

Planning and Development (Draft Variation No 363) Consultation Notice 2019 (No 2)

Notifiable instrument NI2019—453

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 363) Consultation Notice 2019 (No 2)*.

2 Draft variation to the Territory Plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 363 – Curtin group centre and adjacent residential areas: zone changes and amendments to the Curtin precinct map and code (the **draft variation**) to vary the Territory Plan. The draft variation is to incorporate the recommendations of the Curtin Group Centre Master Plan (2018) into the Territory Plan.

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 21 August 2019 (the **consultation period**).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at www.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 EPSDD. Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.
- (2) Written comments should be provided to the Authority by:
 - (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to Access Canberra 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 not be made public unless you request otherwise.

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

6 Effect of the draft variation

- (1) Section 65 of the Act applies to the draft variation. This means that the Territory, the Executive, a Minister or a territory authority must not, during the defined period, do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the draft variation.
- (2) In this section:

defined period means the period starting on the day this notice is notified (the ***notification day***) and ending on the earliest of the following days:

 - (a) the day the public availability notice for the draft variation, under section 70 of the Act, is notified;
 - (b) the day the draft variation, or the corresponding plan variation, is withdrawn under section 68 (1) (b) or section 76 (2) (b) (v) of the Act;

(c) the period of 1 year after the notification day ends.

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 Revocation

This instrument revokes the *Planning and Development (Draft Variation No 363) Consultation Notice 2019* (NI2019-350).

9 Dictionary

In this instrument:

draft plan variation No 363 – Curtin group centre and adjacent residential areas: zone changes and amendments to the Curtin precinct map and code means the draft plan variation in the schedule.

Kathy Cusack
Delegate of the planning and land authority
9 July 2019



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

Draft Variation to the Territory Plan No 363

Curtin group centre and adjacent
residential areas:
Zone changes and amendments to the
Curtin precinct map and code

July 2019

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

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1. INTRODUCTION

1.1 Summary of the Proposal

The draft variation incorporates the recommendations of the recently approved Curtin Group Centre Master Plan (November 2018) into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops into the future.

DV363 will amend the Territory Plan map as well as the existing Curtin precinct map and code to reflect the changes recommended by the master plan. These changes are listed in **section 2.4**.

The centre is currently limited to two storeys, with the ability for building heights to be increased above two storeys where they meet a set of criteria. DV363 reinforces the centre's village character by limiting building height around the central courtyard to single storey and provides the opportunity for some increase in building height that is complementary to this character. The draft variation reflects the approved master plan by permitting up to five storeys to the south west and north west of the central courtyard, and up to six storeys for the Statesman Hotel site (Block 6 Section 62 Curtin) and part of the adjacent parking areas, with setbacks for the higher building elements to protect the streetscape character. The DV also proposes permitting residential development in the medium density residential zones adjoining the centre up to six storeys.

DV363 rezones a parcel of unleased land at the south west corner of the Carruthers Street roundabout from residential/commercial zones to urban open space (Block 7 Section 63 Curtin), and rezones the southern part of the centre from commercial core zone to commercial business zone. The draft variation also generally prohibits residential uses within the core area at the ground floor level, to encourage an active streetscape and in public places.

DV363 identifies main pedestrian areas where shop fronts and awnings are required to encourage pedestrian activity. The draft variation also nominates minimum setbacks for development along Theodore Street to protect the existing street trees and provide separation from the existing residential area to the east.

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 referral to the Legislative Assembly standing committee responsible for planning. The Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

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

Part 1 This Introduction

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

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

1.4 Public Consultation

Written comments about the draft variation are invited from the public by **21 August 2019**.

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

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Customer Service Centre at 16 Challis Street, Dickson

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 Access Canberra Customer Service Centre in Dickson and may be published on EPSDD's website.

Comments made available will not include personal contact details unless you request otherwise.

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

Further Information

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

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the 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

Draft Variation 363 has been developed to incorporate the recommendations of the Curtin Group Centre Master Plan (2018) into the Territory Plan. The group and town centre master planning program has been undertaken as part of the ACT Government initiative to encourage the rejuvenation of selected commercial centres, and to guide development within the centres over the next 10 to 20 years. The Curtin Group Centre Master Plan underwent several community engagement sessions and was approved by the ACT Government on 28 November 2018.

2.2 Site Description

The subject area is the Curtin Group Centre and surrounding medium density residential areas. The centre is located approximately 3km north of Woden town centre and 300m west of the Yarra Glen and Carruthers Street interchange. The centre is bounded by Carruthers Street to the north, Theodore Street to the east and Strangways Street to the west and south.

The centre is predominately single storey, with commercial buildings surrounding a central courtyard, with awnings provided along most frontages for all weather pedestrian protection. Development at the north west and south east corners of the centre is two storeys, while the south west and north east sections of the centre contain substantial areas of surface car parking.

Nearby development includes detached single dwellings to the east, multi unit developments to the north and west, community facilities to the north east and south, and extensive urban open space areas providing pedestrian connections between the centre and the surrounding suburb.

