

Planning and Development (Draft Variation No 364) Consultation Notice 2019

Notifiable instrument NI2019—641

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 364) Consultation Notice 2019*.

2 Draft variation to the Territory plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 364 – Gungahlin Town Centre (the **draft variation**) to vary the Territory Plan. The draft variation incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops into the future.

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 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 18 November 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 <http://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 the Environment Planning and Sustainable Development Directorate

(**EPSDD**). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

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

Note All 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.

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 Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at www.planning.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the **Act**) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the Draft 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) 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 Dictionary

In this instrument:

draft plan variation No 364 – Gungahlin Town Centre Amendments to the Gungahlin precinct map and code means the draft plan variation in Schedule 1.

Carolyn O'Neill
Delegate of the planning and land authority
27 September 2019



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
No 364

Gungahlin Town Centre
Amendments to the
Gungahlin precinct map and code

October 2019

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

This page is intentionally blank.

Contents

1.	INTRODUCTION	1
1.1	Summary of the Proposal.....	1
1.2	Outline of the process	1
1.3	Public Consultation.....	2
2.	EXPLANATORY STATEMENT	4
2.1	Background	4
2.2	Site Description	4
2.3	Proposed Changes to Territory Plan	5
2.4	Reasons for the Proposed Draft Variation	5
2.5	Planning Context.....	6
2.6	Interim Effect	7
2.7	Consultation with Government Agencies.....	8
3.	DRAFT VARIATION	14
3.1	Variation to the Territory Plan written statement	14

This page is intentionally blank.

1. INTRODUCTION

1.1 Summary of the Proposal

The draft variation incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops.

The draft variation proposes to:

- Permit residential uses in the Gungahlin East precinct
- Retain 65,000m² for large-scale commercial offices
- Introduce maximum building heights in the Gungahlin East and North West precincts
- Introduce minimum heights of buildings fronting Flemington Road and the northern side of The Valley Avenue
- Provide flexibility in the location of community facilities
- Amend the names and boundaries of sub-precincts
- Include provisions for relocating a public car park
- Improve requirements for urban parks, active travel, and the public domain

Other provisions contained in the draft variation are intended to guide future development in the town centre and to promote high quality design outcomes. These include provisions for active frontages, awnings, podium and upper floor level setbacks, landscaping, noise management, driveway access, building heights, and the linear park.

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 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 Public Consultation

Written comments about the draft variation are invited from the public by **18 November 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

The draft variation seeks to implement the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot. The refresh has been prepared as part of the ACT Government initiative to review planning controls for the town centre due to the way the centre has developed in the last decade.

The planning refresh commenced in 2017 and included several community engagement sessions with residents, business owners and other users of the centre. The feedback provided by the community during the refresh process has informed the recommendations included in the snapshot, which forms the basis of this Territory Plan variation.

2.2 Site Description

The subject area is the Gungahlin Town Centre. It is bound on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east, and the Mulanggari Grasslands in the south.

Most of the proposed changes to the Gungahlin Town Centre precinct map and code are for the East and North West precincts (Figure 1).

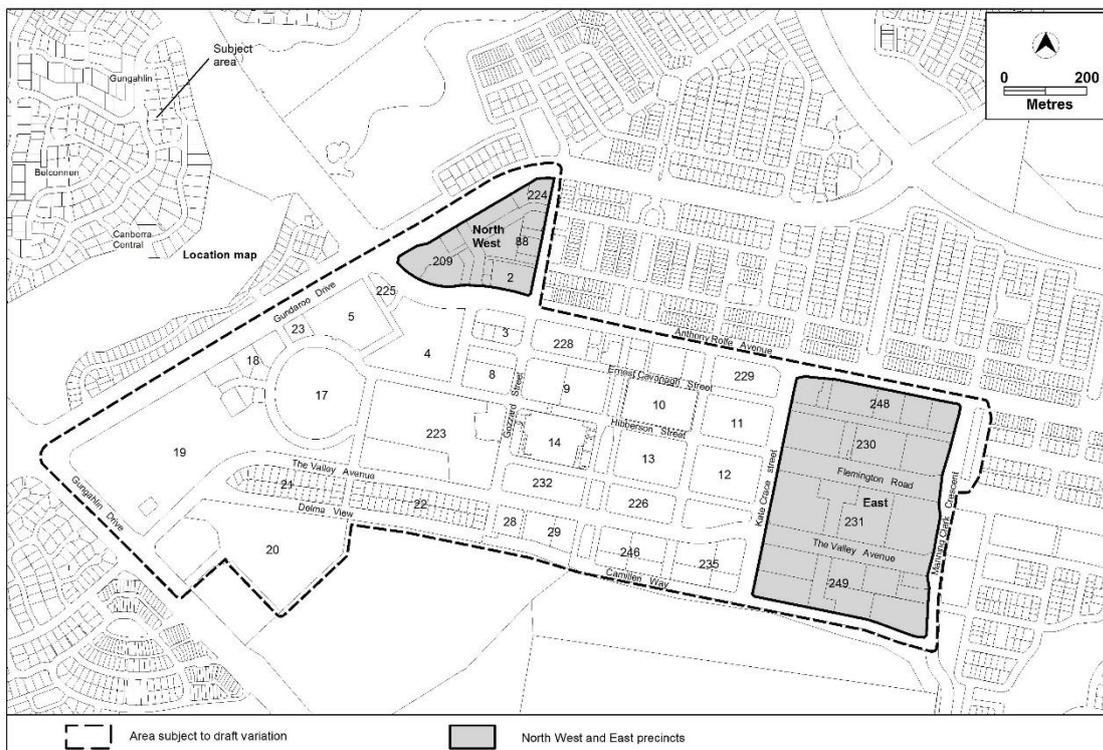


Figure 1 Subject area

2.3 Proposed Changes to Territory Plan

It is proposed to amend the Gungahlin precinct code by:

- Permitting residential use in the Gungahlin East precinct.
- Replacing some building envelope controls with maximum building heights in storeys.
- Retaining 65,000m² for large scale commercial offices
- Introducing maximum building heights in the Gungahlin East and North West precincts
- Introducing minimum building heights in the Gungahlin East precinct
- Providing flexibility in the location of community facilities
- Changing the names and boundaries of sub-precincts within the town centre
- Relocate nominated public car park from block 2 section 229 to block 2 section 11 (between Ernest Cavanagh Street and Hibberson Street)
- Improving requirements for parks, active travel, and the public domain

2.4 Reasons for the Proposed Draft Variation

The draft variation implements the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot, November 2018.

The reasons for the draft variation are as follows:

- Promote a greater mix of uses in the town centre including residential uses.
- To provide opportunities for retail and convenience services adjacent to the Flemington Road (Manning Clark Crescent) light rail station.
- To improve the public domain and active travel.
- To reserve land for large scale commercial offices.
- To amend precinct descriptions to better reflect changes which allow mixed use development.
- Provide certainty on building heights.

Maximum building heights for the Mixed Use East precinct were shown in the concept variation to the Territory Plan, which was released as Appendix A of the Gungahlin Town Centre Refresh – Snapshot.

A height limit of 3 storeys was identified for whole sections that front Camilleri Way. It is proposed to increase the height limit from 3 storeys to 6 storeys for a depth of 35m on the northern side of these sections.

The increased height limit will permit improved articulation across the precinct and provide a more uniform stepping down of building heights from Flemington Road to the south. A maximum 3 storey building height limit will be retained along and fronting Camilleri Way to provide for a human-scale street facade and is consistent with the recommendations in the Snapshot.

2.5 Planning Context

2.5.1 National Capital Plan

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

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

2.5.2 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.

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

The draft variation is consistent with this principle as it encourages active travel through active frontages and mixed use development close to light rail and other public transport.

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.

The draft variation is consistent with this principle as it encourages commercial development in the undeveloped area of the town centre which is well served by 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 town centre.

2.6 *Higher density development will be encouraged within and near major centres, and in other suitable locations that are well served by public transport.*

The draft variation is consistent with this principle through the encouragement of development within the town centre, which is well served by public transport.

2.6 Interim Effect

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of DV364 have interim effect, and apply to development applications lodged on or after **23 August 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.

2.7 Consultation with Government Agencies

In preparing a draft variation under section 61(b), EPSDD is required to 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 - Suburban Land Authority, and Transport for Canberra and City Services

National Capital Authority

The National Capital Authority provided the following comments on 10 April 2019.

Thank you for the request for comment on Draft Variation 364, Gungahlin Town Centre Planning Refresh. The proposed changes to the Gungahlin Town Centre are not inconsistent with the land use for Urban Areas in the National Capital Plan. The NCA has no objections to Draft Variation 364.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 10 April 2019.

There are a number of registered trees located within precinct 2 which are not mentioned in the draft variation documents. They are PTR155-Group Gungahlin, PTR154 Gungahlin and PTR501 Gungahlin. It appears that most of these will be protected within the proposed linear park, however one is within an area slated for development. These trees have been identified as significant trees under the Tree Protection Act 2005 and have therefore been included on the ACT Tree Register. Criteria to ensure their protection should be included within the variation.

In addition, any works that are to be carried out in the tree protection zone (canopy plus 2 m) of these registered trees requires the development of a tree management plan that requires approval from the Conservator of Flora and Fauna.

There are also several inconsistencies within the document which could create confusion, including:

- *Figure 9 does not clarify boundaries of precinct areas 2a, 2b, 3a and 3b;*
- *Precinct 2b is listed as Mixed Use north East (pg 24) and Mixed Use North West (pg 42); and*

- *Figure 15 appears to be incorrect as it shows Precinct 3 but is referred to within rules for precinct 2b.*

I also note my support for the proposed linear park.

Response

The Territory Plan and its precinct codes do not identify registered trees. Legislation for the management of trees resides in the *Tree Protection Act 2005*.

Any development will be administered by the development application process and provisions under the *Planning and Development Act 2007*.

The identified inconsistencies have been corrected.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 4 April 2019.

The Environment Protection Authority (EPA) requires that an assessment of potential contamination be carried out for sites that will change to a more sensitive land use (rezoning from CZ to RZ or CFZ) or be rezoned from PRZ to any other zone. The contamination assessment must be carried out by a suitably qualified environmental consultant in accordance with the Contaminated Sites Environmental Protection Policy and EPA endorsed guidelines, to determine whether past activities have impacted the sites, and whether the sites are suitable for their proposed uses from a contamination perspective. The consultant's assessment reports into the sites' suitability must then be reviewed and endorsed by the EPA prior to the Territory Plan being varied.

Response

No rezoning is proposed. Zoning will be confirmed through the estate development planning process which will address any contamination issues.

Heritage Council

The Heritage Council provided the following comments on 23 May 2019.

The area covered by TPV 364 includes a number of places of Aboriginal and European heritage, including the ruin of the Valley Homestead, Chert quarries, and two potential Aboriginal places (culturally modified trees).

The Council notes that the changes to planning controls may increase the pressure on a potential Aboriginal place located within the Gungahlin Town Centre East development area. It further notes that the conditions imposed in the project's Development Approval included further assessment to clarify the heritage status of the place, which has not yet been undertaken. If, following completion of this assessment, it is confirmed that the potential site is an Aboriginal place, then further planning requirements would be sought by the Council for the protection of this place.

From review of the referral, the Council understands that the provisions of the Heritage Act 2004 will continue to apply; and the majority of the proposed planning changes are unlikely to have detrimental heritage impacts.

