

Planning and Development (Plan Variation No 329) Approval 2018

Notifiable instrument NI2018-428

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 329) Approval 2018*.

2 Approval of draft plan variation

- (1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the draft plan variation No 329 to the Territory Plan.

- (2) In this section:

Draft plan variation No 329 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management
6 August 2018

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Schedule

(See section 2(2))



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

Variation to the Territory Plan No 329

Weston group centre and surrounding
community and leisure & accommodation
lands:

Zone changes and amendments to the
Weston precinct map and code

July 2018

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

The ACT Government has prepared a series of master plans for selected group centres to define the existing character of each centre, describe the opportunities and constraints within the centre, and to provide a number of recommendations to assist the government in preparing future infrastructure works and new planning policies to guide development in each centre into the future.

The Weston Group Centre master plan, covering the group centre as well as surrounding community facility land and public open space, was developed with input from the local community during 2012 to 2014 and approved by the ACT Government. The approved master plan formed the basis for the preparation of V329, as one of the actions to implement the master plan recommendations.

1.2 Summary of the Proposal

The variation incorporates the recommendations of the Weston Group Centre master plan into the Territory Plan and provides direction on future development opportunities for the centre, manage the built form and ensure that the existing desirable character traits are retained as the centre develops over time.

1.3 The 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.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Site Description

The subject area is located 3km west of Woden Town Centre and 10km from the city centre. The site is generally bounded by Hindmarsh Drive to the south, Streeton Drive to the west, Namatjira Drive to the north, and public open space to the east, except for a portion of community facility land located between Namatjira Drive and Hilder Street to the north.

The commercial group centre is predominately two storey commercial development with a small portion of two storey residential development in the north western corner facing Namatjira Drive. The surrounding community facility land and entertainment, accommodation and leisure land also covered by this proposal is predominately single storey development.

Weston Group Centre services the Weston Creek catchment area, and will serve as the centre for the new suburbs in Molonglo until the Molonglo Commercial Centre is developed.

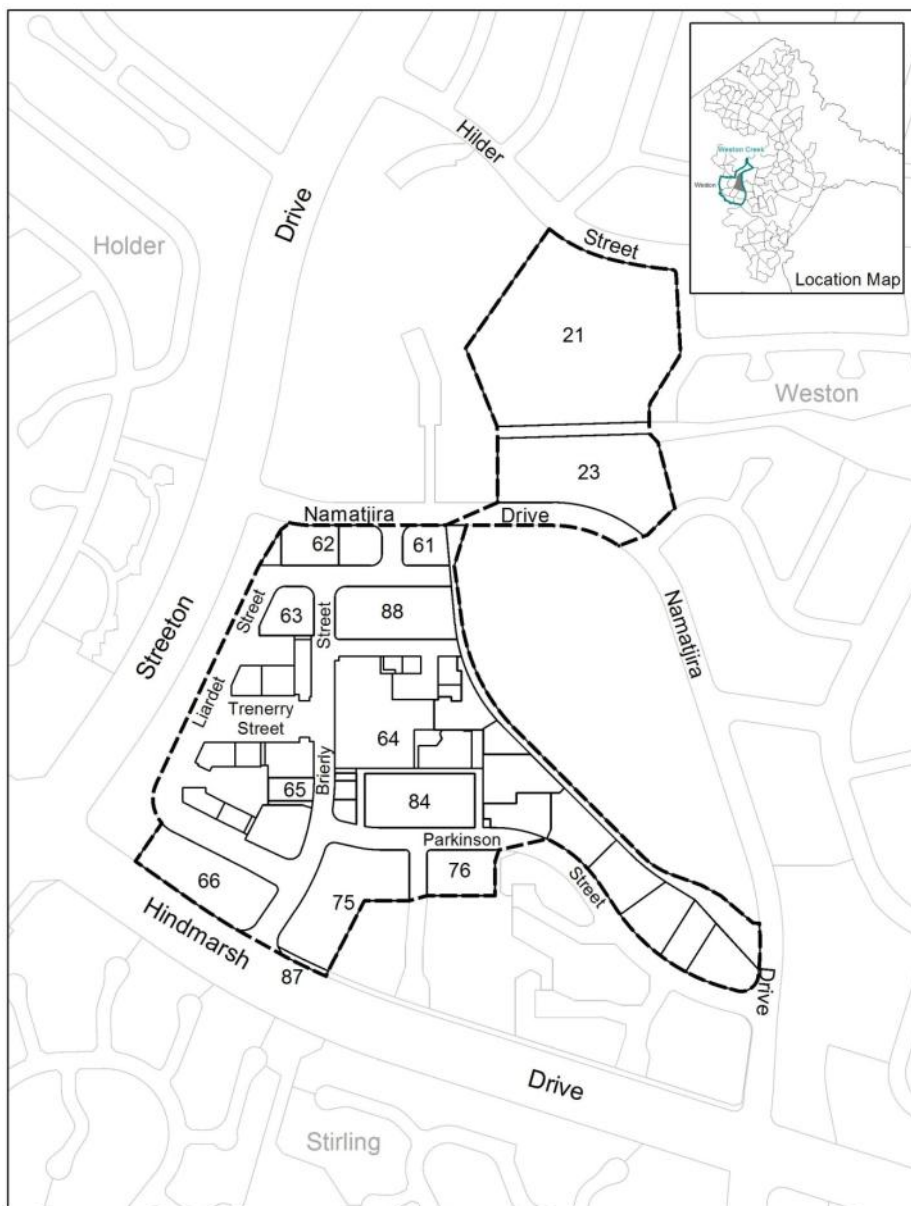


Figure 1 Location Plan

1.5 Current Territory Plan Provisions

The Territory Plan map for the area subject to this variation is shown in Figure 2. The group centre is divided by Brierly Street, with the CZ3 service trades area to the west of Brierly Street and the CZ1 commercial core located to the east. South of the group centre is an area of PRZ1 open space, adjoining RZ1 suburban residential, while to the east is CFZ community facilities along Parkinson Street, with PRZ1 open space behind.

The relevant codes applying to the area are the Weston precinct map and code, the Commercial Zones development code for development in commercial zones, the Community Facility Zone development code for development in the community facility zone, and the Parks and Recreation Zone development code for development in the PRZ1 urban open space zone. The general codes may also apply.