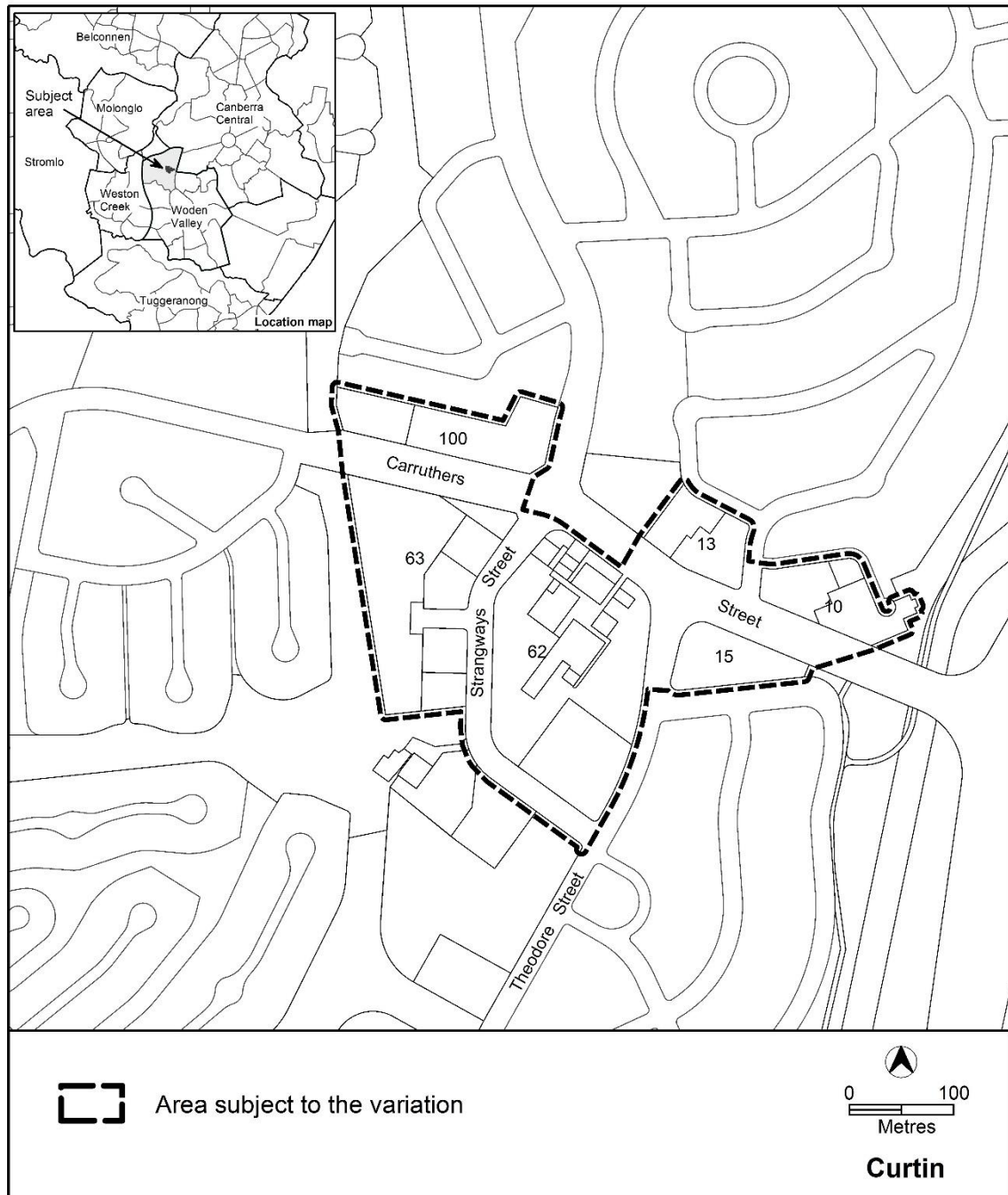


Figure 1 Site Plan

2.3 Current Territory Plan Provisions

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

The group centre is predominately zoned CZ1 commercial core zone, with a large block to the south east containing the Statesman Hotel zoned CZ2 commercial business zone, and three blocks on the north western side of Strangways Street zoned CZ3 commercial service trades zone.

The residential area directly west and east of the centre is zoned RZ4 medium density residential, with CFZ community facility zoned land to the east and north west.

The group centre is subject to the Commercial Zone development code and the Curtin precinct map and code, while the residential areas are subject to the Residential Zones Development code.

The general codes may also apply.

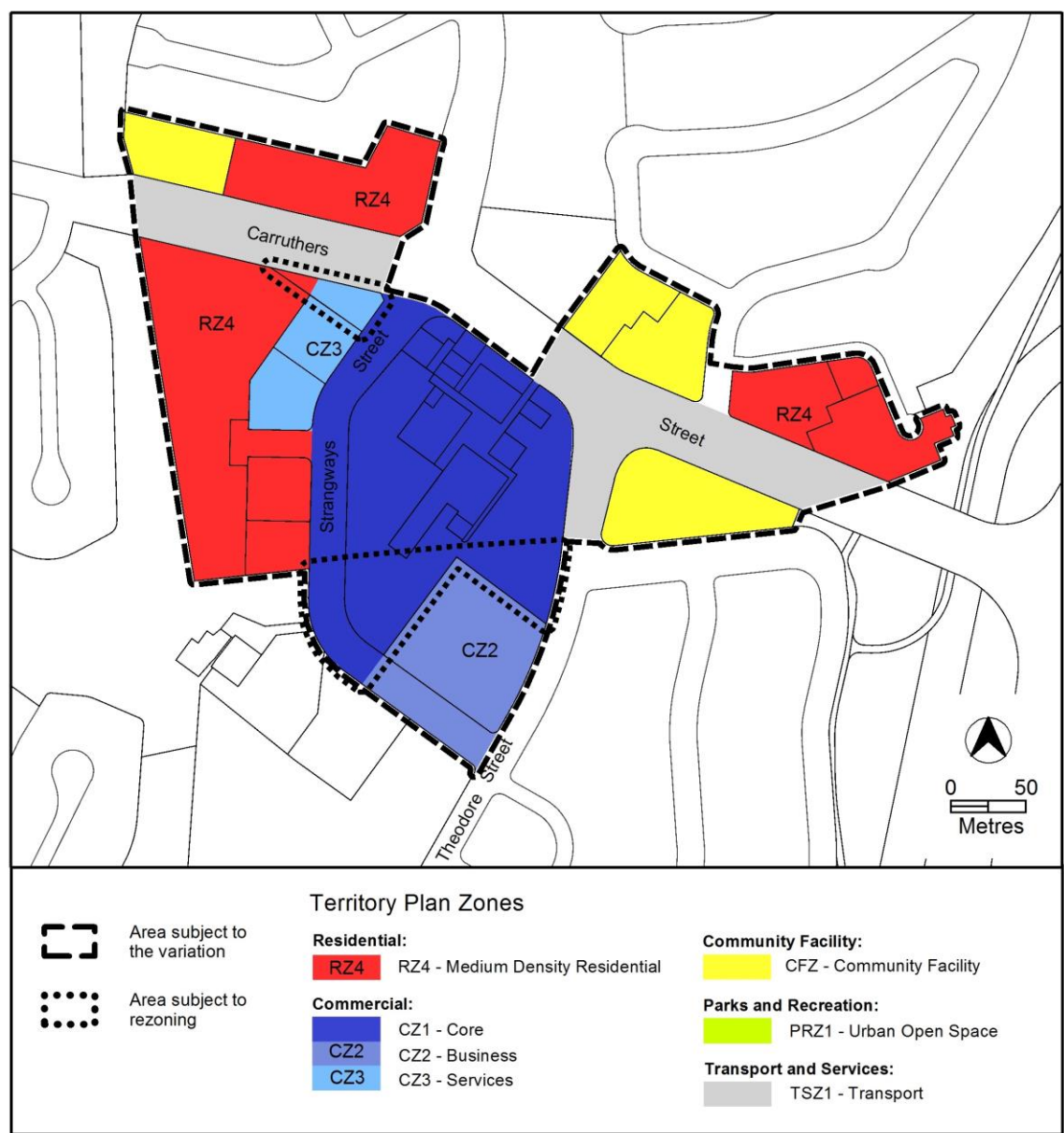


Figure 2 Territory Plan Zones Map

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. This includes rezoning block 7 section 63 Curtin, located at the south western corner of the Strangways Street and Carruthers Street intersection, from CZ3 commercial services zone and RZ4 residential medium density zone to PRZ1 urban open space zone. This ensures the area remains an important pedestrian route and a part of the wider open space network.

It also rezones part of CZ1 zone at the southern end of the group centre to CZ2 Business to maintain the majority of the retail and community activity close to the central courtyard. This change aligns the zone boundary with the existing water easement.

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 Curtin precinct map and code in accordance with the recommendations of the Curtin Group Centre master plan by:

- introducing a mandatory one to two storey maximum height across most of the centre, with an allowance for development on selected sites for between three and six storeys;
- specifying setbacks for development above one and two storeys;
- providing planning and design guidance for specific sites in the centre, including the Statesman Hotel and Block 1 Section 15 Curtin;
- requiring development along main pedestrian areas to provide glazing, publicly accessible entry points and awnings to retain and enhance the pedestrian character within the centre; and
- requirements to protect the existing trees along Theodore Street.

2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are to vary the Territory Plan in accordance with the recommendations of the approved Curtin group centre master plan to:

- provide solar access to the central courtyard while providing a moderate increase in building heights in selected locations;

- protect pedestrian amenity and enhance it through the provision of awnings and active frontages;
- retain the grassed area next to the service station as open space; and
- protect the character and amenity of the 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.

1.1 Planning processes and decisions will be focused on the combined achievement of economic vitality, community wellbeing, and environmental quality. Broad community involvement will be a key element in the pursuit of sustainable development, as will complementary regional strategies and agreements.

The proposal is consistent with this principle as the master plan was done through a range of engagement activities based on the principle to promoting economic vitality, community wellbeing and environmental quality for the group centre.

1.9 *Urban expansion will be contained in order to minimise impacts on valuable natural and rural areas.*

The proposal is consistent with this principle as it identifies existing urban open space that is valuable to the community and provides protection to this open space with the proper zone change.

