connection between Walder Street and Lathlain Street to improve connectivity in the area west of Lathlain Street.

Departures from the approved master plan

There are a number of proposed changes which depart from the master plan recommendations, including:

- prohibiting residential use in sections 185 and 186
- prohibiting residential development on the ground and first floor within section 21 and 23 along Lathlain Street
- permitting blocks 22 and 23 section 21 to be developed up to 4 storeys; and

- prohibiting residential development on block 24 section 21 within 100m of block 23 section 21 without written endorsement from the Environment Protection Authority (EPA).

These changes have been included in response to concerns raised by the EPA. The EPA advised that existing industrial uses such as vehicle smash repairers and the Lathlain Street bus interchange could impact on the amenity of future residential uses in the precinct. Including these provisions will reduce the potential for existing uses to impact on future residential uses, and encourage the redevelopment of the industrial trades use occurring on Lathlain Street.

In addition, the prohibition on residential use in sections 185 and 186 will ensure that the sites are not developed for residential use in the future and impacted by existing adjoining industrial trades uses. This prohibition may be reviewed should circumstances change with the industrial trades uses in the future.

2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are to amend the Territory Plan map and the Belconnen precinct map and code in accordance with the approved Belconnen master plan to:

- formalise existing open space areas within the CZ3 commercial service trades area through rezoning selected parcels of land to PRZ1 urban open space
- expand and consolidate the CZ2 commercial business zone west of the core commercial area to provide additional development opportunities along Lathlain Street while improving vehicle, cyclist and pedestrian movement through the area
- increase residential density in an area adjoining the town centre along College Street with easy access to the town centre
- ensure development in the CZ3 commercial service trades area is not incompatible with the predominant use of the land by prohibiting residential use in the zone
- ensure building heights and design within the centre are of an appropriate scale and relate to the existing centre layout and provide a measure of certainty to developers and the community as to the intended built form
- improve the built form interface with the public domain by ensuring new development provides interesting and functional facade treatments, encouraging pedestrian activity through the centre; and

- provide additional flexibility for supermarket location and size in selected areas within the CZ2 commercial business zone connecting the core commercial area to the community land use areas east of the town centre.

2.6 Planning Context

2.6.1 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.

2.6.2 Territory Plan

Statement of Strategic Directions

The proposal is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles. In particular, the proposed changes to the Territory Plan will encourage mixed use development within the Belconnen town centre, providing opportunities for people to live and work close to services, public transport and active travel routes.

2.7 Interim Effect

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of Draft Variation No 342 have interim effect, and apply to development applications lodged on or after **4 May 2018**.

During the period of interim effect, the Territory, the Executive, a Minister or a territory authority must not do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the draft plan variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.

Interim effect will end on the day the earliest of the following happens:

- i. the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the Legislation Act
- ii. the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1)(b) or section 76 (3)(b)(v)
- iii. 1 year after the date of the consultation notice.

2.8 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; and
- the Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected.

National Capital Authority

The National Capital Authority provided the following comments on 10 May 2017:

“The NCA has no objection to DV342 proceeding to public consultation.

We’ll continue discussions with the lessees of National Land sites, which as noted in the DV documentation do not fall within the scope of Territory Plan controls.”

Response

The comments are noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 30 January 2017:

“In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 342 and I have no comments to provide other than to note my support for the proposed retention of three additional areas of urban open space within the Town Centre.”

Response

The comments are noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 18 May 2017:

“Environment Protection:

Foreshore precinct - The EPA has received a number of complaints from residents adjoin the Foreshore Precinct. The complaints concerned noise from the current music venues. While the master plan has recognised the need for careful consideration of planning controls, the controls should be robust to minimise the potential for further harm through the generation of noise to residential properties.

***Service Trade Precinct** - The EPA supports the proposed restriction of residential development within the precinct.*

***Lathlain Street precinct** - planning controls should be considered for this precinct to protect the bus interchange and surrounding light industries. Where residential development occurred in close proximity to the Tuggeranong bus interchange, the EPA received a number of complaints concerning impact from noise and odour from the buses using the interchange. Through considered planning controls trades and residential may co-exists without conflict.*

The recommended planning policies detailed in Section 5.6.1 are a positive step in addressing concerns identified by the EPA.

Contaminated Sites:

With respect to site contamination please note the following:

***Blocks 1 and 24 Section 21 Belconnen** - is currently subject to assessment and independent audit commissioned by the LDA - proposed uses for these sites should not be varied until the audit into site suitability is complete and the findings endorsed by the EPA.*

Blocks 2 and 3 Section 23 Belconnen - assessments already commissioned by the LDA. The EPA has endorsed the findings of the assessments that the Site is suitable for redevelopment into medium to high density residential land use.

Blocks 2, 3 and 4 Section 22 Belconnen - assessments already commissioned by the LDA. The EPA has endorsed the findings of the assessments that the Site is suitable for the proposed commercial and medium to high density residential land uses.

Block 41 Section 54 - assessment required - due to potential for contamination from site being used as a dental surgery

- Rezoning block 41 section 54 from CFZ community facility zone to CZ2 business zone

Block 2 section 198 including adjoining road reserves - assessment required due to potential for contamination from past and current activities.

- Rezoning from CZ3 to CZ2

Block 4 section 22, block 8 section 185 and block 7 section 186 - no assessment required

- Rezone from Services Zone (CZ3) to TSZ1 Transport zone.

Block 30 Section 52 and adjoining road reserve - no assessment required

- Rezone from TSZ2 services zone to CZ2 business zone.

Block 16 Section - no assessment required

- Rezoning from CZ3 to CZ2.

Block 1 section 88 - no assessment required

- Rezoning from RZ2 suburban core zone to RZS high density residential zone.”

Response

The comments are noted. In response to EPA concerns regarding existing light industrial in the CZ3 services zone uses impacting on future residential uses, residential use has been prohibited for sections 185 and 186. The master plan recommended rezoning these sections from CZ3 services zone to CZ2 business zone, which permits residential use. As the adjoining sections contain industries likely to cause impact to any future residential use, it was considered necessary to prohibit this use in sections 185 and 186 for the foreseeable future. The existing uses provide a valuable and conveniently located service for the Belconnen community, and if they were forced to relocate to accommodate adjoining residential uses, it would most likely be to Fyshwick or Hume, reducing the opportunities for these services in the Belconnen area.

In addition, a restriction on residential use on section 21 within 100m of block 23 section 21 has been included to reduce the potential for incompatible uses adjoining existing industrial uses. Additional provisions have been included restricting residential use on the first floor in the Lathlain Street precinct to further reduce potential conflicts with the operation of the bus interchange and nearby commercial uses.

The prohibition on residential use in sections 185 and 186 may be reconsidered in the future if and when circumstances change on adjoining sites.

Contamination studies will be undertaken on affected sites and endorsement obtained by EPA prior to the completion of the Territory Plan variation process.

Heritage Council

The Heritage Council provided the following comments on 24 January 2017:

“No heritage places or objects subject to Heritage Act 2004 provisions occur within the Belconnen town centre, and the zone changes and amendments proposed by DV342 will not diminish the heritage significance of the place.”

Response

The comments are noted.