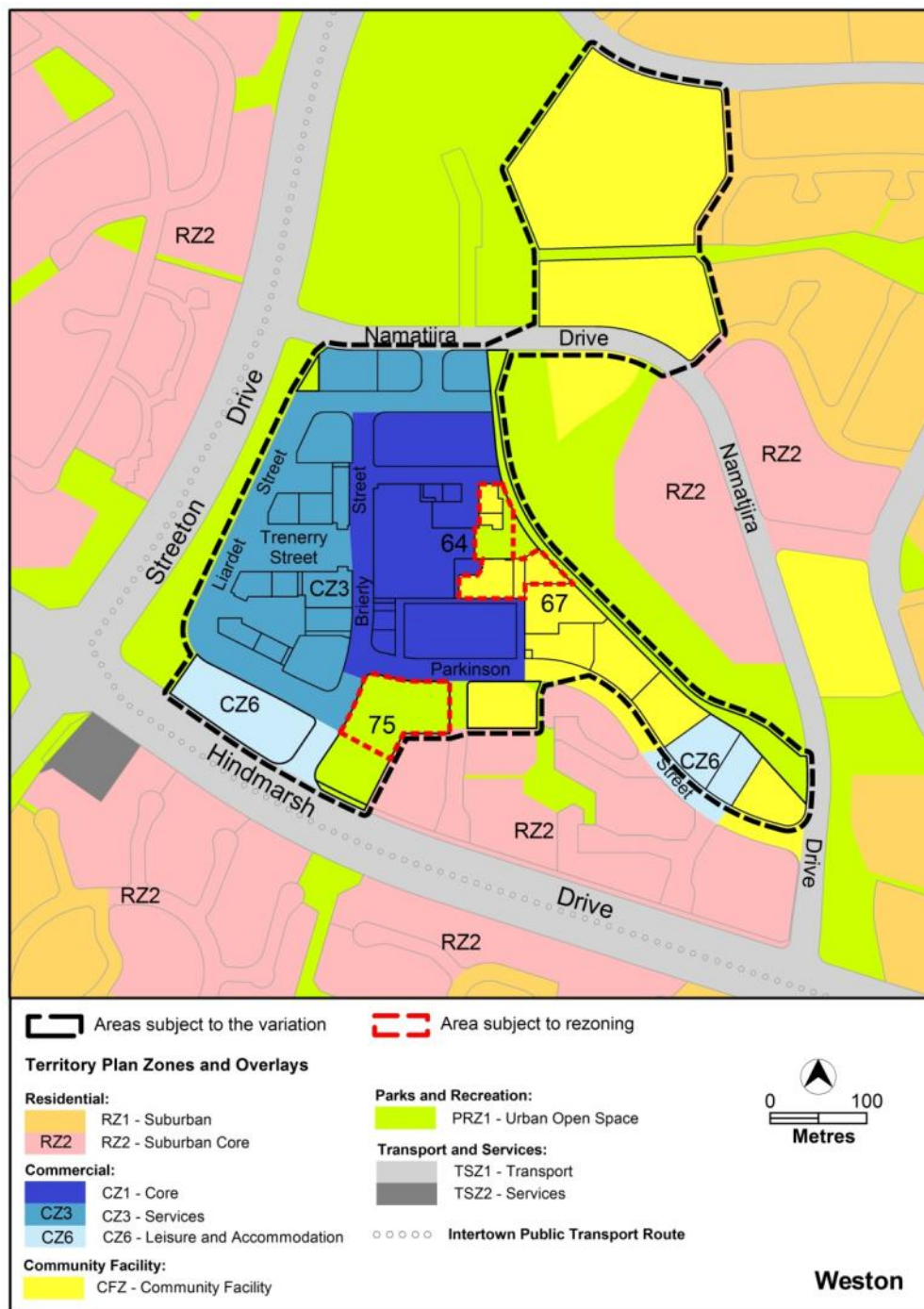


Figure 2 Territory Plan Zones Map

1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.7 Consultation on the Draft Variation

Draft Variation No 329 (DV329) was released for public comment between 30 January 2015 and 16 March 2015. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 30 January 2015 and in *The Canberra Times* on 31 January 2015.

A total of nine written submissions were received, which included four submissions from local residents as well as submissions from:

- Weston Creek Community Association
- Woden Westfield centre
- Weston Creek Community Council
- lessee of the Cooleman Court centre, and
- Canberra Irish Club.

Main issues raised by submitters included:

- concerns around rezoning and potential development on the open space area located at the corner of Brierly Street and Parkinson Street (block 2 section 75) and resulting impacts on surrounding neighbours through overshadowing, noise, safety and traffic generation, as well as loss of open space
- the location of a future community hall
- potential impact on the hierarchy of centres through increasing retail use in Weston potentially affecting the viability of Woden town centre
- increase in building heights within the centre
- potential for additional rezonings within the centre

The above issues were considered and are detailed in a report on consultation, which was made publicly available on 28 August 2017. Changes were informed by the issues raised. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

1.8 Revisions to the Draft Variation Recommended to the Minister

The following changes were made as a result of public consultation:

- in response to concerns regarding the potential impact of development on section 75 through over shadowing and overlooking, the height of development on the site has been reduced to a maximum of two storeys.

In addition, the following changes were made in further review of the draft variation:

- The Community Services Directorate (CSD) identified that the blanket prohibition of *community activity centre* on the rezoned portion of block 2 section 75 would inadvertently prohibit a number of low impact community uses, which was not the intention of the provision. In response, *community activity centre* limited to *public health, welfare or information services* has been included as a permitted use on the site. Environment Protection Authority (EPA), who initially requested the prohibition on *community activity centre*, has endorsed the proposed change as it will not detrimentally impact on the amenity of surrounding area. The uses with the potential to impact on the surrounding area such as *community hall* remain prohibited.
- This change is considered to be appropriate to include at this stage as it enables a low impact use that would provide extensive benefit to the community as a whole and is similar to other permitted community uses such as health facility while retaining the prohibition on potentially disruptive uses.
- the prohibition on utility infrastructure such as water boosters for firefighting needs and electricity substations which may require quick and easy access in times of emergency being located along primary active frontages has been replaced with a requirement that where they are required to be located along a primary frontage they be minimised or screened from public view
- there have also been a number of minor amendments to improve clarity or to correct errors found in the draft variation, which have no material effect on the intent of the variation