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

DV363 is consistent with this principle as it promotes redevelopment within the existing urban area, and protects existing urban open space for use by the community. The amendments to the Territory Plan will encourage additional commercial development thereby improving employment opportunities within the centre.

2.3 *Commercial and retail activity will be concentrated in centres and other planned nodes of intensive activity that are well served by public transport to ensure an efficient pattern of development. Primary emphasis will be placed on strengthening and enhancing existing and new centres and nodes, including improved urban design and encouragement of more mixed-use development.*

DV363 is consistent with this principle as it encourages commercial redevelopment within the existing group centre well served by existing and future public transport. The draft variation aims to strengthen the viability of the centre through improved urban design and providing opportunities for additional mixed use development within the centre.

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 363 have interim effect, and apply to development applications lodged on or after **10 July 2019**.

During the period of interim effect the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft 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
- 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

Thank you for the invitation to make comment on DV363 for the Curtin Group Centre. The proposed variations to the Curtin Group Centre are not inconsistent with the land use for Urban Areas in the National Capital Plan.

Response:

Noted.

Conservator of Flora and Fauna

In accordance with Section 61(b) of the *Planning and Development Act 2007* I advise that I have examined Draft Variation No 363 and I have no comments to provide other than to note my support for the proposed retention of one additional area of urban open space within the Curtin group centre.

Response:

Noted.

Environment Protection Authority

Thank you for the opportunity to provide comments on the proposed variation to the Territory Plan DV363 (TPV) to support the Curtin Master Plan.

Prior to the EPA supporting the variation to the Territory Plan, the area subject to proposed change must be assessed for potential contamination in accordance with EPA endorsed guidelines by a suitably qualified environmental consultant.

The consultant's assessment report into the site's suitability for the proposed uses from a contamination perspective must be reviewed and endorsed by the EPA prior to the TPV coming into effect.

Response:

The draft variation is proposing to rezone two areas. This includes rezoning block 7 section 63 Curtin, located at the south western corner of the Strangways Street and Carruthers Street intersection, from CZ3 commercial services zone and RZ4 residential medium density zone to PRZ1 urban open space zone. The other is rezoning part of CZ1 commercial core zone, at the southern end of the group centre, adjacent to the north west and north east corners of the Statesman Hotel, to CZ2 commercial business zone.

EPSDD made further communication with the Environment Protection Authority (EPA) to clarify their concerns. EPSDD understood that EPA particularly concerned about potential contamination on these two sites that were subject to rezoning. Later EPA provided additional comments which also included noise concern for the site near the Statesman Hotel. Based on their comments, EPSDD put in specific mandatory rules in response to contamination and noise regard to the site near the Statesman Hotel in the proposed precinct code. In regard to the other site at the south western corner of the Strangways Street and Carruthers Street, EPSDD has agreed with EPA that a potential contamination assessment would be undertaken prior to the commencement of this draft variation.

Heritage Council

Review of the ACT Heritage Register has not identified any recorded or registered heritage places or objects within the Curtin precinct. As such, no *Heritage Act 2004* approvals are required.

Response:

Noted.

Land Custodian – Transport Canberra and City Services Directorate

Initial comments

TCCS supports the rezoning of Block 7, Section 63 Curtin (on the corner of Carruthers Street and Strangways Street) to maintain the current pedestrian and cyclist access to the Curtin shopping centre.

In regard to the intent to provide opportunities for increased building heights, any future residential development should include additional open space within the development to cater for the needs of additional residents.

Element 2: Buildings – rule 2.1:

- R5(c) – Assume Area ‘be’ is meant to be area ‘b’. This is the same as R5(b).

For the access to block 1, Section 15, CURTIN (Page 12- Curtin Precinct code), a driveway cannot be permitted along the Carruthers Street because of existing bus stop and left turn slip lane. Similarly, a driveway cannot be permitted on Theodore Street because of acceleration lane heading south towards Strangways Street. Access can be only on Martin Street.

Pl. confirm whether is it a driveway or Curtin Place fronting Strangways Street on (Page 7 – Draft Curtin Precinct Code). A new driveway would add congestion and affects the flow to the traffic.

Final comments

DV363 supported as our comments are being considered.

Response:

In regard to TCCS’ initial comments, the draft variation was amended to the satisfaction of TCCS.

TCCS supports the rezoning of Block 7, Section 63 Curtin (on the corner of Carruthers Street and Strangways Street) to maintain the current pedestrian and cyclist access to the Curtin shopping centre.

EPSDD noted the support of the rezoning of block 7 section 63 Curtin.

In regard to the intent to provide opportunities for increased building heights, any future residential development should include additional open space within the development to cater for the needs of additional residents.

Any development with residential component in the group centre would have to comply with the Multi Unit Housing Development Code (the Code). The Code has provisions requiring private open space for each dwelling. Additionally the group centre has abundance of urban open space immediately adjacent to its east and west. As such, it is considered no additional open space required for future residents than the Code requires.

Element 2: Buildings – rule 2.1:

- *R5(c) – Assume Area ‘be’ is meant to be area ‘b’. This is the same as R5(b).*

The omission was corrected as recommended by the master plan.

For the access to block 1, Section 15, CURTIN (Page 12- Curtin Precinct code), a driveway cannot be permitted along the Carruthers Street because of existing bus stop and left turn slip lane. Similarly, a driveway cannot be permitted on Theodore Street because of acceleration lane heading south towards Strangways Street. Access can be only on Martin Street.

The omission was corrected. There is no driveway access for block 1 section 15 Curtin along Carruthers Street and Theodore Street as recommended by the master plan.

Pl. confirm whether is it a driveway or Curtin Place fronting Strangways Street on (Page 7 – Draft Curtin Precinct Code). A new driveway would add congestion and affects the flow to the traffic.

EPSDD confirmed with TCCS that there would be driveway access permitted along Strangways Street. The reason is that the group centre is bounded by three streets, namely Strangways Street, Carruthers Street and Theodore Street. Because the master plan recommended no driveway access along Carruthers Street and Theodore Street, Strangways Street is the only street allowing driveway access to the group centre.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan map