Land Custodian Transport Canberra and City Services Directorate

The land custodian provided the following comments on 30 January 2017

- *It is anticipated that with the increase of building heights across the Belconnen Town Centre from three storeys up to twenty-three storeys at selected locations, there will be an increase in traffic on the surrounding road network. Traffic Impact Assessment must consider holistic effects of the proposed development on roads surrounding Town centre and parking demand.*
- *Belconnen to City has been identified as Public Transport (PT) corridor. Light Rail (LR) is one mode of PT identified through community consultation. However if LR is not to proceed, then bus PT is the other option to consider.*
- *Provision for parking demand of car spaces should be provided within the proposed buildings.*
- *Provide all the facilities required for interchange to facilitate the commuters using mixed mode of transport or to drop off people at these places.*
- *Provide sites for the parking demand at suitable locations and if there is reduction in car traffic, then these sites can be developed later.*
- *The disabled parking spaces should be provided in the areas of attraction, serving health facilities, and other facilities which provide services for aged persons or people with disabilities.*

- *The effect of traffic noise on residential dwellings on upper storeys and also the impact from commercial activities on the Ground floor such as outdoor dining should be considered and mitigated during the design stage.*

Response

The comments are noted. The matters raised are normally addressed through development application processes and do not require changes to the draft variation. The Multi Unit Housing development code contains requirements to ensure residential dwellings in commercial areas and adjacent to busy roads comply with Australian standards for noise mitigation.

Residential use has been prohibited at the ground and first floor along Lathlain Street to reduce the potential impacts of the operation of the bus interchange on nearby residents.

Land Custodian Chief Minister, Treasury and Economic Development Directorate

The land custodian provided the following comments on 31 January 2017

"In addition to the comments set out in the attachment to this letter, the Economic Development portfolio is keen to see the inclusion of affordable housing as an additional criterion to satisfy when a development proposal in the town centre seeks a building height increase of an additional four storeys.

As you would be aware, improving housing affordability for all Canberrans is an important commitment for the current Government. I anticipate the draft new ACT Affordable Housing Strategy will be presented to Government in the coming months.

The draft strategy reflects learnings from previous affordable housing action plans and proposes a suite of actions to increase housing options for sale to eligible purchasers, including trialling planning and building code changes.

While the timing of the public consultation on the draft variation and the Government's consideration of the new Affordable Housing Strategy may not align, I feel it is appropriate to include (in the public consultation version of the draft variation) affordable housing as part of the relevant criteria (C9) so that a coordinated and considered outcome is achieved.

Item	Attachment	Page	Rule/Criteria	Notes
1	A	2		Under the definition for Active Frontage -was does 'facadraction' mean?
2	B	9	C9	amend 'achieves all of the following' to 'achieves a majority of the following'
3	B	9	C9(b)	amend from 'provides community benefit through provision of publicly accessible pocket parks directly accessible from the street front boundary' to 'provides

Item	Attachment	Page	Rule/Criteria	Notes
				community benefit through either provision of, or providing convenient access to, publicly accessible pocket parks directly accessible from the street front boundary'. Blocks within the Lathlain Street Precinct or Section 151 might be released individually and this reads as though each site would then have to provide a little pocket park to obtain extra height. Emphasis should be on quality open spaces in the town centre (especially if they are to be maintained by the Territory) rather than quantity. Does the definition of pocket parks here include roof-top or podium gardens/recreation spaces/viewing platforms etc that could be publicly accessible?
4	B	10	C9(c)	Is that 7 green star rating for residential units?
5	B	10	C9	Include additional criteria to achieve increased building height: f} incorporates a component of dwelling units that are sold or rented in accordance with the requirements under the ACT Affordable Housing Strategy.
6	B	10	R10(a)	amend 'a clear public pedestrian easement through the site, providing a pedestrian connection linking Lathlain Street to the lower end of Luxton Street or Emu Bank' to 'provides a clear public pedestrian connection linking Lathlain Street to the lower end of Luxton Street or Emu Bank'. An easement, with both a vertical and horizontal extent, spanning potentially across several buildings, as well as accommodating able and disabled access, may compromise the design and development potential of that Section 151 precinct.
7	B	15	R15	Re: the provision that development of more than 2 storeys in each section is not permitted until all of the blocks in each section are consolidated into one block. How does this work with Section 185 Belconnen which currently has a vacant block (4/185) owned by the Territory? Can the three existing sites in 185 Belconnen be consolidated and redeveloped to six storeys and if so what happens to 4/185 l(ie does it become urban open space?). Or does 4/185 have to be purchased by the future developer of Section 185 to facilitate the redevelopment of the site? If this cannot occur by direct sale (due to its zoning and location) and goes to open market and is bought by someone else, is the redevelopment potential of Section 185 compromised?
8	B	15	R16	Suggest R16 could be redrafted consistent with R15 (with reference to relevant block/section) and avoid the need to refer to and include another 'figure' (figure 5) in the precinct code.
9	B	16	R18	amend R18 to read 'This rule applies to blocks 1 and 24 section 21 and block 3 and block 2 section 23. 6m verge width then applies right down to Cohen Street.
10	B	17	R24	No area 'J' in Figure 4. Should mean area 'b'?
11	B	17	R25(a)	amend 'Buildings, including basement' to 'Buildings, excluding basement'. A better outcome for the site could be achieved by allowing basement parking for the full extent of the site (reducing the need for surface or podium parking) and encouraging the future developer of the site to maintain maintenance responsibility for the open space and integrate it with ground-floor commercial and/ or residential.

Item	Attachment	Page	Rule/Criteria	Notes
12	B	19	R30(d)	Section 22 has primary active frontage on southern and eastern side, and secondary active frontage on the northern side. Service / loading zones and car-park entry will most likely be off the northern (ie Walder Street) side, bathed in sunlight, while southern 'primary active' frontage will be in shade most of the time. Would a better design outcome be achieved by having the southern and eastern boundary amended to secondary active frontage, thereby allowing loading/ service zones and entry points to be better located around the development?
13	B	20	C35	need to include a provision that overrides 6m setback on Section 149 that applies to the site under R58 Commercial Zones Code.
14	B	20	C35(b)	include 'a right of way easement is provided on the ground floor of the eastern and southern side of the block to facilitate pedestrian access along the lake foreshore'.

Response

The matters raised have been addressed through amendments to the draft variation document where necessary, including corrections to formatting errors and amending provisions as required to address the concerns raised. It is noted that the criterion C9 provisions referred to in the advice have been removed from the draft variation for further consideration and refinement.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan map is varied as indicated in Figure 3.