2. VARIATION

2.1 Variation to the Territory Plan map

The Territory Plan map is varied as indicated in figure 3

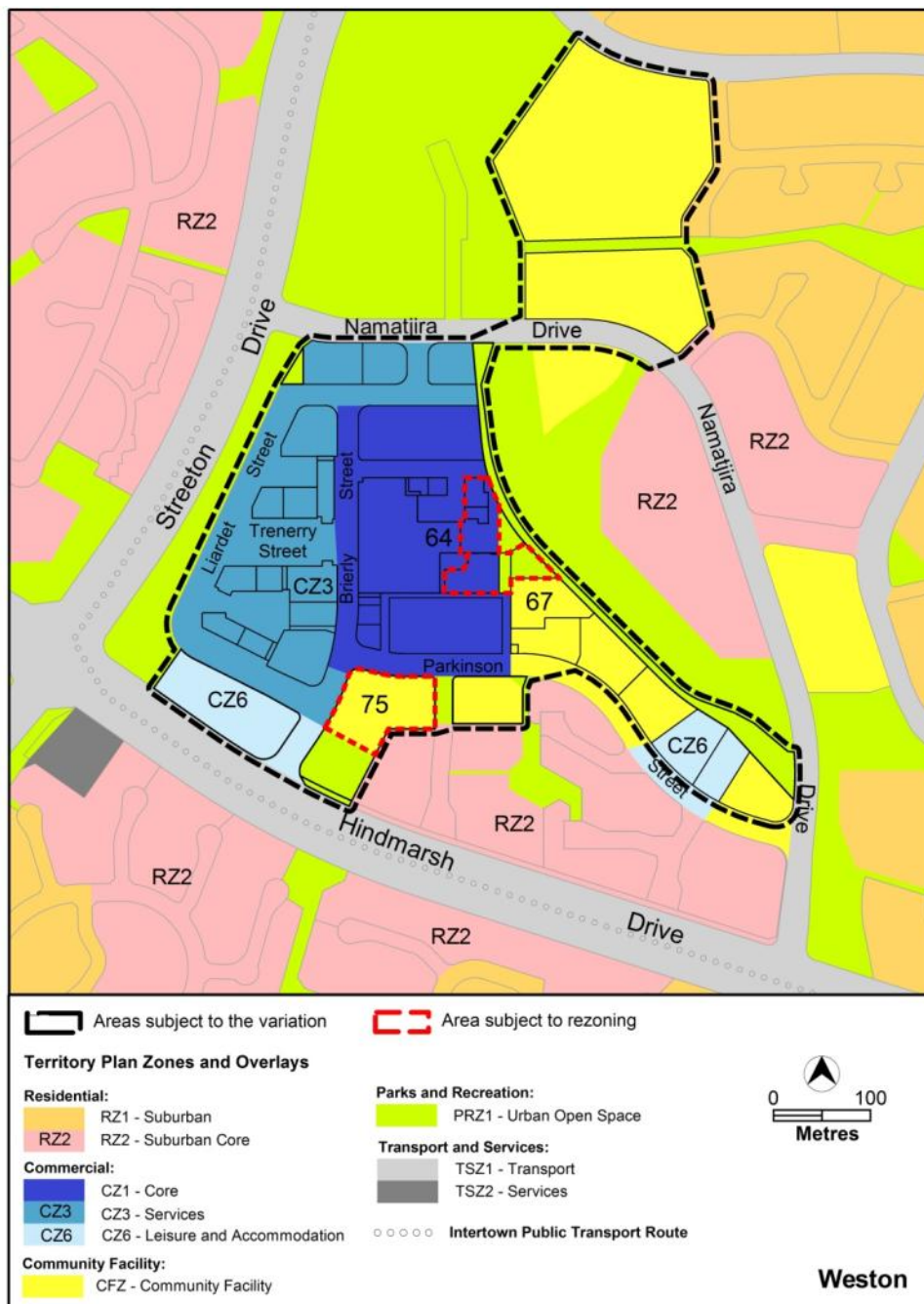


Figure 3: Territory Plan provisions for the Weston Group Centre

2.2 Variation to the Territory Plan written document

The Territory Plan written document is varied as follows:

Variation to the Weston precinct code

1. Precinct maps and codes, Weston precinct map and code

Substitute all of the following with the nominated attachment

Weston precinct map – Attachment A

Weston precinct code, RC1 – Weston Group Centre – Attachment B

Insert

Weston precinct code, RC2 – Community and Leisure and Accommodation
Facilities – Attachment C

Interpretation service

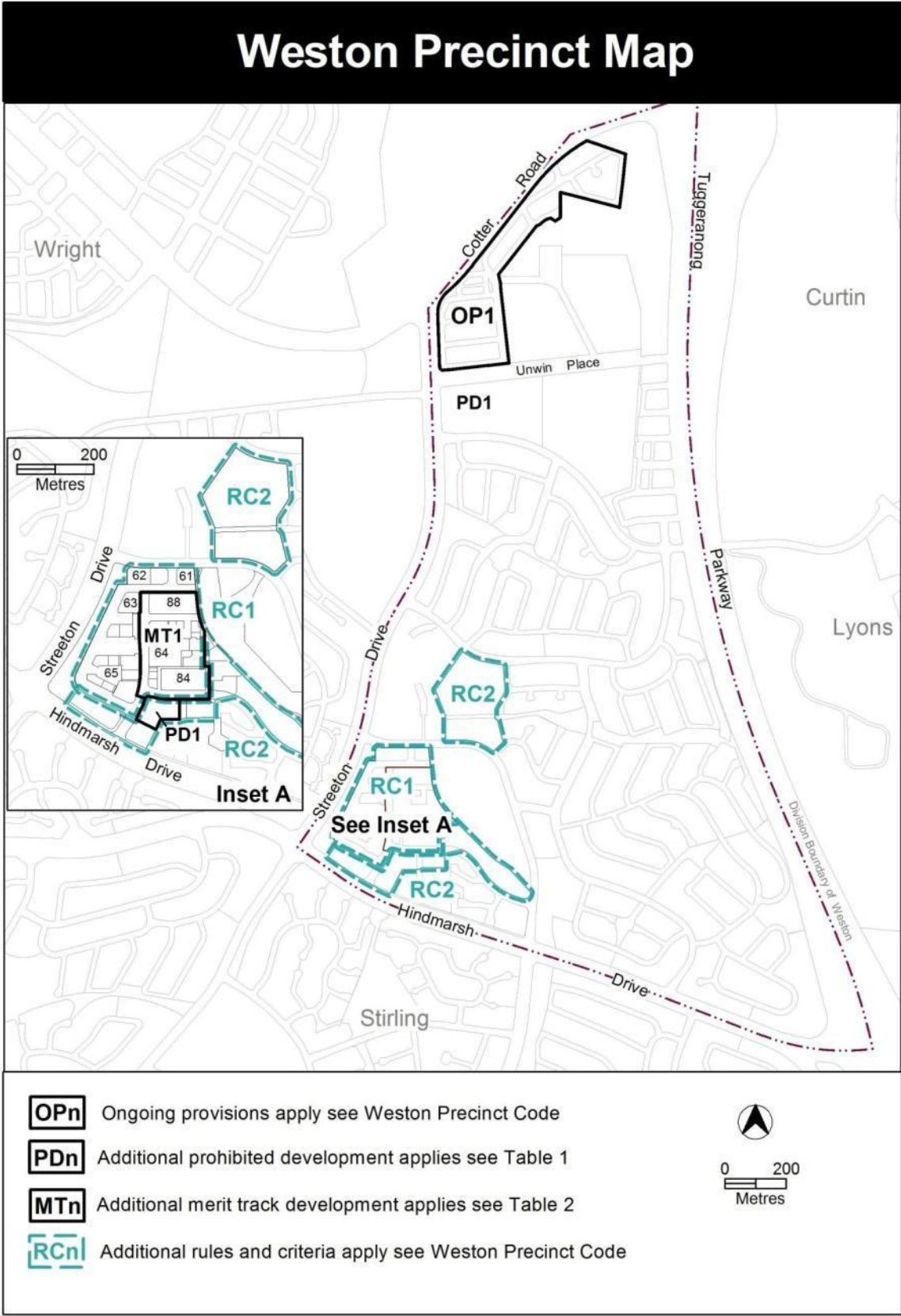
ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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Assessment Tracks