Subject to the note above, the Council endorses the proposed Territory Plan Variation 364.

Response

Noted. Heritage matters are addressed through the development assessment process, which includes the estate development planning process.

Land Custodian - Suburban Land Authority

The land custodian provided the following comments on 8 April 2019.

Gungahlin Precinct Map and Code

P10

(e) ensure retail activity is well distributed around the retail core ~~and future sites are viable through inclusion of an anchor store~~

This element was discussed at a meeting between SLA and EPSDD officers. The SLA position was that this provision should remain as there have not been any studies undertaken that suggest that this should be changed.

(n) ~~support a strong employment base in the district of Gungahlin Provide for a range of employment within the town centre~~

The SLA are interested to understand what commercial and retail studies have been undertaken that would show a change to Gungahlin Town Centre operating as commercial/retail hub over the next twenty years that would water down this provision.

P24

R13 – Driveway access. Canberra Metro has a Traction Power Station along Flemington Road that has an access driveway. Will this rule affect this access?

P27

R17 (c) Please clarify if this rule allows 70% blank walls if 30% of the wall is display, showcases or public art. I assume that the remaining 70% should not be a blank wall but a shop front. This should be made clear.

R19

Similar to R17 above

P31

The note requires rewording, remove the word “applies”.

P32 & 33

Figure 9 and list of precincts does not align. There is no precinct 2(a) or 2(b) shown on figure 9 for instance.

P45

R40 – Specify a depth to the portion to ensure there is a meaningful amount of office space. What was the rationale behind choosing blocks 3 & 5. Would blocks 3 & 4 work better to provide offices over cafes fronting the open space?

R41 - What is stopping a developer holding off construction until after 2023 and changing the requirement?

P46

R44 - The revised building heights appear to have reduced yield significantly in the GTC East area. I would be interested to see what studies have been undertaken to look into this. The building heights around the perimeter are very domestic in scale, this is a town centre after all. The space between the dwellings on the north of Anthony Rolfe Av. and the south allows for a meaningful step up in heights to the southern blocks, I would suggest 6 storeys. Agree with the symmetry of building heights along Flemington Road. This is an improvement to the built form outcome. Again the Valley Avenue, as the name suggests, is an avenue with a vast space between frontages. The building heights here should mirror those on Flemington Road. The block fronting Camilleri Way will not be overshadowing any other building to the south and therefore could increase in height to at least 6 stories.

P47

C50 – What provisions are in place to stop a developer sub-dividing a large block to bring them in under the threshold and not having to prepare a master plan even though they could still own and a large block made up of sub-divided smaller blocks.

P51

Figure 18 – Camilleri Way has been spelt incorrectly.

Response

No change is proposed to the requirement for an anchor tenant within the 1a Retail Core Precinct.

There have been some minor changes to the desired planning outcomes in the proposed Gungahlin precinct code. This is to reflect the historical trend of commercial office supply in the town centre in line with the revised target of office floor space proposed by the Gungahlin Planning Refresh. The analysis of commercial floor space supply in the Gungahlin town centre compared with other town centres is published in the Gungahlin Town Centre Planning Refresh. Employment opportunities are maintained as commercial zones will be unchanged. Additionally, land will be reserved for future large scale office development.

Access to the Traction Power Station will not be affected as the provision will not apply retrospectively. The provision has been amended to allow access for transport and utility infrastructure

Blank walls cannot be more than 30%. The provision has been revised for clarity

Blocks 3 and 5 were chosen based on good solar access to the ground level and verge (southern side) and public open spaces. Block 5 is also adjacent to the light

rail station and will be beneficial for office commuters. Under the Territory Plan, offices are permitted in CZ2 sites, which is in addition to the two mandatory office sites.

Any revised depth of the block for future office spaces is subject to development/subdivision proposals to demonstrate that a suitable development can take place within the land area and contribute to the revised target of the office floor spaces proposed in Gungahlin Town Centre Planning Refresh.

The revised wording in relation to the timing of construction, will ensure control by the authority on the type of development. The provision allows the time to be extended if necessary, subject to the supply of commercial floor spaces.

The revised building heights do not change overall yield significantly. The change of height has been in response to community concerns about building height transparency and certainty. The building heights nominated were informed through 3D modelling. The concept includes building heights along the light rail corridor and on the town centre periphery. Nominated building heights are consistent with the publicly released snapshot in November 2018.

It is proposed that only development directly fronting Camilleri way will be a maximum of 3 storeys, not 50% of the block's depth, as originally indicated.

Any subdivision of blocks with more than 10,000m² will require the preparation of a master plan under the proposed changes.

Mapping and typographical errors have been corrected.

Land Custodian – Transport Canberra and City Services

The land custodian provided the following comments on 12 April 2019.

With proposed densification and intensity of traffic generation from the proposed changes to the existing Territory Plan map will require traffic study which should show that the intersections and road way have the capacity. The proposed Plan changes will need to address traffic generation/parking requirements/access/loading/accessibility.

DV 364, Figure 4 shows the densification with proposed building height in Gungahlin East between the Manning Clarke Crescent, Kate Crace Street, Camilleri Way and Anthony Rolfe Avenue. However, the development type showing GFA for office, retail, others, and residential dwellings with daily trip generation is not shown.

The Planning Refresh study generally including the Place Audit Criteria for enhancing public spaces (page 15) TCCS suggests it could be expanded to more directly security and surveillance (CPTED/crime) aspects as well.

The scoping documents refer to the usage of large street trees, which require adequate space and soil volumes to fulfil their desired outcome and any planning for street trees within the Gungahlin town centre requires consideration of Municipal Infrastructure Standard 25 to select suitable tree species for each location.

Response

Further densification is not specifically being proposed through the draft variation. Building heights are adjusted rather than increased. For example, maximum building height is 8 storeys (with corner 10 storey element), as opposed to 12 or more storeys as currently permitted by the Territory Plan.

A preliminary traffic study has been undertaken in consultation with Transport Canberra and City Services (TCCS), to understand the impact of the proposed changes through the introduction of residential uses within the CZ2 zone in Gungahlin East. Residential development is currently prohibited in this area but permitted for commercial office and related development, up to the building height specified above. The traffic study was undertaken using Canberra Strategic Traffic Modelling. The transport modelling found that high levels of vehicle traffic already use the arterial road network for inter-district travel and that the potential for increased residential growth within the town centre in the short and medium term will not significantly add to these issues.

Detailed traffic modelling was not undertaken due the construction works underway (e.g. light rail, estate works and other capital works including arterial road duplications) either within or nearby to the town centre. It is expected that a detailed traffic study will be conducted at later phase of the development cycle.

In relation to building heights along Flemington Road, shown in figure 4 of the draft variation, the heights are not necessarily intensifying development from that of the current Territory Plan or what has previously been approved through the Gungahlin east estate development plan. Under the current provisions, buildings can be around 12 storeys in height in each section. The proposed building heights and related gross floor area yields were inserted and tested in the traffic modelling.

Details of the place audit have now been agreed with TCCS.

The selection of appropriate street trees will be assessed through the estate development planning process.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan written statement

The Territory Plan written statement is varied as follows:

Variation to the Gungahlin precinct map and code

1. Gungahlin precinct map and code

*Substitute the Gungahlin precinct map and code with **Attachment A**.*

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	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız 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

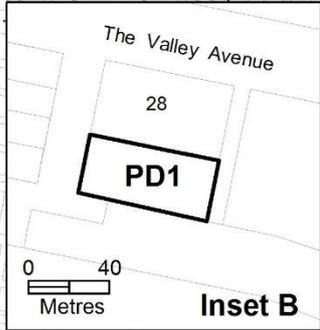
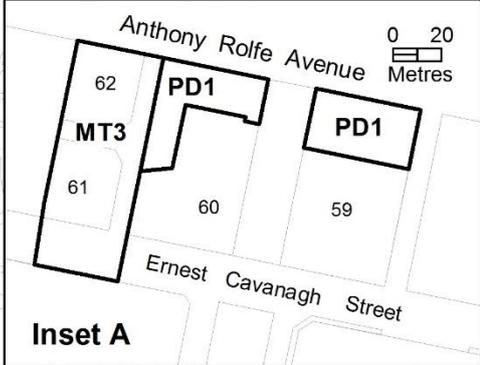
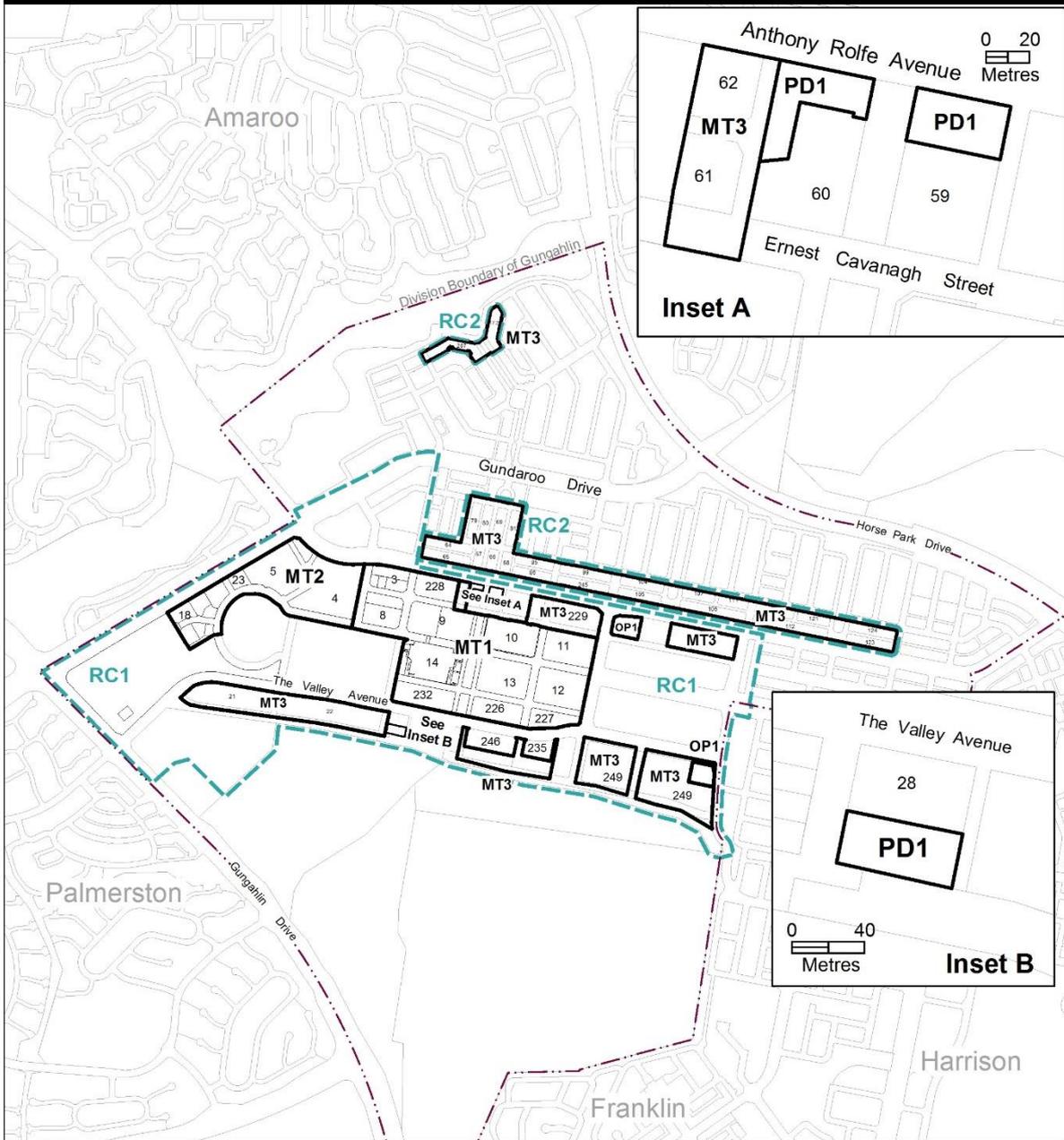
Gungahlin Precinct Map and Code

includes

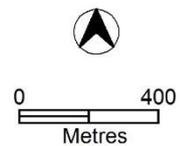
Gungahlin Town Centre

This page is intentionally blank.