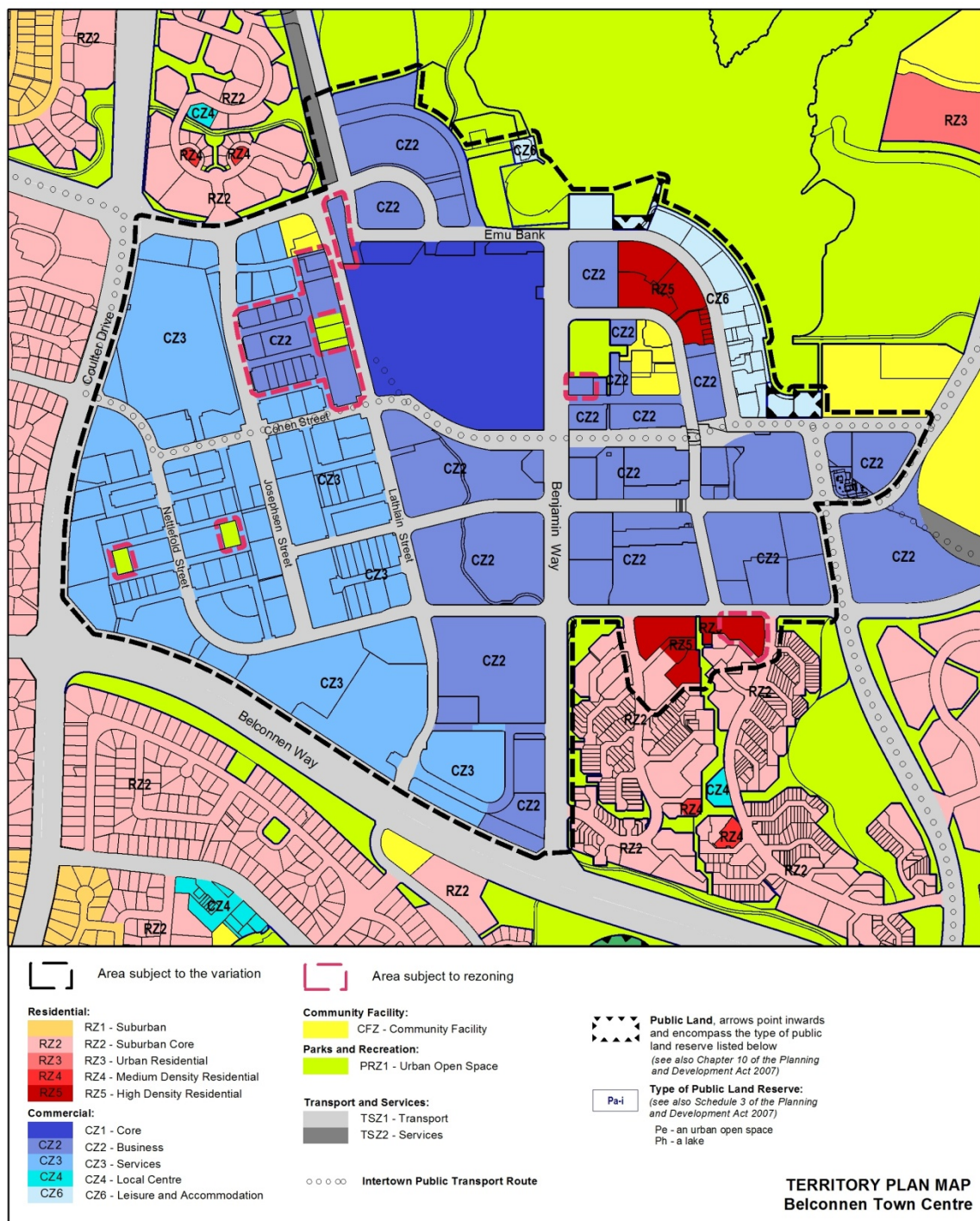


Figure 3: Areas subject to rezoning

3.2 Variation to the Territory Plan written statement

The Territory Plan written statement is varied as follows:

Variation to the Belconnen precinct map and code

10	Precinct maps and codes, Belconnen precinct map and code
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substitute the following with the nominated attachment:

Belconnen precinct map and development tables with **Attachment A**

RC1 – Residential area 1, RC2 – Belconnen Town Centre and RC3 – Residential area 2 with **Attachment B**

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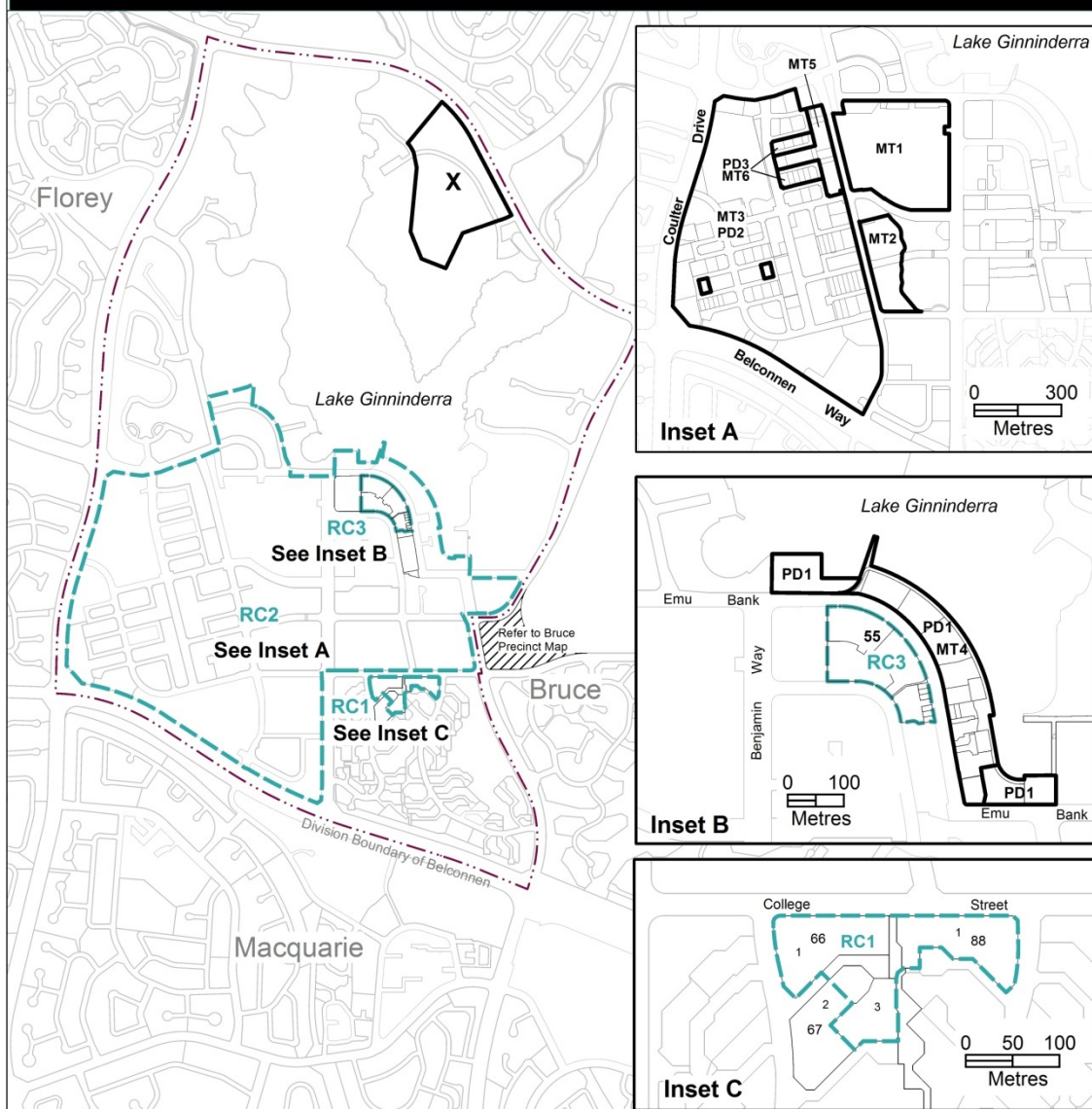
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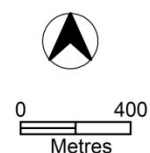
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Belconnen Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Belconnen Precinct Code
- X** Urban open space - not public land
- Refer to Bruce Precinct Map



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Belconnen 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	CZ6	caravan park / camping ground drive in cinema group or organised camp overnight camping area
PD2	CZ3	RESIDENTIAL USE
PD3	CZ2	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	CZ1	produce market
MT2	CZ2	service station
MT3	CZ3	corrections facility
MT4	CZ6	office RESIDENTIAL USE
MT5	CZ2	Industrial trades light industry plant and equipment hire establishment store veterinary hospital warehouse
MT6	CZ2	light industry plant and equipment hire establishment store veterinary hospital warehouse

add definitions to Belconnen precinct code:

Active Frontage: ground level building facades adjoining public spaces that encourage pedestrian interaction through display windows, public entrances, shop fronts and the like.

Podium: refers to the lower storeys of a building addressing public space, designed to present a human scale to the public space. Upper floor levels are set back to reduce apparent bulk and scale.

RC1 – Residential area 1

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

Element 1: Buildings

Rules	Criteria
1.1 Number of <i>storeys</i>	
There is no applicable rule.	C1 Buildings are predominately three <i>storeys</i> , with a maximum of six <i>storeys</i> where development addresses College Street.

RC2 – Belconnen Town Centre

This part applies to area RC2 shown on the Belconnen Precinct Map. RC2 includes the larger part of the Belconnen Town Centre. See also the Bruce Precinct Code which contains part of the Belconnen Town Centre.