The following tables identify the prohibited development and additional merit track development for blocks and parcels shown in the Weston 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	CFZ	<i>community theatre</i> <i>indoor recreation facility</i>

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	<i>industrial trades</i> <i>municipal depot</i> <i>store</i>

RC1 – Weston Group Centre

This part applies to blocks and parcels identified in area RC1 shown on the Weston Precinct Map. RC1 includes the Weston Group Centre.

Element 1: Use

Rules	Criteria
1.1 Ground floor uses	
<p>R1</p> <p>This rule applies to sites in CZ1 with boundaries to primary active frontages shown in figure 3.</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>C2</p> <p>This criterion applies to sites in CZ3 with boundaries to primary active frontages shown in figure 3.</p> <p>Buildings incorporate uses on the ground floor that generate activity in the public space.</p>
1.2 Industrial trades, Municipal depot, Store	
<p>R3</p> <p>This rule applies to the areas shaded grey shown in figure 1.</p> <p>Development involving one or more of the following uses is only permitted in association with a structured <i>car park</i>:</p> <ul style="list-style-type: none"> a) <i>industrial trades</i> b) <i>municipal depot</i> c) <i>store</i> 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.3 Development on nominated car parking areas	
<p>R4</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 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>C4</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 b) makes a substantial contribution to the long term publicly accessible parking supply at the group centre
1.4 Residential use	
<p>R5</p> <p>This rule applies to CZ3.</p> <p><i>Dwellings</i> are not permitted on the ground floor, except in area 'a' shown in figure 1.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

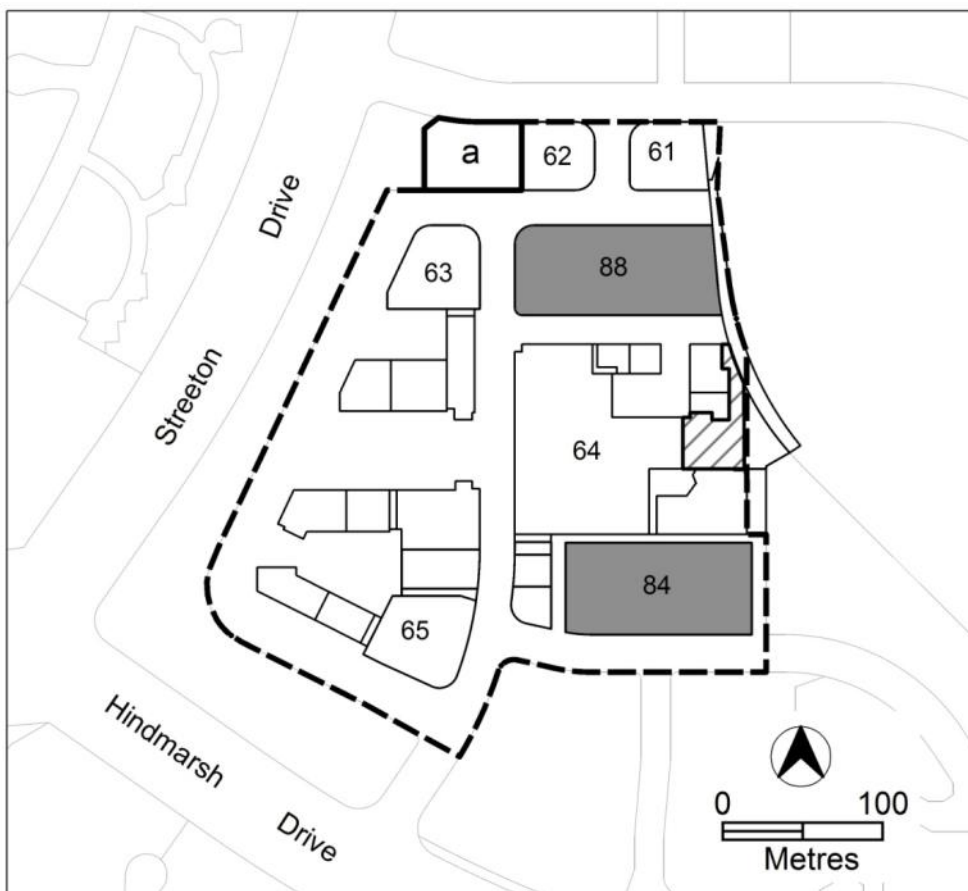


Figure 1 Parking areas, ground floor residential use and unexpected finds area

Rules	Criteria
1.5 Potential contamination	
<p>R6</p> <p>This rule applies to the hatched area in figure 1. Applications for development of the site are accompanied by a site specific unexpected finds protocol (UFP) prepared by a suitably qualified environmental consultant.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 2: Buildings

Rules	Criteria
2.1 Building heights	
<p>R7</p> <p>The maximum <i>height of building</i> is the lesser of 12m and 3 storeys, except for the following areas described in figure 2:</p> <ul style="list-style-type: none"> a) area A: the lesser of 15m and 4 <i>storeys</i> b) area B: the lesser of 19m and 5 <i>storeys</i> c) area C: the lesser of 22m and 6 <i>storeys</i> d) area D: the lesser of RL588 and four <i>storeys</i> e) area E: the lesser of RL594 and six <i>storeys</i>. <p>Building height excludes all of the following:</p> <ul style="list-style-type: none"> i) roof top plant ii) lift overruns iii) antennas iv) photovoltaic panels v) air conditioning units vi) chimneys, flues and vents <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3m.</p> <p>Note: Setbacks apply to higher building elements</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
2.2 Building design	
<p>R8</p> <p>This rule applies to development addressing Brierly Street.</p> <p>The minimum building front setbacks are:</p> <ol style="list-style-type: none"> 0m for the portion of development up to four <i>storeys</i> 4m for the portion of development above four <i>storeys</i> 	<p>C8</p> <p>Building setbacks:</p> <ol style="list-style-type: none"> are permitted at the ground floor level to accommodate active uses, building entrances and landscaped areas contribute to the pedestrian orientated environment do not prejudice the future development of adjoining sites provide a reduction of the visual bulk and potential overshadowing impacts of taller buildings provide reasonable solar access to pedestrian areas and public spaces transition to lower scale areas