Gungahlin Precinct Map



- PD_n** Additional prohibited development applies see Table 1
- MT_n** Additional merit track development applies see Table 2
- OP_n** Ongoing provisions apply see Gungahlin Precinct Code
- RC_n** Additional rules and criteria apply see Gungahlin Precinct Code



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Gungahlin 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 supportive housing</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>produce market</i>
MT2	CZ3	<i>correction facility</i>
MT3	CZ5	<i>craft workshop drink establishment indoor entertainment facility tourist resort</i>

Gungahlin Precinct Code

Contents

INTRODUCTION	7
ADDITIONAL RULES AND CRITERIA	9
RC1 – GUNGAHLIN TOWN CENTRE.....	9
PART A – GENERAL DEVELOPMENT	11
Element 1: Land use zones	11
Element 2: Bushfire protection.....	12
2.1 Bushfire protection	12
Element 3: Restrictions on use	13
3.1 Ground floor use – CZ5	13
3.2 Ground floor use – CZ5 – floor area limit.....	13
Element 4: Building and site controls	14
4.1 Height of buildings	14
Element 5: Built form	14
5.1 Building design - general	14
5.2 Noise management plan	15
5.3 Public transport stations and adjacent development	17
Element 6: Parking and site access	19
6.1 Sites for public car parking.....	19
6.2 Restrictions on driveway access.....	21
Element 7: Amenity	22
7.1 Design of Hibberson Street public realm	22
7.2 Design of Gungahlin Place public realm	22
7.3 Active frontage	23
7.4 Landscape.....	24
PART B - AREA SPECIFIC CONTROLS.....	27
PRECINCT 1A – RETAIL CORE	28
Element 8: Use	28
8.1 Ground floor use	28
8.2 Protection of retail expansion opportunities.....	28
8.3 Development in Gungahlin Place.....	28
8.4 Distribution and coordination of retail	29
Element 9: Buildings	29
9.1 Building envelope.....	29
9.2 Protection of solar access for activities on south side of Hibberson Street....	31
9.3 Setbacks	31
Element 10: Built form	31
10.1 Building Design	31
10.2 Awnings.....	31

PRECINCT 1B – RETAIL CORE MIXED USE	33
Element 11: Use	33
11.1 Ground floor use	33
11.2 Scale of retail activity	33
11.3 Development in Gungahlin Place.....	33
11.4 Serviced apartment and residential use	34
Element 12: Buildings	34
12.1 Building envelope and setbacks	34
Element 13: Built form	37
13.1 Building Design	37
13.2 Awnings.....	37
PRECINCT 2A – MIXED USE EAST	38
Element 14: Use	38
14.1 Protection of office development.....	38
14.2 Street level uses	38
Element 15: Buildings	38
15.1 Maximum numbers of storeys.....	38
15.3 Building setbacks	39
15.4 Podium height and setback.....	39
15.5 Above ground parking.....	39
15.6 Building setback and articulation	39
15.7 Master plan for blocks of more than 10,000m ²	40
15.8 Ground floor level.....	40
15.9 Awning	40
15.10 Residential interface to street	41
Element 16: Open space	42
16.1 Linear park	42
Element 17: Built form	44
17.1 Location of public entrances	44
17.2 Landscape.....	45
PRECINCT 2B – MIXED USE NORTH WEST	46
Element 18: Use	46
18.1 Street level uses	46
Element 19: Buildings	46
19.1 Number of storeys.....	46
19.2 Podium height and setback.....	46
Element 20: Built form	47
20.1 Location of public entrances	47
PRECINCT 3A – SERVICES AND TRADES.....	48
Element 21: Buildings	48
21.1 Height and setbacks	48
Element 22: Built form	48
22.1 Building design.....	48
PRECINCT 3B – MAJOR COMMUNITY AND RECREATION FACILITIES.....	49
Element 23: Buildings	49
23.1 Height and setbacks	49
Element 24: Built form	49

	24.1 Building design.....	49
Element 25:	Amenity	50
	25.1 Open space.....	50
PRECINCT 4A – SOUTHERN TRANSITION		51
Element 26:	Buildings	51
	26.1 Building envelope.....	51
	26.2 Redevelopment of sections 21 and 22 Gungahlin	51
	26.3 Bushfire	52
Element 27:	Built form	52
	27.1 Building design.....	52
PRECINCT 4B – NORTHERN TRANSITION		55
Element 28:	Buildings	55
	28.1 Building envelope and setbacks	55
Element 29:	Built form	55
	29.1 Building design.....	55
RC2 – MIXED USE COMMERCIAL DEVELOPMENT AREA.....		57
Element 30:	Use	57
	30.1 Ground floor use	57
	30.2 Ground floor use – floor area limit	57
Element 31:	Buildings	57
	30.3 Number of storeys.....	57
OTHER ONGOING PROVISIONS		58
OP1 – GUNG AHLIN RESIDENTIAL AREA		58

Figures

Figure 1	RC1 Area – Gungahlin Town Centre	9
Figure 2	Location of land available for zoning as Community Facility CFZ zone	11
Figure 3	Bushfire protection	13
Figure 4	Restrictions on open structure car parks, loading docks and substations.....	15
Figure 5	Entertainment precinct	16
Figure 6	Public transport bus and light rail stations	18
Figure 7	Location of sites for public car parking	20
Figure 8	Restriction on driveway access and egress.....	21
Figure 9	Active frontage requirements	24
Figure 10	Precinct areas within the Gungahlin Town Centre	27
Figure 11	Main pedestrian areas and routes and linear park	29
Figure 12	Building envelope in Precinct 1a (south side of Hibberson Street).....	30
Figure 13	Building envelope in Precinct 1b.....	36
Figure 14	Maximum number of storeys in Precinct 2a.....	43
Figure 15	Setbacks in Precinct 2a	44
Figure 16	Maximum numbers of storeys in Precinct 2b.....	47
Figure 17	Building envelopes in Precinct 4a and Precinct 4b	53
Figure 18	Bushfire controls.....	54
Figure 19	Gungahlin residential area ongoing provisions.....	58

Introduction

Name

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

Application

The code applies to the Division of Gungahlin.

Purpose

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

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

Structure

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

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

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

Code hierarchy

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

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

Definitions

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

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

Acronyms

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

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

RC1 – Gungahlin Town Centre

This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre. Figure 1 identifies the RC1 area in greater detail.

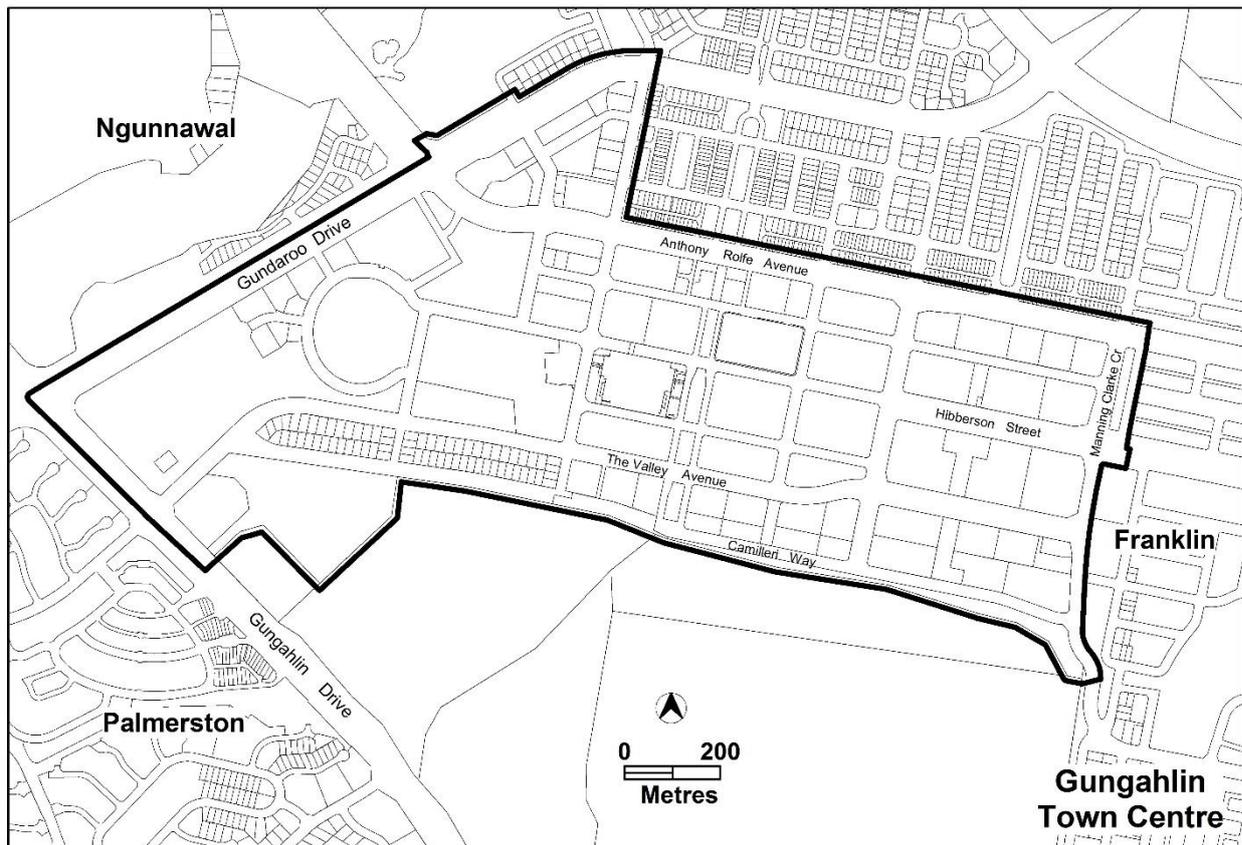


Figure 1 RC1 Area – Gungahlin Town Centre

Purpose

The purpose of the provisions relating to the Gungahlin Town Centre (RC1) is to:

- guide the design and assessment of *estate development plans* (subdivision proposals) in **Gungahlin Town Centre**
- inform the allocation of final zones at the time when a parcel of land ceases to have a future urban area (FUA) overlay (refer to note below) following subdivision
- guide the development of individual *blocks* in concert with other relevant codes under the *Territory Plan*
- support zone objectives and assessable uses in the development tables
- guide the development and management of the public realm.

A future urban area (FUA) overlay on the Territory Plan map identifies land that has yet to be developed. The final zoning, while generally indicated on the Territory Plan map, will be set after *an estate development plan* has been approved in accordance with the provisions of a relevant precinct code.