Element 2: Use

Rules	Criteria
2.1 Ground floor uses	
<p>R2</p> <p>This rule applies to sites in CZ1 with boundaries to primary active frontages shown in figure 1.</p> <p>Only the following uses are permitted along the primary active frontage at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i>. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C3</p> <p>This criterion applies to sites in CZ2 and CZ6 with boundaries to primary active frontage shown in figure 1.</p> <p>Buildings incorporate uses on the ground floor that generate activity in the public space.</p>
2.2 SHOP – floor area limit	
<p>R4</p> <p>This rule applies to CZ2.</p> <p>The maximum <i>gross floor area</i> of any <i>SHOP</i> is 200m².</p> <p>In the hatched area shown in figure 1, the maximum <i>gross floor area</i> of supermarket is 1,500m² per section.</p>	<p>C4</p> <p><i>SHOPS</i> are limited to a scale appropriate to providing convenient shopping and personal services for the local workforce and residents.</p> <p>This criterion does not apply to supermarket in the hatched area in figure 1.</p>

Rules	Criteria
2.3 Office and residential use	
<p>R5</p> <p>This rule applies to section 65 in CZ6.</p> <p>The following uses are not permitted on the ground floor level:</p> <p>a) <i>office</i></p> <p>b) <i>RESIDENTIAL USE.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

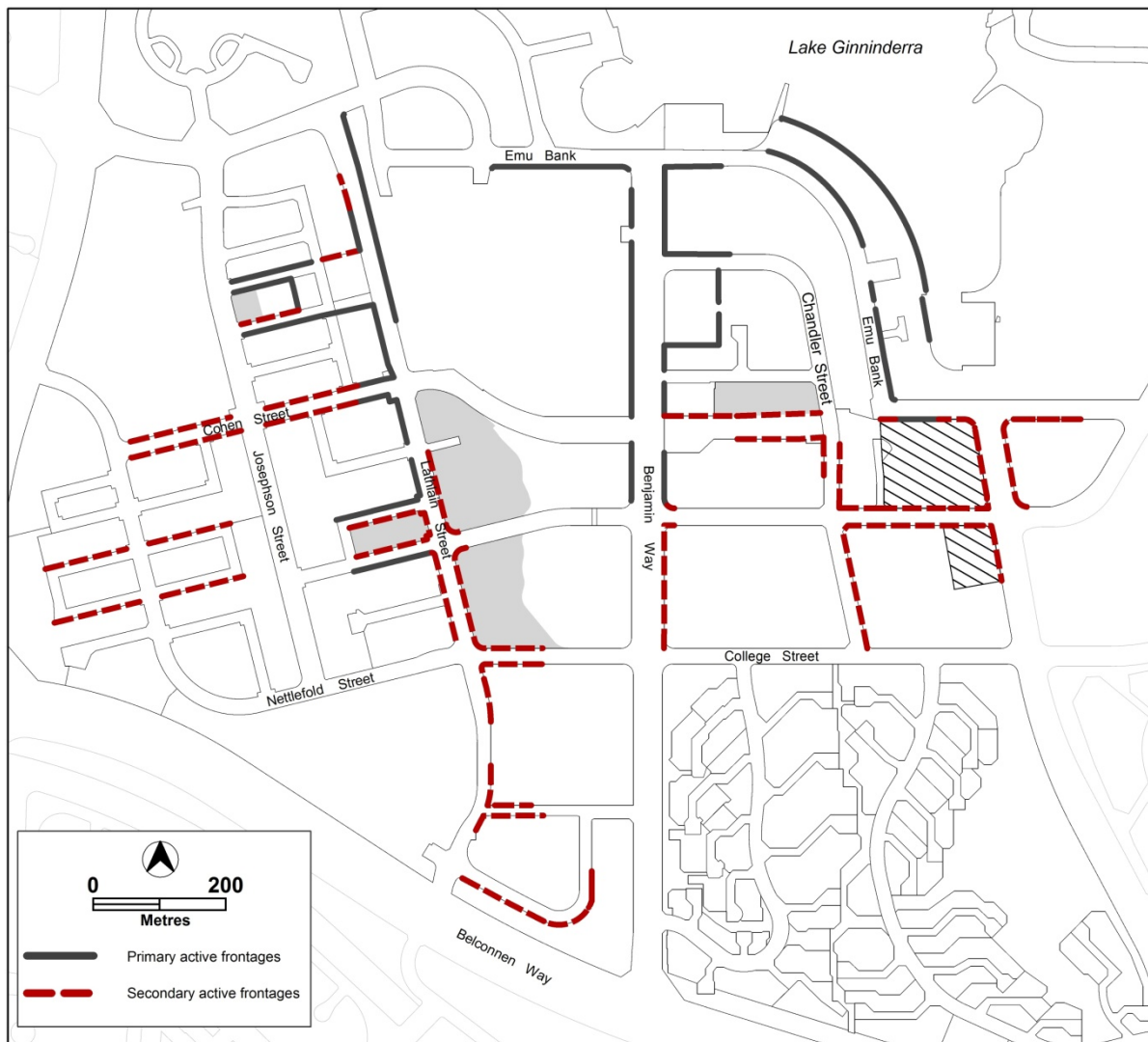


Figure 1 Active frontages, car parking areas and permitted supermarket area in CZ2

Rules	Criteria
<p>R6</p> <p>This rule applies to section 23 and 21.</p> <p><i>RESIDENTIAL USE</i> is not permitted on the ground and/or first level along Lathlain Street.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R7</p> <p>This rule applies to section 21.</p> <p><i>RESIDENTIAL USE</i> is not permitted within 100m of block 23 section 21.</p>	<p>C7</p> <p>Development applications for development that includes residential use are submitted with written endorsement from the Environment Protection Authority.</p>
2.4 Service station	
<p>R8</p> <p>This rule applies to the areas shaded grey shown in figure 1.</p> <p>Development of a service station, where permitted by the Belconnen precinct map, is only permitted in association with a structured <i>car park</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.5 Development on nominated car parking areas	
<p>R9</p> <p>This rule applies to the areas shaded grey shown in figure 1.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) the existing number of car parking spaces is retained on the site and made available for public use at all times; and b) provides car parking that is generated by the development on site in accordance with the <i>Parking and Vehicular Access General Code</i> in addition to the spaces required by item a). 	<p>C9</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development; and b) makes a substantial contribution to the long term publicly accessible parking supply at the town centre as endorsed by the Territory.

Element 3: Buildings

Rules	Criteria
3.1 Building heights	
<p>R10</p> <p>This rule applies to areas shown in figure 2 and figure 3.</p> <p>Maximum <i>height of building</i> is:</p> <ul style="list-style-type: none"> a) for area 'a1': the lesser of 28 storeys and 96m b) for area 'a2': the lesser of 25 storeys and 80m c) for area 'b': the lesser of 23 storeys and 76m d) for area 'c': the lesser of 20 storeys and 66m e) for area 'd': the lesser of 18 storeys and 60m f) for area 'e': the lesser of 12 storeys and 42m g) for area 'f': the lesser of 10 storeys and 35m h) for area 'g': the lesser of 8 storeys and 29m i) for area 'h': the lesser of 6 storeys and 23m j) for area 'i': the lesser of 4 storeys and 16m k) for area 'j': the lesser of 3 storeys and 12m l) for area 'NCA': RL613.7 m) for all other areas: 2 storeys. <p>Plant room set back a minimum of 3m from the building facade of the floor immediately below is not included in the number of storeys.</p> <p>Plant room screening and other non gross floor area rooftop architectural features are not included in building height.</p>	<p>C10</p> <p>The maximum <i>height of building</i> in areas 'b' and 'c' may be increased by an additional four storeys or twelve metres, whichever is the lesser, where development achieves all of the following:</p> <ul style="list-style-type: none"> a) where a block contains more than one taller building element, there is clear difference in height between elements b) the development achieves a high quality design outcome; and c) development is close to public transport stops and/or stations.