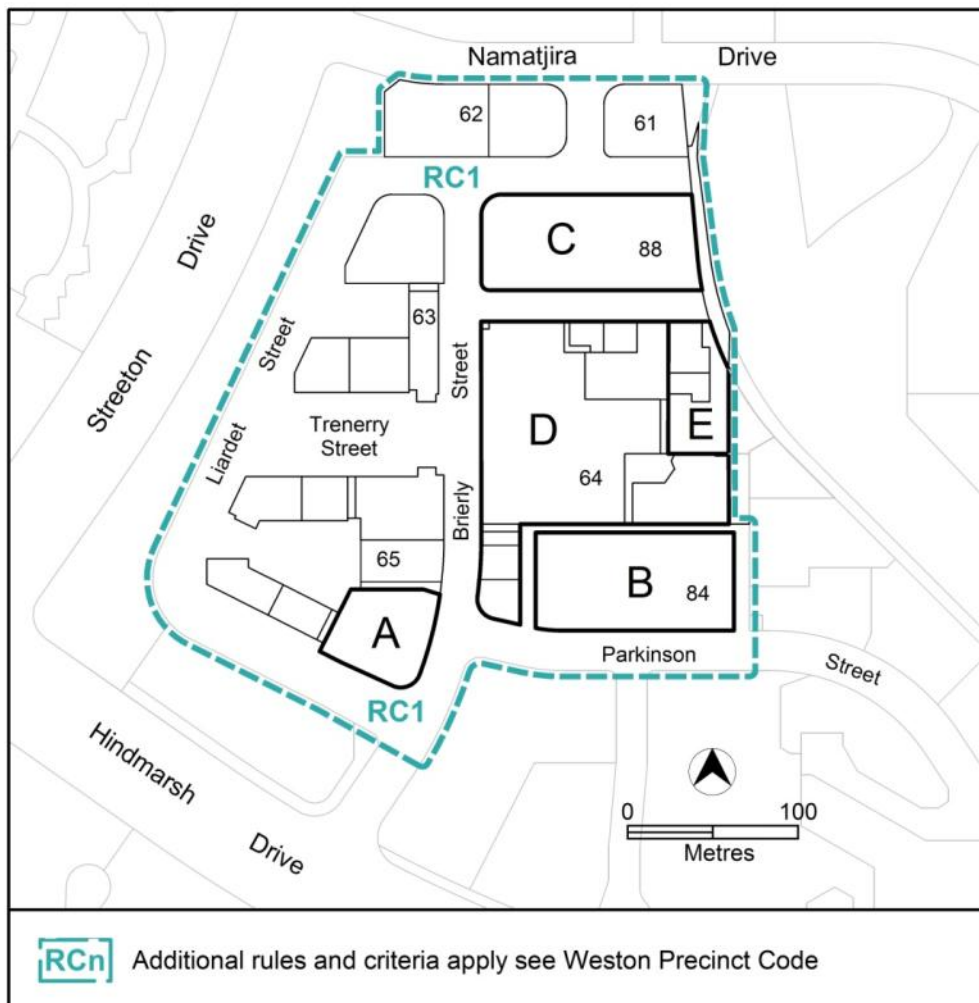


Figure 2 building heights – RC1

Rules	Criteria
<p>R9</p> <p>The minimum building front setback of development in section 84 to:</p> <p>a) Parkinson Street is:</p> <ul style="list-style-type: none"> i) 4m for the portion of development up to four <i>storeys</i> ii) 8m for the portion of development above four <i>storeys</i> <p>b) Whitney Place is:</p> <ul style="list-style-type: none"> i) 0m for the portion of development up to four <i>storeys</i> ii) 4m for development above four <i>storeys</i> 	<p>C9</p> <p>Building setbacks:</p> <ul style="list-style-type: none"> a) provide reasonable solar access to pedestrian areas and public spaces b) provide a reduction of the visual bulk and potential overshadowing impacts of taller buildings
<p>R10</p> <p>The minimum floor to ceiling height at ground floor level is 3.6m.</p>	<p>C10</p> <p>The ground floor level of buildings is adaptable for commercial uses.</p>
<p>There is no applicable rule.</p>	<p>C11</p> <p>Building design achieves all of the following:</p> <ul style="list-style-type: none"> a) corner buildings at the intersection of two roads provide architectural interest and variety to the building design b) entrances to common areas for residential use provide strong visual connection to the street and ensure a high level of surveillance c) driveways and pedestrian entrances to the site are visible from the block boundary d) west-facing facades incorporate sun shading into building designs.

Rules	Criteria
2.3 Active frontages	
<p>R12</p> <p>For buildings located along primary active frontage areas identified in figure 3, 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. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R13</p> <p>Where primary active frontages are located adjacent to pedestrian laneways (existing or proposed) shown in figure 3, the active frontage continues into the laneway for a minimum distance of 3m.</p>	<p>C13</p> <p>Development provides opportunities for activity and passive surveillance into pedestrian laneways.</p>
<p>R14</p> <p>For buildings located along secondary active frontage areas identified in figure 3 adjoining public roads, the design of building frontages 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>C14</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 c) provide opportunities for views into and out of the building.

Rules	Criteria
<p>R15</p> <p>For buildings located along secondary active frontage areas identified in figure 3 adjoining public open space, the design of building frontages complies with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows 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) buildings provide windows and/or balconies above the ground floor level facing onto the public space d) fencing is restricted to transparent mesh or pool type fencing. 	<p>C15</p> <p>Development provides opportunities for:</p> <ul style="list-style-type: none"> a) passive surveillance of the public open space area from the building or open space area, and b) access to and/or from the public open space.
<p>R16</p> <p>This rule applies to residential development adjoining primary active frontages identified in figure 3.</p> <p>Development includes balconies and/or windows to main living areas addressing the street.</p>	<p>C16</p> <p>Residential development provides opportunities for passive surveillance of public spaces.</p>
<p>There is no applicable rule.</p>	<p>C17</p> <p>Extensive lengths of blank facades, open structured car parks and loading docks are not located along primary active frontage areas, and do not dominate secondary active frontage areas shown in figure 3.</p>
<p>There is no applicable rule.</p>	<p>C18</p> <p>Utility infrastructure, such as electricity substations and water boosters required to be located along primary active frontages are minimised and/or screened from public view where possible.</p>