Desired planning outcomes

The intent of the development controls is to:

- (a) provide a mix of land use types and densities
- (b) provide opportunities for people to live, work and recreate which delivers environmental, social and economic benefits for the community
- (c) balance and protect residential amenity with the commercial uses
- (d) provide a safe and vibrant night time economy
- (e) ensure retail activity is well distributed around the retail core and future sites are viable through inclusion of an anchor store
- (f) promote social inclusion through providing accessible commercial and community facilities
- (g) provide a structure to the town centre that is robust, while recognising the changing needs of the town centre
- (h) continue the 'main street' character to Hibberson Street that promotes quality of public realm and a 'human scale' to the built form
- (i) provide public spaces and a street network that promotes pedestrian movement, particularly along Hibberson Street and Gungahlin Place
- (j) provide opportunity for a variety of public transport
- (k) build upon the distinct public domain character and provide opportunity for variety and change in the public realm
- (l) encourage flexibility and innovation in design of the built form and open space
- (m) provide a street network designed for low vehicle speeds and easy pedestrian access
- (n) provide for a range of employment within the town centre
- (o) design of buildings, infrastructure and public realm spaces to reflect needs of a changing climate.

Part A – General Development

The following elements apply to the future urban area within the Gungahlin Town Centre. This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre.

Element 1: Land use zones

Rules	Criteria
<p>R1</p> <p>A minimum of 3.8 hectares of land is provided with a community facility zone within the area shown in Figure 2.</p>	<p>C1</p> <p>An alternative provision for community facilities within the area indicated within Figure 2 may be provided on the basis of a community needs assessment approved by the Authority.</p> <p>Alternative provision relates to community facilities being provided as equivalent floor space within a mixed use development rather than site area and/or in another location within the area indicated in Figure 2.</p> <p>Note: Community Need Assessment will identify proposed community uses as either land area or equivalent floor space area within a mixed use development and their location to meet the needs of Gungahlin District including the suburb.</p>

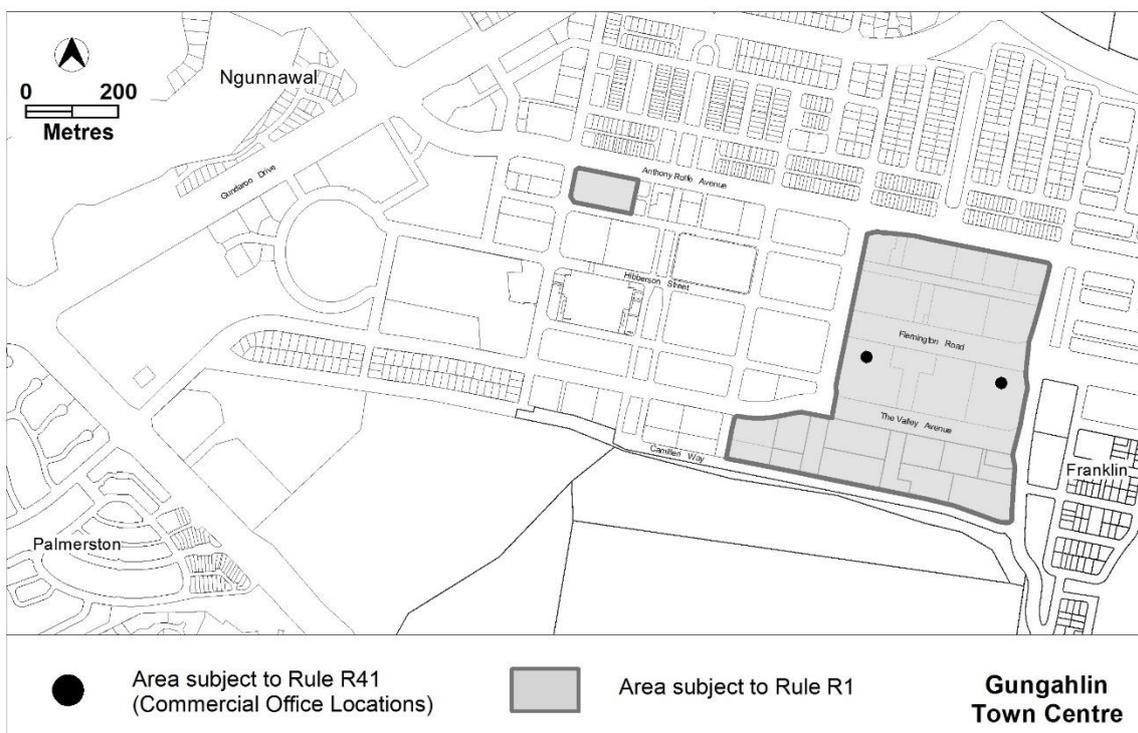


Figure 2 Location of land available for zoning as Community Facility CFZ zone

Element 2: Bushfire protection

Rules	Criteria
2.1 Bushfire protection	
<p>R2</p> <p>Development in Area A complies with all of the following (see figure 3):</p> <ul style="list-style-type: none"> a) Any development in Area A complies with <i>Planning for Bushfire Risk Mitigation General Code</i> b) A perimeter road is to be provided along the southern edge of Area A. All roads constructed within this area need to comply with ACT Fire Brigade standards c) Well Station Track is to be maintained as a fire trail and provide access gates from the perimeter road. d) Fencing between Well Station Track and Mulanggari Grassland is to comply with <i>Planning for Bushfire Risk Mitigation General Code</i> and be endorsed by the relevant land manager e) Hydrants are to be provided along the perimeter road to the satisfaction of the ACT Emergency Services Agency (ESA) f) Open space adjacent to the bushfire interface area within the town centre is maintained in accordance with the Strategic Bushfire Management Plan. <p>A bushfire risk assessment plan endorsed by the ACT Emergency Services Agency and the Conservator of Flora and Fauna is required for any development within or adjacent to the bushfire prone area identified in figure 5 as a 20m wide Inner Asset Protection Zone (IAPZ) within the Well Station Track reserve. The plan must not impose any bushfire management strategies within Mulanggari Grasslands. The bushfire management strategies identified in the bushfire risk management plan must be consistent with the standards specified in the Strategic Bushfire Management Plan (SBMP).</p>	<p>C2</p> <p>Development within or adjacent to the bushfire prone area identified in figure 3 is endorsed by the Territory. In making its assessment the Territory will consider all of the following:</p> <ul style="list-style-type: none"> a) vegetation types and management b) access for emergency vehicles c) management objectives and values on the land to be effected by the proposed bushfire management strategies <p>Development within this area must not impose any bushfire management strategies within Mulanggari Grasslands. If the proposed bushfire management strategies do not meet the standards specified in the Strategic Bushfire Management Plan, justification is required for any differences (for instance, reduced risk or alternative but equivalent strategy).</p>

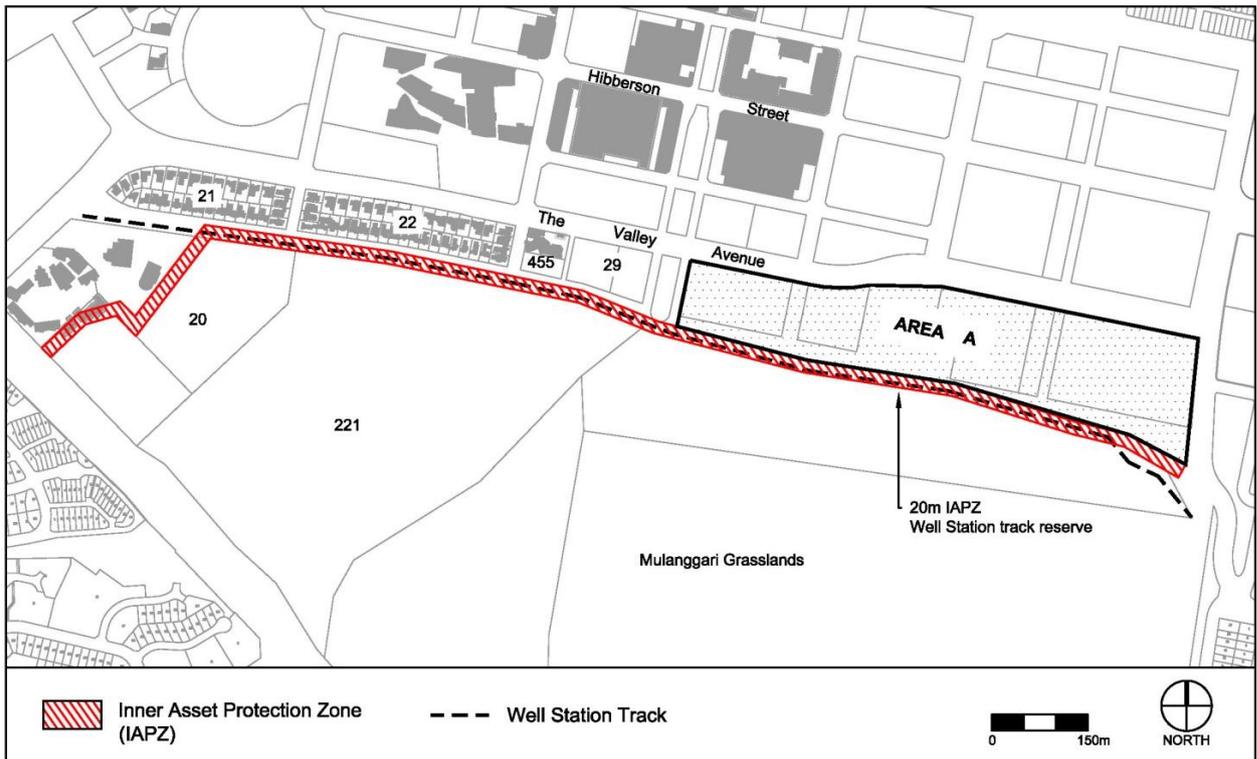


Figure 3 Bushfire protection

Element 3: Restrictions on use

Rules	Criteria
3.1 Ground floor use – CZ5	
<p>R3</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> d) NON RETAIL COMMERCIAL USE e) <i>restaurant</i> f) SHOP 	<p>C3</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
3.2 Ground floor use – CZ5 – floor area limit	
<p>R4</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> 	<p>C4</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to RESIDENTIAL USE

Rules	Criteria
b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> d) <i>NON RETAIL COMMERCIAL USE</i> e) <i>Restaurant</i> f) <i>SHOP</i> the maximum <i>gross floor area</i> per establishment or tenancy is 200 m ²	b) services the local residents only.

Element 4: Building and site controls

Rules	Criteria
4.1 Height of buildings	
R5 Minimum <i>height of buildings</i> is two (2) <i>storeys</i> however uses such as service stations, places of worship, community facility uses, or ancillary structures may be one (1) <i>storey</i> except where an alternative minimum building height has been specified in this precinct code.	C5 Buildings achieve a compact urban form and are consistent with the desired planning outcomes described in the introduction of this document.