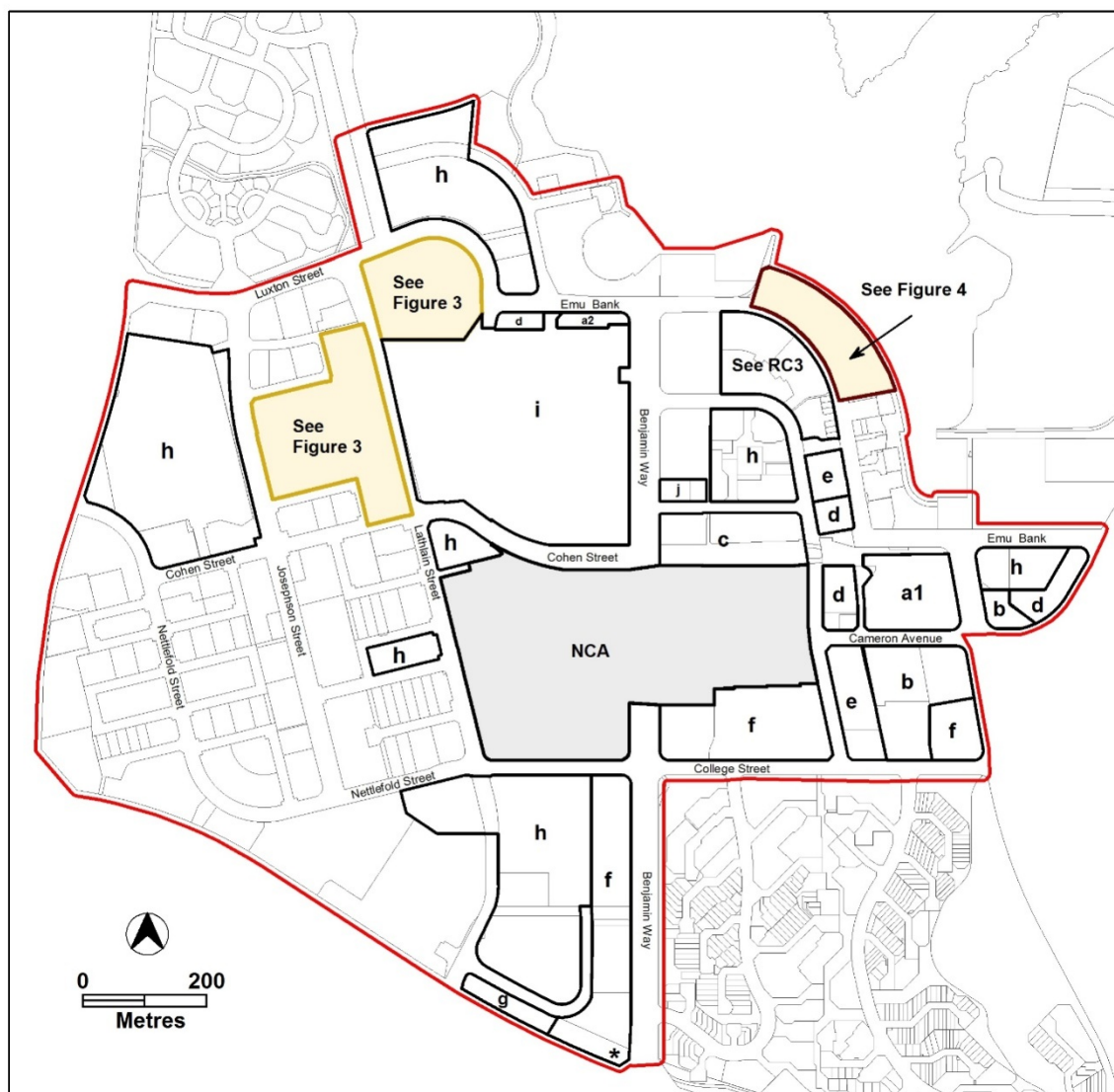


Figure 2 Building heights

Rules	Criteria
There is no applicable rule.	<p>C11</p> <p>This criterion applies to development in the area indicated by an asterisk shown in figure 2, at the corner of Benjamin Way and Belconnen Way.</p> <p>One higher building element up to the lesser of 16 <i>storeys</i> and 55m may be permitted where development suitably addresses the adjoining Benjamin Way and Belconnen Way intersection.</p>

Rules	Criteria
<p>There is no applicable rule.</p>	<p>C12</p> <p>This criterion applies to area 'i' in section 52 and section 151, shown in figure 3.</p> <p>Development up to the lesser of 12 <i>storeys</i> or 42m, measured from the Emu Bank frontage, is permitted subject to the preparation of a master plan for the site that achieves all of the following:</p> <ul style="list-style-type: none"> a) A clear public pedestrian connection linking Lathlain Street to the lower end of Luxton Street or Emu Bank. b) Opportunities for the lower levels of the block to be used for a structured carpark. c) vehicle access to be provided from Joynton Smith Drive or Emu Bank only d) Enable the existing road (Joynton Smith Drive) and proposed cycle / pedestrian path to continue under the development. e) Any podium levels along Lathlain Street are limited to a maximum two storey height limit to Lathlain Street.
<p>R13</p> <p>This rule applies to the subject area shown in figure 4.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) The maximum <i>height of building</i> is: <ul style="list-style-type: none"> i) in area 'a' – two <i>storeys</i> ii) in area 'b' – four <i>storeys</i> b) The minimum building setback to Ginninderra Lake boundary, including basements, is 10m c) The four storey elements located between Emu Bank and Lake Ginninderra comply with all of the following: <ul style="list-style-type: none"> i) the total combined area of all of the four storey elements within a block does not exceed 40% of the block area ii) each four storey element is separated from the pedestrian connections shown in figure 4 and each side boundary by a minimum of 4m iii) each four storey element has a maximum width of 16m when viewed from Emu Bank front boundary, and iv) each four storey element has a minimum separation from all other four storey elements of 10m. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