Rules	Criteria
2.4 Awnings	
<p>R19</p> <p>This rule applies to buildings fronting primary active frontage areas on Brierly Street and Trenerry Square shown in figure 3.</p> <p>Buildings incorporate cantilevered awnings for the full extent of the building frontage that comply with all of the following:</p> <ul style="list-style-type: none"> a) provide a minimum height clearance of 3m b) are integrated into the building design at the first floor level c) are a minimum of 3m in cantilever depth, except <ul style="list-style-type: none"> i) where opposing primary active frontages are 6m apart or less, awning depth may be reduced to ensure awnings are separated by 0.5m ii) where a reduction in awning depth is required to avoid impacting on existing infrastructure and/or street trees. 	<p>C19</p> <p>Awnings provide continuous all weather pedestrian shelter and activity in a form compatible with existing awnings.</p>
2.5 Pedestrian connections	
<p>There is no applicable rule.</p>	<p>C20</p> <p>The pedestrian laneways shown in figure 3 are retained for public use and are permanently open.</p>
<p>R21</p> <p>This rule applies to section 64.</p> <p>Publicly accessible pedestrian links connecting Whitney Place to Mahony Court and connecting Brierly Street to the area of open space to the east are to be retained as part of any redevelopment.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R22</p> <p>This rule applies to areas shown in figure 3 where proposed pedestrian laneways are required.</p> <p>Redevelopment of the existing car park includes a publicly accessible laneway or internal arcade connecting the northern and southern boundaries as shown in figure 3.</p>	<p>C22</p> <p>Redevelopment provides publicly accessible pedestrian laneways generally in accordance with the proposed pedestrian laneways shown in figure 3.</p>

Rules	Criteria
<p>R23</p> <p>This rule applies to areas shown in figure 3 where proposed pedestrian laneways are required.</p> <p>Proposed pedestrian laneways are provided that comply with all of the following:</p> <ul style="list-style-type: none"> a) minimum unobstructed internal width is: <ul style="list-style-type: none"> i) for internal arcades- 3m ii) for uncovered open laneways- 6m b) a minimum extent of 50% glazing at the ground floor measured along the length of the pedestrian laneway c) access to ground floor commercial tenancies adjoining the pedestrian laneway. 	<p>C23</p> <p>Pedestrian connections achieve all of the following:</p> <ul style="list-style-type: none"> a) reasonable public access b) views into and out of adjoining commercial premises c) clearly identifiable entrances.
<p>There is no applicable rule.</p>	<p>C24</p> <p>Development on section 88 retains pedestrian access along the northern side of Mahony Court (adjacent to section 88) with a minimum width of 5m.</p>
2.6 Vehicle access	
<p>R25</p> <p>This rule applies to section 84.</p> <p>Redevelopment of the site includes a road reserve for Whitney Place along the northern length of the site with a minimum width of 24m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C26</p> <p>Access is retained to Whitney Place for:</p> <ul style="list-style-type: none"> a) on street parking b) access to basement parking c) service and delivery vehicles.
<p>There is no applicable rule.</p>	<p>C27</p> <p>Access is retained to Mahoney Court for service and delivery vehicles.</p>
<p>There is no applicable rule.</p>	<p>C28</p> <p>This rule applies to the development of section 88.</p> <p>Public vehicle access along the eastern side of the section connecting Liardet Street and Mahony Court is established and maintained.</p>

Rules	Criteria
2.7 Plot ratio	
There is no applicable rule.	C29 <i>Plot ratio</i> rule in the commercial zones development code does not apply.
2.8 Solar access	
R30 Development retains a minimum 3 hours solar access to the main daytime living areas and <i>private open space</i> of <i>dwellings</i> on adjoining blocks during 21 June (winter solstice).	C30 Development retains reasonable solar access to <i>dwellings</i> on adjoining <i>blocks</i> and their associated <i>private open space</i> .
There is no applicable rule.	C31 Development on section 64 ensures the retention of a reasonable level of solar access to development on the southern side of Whitney Place.
There is no applicable rule.	C32 Development on section 88 ensures the retention of a reasonable level of solar access to development on the southern side of Mahony Court.