Element 5: Built form

Rules	Criteria
5.1 Building design - general	
There is no applicable rule.	C6 Development complies with all of the following: <ul style="list-style-type: none"> a) contributes to the desired planning outcomes of the town centre as described in the introduction of this document b) reinforces, enhances and addresses public transport stops and active travel routes to create active spaces for pedestrian activity c) corner buildings contain focal points providing architectural interest and variety to the building design d) entrances to common lobbies for residential use provide strong visual connection to the street and ensure a high level of surveillance for active travel routes e) buildings incorporate sun shading to reduce summer sun into the building interior

	<p>f) car parking structures are designed to integrate with the built form of adjoining development</p> <p>g) enhance and promote active interface between buildings and the public domain.</p>
<p>R7</p> <p>Open structured car parks, loading docks and substations are not located on frontages to the street in the area shown in figure 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
Rules	Criteria
5.2 Noise management plan	
<p>R8</p> <p>New residential development or residential component within a mixed use development on sites identified as entertainment precinct (Figure 5) will need to demonstrate noise mitigation measures for approval by the ACT Environment Protection Authority.</p> <p>Note: a noise management plan will form part of the development application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

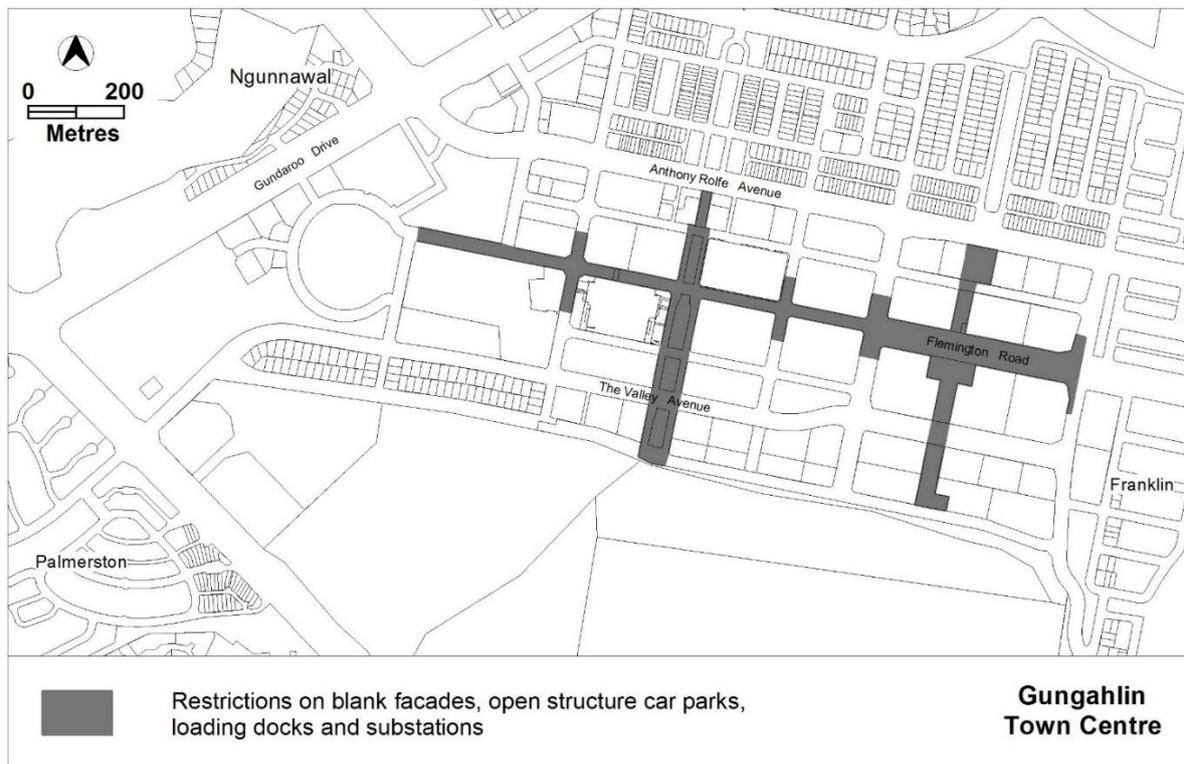


Figure 4 Restrictions on open structure car parks, loading docks and substations

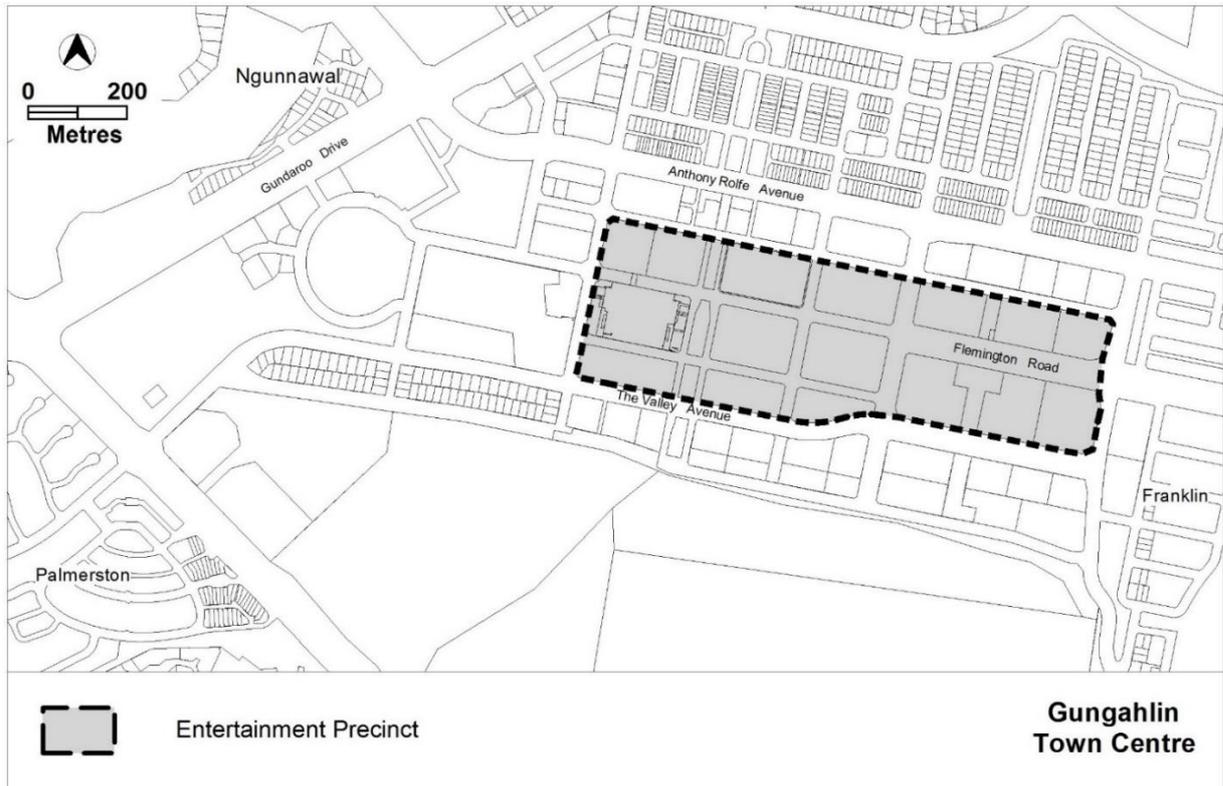


Figure 5 Entertainment precinct

Note: Land included in the entertainment precinct includes blocks that may be affected by noise from external sources. Development of multi unit housing in this area is subject to the noise attenuation requirements contained in the multi unit housing development code.

Rules	Criteria
5.3 Public transport stations and adjacent development	
<p>R9</p> <p>Public transport stops or stations are provided at the locations shown in figure 6.</p>	<p>C9</p> <p>The location of public transport stations on Hibberson Street and Flemington Road achieve all of the following:</p> <ul style="list-style-type: none"> a) supports public transport usage by town centre patrons b) provides access to retail and office areas c) is endorsed by the Territory.
<p>There is no applicable rule.</p>	<p>C10</p> <p>New buildings adjacent to a public transport bus and light rail station shown in figure 6 are designed to achieve all of the following:</p> <ul style="list-style-type: none"> a) be transit-oriented development with main building entrances located within close walking distance to the public transport station and clearly addressing the station b) provide improved access for pedestrians and cyclists between the station and verge to ensure continuity and ease of active travel routes c) ensure visual amenity by having vegetation and shade for comfort and minimise hard paving d) promote active frontages to the public transport station.
<p>R11</p> <p>Development adjacent to a public transport bus and light rail station shown in Figure 5 will include one or more of the following:</p> <ul style="list-style-type: none"> a) <i>SHOP</i> (not more than 200m²) b) <i>business agency</i> c) <i>restaurant</i> 	<p>C11</p> <p>Development <i>adjacent</i> to a public transport bus and/ or light rail station will have land use(s) which meet the needs of commuters.</p>

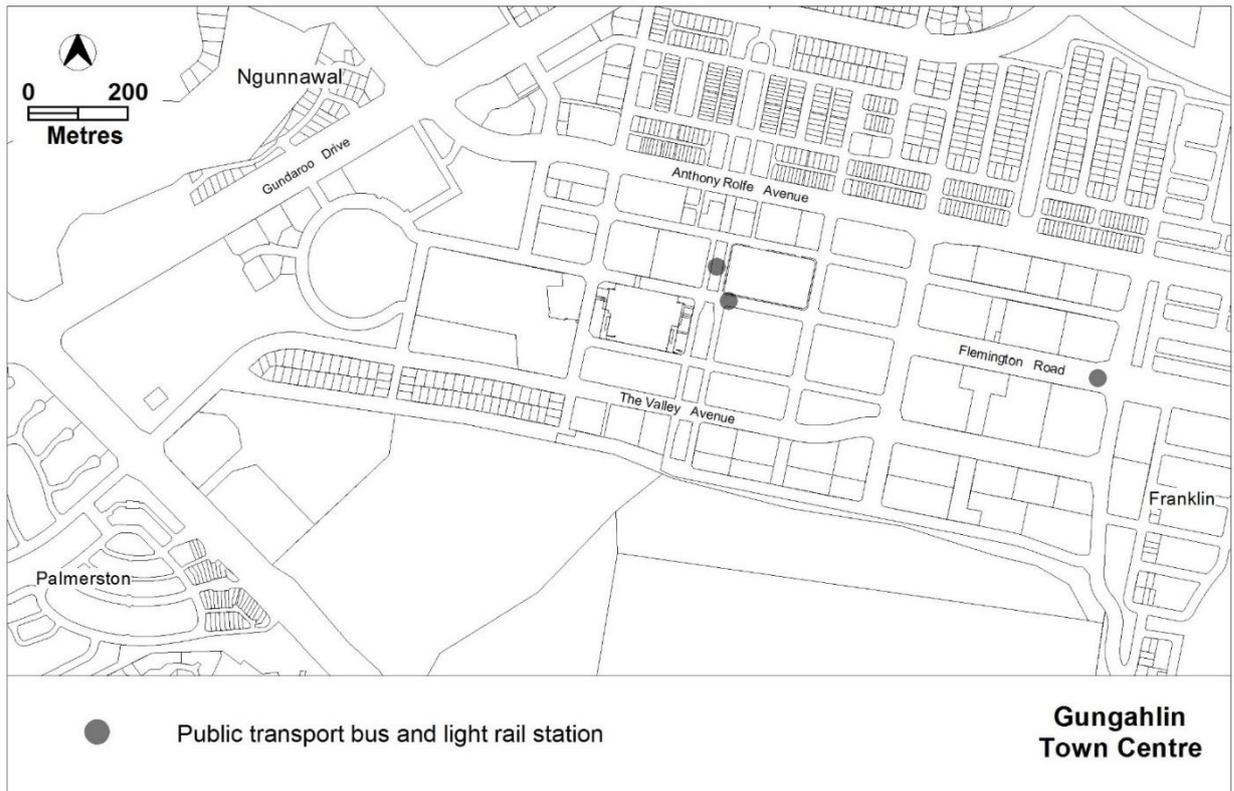


Figure 6 Public transport bus and light rail stations

Element 6: Parking and site access

Rules	Criteria
6.1 Sites for public car parking	
<p>R12</p> <p>Development on <i>sites</i> identified in figure 7 includes one (1) of the following:</p> <ul style="list-style-type: none"> a) surface car park with number of spaces endorsed by the Territory agency responsible for parking planning b) other development where all of the following are provided: <ul style="list-style-type: none"> i) provide a number of car parking spaces endorsed by the Territory agency responsible for transport planning ii) accommodate onsite any additional demand for car parking generated by the development iii) ensure the number of car parking spaces identified in R12 b) i) remains available for public access iv) complies with the <i>Parking and Vehicular Access General Code</i>. 	<p>C12</p> <p>Development on <i>sites</i> identified in figure 7 may be considered where the 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 public parking supply for the whole town centre as endorsed by the Territory.