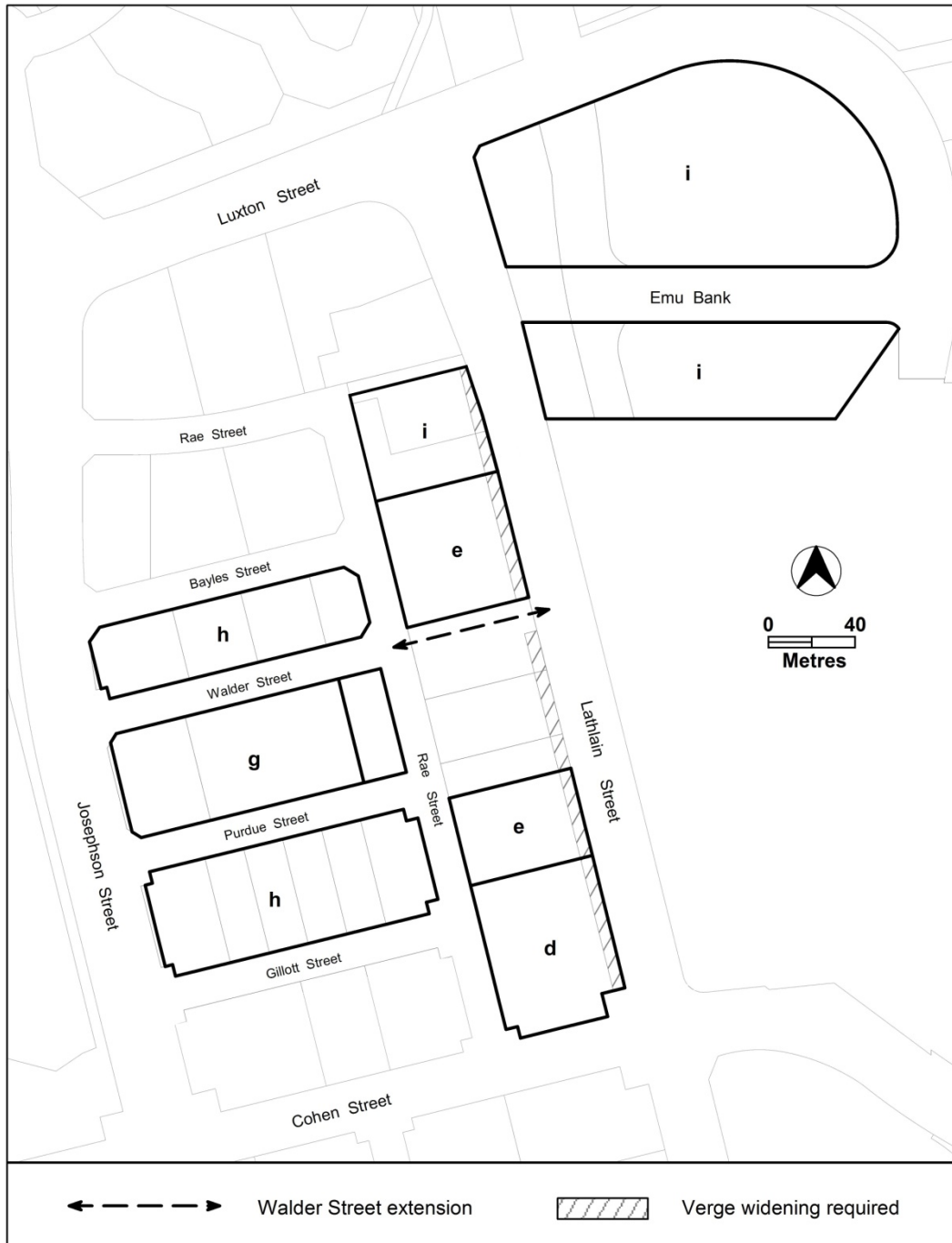


Figure 3 Lathlain Street precinct

Rules	Criteria
3.2 Built form	
<p>R14</p> <p>This rule applies to development of 12 <i>storeys</i> or more.</p> <p>Buildings are built to the <i>front boundary</i> at the ground floor level.</p> <p>The minimum front boundary setbacks above ground floor level are:</p> <ul style="list-style-type: none"> a) 0m for the portion of development up to 6 <i>storeys</i> b) 3m for the portion of development above 6 <i>storeys</i> up to 12 <i>storeys</i> c) 6m for the portion of development above 12 <i>storeys</i>. 	<p>C14</p> <p>Minor departures from the building setbacks are permitted at the ground level up to 6 <i>storeys</i> where development:</p> <ul style="list-style-type: none"> a) contributes to the pedestrian orientated environment b) reflects the existing street character; and c) accommodates active uses, building entrances and/or landscaped areas. <p>Departures from the building setbacks above 6 <i>storeys</i> are permitted where development:</p> <ul style="list-style-type: none"> a) demonstrates exceptional design quality b) provides a strong relationship with the public domain; and c) avoids towers that continue to the ground.
<p>There is no applicable rule.</p>	<p>C15</p> <p>This criterion applies to development of 8 <i>storeys</i> or more in height.</p> <p>Development applications include a visual impact assessment that addresses landscape setting of the town centre and analysis of the town centre urban form to demonstrate how the development positively contributes to the future desired character. The assessment will include a site context plan that illustrates the developments relationship to primary pedestrian routes, streetscape and nearby development.</p>

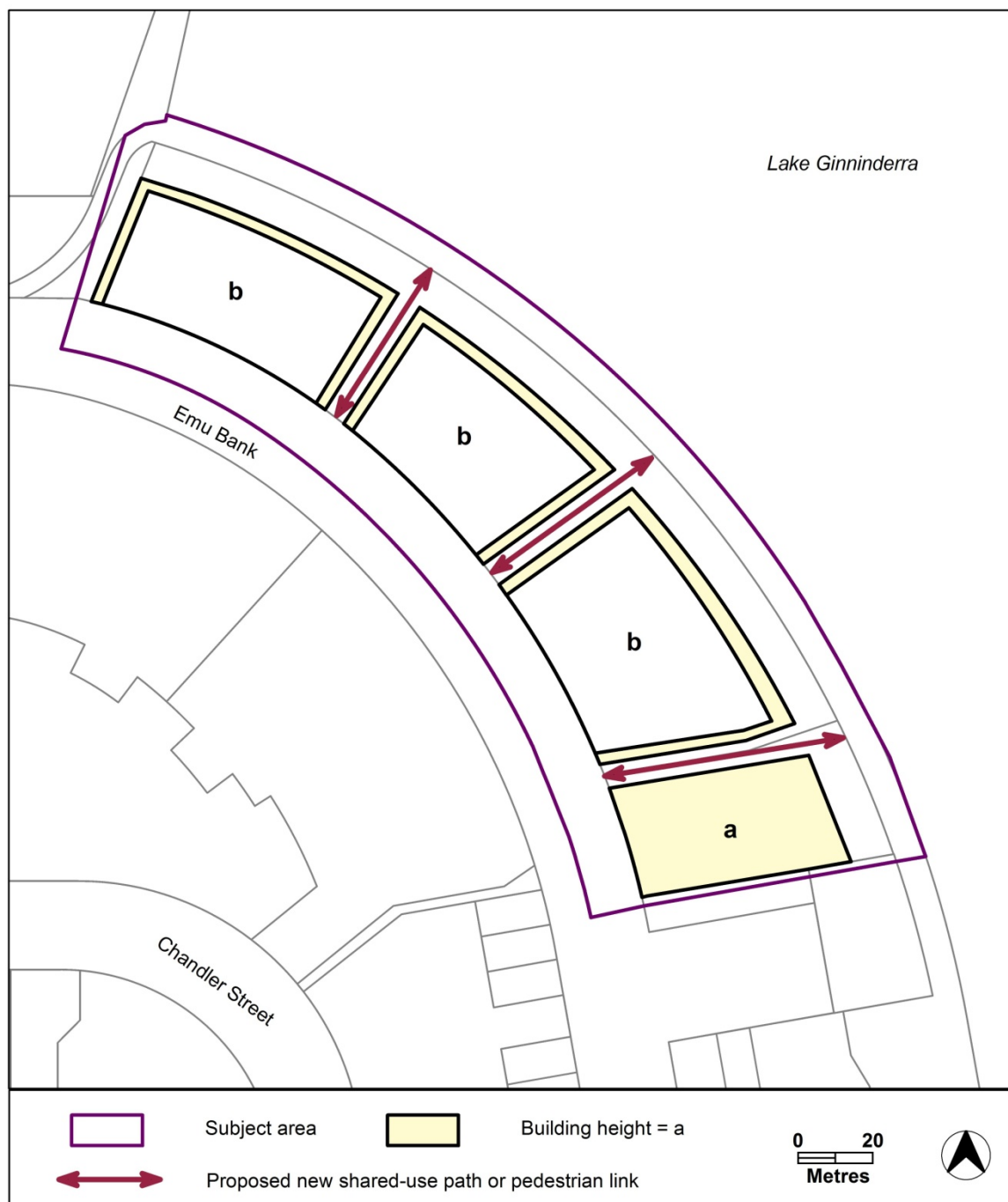


Figure 4 Emu Bank development

Rules	Criteria
There is no applicable rule.	<p>C16</p> <p>Large blocks supporting more than one building above 12 <i>storeys</i> are required to provide a clear variety in building heights, and avoid having several buildings all at or near the maximum height limit.</p>