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

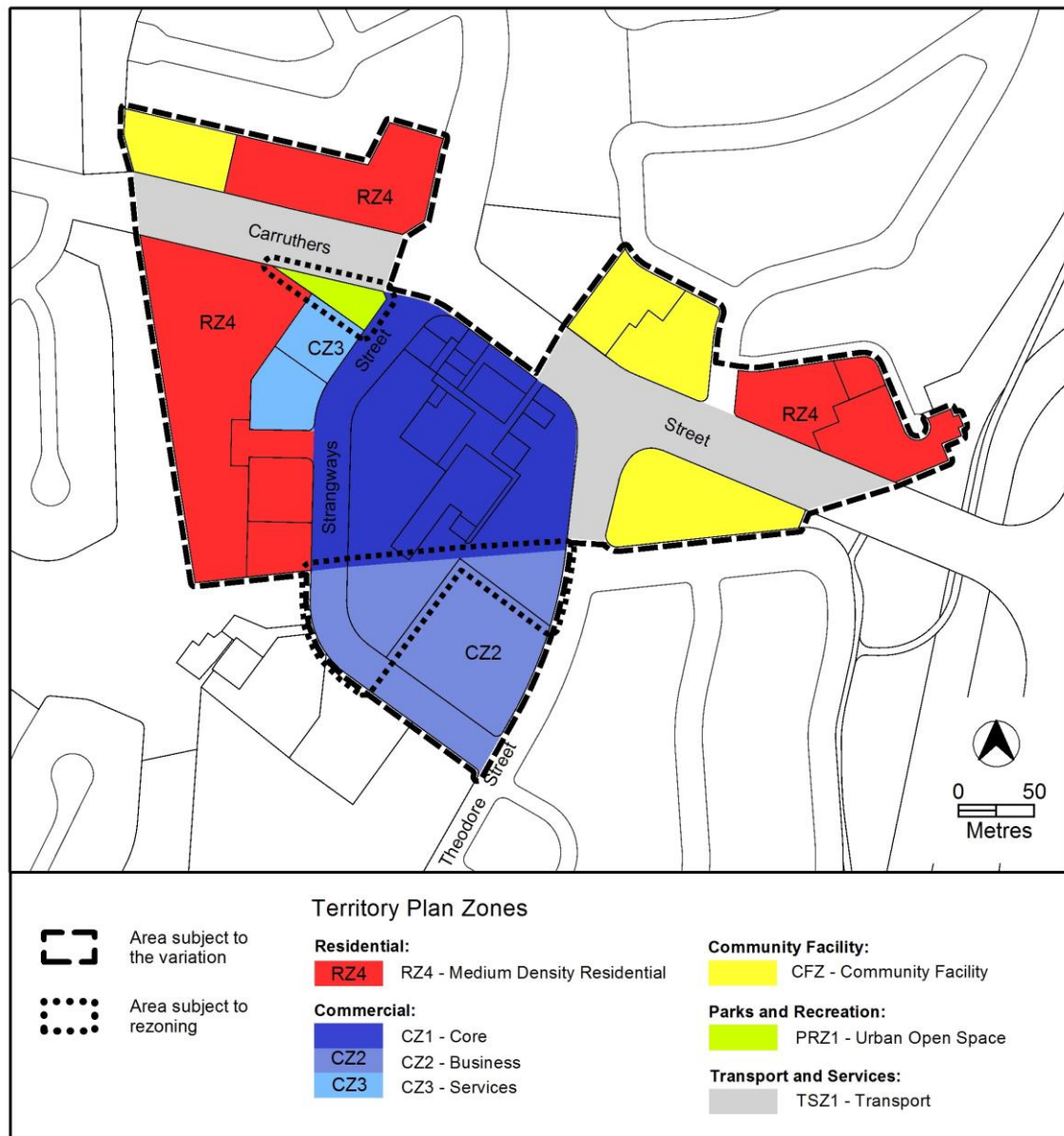


Figure 3: Areas subject to rezoning

3.2 Variation to the Territory Plan

The Territory Plan written document is varied as follows:

Variation to the Curtin precinct map and code

10. Precinct maps and codes, Curtin precinct map and code
--

Substitute all of the following with the nominated attachments

Curtin precinct map – Attachment A

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

Insert after RC1

Curtin precinct code, RC2 – Curtin Residential areas – 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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna 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	Ако вам је потребна помоћ преводиоца телефонирајте:
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:

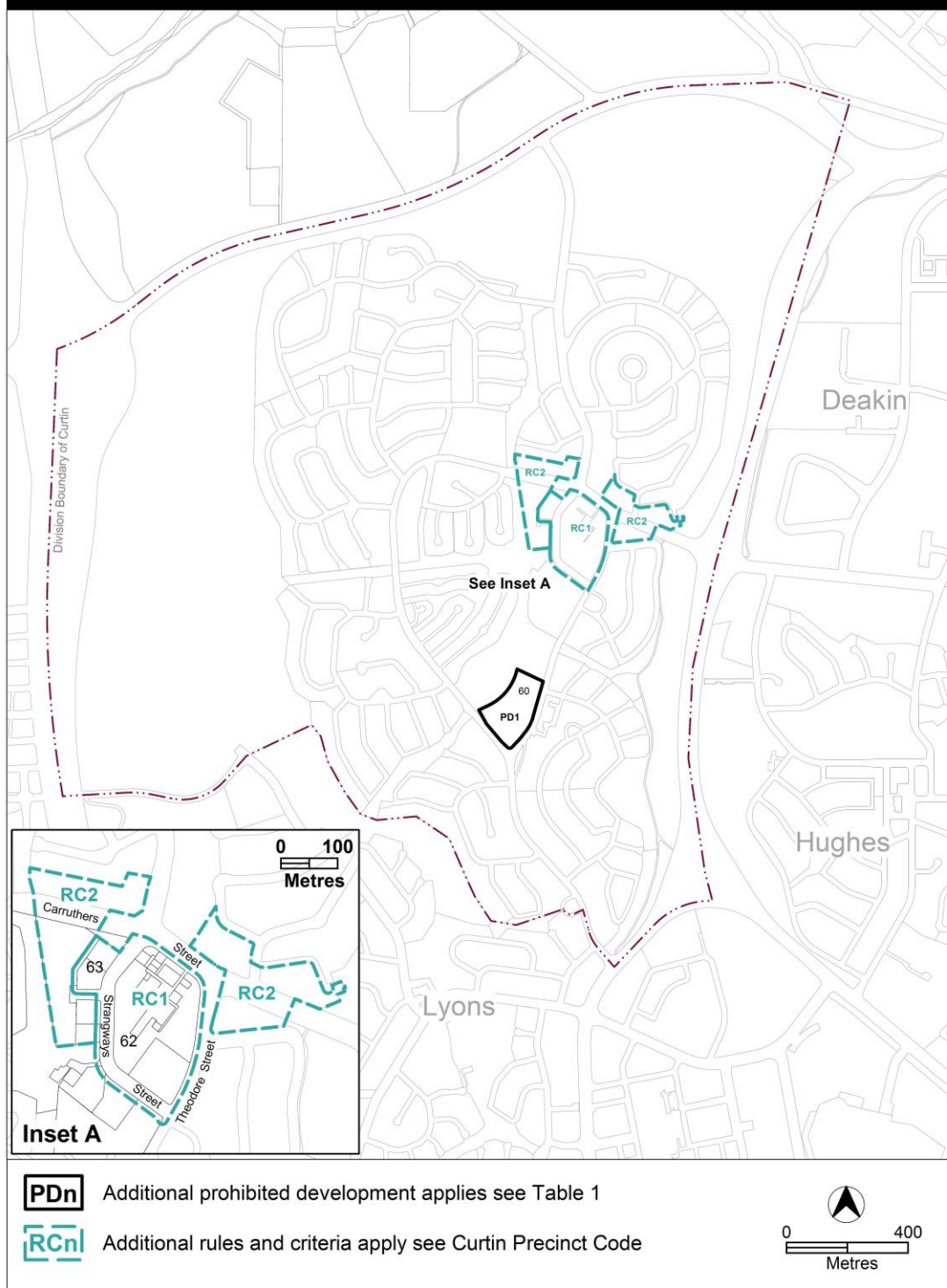
TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week

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Curtin Precinct Map



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Curtin 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>retirement village</i> <i>supportive housing</i>

RC1 – Curtin Group Centre

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

Desired character

- A busy community hub that offers a broad range of services and facilities to diverse user groups in the area
- It is to provide sustainable and high-quality housing options to attract residents to the area
- It is to be an attractive place to do business for local retailers and other businesses
- It is to provide opportunities for evening activities, as well as informal recreation, community and leisure uses
- Pedestrians and cyclists will be able to access the centre safely and efficiently and be connected to nearby facilities such as schools, aged care accommodation and the future City to Woden light rail on Yarra Glen.