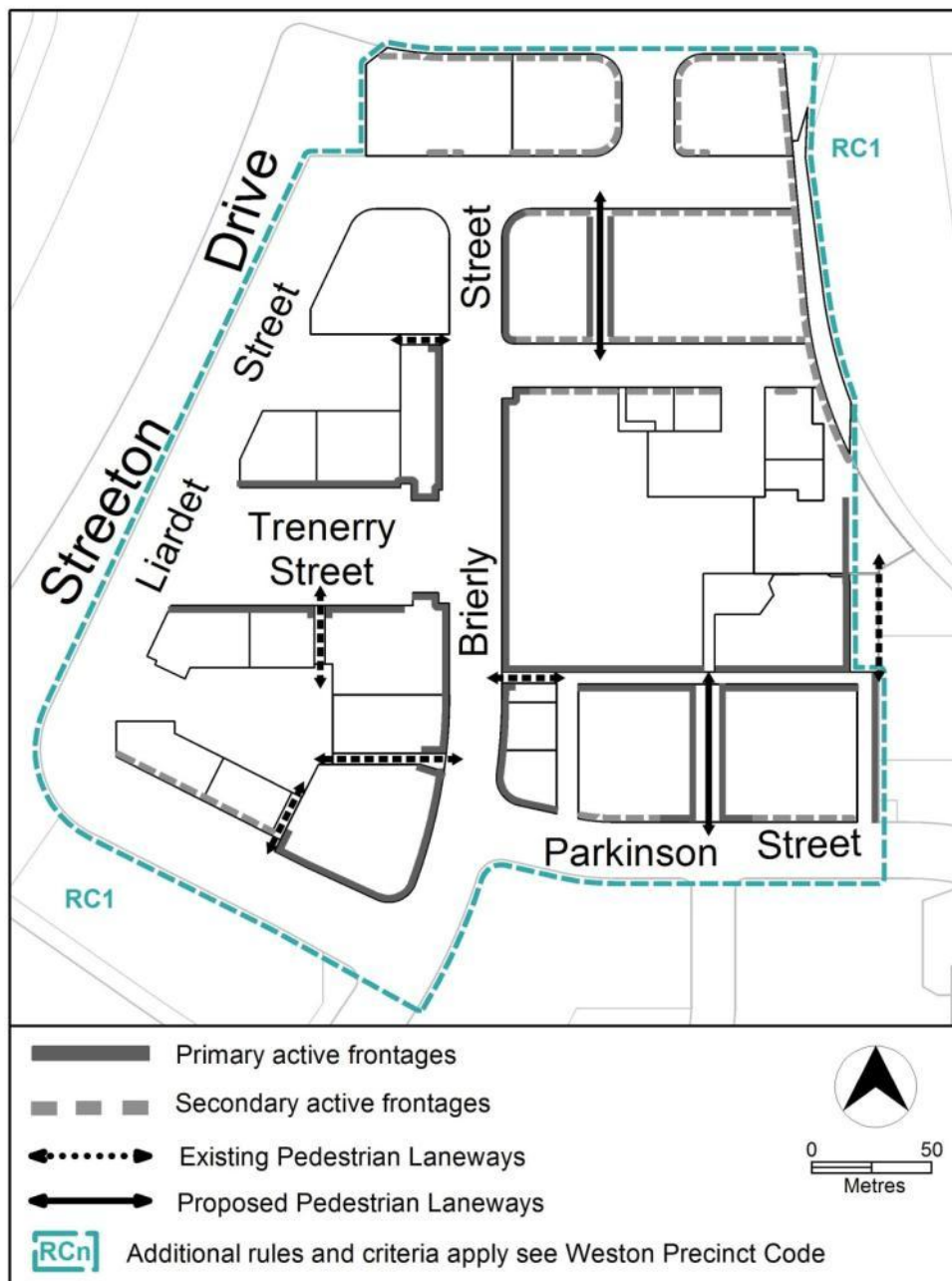


Figure 3 Active frontages and pedestrian laneways – RC1

RC2 – Weston Community Facility and Leisure and Accommodation areas

This part applies to blocks and parcels identified in area RC2 shown on the Weston Precinct Map. RC2 includes areas zoned CFZ and CZ6.

Element 3: Uses

Rules	Criteria
3.1 Community activity centre	
<p>R33</p> <p>This rule applies to section 75.</p> <p><i>Community activity centre</i> is limited to <i>public health, welfare or information services</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.2 Potential contamination	
<p>R34</p> <p>This rule applies to area D in figure 4.</p> <p>Applications for development of the site are accompanied by a site specific unexpected finds protocol (UFP) prepared by a suitably qualified environmental consultant.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 4: Buildings

Rules	Criteria
4.1 Building heights	
<p>R35</p> <p>This rule applies to area A, area B, area C and area D shown in figure 4.</p> <p>The maximum <i>height of building</i> is the lesser of two <i>storeys</i> and 9 metres.</p> <p>Building height excludes all of the following:</p> <ul style="list-style-type: none"> i) roof top plant ii) lift overruns iii) antennas iv) photovoltaic panels v) air conditioning units vi) chimneys, flues and vents <p>Excluded items are setback a minimum of 3m from the building facade of the floor immediately below.</p>	<p>C35</p> <p>Building heights may be increased to:</p> <ul style="list-style-type: none"> a) in area A: the lesser of four <i>storeys</i> and 15m b) in area B: the lesser of five <i>storeys</i> and 19m c) in area C: the lesser of six <i>storeys</i> and 22m <p>provided the development does not restrict reasonable solar access to the main daytime living area and/or associated area of <i>principal private open space</i> of dwellings on surrounding blocks.</p>