Rules	Criteria
3.3 Consolidation	
<p>R17</p> <p>This rule applies to CZ2 zoned blocks in section 22, 185 and section 186.</p> <p>Development of more than 2 <i>storeys</i> in each section is not permitted until all of the <i>blocks</i> in each section are consolidated into one <i>block</i>.</p>	<p>C17</p> <p>Development above 2 <i>storeys</i> in sections 185 and 186 demonstrates that adjoining blocks within the section are capable of developing up to the maximum building height.</p>
<p>R18</p> <p>This rule applies to development in area B shown in figure 5.</p> <p>Development of 2 <i>storeys</i> or more is not permitted until all of the blocks are consolidated into one <i>block</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.4 Subdivision	
<p>There is no applicable rule.</p>	<p>C19</p> <p>Development of section 5 and/or section 11 includes subdivision of the section to retain the PRZ1 zoned land as a separate block.</p>
3.5 Boundary re-alignment	
<p>R20</p> <p>This rule applies to the hatched area in figure 3.</p> <p>Development incorporates a re-alignment of the Lathlain Street boundary to ensure a minimum 6m verge width to Lathlain Street.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.6 Structured car parks	
<p>R21</p> <p>This rule applies to structured car parks or podium car parks located along active frontage areas shown in figure 1.</p> <p>Structured car parks, or the podium car park component of a building, comply with all of the following:</p> <ol style="list-style-type: none"> have a maximum <i>height of building</i> of six <i>storeys</i> have commercial development along the street frontage at ground level do not permit vehicle access along the frontage to main pedestrian areas provides an unimpeded, permanently open pedestrian path of travel from the front boundary to public car parking spaces within the development. 	<p>C21</p> <p>Structured car parks and podium car parks provide active frontages at street level, minimise potential pedestrian/vehicle conflicts and where public parking is provided, ensure public access is provided at all times.</p>

Rules	Criteria
3.7 Building design	
<p>R22</p> <p>The minimum ground floor level floor to ceiling height is:</p> <p>a) in CZ1 and CZ2 – 3.6m</p> <p>b) in CZ3 – 4m.</p>	<p>C22</p> <p>The ground floor level of buildings is adaptable for commercial uses.</p>
<p>There is no applicable rule.</p>	<p>C23</p> <p>Buildings achieve all of the following:</p> <p>a) contribution to the character and amenity of adjacent public spaces</p> <p>b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i> and pedestrian experience; and</p> <p>c) articulated building forms.</p>
<p>R24</p> <p>Residential development along primary or secondary active frontages shown in figure 1 or public open space areas includes balconies and/or windows to main living areas addressing each street frontage and public spaces.</p>	<p>C24</p> <p>Residential development provides opportunities for passive surveillance of public spaces and pedestrian areas.</p>
<p>There is no applicable rule.</p>	<p>C25</p> <p>Ground floor public entrances, including residential lobby and lift areas are clearly visible from external public spaces.</p>
<p>There is no applicable rule.</p>	<p>C26</p> <p>Ground floor dwellings addressing unleased territory land retain privacy and safety for the residents without obstructing opportunities for passive surveillance.</p> <p>This may be achieved through:</p> <p>a) elevation of private open space areas above the territory land level</p> <p>b) providing sill heights that minimise sight lines into dwellings, and/or</p> <p>c) integrating constructed or vegetative screens into the external design.</p>
3.8 Setbacks to Lake Ginninderra	
<p>R27</p> <p>This rule applies to development in area A shown in figure 5.</p> <p>The minimum setback to each boundary is 0m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
3.9 Section 22 setback	
<p>R28</p> <p>This rule applies to section 22.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) Buildings, including basement, are setback a minimum of 20m from the Rae Street front boundary. b) Development within the setback area is limited to: <ul style="list-style-type: none"> i) landscaping ii) pedestrian paths iii) awnings iv) street furniture v) utilities <p>and remains publicly accessible at all times.</p>	<p>C28</p> <p>Development provides a substantial area of landscaped publicly accessible open space along the Rae Street front boundary.</p>
3.10 Pedestrian access	
<p>R29</p> <p>This rule applies to development in the subject area shown in figure 4.</p> <p>A pedestrian easement is provided in each of the areas identified as containing a proposed new shared-use path or pedestrian link that complies with all of the following:</p> <ul style="list-style-type: none"> a) has a minimum internal unobstructed width of 6m b) provides direct pedestrian access between Emu Bank street frontage and Lake Ginninderra frontage c) remains permanently open and publicly accessible. 	<p>C29</p> <p>Development provides permanently accessible unobstructed pedestrian access between Emu Bank front boundary and the lake.</p>
<p>There is no applicable rule.</p>	<p>C30</p> <p>Development of large sites provides a fine grain and permeable movement network that supports filtering of pedestrians through the centre, and supports the main pedestrian areas.</p>
<p>There is no applicable rule.</p>	<p>C31</p> <p>Commercial and or residential units located on the ground floor have individual entries directly accessible from public space.</p>

Rules	Criteria
3.11 Solar access	
<p>R32</p> <p>Development retains a minimum 3 hours solar access to the main daytime living areas and <i>private open space</i> of <i>dwelling</i>s on adjoining blocks between the hours of 9am and 3pm on the winter solstice (21 June).</p>	<p>C32</p> <p>Development retains reasonable solar access to <i>dwelling</i>s on adjoining <i>blocks</i> and their associated area of <i>principal private open space</i>.</p>