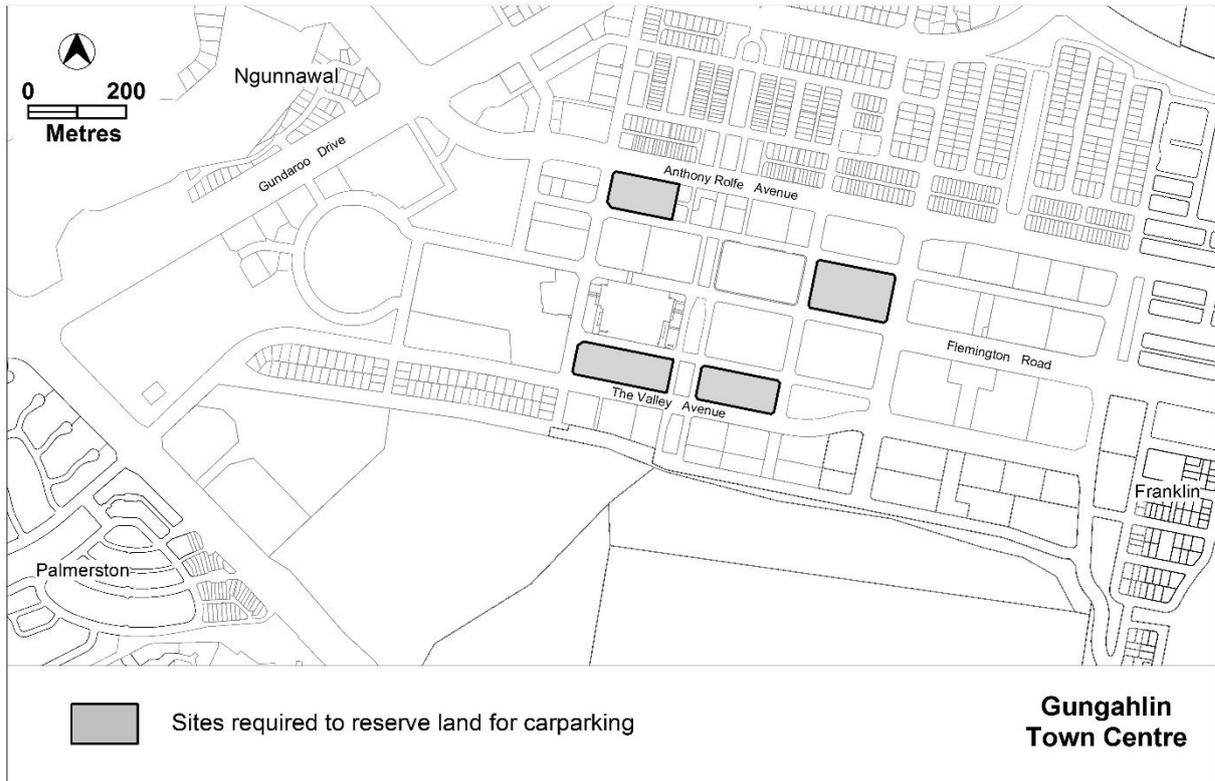


Figure 7 Location of sites for public car parking

Rules	Criteria
6.2 Restrictions on driveway access	
<p>R13</p> <p>Driveway access or egress to Hibberson Street, Flemington Road and Gungahlin Place is not permitted, other than being ancillary to the transport infrastructure in areas shown in Figure 8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R14</p> <p>Driveway access or egress from roads identified as limited direct access shown in Figure 8 is not permitted.</p>	<p>C14</p> <p>Verge crossings and driveways may be permitted on blocks identified as having limited direct access / egress in Figure 8 where all of the following can be demonstrated:</p> <ol style="list-style-type: none"> a need based on localised traffic impact and movements a safe and effective spacing of access points between adjacent blocks and sections does not adversely impact on active travel routes or their priorities.

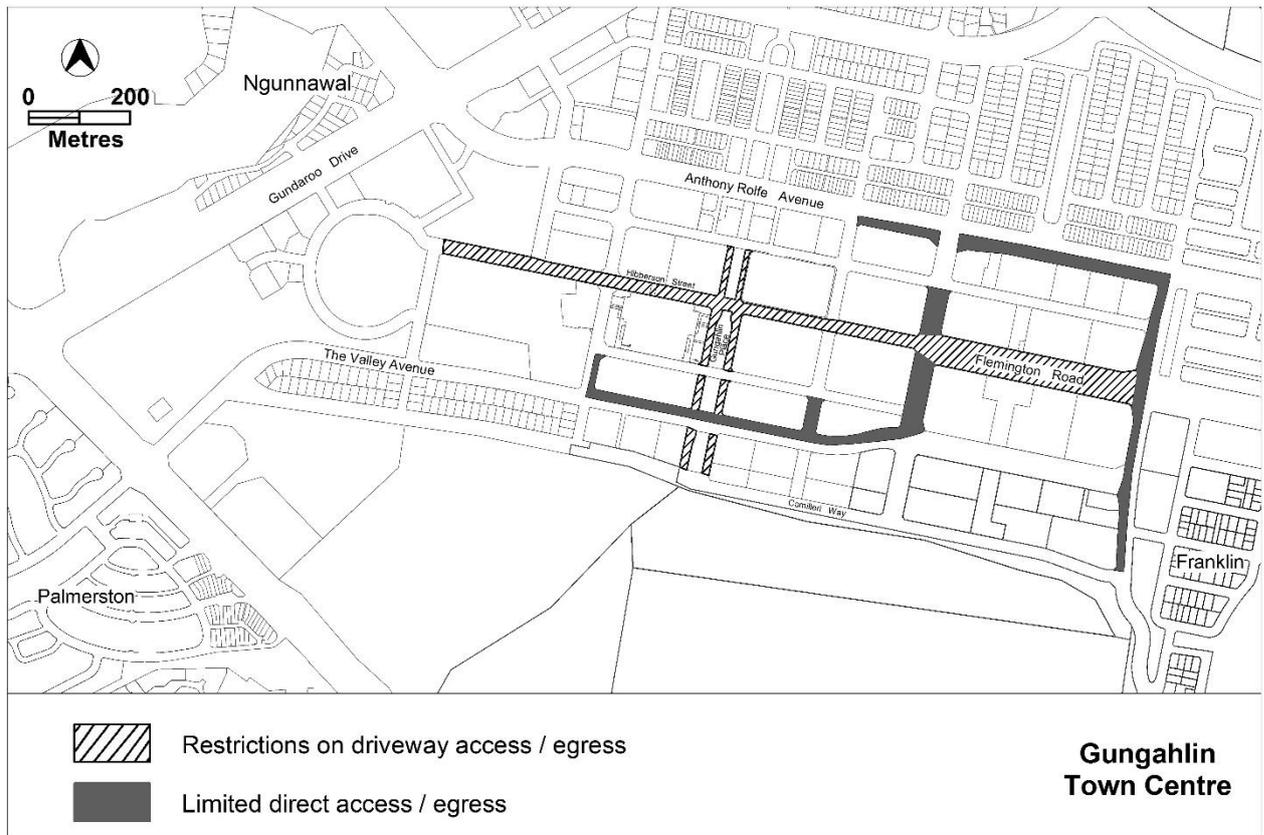


Figure 8 Restriction on driveway access and egress

Element 7: Amenity

Rules	Criteria
7.1 Design of Hibberson Street public realm	
There is no applicable rule.	<p>C15</p> <p>Hibberson Street and Flemington Road, between Gozzard Street and Manning Clarke Crescent, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provides convenient pedestrian access along both sides of Hibberson Street to promote an accessible and safe environment for active shop fronts b) provides convenient and safe pedestrian access across Hibberson Street at appropriate locations between the adjacent retailing c) provides direct and visible pedestrian access to public transport facilities along Hibberson Street.
7.2 Design of Gungahlin Place public realm	
There is no applicable rule.	<p>C16</p> <p>Gungahlin Place, between Ernest Cavanagh Street and Camilleri Way, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provide direct and convenient east-west and north-south pedestrian and cycling access in Gungahlin Place between adjacent retailing and community amenities b) provide pedestrian access along both verges within Gungahlin Place to promote an accessible and safe environment for active shop fronts c) provide open space in Gungahlin Place that allows for outdoor seating areas and promotes uses such as community events, markets, cafes and kiosks d) provide unobtrusive weather protection and high quality landscaping with canopy trees within Gungahlin Place that is consistent with the surrounding character and use of Gungahlin Place.

Rules	Criteria
7.3 Active frontage	
<p>R17</p> <p>For building frontages shown as ‘Active Frontage – Mandatory’ in Figure 9, ground floor frontages comply 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 c) blank walls without windows will be a maximum of 30% of the building frontage and will be articulated or designed to contribute positively to the streetscape. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R18</p> <p>For building frontages shown as ‘Active Frontage – Adaptable Built Form’ in Figure 9, ground floor frontage is to comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows or shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level is to be provided for access and egress for persons with disabilities. 	<p>C18</p> <p>For buildings fronting streets identified as ‘Active Frontage – Adaptable Built Form’ in Figure 9, development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) be adaptable for shops b) where building access is provided, direct pedestrian access is at street level.
<p>R19</p> <p>For buildings located along ‘Partial Active Frontage’ shown in Figure 9, ground floor frontages and building design comply 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) blank walls without windows will be a maximum of 40% of the building frontage and will be articulated or designed to contribute positively to the streetscape. c) buildings incorporate direct pedestrian access at grade for access and egress for persons with disabilities at the main and secondary entrances. 	<p>C19</p> <p>For buildings located along “Partial Active Frontage” shown in Figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) ensure the building façade is designed to provide sufficient natural surveillance to the street/ spaces b) provide direct access at grade where buildings front the public domain c) ensure that the location and design of footpath awnings and colonnades enhance the public domain by providing appropriate levels of shade and weather protection to support retail, commercial and community activities.