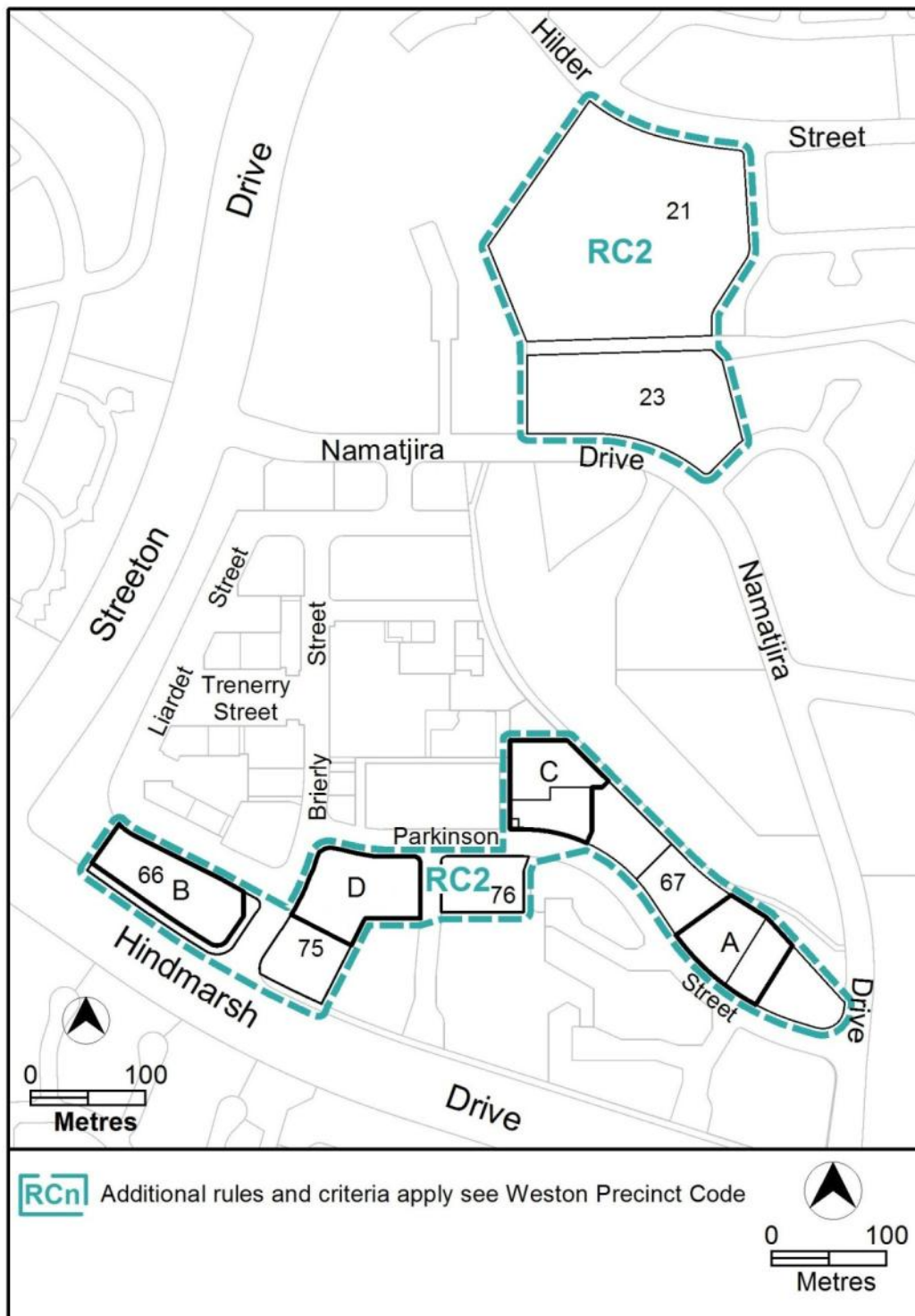


Figure 4 building heights – RC2

Rules	Criteria
4.2 Setbacks	
<p>R36</p> <p>This rule applies to area 'D' in section 75 shown in figure 4.</p> <p>Development complies with each of the following:</p> <ul style="list-style-type: none"> a) Buildings are setback a minimum of 10m from each side and rear boundary adjoining residential blocks b) development includes a minimum 3m wide landscaped area along the full length of each side and rear boundary adjoining residential blocks c) development retains a permanently open publicly accessible pedestrian link connecting the existing pedestrian link from Hindmarsh Drive underpass to Parkinson Street. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R37</p> <p>The minimum building front setback to Parkinson Street is:</p> <ul style="list-style-type: none"> a) 4m for the portion of development up to four <i>storeys</i> b) 8m for the portion of development above four <i>storeys</i>. 	<p>C37</p> <p>Building setbacks:</p> <ul style="list-style-type: none"> a) provide reasonable solar access to pedestrian areas and public spaces b) provide a reduction of the visual bulk and potential overshadowing impacts of taller buildings.
4.3 Active frontages	
<p>R38</p> <p>For buildings located along primary active frontage areas identified in figure 5, frontages and buildings design complies with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear windows 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) building facades are not dominated by extensive lengths of blank facades, open structured carparks, loading docks, substations or other service infrastructure. 	<p>C38</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) direct pedestrian access from main pedestrian areas b) avoid extensive lengths of blank walls unrelieved by doors, display windows or the like.

Rules	Criteria
<p>R39</p> <p>For buildings located along secondary active frontage areas identified in figure 5 adjoining public roads, frontages and building design complies with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear windows and foyers 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) building facades are not dominated by extensive lengths of blank facades, open structured carparks, loading docks, substations or other service infrastructure d) buildings provide windows and/or balconies above the ground floor level facing onto the public space e) fencing is restricted to transparent mesh or pool type fencing 	<p>C39</p> <p>Development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) where building access is provided, direct pedestrian access at street level b) provide opportunities for views into and out of the building
<p>R40</p> <p>For buildings located along secondary active frontage areas identified in figure 5 adjoining public open space, frontages and building design complies with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear windows at the ground floor level b) buildings provide windows and/or balconies above the ground level facing onto the public space c) building facades are not dominated by extensive lengths of blank walls, open structured carparks, loading docks, substations or other service infrastructure. 	<p>C40</p> <p>Development provides opportunities for passive surveillance of the public open space area.</p>
<p>4.4 Solar access</p>	
<p>R41</p> <p>Development retains a minimum 3 hours solar access to the main daytime living areas and <i>private open space</i> of <i>dwellings</i> on adjoining blocks between the hours of 9am and 3pm on the winter solstice (21 June).</p>	<p>C41</p> <p>Development retains reasonable solar access to dwellings on adjoining <i>blocks</i> and their associated <i>private open space</i>.</p>

Rules	Criteria
4.5 Landscaping	
There is no applicable rule.	<p>C42</p> <p>Development on section 75 provides for all of the following:</p> <ul style="list-style-type: none"> a) opportunities for deep root planning b) replacement or retention of existing trees c) incorporates landscaping which achieves reasonable visual and physical separation from adjoining residential blocks

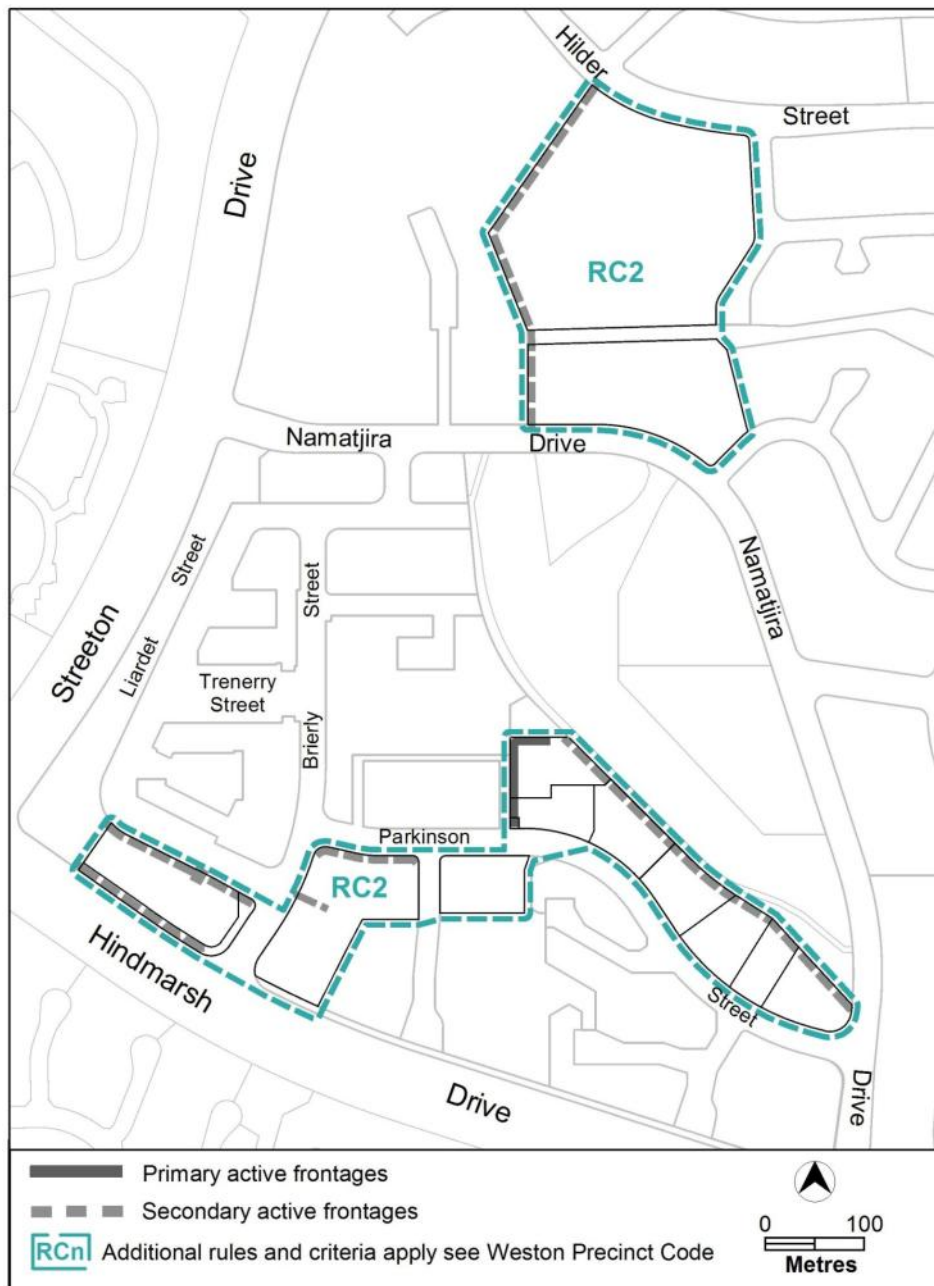


Figure 5 Active frontages – RC2