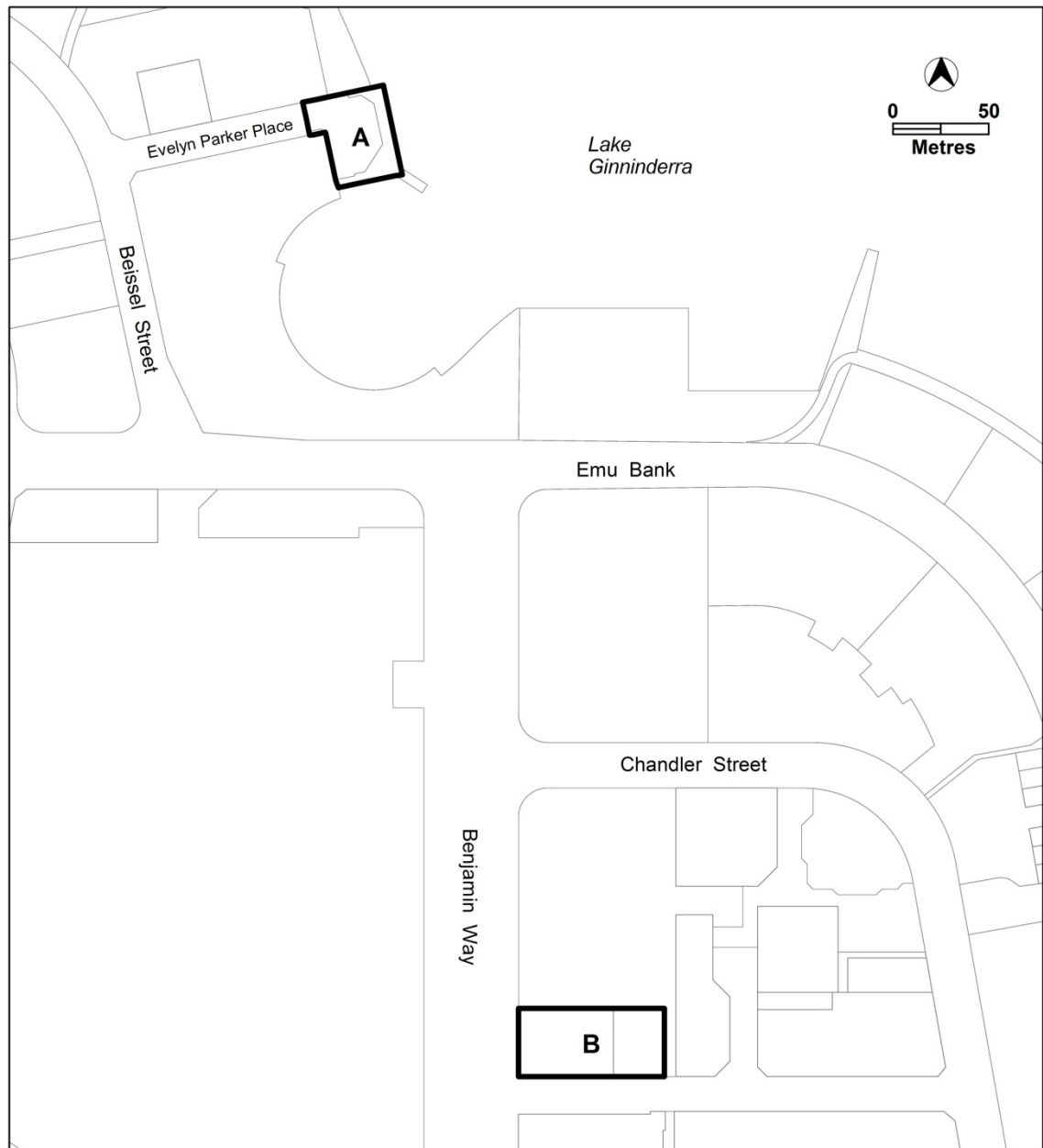


Figure 5

Rules	Criteria
3.12 Active frontages	
<p>R33</p> <p>For buildings located along primary active frontage areas identified in figure 1, frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and/or shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities c) any small areas of walls without windows contain displays, showcases and/or public art, with a maximum of 30% blank frontage per tenancy d) blank facades, open structured car parks and/or loading docks are not located along the frontage. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R34</p> <p>For buildings located along secondary active frontage areas identified in figure 1, frontages and building design complies with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities. 	<p>C34</p> <p>Development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) is adaptable for shops b) where building access is provided, direct pedestrian access at street level, and c) provide opportunities for views into and out of the building.
<p>There is no applicable rule.</p>	<p>C35</p> <p>For buildings located along secondary active frontages, building facades are not dominated by extensive lengths of blank facades, open structured carparks, loading docks, substations or other service infrastructure</p>
<p>There is no applicable rule.</p>	<p>C36</p> <p>Utility infrastructure such as electricity substations and water boosters located along primary active frontages shown in figure 1 are minimised and/or screened where possible.</p>

Rules	Criteria
<p>There is no applicable rule.</p>	<p>C37</p> <p>This criterion applies to development along primary and secondary active frontages shown in figure 1.</p> <p>Commercial uses with both internal public access and external public access are designed to ensure the external frontage provides the primary public access point.</p>
3.13 Awnings	
<p>R38</p> <p>This rule applies to buildings fronting primary active frontage areas shown in figure 1.</p> <p>Awnings are provided that comply with all of the following:</p> <ul style="list-style-type: none"> a) extend the full length of the building frontage b) are a minimum height of 3m above finished pavement or ground level of the verge c) are integrated into the building design at the first floor level, and d) have a minimum 3m cantilever depth, except where: <ul style="list-style-type: none"> i) opposing primary active frontages are 6m apart or less, awning depth may be reduced to ensure awnings are separated by at least 0.5m, and/or ii) a reduction in awning depth is required to accommodate existing infrastructure and/or street trees. 	<p>C38</p> <p>Awnings provide continuous all weather pedestrian shelter and activity in a form compatible with existing awnings.</p>
3.14 New roads	
<p>R39</p> <p>This rule applies to development in section 21.</p> <p>Redevelopment incorporates the proposed road shown in figure 2.</p>	<p>C39</p> <p>Development does not preclude the future provision of an access road connecting Walder Street to Lathlain Street.</p>

Rules	Criteria
3.15 Easements	
<p>There is no applicable rule.</p>	<p>C40</p> <p>This criterion applies to area A shown in figure 5.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) A right of way easement is provided along the entire eastern and southern boundaries to facilitate pedestrian access along the lake foreshore b) Any and all encroachments over utility easements are endorsed by the relevant utility provider; and c) any and all encroachments over right of way easements: <ul style="list-style-type: none"> i) do not obstruct access to the right of way, and ii) are endorsed by the Territory.
3.16 Parking rate – CZ6	
<p>There is no applicable rule.</p>	<p>C41</p> <p>This criterion applies to development in CZ6. Short and/or long stay parking is located on site or within 500m of the subject site.</p>

RC3 – Residential area 2

This part applies to blocks and parcels identified in area RC3 shown on the Belconnen Precinct Map.

Element 4: Buildings

Rules	Criteria
4.1 Number of storeys	
<p>R42</p> <p>This rule applies to the area shown in figure 6.</p> <p>The maximum <i>height of building</i> is:</p> <p>a) in area 'a' – four <i>storeys</i></p> <p>b) in area 'b' – six <i>storeys</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

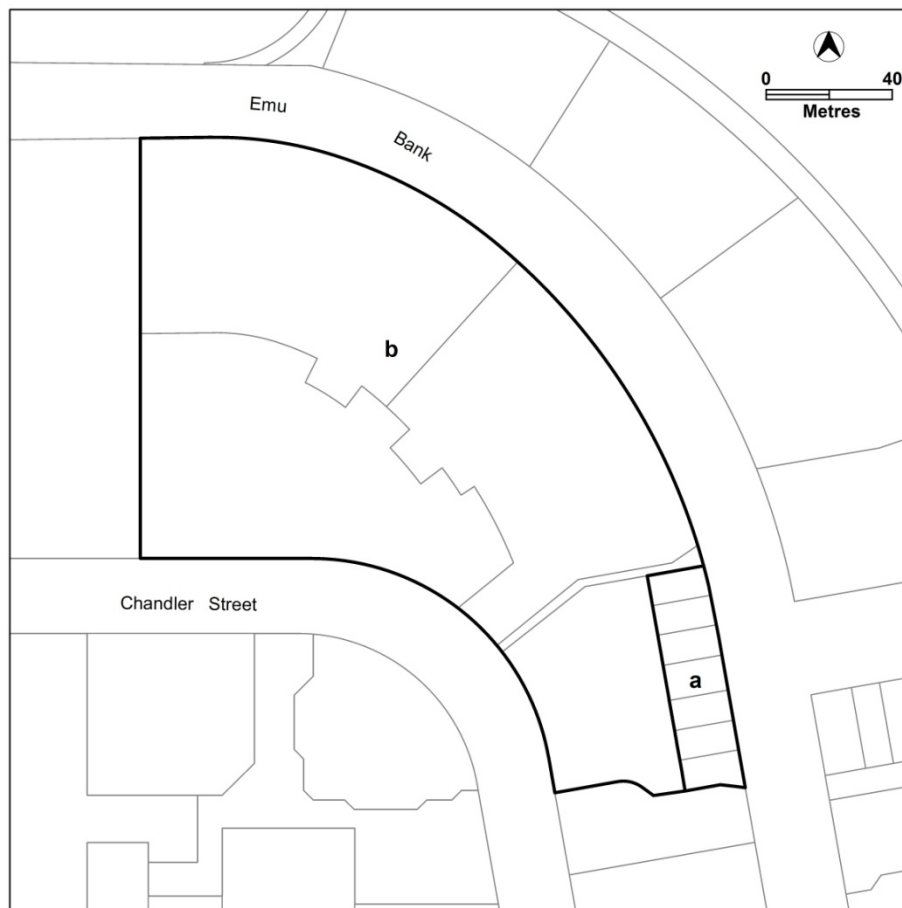


Figure 6 building heights