Element 1: Use

Rules	Criteria
1.1 Ground floor use	
<p>R1</p> <p>This rule applies to sites with boundaries to primary active frontages shown in figure 4.</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>C1</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
<p>There is no applicable rule.</p>	<p>C2</p> <p>This criterion applies to sites with secondary active frontages shown in figure 4.</p> <p>Buildings incorporate uses on the ground floor that generate activity in the public space.</p>

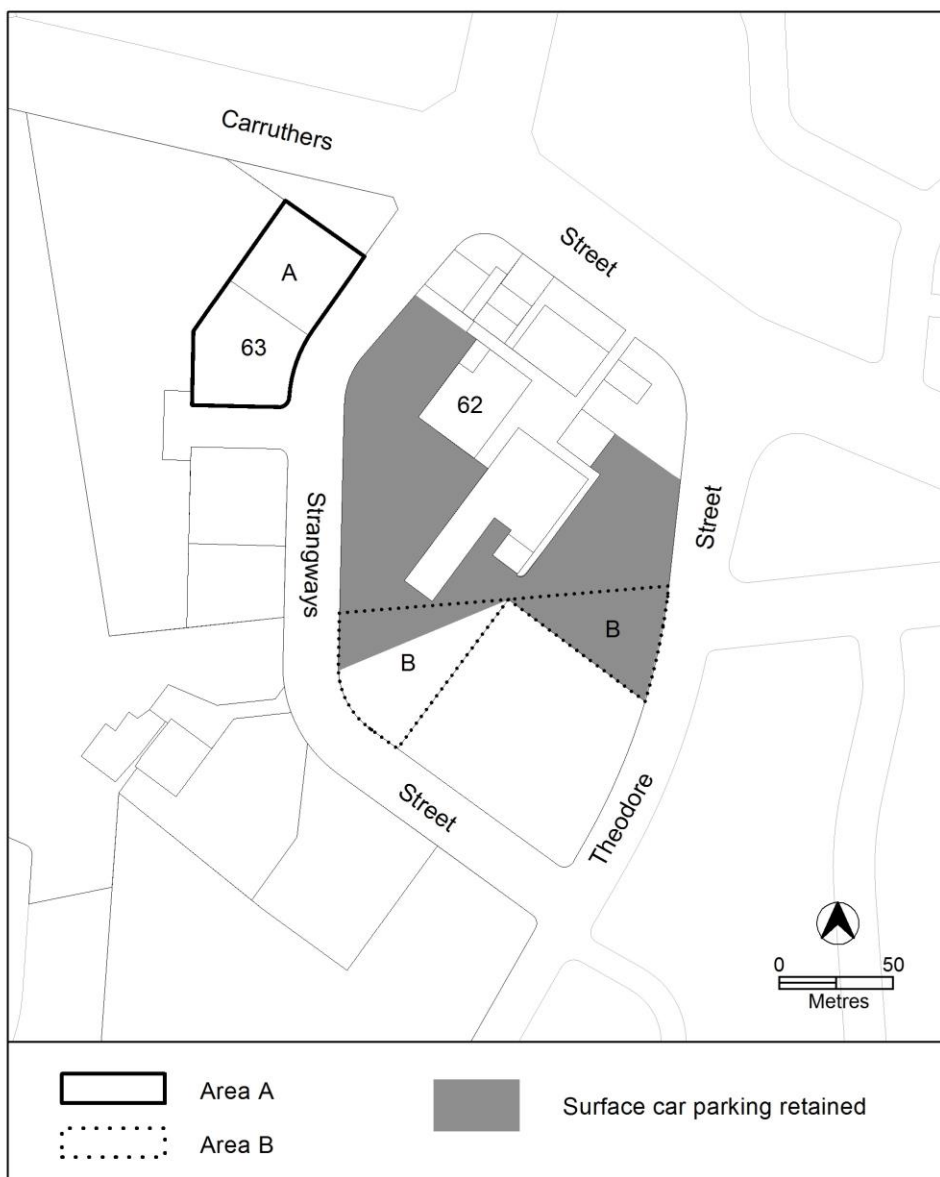


Figure 1

Rules	Criteria
1.2 Parking	
R3 Existing surface car parking shown in figure 1 is retained. No other development is permitted, except any associated works to the surface car park.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
1.3 Residential use – CZ3 – ground floor	
<p>R4</p> <p>This rule applies to area 'A' shown in figure 1. <i>RESIDENTIAL USE</i> is only permitted at the ground floor level where development complies with Australian Standard <i>AS4299 – Adaptable housing</i> (class C) and the Access and Mobility General Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.4 Potential contamination	
<p>R5</p> <p>This rule applies to Area B shown in figure 1, where an assessment by the proponent in accordance with the ACT Contaminated Sites Environment Protection Policy identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area. Development complies with an environmental site assessment report endorsed by Environment Protection Authority.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.5 Noise	
<p>R6</p> <p>This rule applies to Area B shown in figure 1. A noise assessment is to be undertaken identifying any surrounding noise and providing mitigation measures within the development area to the satisfaction of the Environment Protection Authority.</p> <p>Development complies with a noise assessment report endorsed by Environment Protection Authority.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise assessment report.</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>This rule applies to area 'a' shown in figure 2.</p> <p>The maximum <i>height of building</i> is one <i>storey</i> with a total height not more than 5 metres above <i>datum ground level</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R8</p> <p>This rule applies to area 'b' shown in figure 2.</p> <p>The maximum <i>height of building</i> is up to 2 <i>storeys</i> with a total height not more than 9 metres above <i>datum ground level</i>.</p> <p>Plant room that is screened from view and set back a minimum of 3m from the building facade of the floor immediately below is not included in the <i>height of building</i>.</p> <p><i>Note: Additional height restrictions may apply as described in the following rules and criteria.</i></p>	<p>C8</p> <p>For area 'b', additional storeys may be considered where development complies with all of the following:</p> <ul style="list-style-type: none"> a) Development retains reasonable solar access to the main daytime living areas of <i> dwellings</i> on adjoining blocks and their associated <i>principle private open space</i> b) Buildings reflect the local character of the group centre c) Development contributes to the mix of uses and/or housing diversity of Curtin d) Development is supported by a visual assessment that provides: <ul style="list-style-type: none"> i) Analysis of the group centre and surrounding landscape character to demonstrate how the development positively contributes to the future desired character of the group centre, primary pedestrian routes, streetscape character and nearby development ii) Analysis of key views, at the pedestrian level, to demonstrate how the proposal has been designed to consider key views into the centre and from key locations in Curtin iii) Evidence outlining how the proposal is designed to minimise potential impacts on the surrounding landscape character and public spaces, including the central courtyard. <p>Maximum <i>height of building</i> is the lesser of 5 <i>storeys</i> and 18 metres above <i>datum ground level</i>.</p>

Rules	Criteria
2.2 Building setbacks and solar access to the central courtyard	
<p>R9</p> <p>This rule applies to development in area 'a' and 'b' shown in figure 2.</p> <p>Buildings do not overshadow the central courtyard beyond the shadow cast by a notional 5 metre high fence measured from the <i>datum ground level</i> at the boundary adjoining the central courtyard shown in figure 2 at winter solstice between 9:00am and 2:30pm.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C10</p> <p>Development demonstrates that reasonable sunlight for adjacent public spaces is maintained on the winter solstice between 9:00am and 2:30pm.</p>
<p>R11</p> <p>This rule applies to development on Block 25 Section 62 Curtin shown in figure 2.</p> <p>Development above one <i>storey</i> is setback a minimum of 3m from each boundary adjoining the central courtyard shown in figure 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R12</p> <p>Buildings facing Strangways Street, Carruthers Street and Theodore Street has a minimum setback of 3 metres above the first floor as shown in figure 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