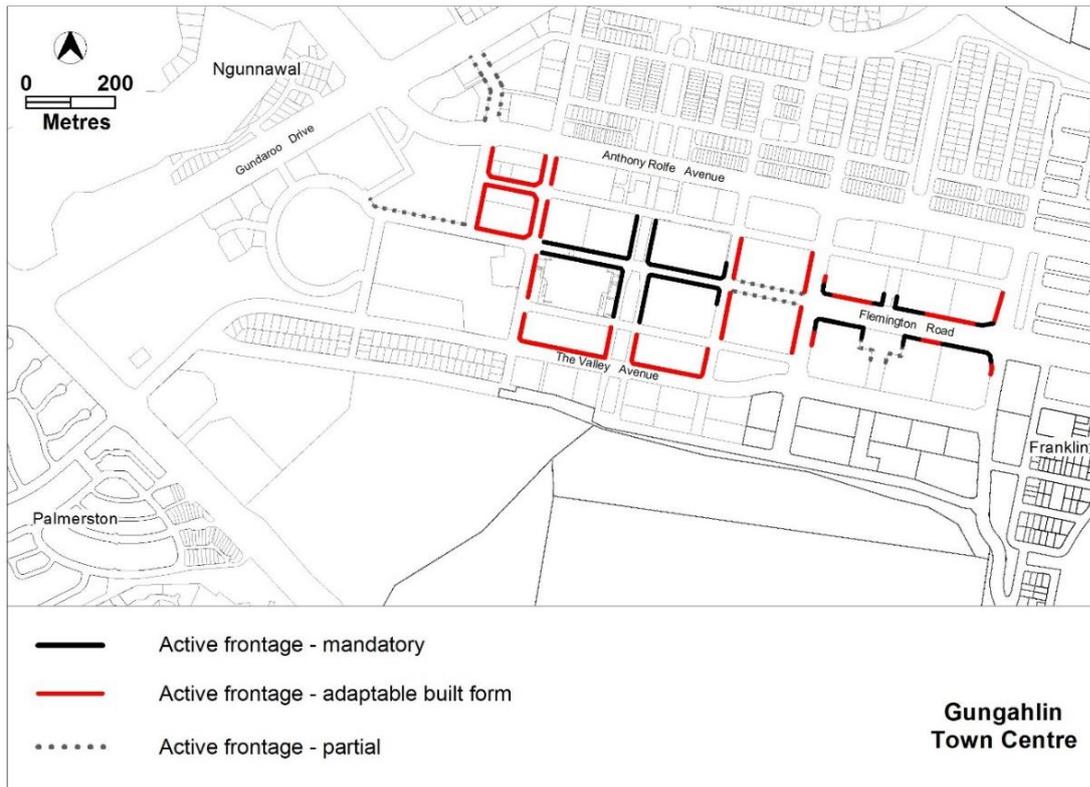


Figure 9 Active frontage requirements

Rules	Criteria
<p>7.4 Landscape</p>	
<p>There is no applicable rule.</p>	<p>C20</p> <p>Landscaping achieves all of the following:</p> <ul style="list-style-type: none"> a) is sensitive to <i>site</i> attributes, including <i>streetscapes</i> and landscapes of documented heritage significance b) use of vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with Gungahlin Place, linear parks, public spaces, reserves and public transport corridors c) contributes to energy efficiency and amenity of public space by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor spaces d) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground

	<p>utilities</p> <ul style="list-style-type: none"> e) provides landscaping with low and high elements which does not obscure or obstruct sightlines to building entries, paths and driveways to reduce the actual or perceived personal safety and security f) tree planting in and around car parks to provide shade and soften the visual impact of parking areas g) Water Sensitive Urban Design (WSUD) principles are applied to all landscape treatments within the town centre h) Drought tolerant plant species are used in both public and private realms to contribute to a high quality landscape character.
Rules	Criteria
	<p>C21</p> <p>This criterion applies to the residential development or residential components of mixed use development.</p> <p>Communal open space complies with all of the following:</p> <ul style="list-style-type: none"> a) provide for active and passive recreation needs of all residents b) unpaved soft landscaped areas are to comprise a minimum of 50% of the total communal open space area c) designed to present as a private area for use by the residents d) includes passive surveillance from adjacent internal living areas and/or pathways e) have a northerly aspect where possible; f) be in addition to any public thoroughfares g) inclusion of exterior private open spaces such as roof top gardens and/or podiums to reduce urban heat island effect. All exterior private open spaces must have supporting systems for ongoing maintenance installed h) ensure adequate shade through landscape plantings. <p>Note: This criterion does not replace the relevant</p>

	<p>provisions for open space in the development codes. This criterion takes precedence where there is a conflict with the development code provisions.</p>
--	--

Part B - Area specific controls

This part contains area specific controls that apply to precincts within the Gungahlin Town Centre, as shown in Figure 10.

The rules and criteria of Part B shall take precedence if there is an inconsistency with any other part of this code.

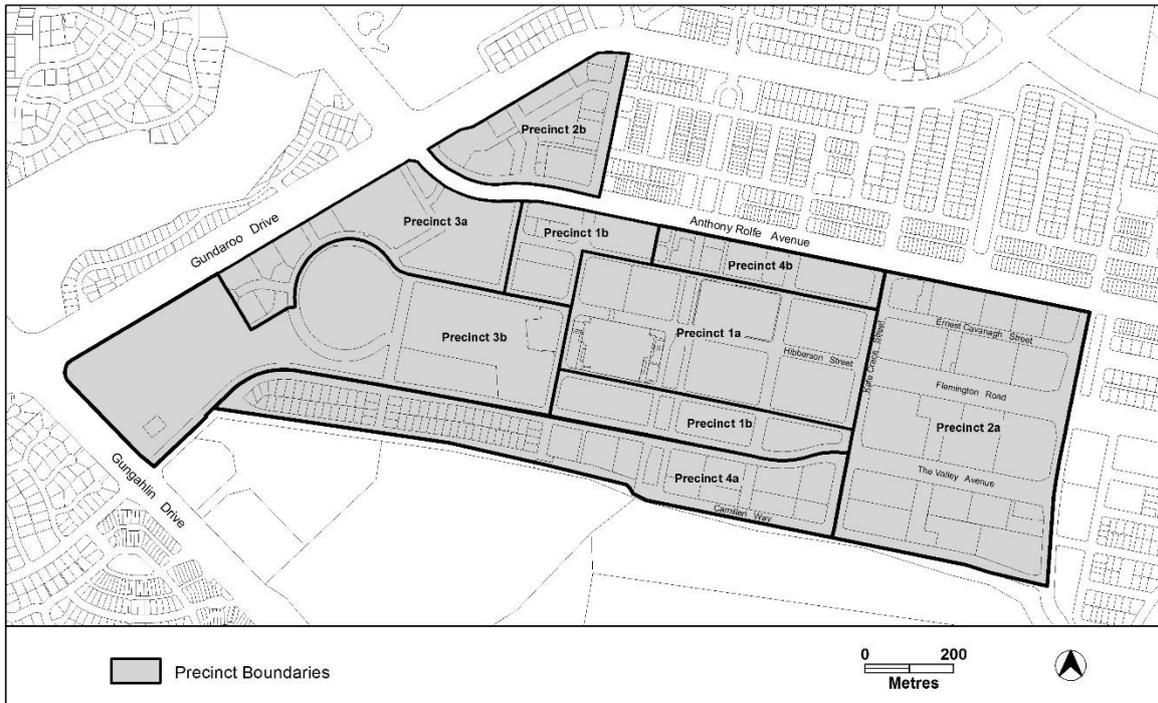


Figure 10 Precinct areas within the Gungahlin Town Centre

Gungahlin Town Centre has several precincts:

- Precinct 1a – Retail Core
- Precinct 1b – Retail Core Mixed Use
- Precinct 2a – Mixed Use East
- Precinct 2b – Mixed Use North West
- Precinct 3a – Services and Trades
- Precinct 3b – Major Community and Recreation Facilities
- Precinct 4a – Southern Transition
- Precinct 4b – Northern Transition

In this code:

Large retail anchor means a department store, cinema complex with more than 3 screens or a supermarket or retail outlet of 1200m² or more in *gross floor area*.

Precinct 1a – Retail core

The following elements apply to precinct 1a shown in Figure 10.

Element 8: Use

Rules	Criteria
8.1 Ground floor use	
<p>R22</p> <p>This rule applies to buildings with frontages to main pedestrian areas and routes as shown in Figure 11.</p> <p>One or more of the following uses are permitted 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>C22</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
8.2 Protection of retail expansion opportunities	
<p>R23</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1a:</p> <ul style="list-style-type: none"> a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i> 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.3 Development in Gungahlin Place	
<p>R24</p> <p>This rule applies to sections 36, 37 and 38.</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) a maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy c) is endorsed by the land custodian. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
8.4 Distribution and coordination of retail	
<p>R25</p> <p>Each section contains at least <i>one large retail anchor</i>.</p> <p>Note: The definition of <i>large retail anchor</i> can be found on the first page of Part C of this code.</p> <p>Note: This rule does not apply to unleased territory land including sections 36 and 37.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

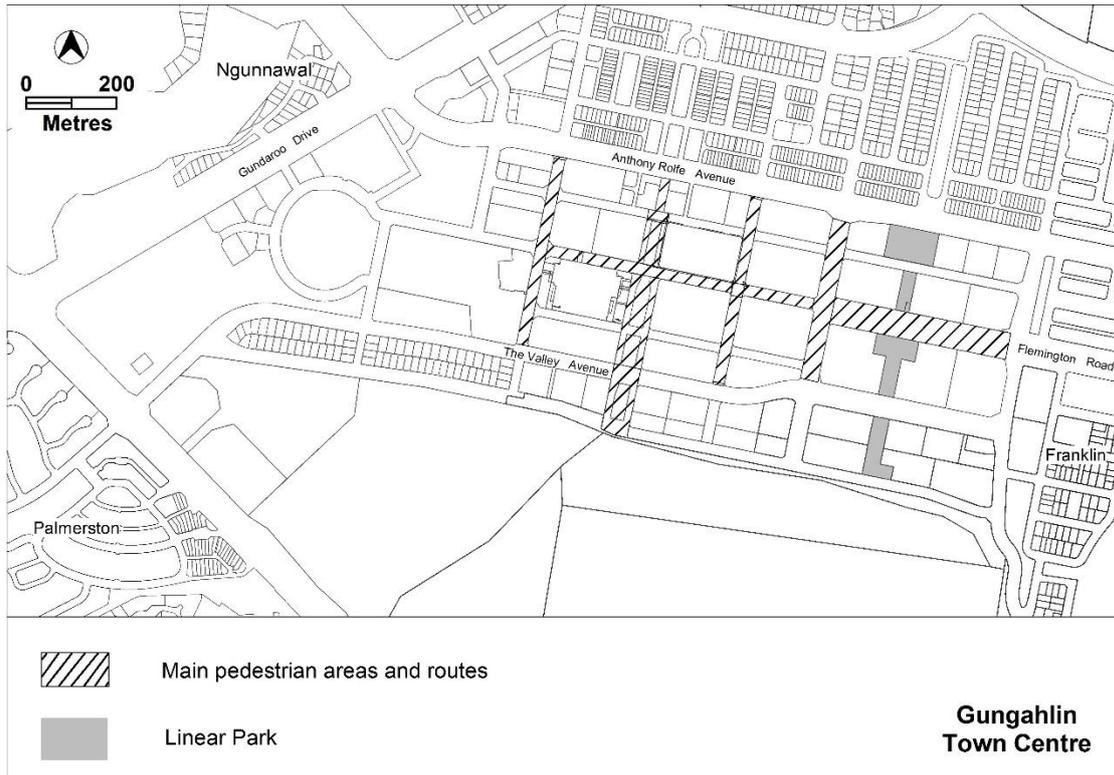
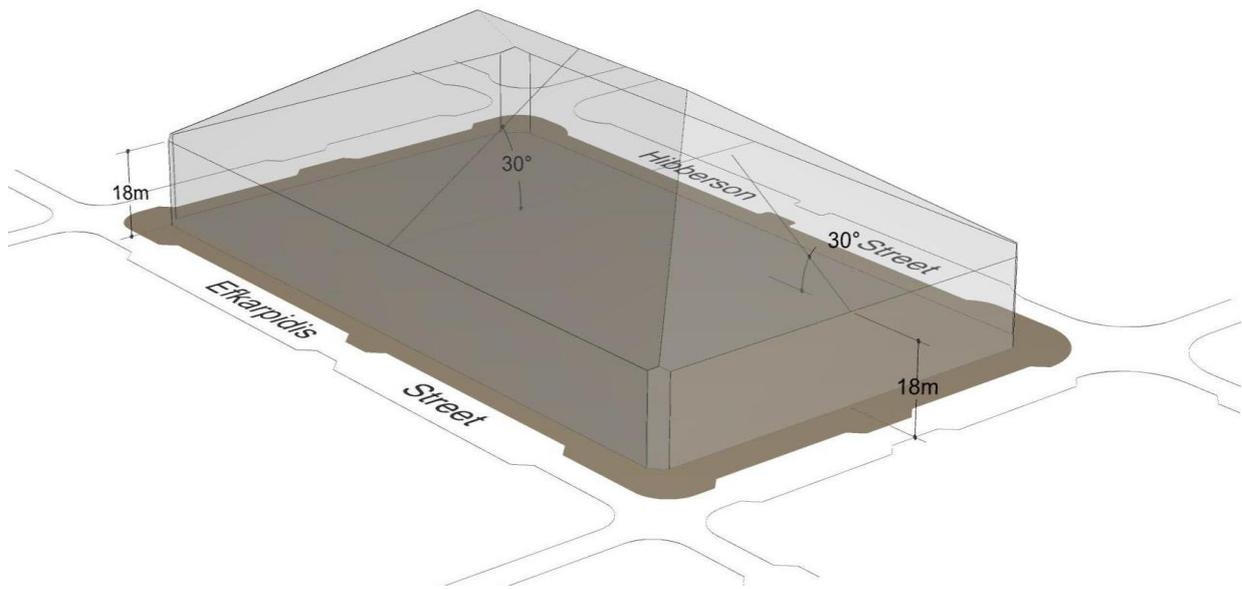