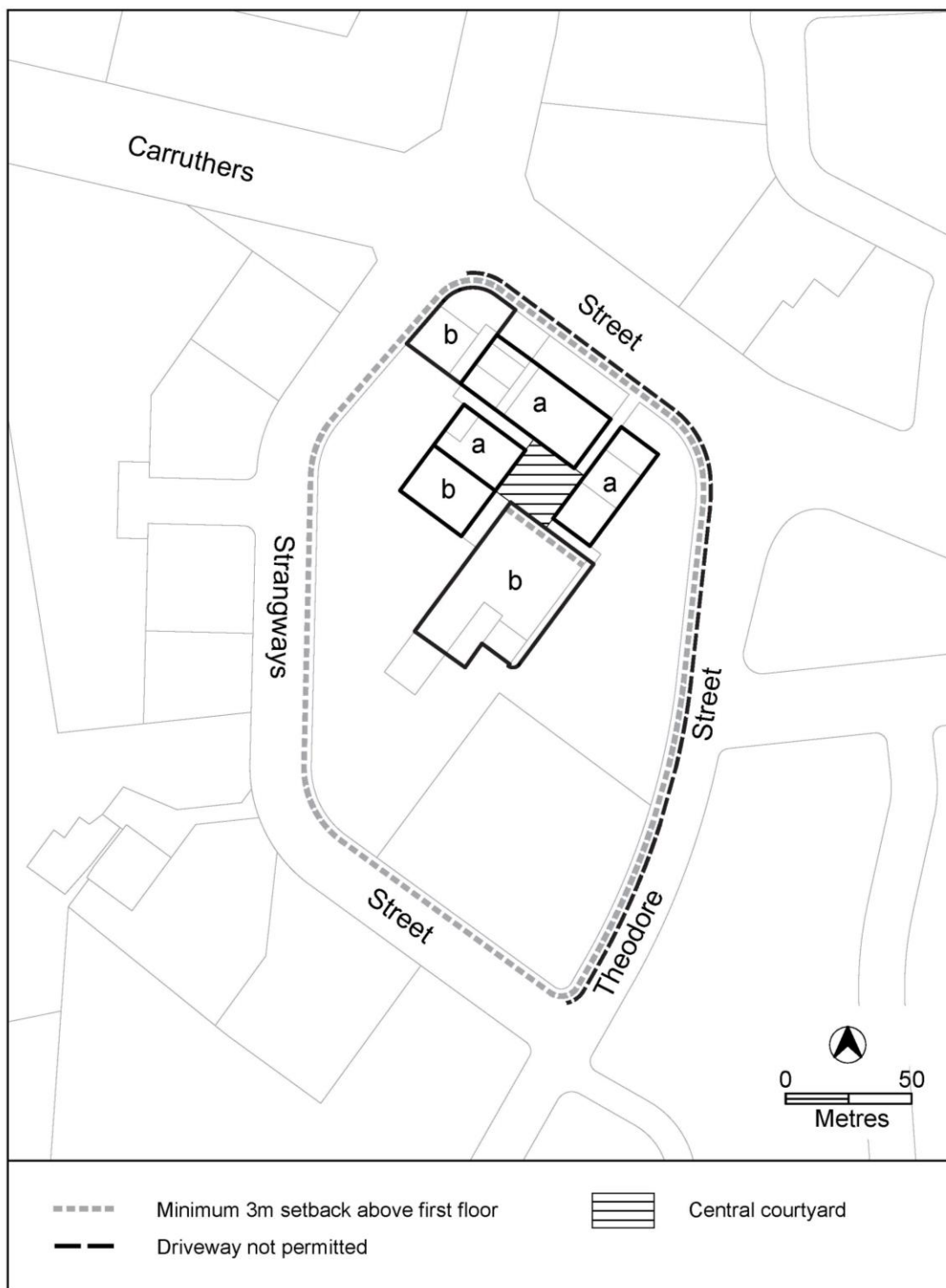


Figure 2 Building heights

Rules	Criteria
2.3 Building heights – Area C	
<p>R13</p> <p>This rule applies to Area C in figure 3.</p> <p>The maximum <i>height of building</i> is:</p> <ul style="list-style-type: none"> a) for area 'C1', two <i>storey</i> with a total height not more than 9 metres above <i>datum ground level</i> <ul style="list-style-type: none"> i) buildings, including basement, are setback a minimum of 3 metres from existing block boundaries of Block 6 Section 62 Curtin and from the boundary of water easement as shown in figure 3. ii) buildings, including basement, can have zero metre setback for commercial uses along Strangways Street to the extent shown in figure 3 iii) at least one main building entry is to face the centre as shown in figure 3 b) for area 'C2', up to 3 storeys with a total height not more than 12 metres above <i>datum ground level</i> <ul style="list-style-type: none"> i) buildings, including basement, are setback a minimum of 3 metres from Strangways Street boundary, 6 metres from Theodore Street boundary, and 25 metres from the boundary immediately next to Theodore Street as shown in figure 3. c) for area 'C3', up to 6 <i>storeys</i> with a total height not more than 21 metres above <i>datum ground level</i>. <ul style="list-style-type: none"> i) buildings are setback a minimum of 31 metres from Theodore Street boundary ii) buildings are setback a minimum of 3 metres above the first floor for development facing Strangways Street. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R14</p> <p>For residential development located on the ground floor level for Area C shown in figure 3, the development must comply with the following:</p> <ul style="list-style-type: none"> a) to be setback a minimum 3 metres from the front block boundary facing Strangways Street to allow for a raised courtyard and landscaping b) to provide a ground floor courtyard that is raised 600-900mm above the verge level with the courtyard being setback a minimum 2 metres from the Theodore Street front block boundary and a minimum 800mm from the Strangways Street front block boundary. c) To provide screen plantings between the raised courtyard and front block boundary d) To provide a low transparent fence at the edge of the raised courtyard that is no higher than 1.8 metres above the verge level. Where possible, the fence is to include a gate with pedestrian access provided between an individual courtyard and public footpath (where a public footpath exists.) 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

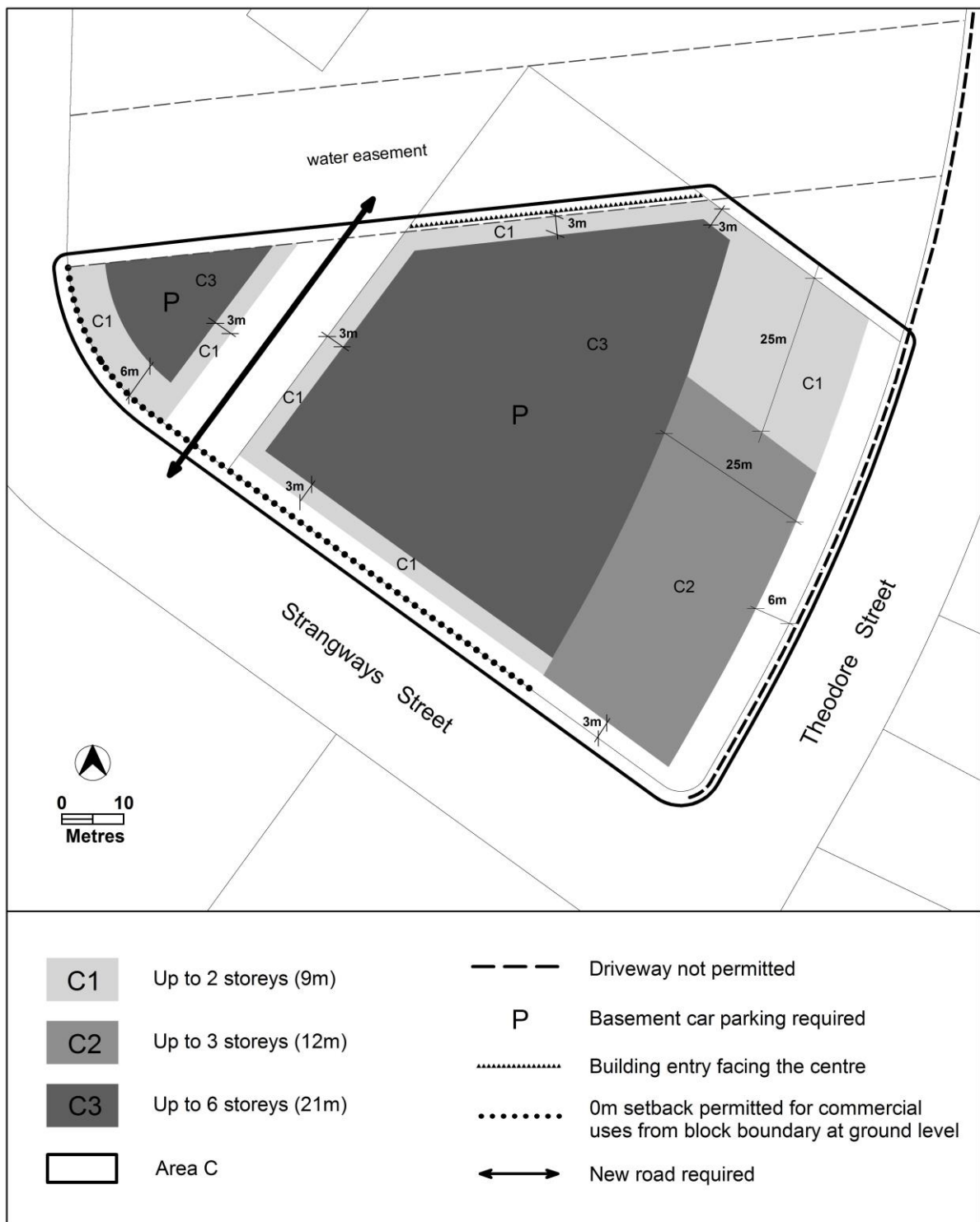


Figure 3 Building heights and new road – Area C

Rules	Criteria
2.4 Development on nominated car parking areas	
<p>R15</p> <p>This rule applies to Area C, shown in figure 3.</p> <p>Development complies with all of the following:</p> <ol style="list-style-type: none"> the existing number of car parking spaces is retained on the site and made available for public use at all times provides car parking that is generated by the development on site in accordance with the <i>Parking and Vehicular Access General Code</i>. <p>Note: the spaces required under b) are in addition to those required by a).</p>	<p>C15</p> <p>Development achieves all of the following:</p> <ol style="list-style-type: none"> any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development makes a substantial contribution to the long term publicly accessible parking supply for the group centre.
2.5 Building Design	
<p>R16</p> <p>This rule applies in CZ1 and CZ2.</p> <p>The minimum floor to ceiling height at ground floor level is 3.6m.</p>	<p>C16</p> <p>The ground floor level of buildings is adaptable for commercial uses.</p>
2.6 Passive surveillance	
<p>R17</p> <p>Residential development along primary or secondary active frontages shown in figure 4 or public open space areas includes balconies and/or windows to main living areas addressing each street frontage and public spaces.</p>	<p>C17</p> <p>Residential development provides opportunities for passive surveillance of public spaces and pedestrian areas.</p>
<p>There is no applicable rule.</p>	<p>C18</p> <p>Ground floor public entrances, including residential lobby and lift areas are clearly visible from external public spaces.</p>
2.7 Main pedestrian areas and routes	
<p>R19</p> <p>This rule applies to main pedestrian areas shown in figure 4.</p> <p>Development ensures pedestrian areas remain unenclosed and publicly accessible at all times</p> <p>Note: A condition of approval may be imposed regarding the tenure of pedestrian routes.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
2.8 Active frontages	
<p>R20</p> <p>For buildings located along primary active frontage areas shown in figure 4, 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 for a minimum of 70% of the frontage b) buildings incorporate direct pedestrian access at grade with the verge level/courtyard level for access and egress. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R21</p> <p>For buildings located along secondary active frontage areas shown in figure 4, frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shopfronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level/courtyard level for access and egress. 	<p>C21</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) direct pedestrian access at the same level as the immediately adjoining verge c) provide opportunities for views into and out of the building
2.9 Access	
<p>R22</p> <p>Access to Block 7 Section 62 Curtin adjacent to Curtin Place to be provided to allow for safe and easy access for large vehicles and along with improved pedestrian access to adjacent uses.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R23</p> <p>No driveway access is permitted along Carruthers Street and Theodore Street for CZ1 and CZ2 in the group centre shown in figure 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

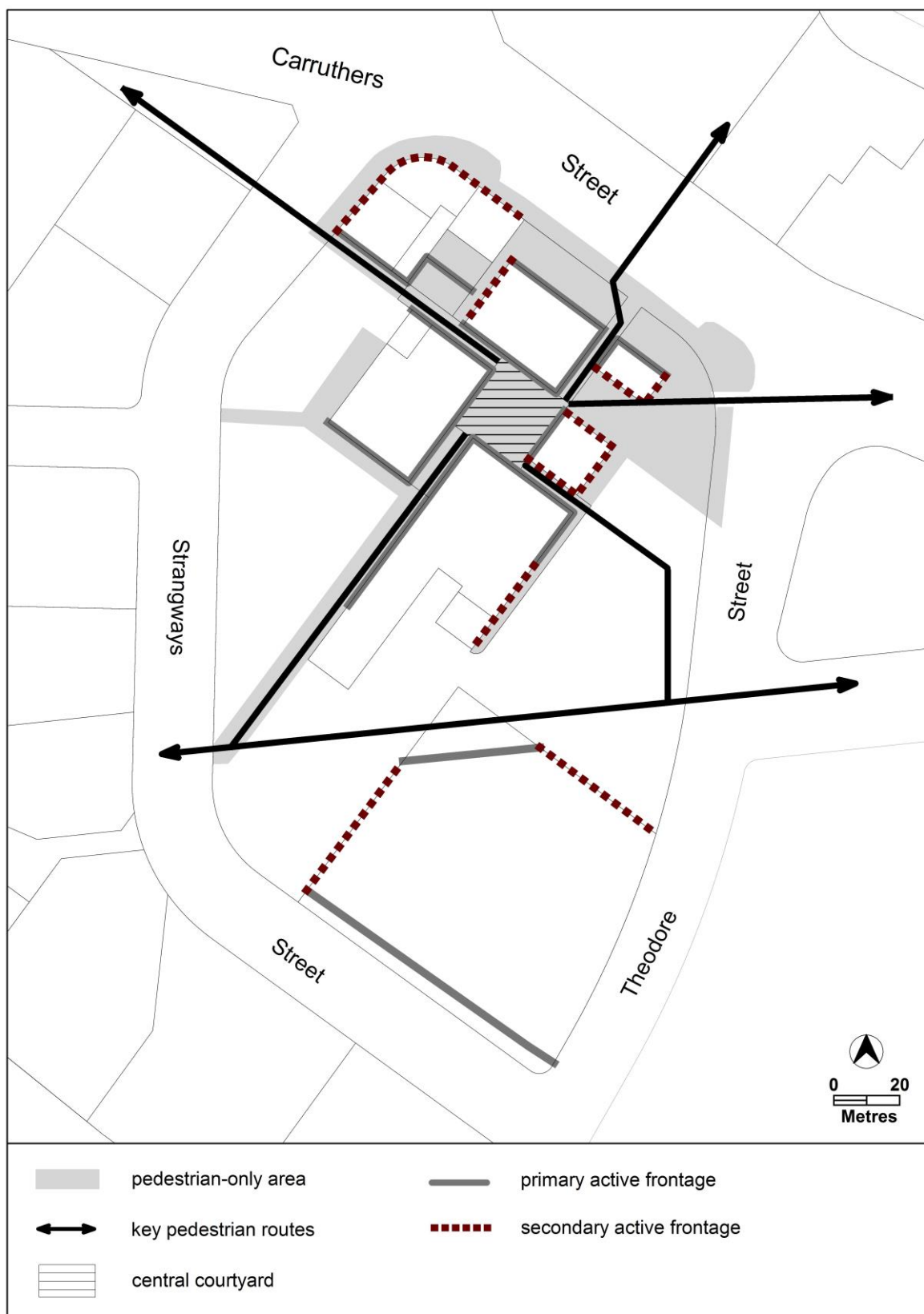


Figure 4 Active frontages and main pedestrian areas

Rules	Criteria
There is no applicable rule.	<p>C24</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 4.</p>
There is no applicable rule.	<p>C25</p> <p>Utility infrastructure, such as electricity substations and water boosters, located along primary active frontages shown in figure 4 are minimised and/or screened.</p>
2.10 Awnings	
<p>R26</p> <p>This rule applies to buildings fronting primary active frontage areas shown in figure 4.</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) provide a maximum height of 3.5m above <i>datum ground level</i> c) are integrated into the building design at the first floor level d) are a minimum of 3m in 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 not more than 0.5m ii) a reduction in awning depth is required to accommodate existing infrastructure and/or street trees. 	<p>C26</p> <p>Awnings provide continuous all weather pedestrian shelter and activity in a form compatible with existing awnings.</p>
2.11 New road	
<p>R27</p> <p>This rule applies to development in Area C in CZ2 shown in figure 3.</p> <p>Development incorporates the new road shown in figure 3, connecting Strangways Street to the existing internal car parking circulation lane.</p>	<p>C27</p> <p>Development does not preclude the provision of a road in the location shown in figure 3.</p>

RC2 – Curtin residential areas

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

Element 3: Building heights

Rules	Criteria
3.1 Building heights	
<p>R28</p> <p>This rule applies to the areas shown in figure 5.</p> <p>The maximum <i>height of building</i> for:</p> <ul style="list-style-type: none"> a) area 'a' is up to 3 <i>storeys</i> with a maximum height of 12 metres above <i>datum ground level</i> b) area 'b' is up to 4 <i>storeys</i> with a maximum height of 15 metres above <i>datum ground level</i> c) area 'c' is up to 6 <i>storeys</i> with a maximum height of 21 metres above <i>datum ground level</i> <p>Area 'a' and 'c' for Block 1 Section 15 Curtin shown in figure 5 are measured 21 metres from the mid-point of the block boundary on Theodore Street, 29 metres from the mid-point of the boundary along Carruthers Street, intersect by the line drawn from the front block boundary of Block 8 Section 17 Curtin facing Parker Street.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.2 Building Setbacks	
<p>R29</p> <p>This rule applies to development at Block 1 Section 15 Curtin shown in figure 5 that comply with all of the following:</p> <ul style="list-style-type: none"> a) Building facing Carruthers Street and Martin Street has a minimum setback of 4 metres b) Building facing Theodore Street has a minimum setback of 6 metres. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.3 Access	
<p>R30</p> <p>Driveway is not permitted along Carruthers Street and Theodore Street for Block 1 Section 15 Curtin shown in figure 5.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

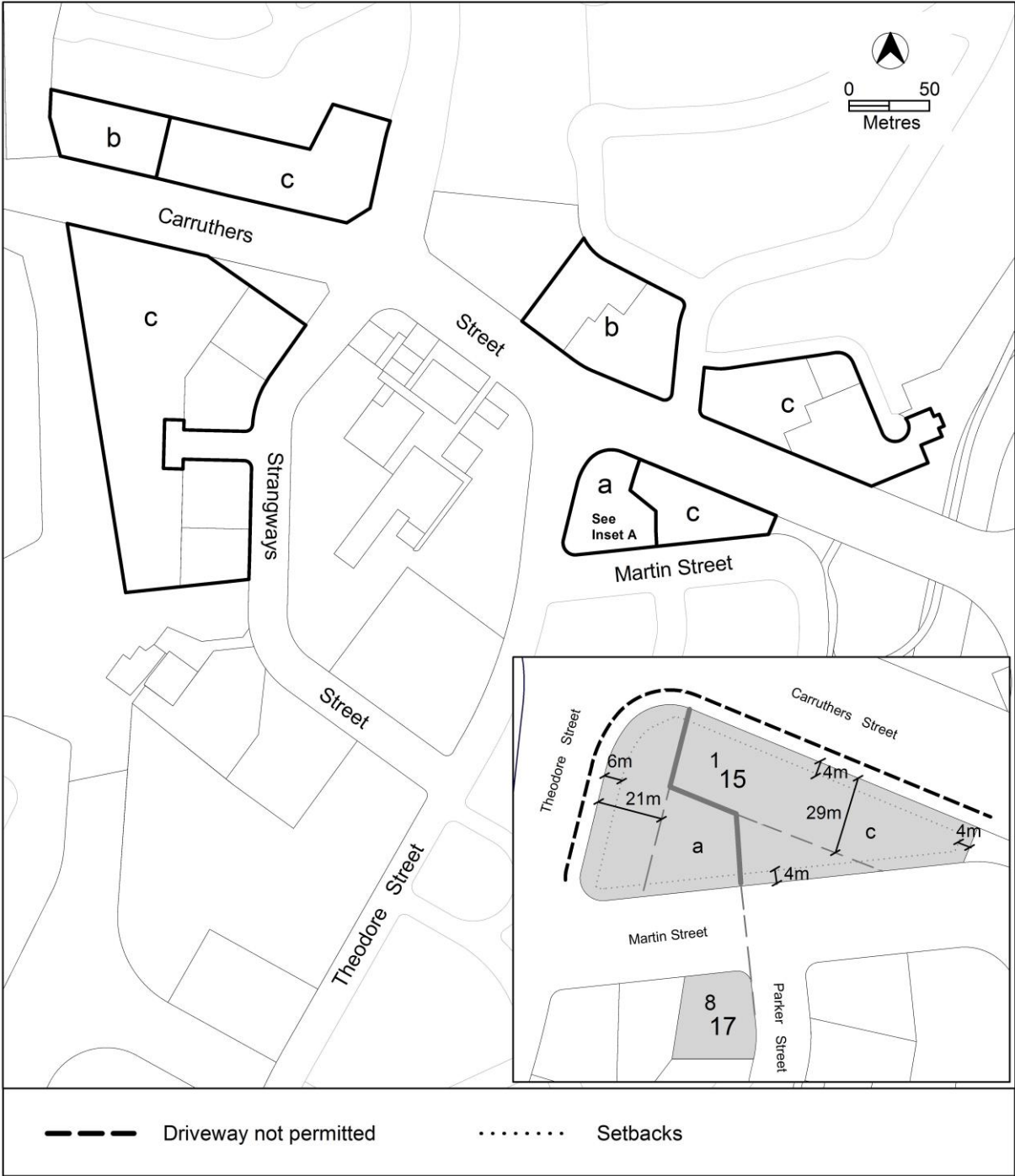


Figure 5 Buildings heights