Figure 11 Main pedestrian areas and routes and linear park

Element 9: Buildings

Rules	Criteria
9.1 Building envelope	
<p>R26</p> <p>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in Figure 12.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Note: This illustration shows a potential built form within the building envelope

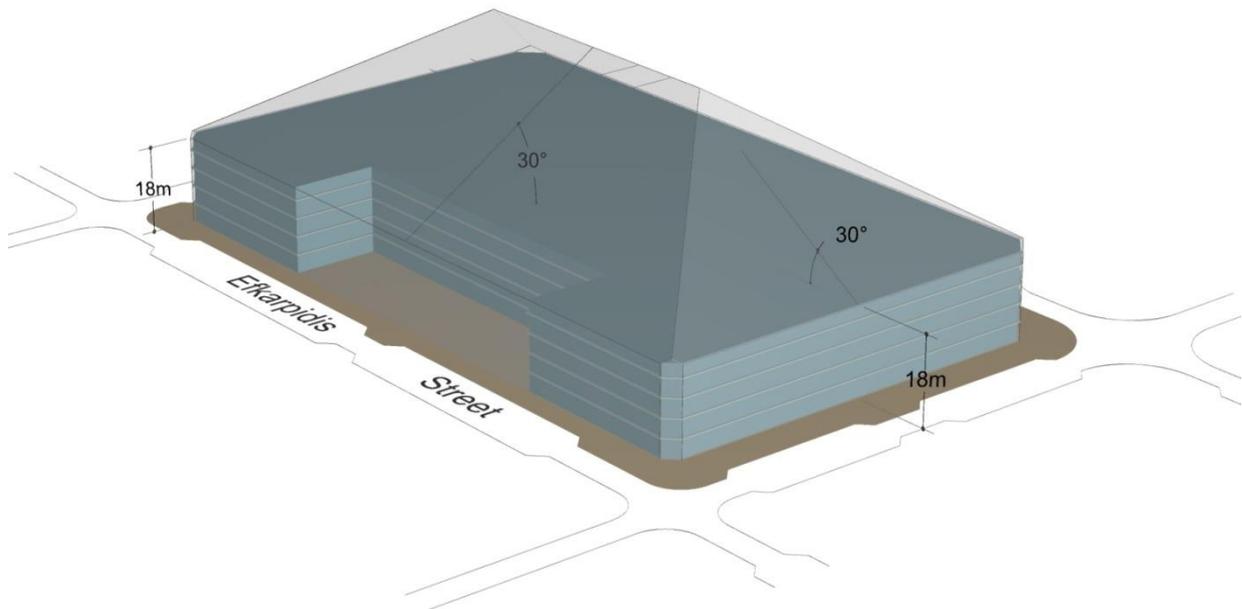


Figure 12 Building envelope in Precinct 1a (south side of Hibberson Street)

Rules	Criteria
9.2 Protection of solar access for activities on south side of Hibberson Street	
<p>R27</p> <p>For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>	<p>C27</p> <p>Buildings on the northern side of Hibberson Street are limited in height to ensure development on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>
9.3 Setbacks	
<p>R28</p> <p>Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.</p>	<p>C28</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with desired planning outcomes b) compatibility with adjacent development. <p>Minor setbacks in building alignment may be permitted to provide small spaces for active uses.</p>

Element 10: Built form

Rules	Criteria
10.1 Building Design	
<p>R29</p> <p>The minimum ground floor level floor to ceiling height is 3.6m.</p>	<p>C29</p> <p>Ground floor level of buildings is designed to be adaptable for commercial use.</p>
<p>There is no applicable rule.</p>	<p>C30</p> <p>Major public entrances of retail centres achieve all of the following:</p> <ul style="list-style-type: none"> a) are visible from the major public entrances of nearby retail centres b) provide convenient access between major public entrances of nearby retail centres.
10.2 Awnings	
<p>R31</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage identified as <i>mandatory active frontage</i> in figure 9 and a minimum of 50% of the building frontage identified along main pedestrian 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>areas and routes shown in Figure 11</p> <ul style="list-style-type: none">b) awnings are to be a minimum height of 3m in cantilever widthc) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) integrated with the building design at the first floor level.	
--	--

Precinct 1b – Retail core mixed use

The following elements apply to precinct 1b shown in Figure 10.

Element 11: Use

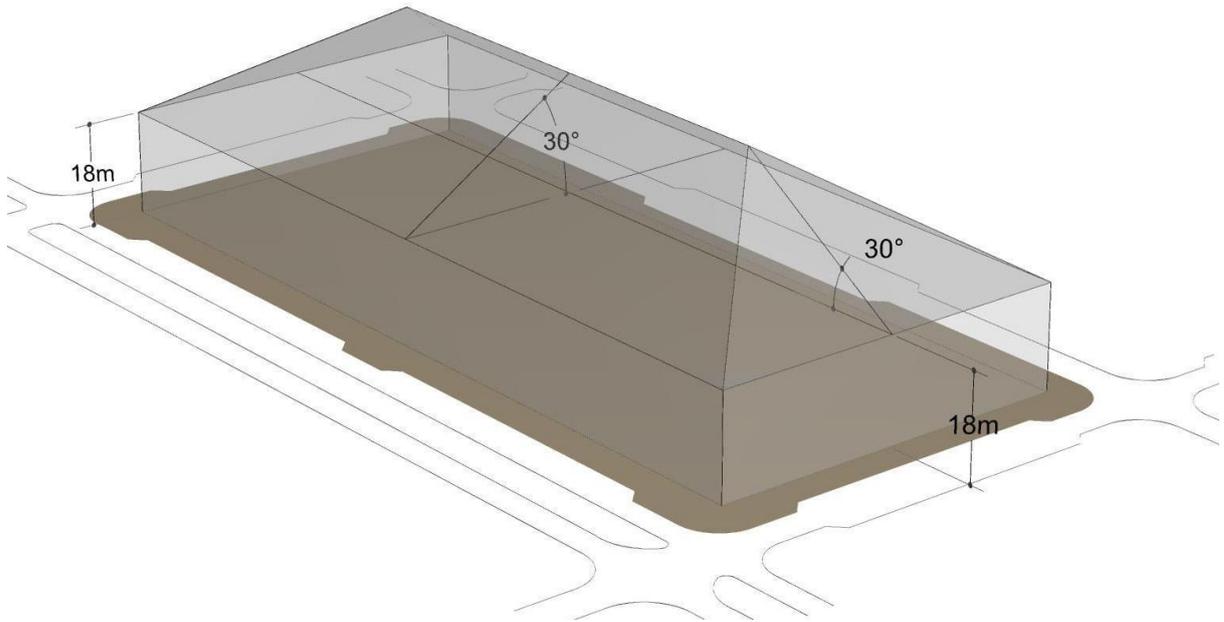
Rules	Criteria
11.1 Ground floor use	
<p>R32</p> <p>This rule applies to buildings with frontages to hatched area shown in Figure 11.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community 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>C32</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
11.2 Scale of retail activity	
<p>R33</p> <p>Until the five sections in Precinct 1a contains one (1) <i>large retail anchor</i>, the following uses in Precinct 1b are restricted to a maximum of 200m² <i>Gross Floor Area</i> per tenancy:</p> <ul style="list-style-type: none"> a) department store b) discount department store c) <i>supermarket</i> d) <i>SHOP</i> selling food <p>Note: This rule restricts the scale of the listed developments until the retail core area is developed. The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
11.3 Development in Gungahlin Place	
<p>R34</p> <p>This rule applies to sections 36, 37 and 38. Development achieves all of the following:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

a) maximum of 200m ² GFA per section b) a maximum of 75m ² GFA per tenancy c) is endorsed by the land custodian.	
Rules	Criteria
11.4 Serviced apartment and residential use	
R35 The following uses are not permitted on both the ground and first floors of buildings in Precinct 1b: a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i>	This is a mandatory requirement. There is no applicable criterion.

Element 12: Buildings

Rules	Criteria
12.1 Building envelope and setbacks	
R36 All building elements, including lift overruns and roof top plant are contained within the building envelope controls shown in Figure 13.	This is a mandatory requirement. There is no applicable criterion.
R37 Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11. This rule does not apply to the boundaries to Gungahlin Place of Section 226 Block 4 and Section 232 Block 1, Gungahlin.	C37 Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development Minor setbacks in building alignment may be permitted to provide small spaces for active uses.
There is no applicable rule.	C38 This criterion applies to Section 226 Block 4 and Section 232 Block 1, Gungahlin, but does not apply to the Gozzard Street frontage and Hinder Street frontage. Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development c) corner treatment with articulation in the building facade at the corner of Gungahlin Place and Efkarpidis Street d) where setbacks are proposed, reasonable space for active outdoor uses, the protection of any regulated trees, and the

	<p>provisions of landscaping</p> <p>e) for outdoor spaces adjacent to Gungahlin Place, landscaping consistent with the landscaping in Gungahlin Place.</p> <p>Note: R37 and C37 still apply to the Gozzard Street frontage and Hinder Street frontage.</p>
--	---



Note: This illustration shows a potential built form within the building envelope

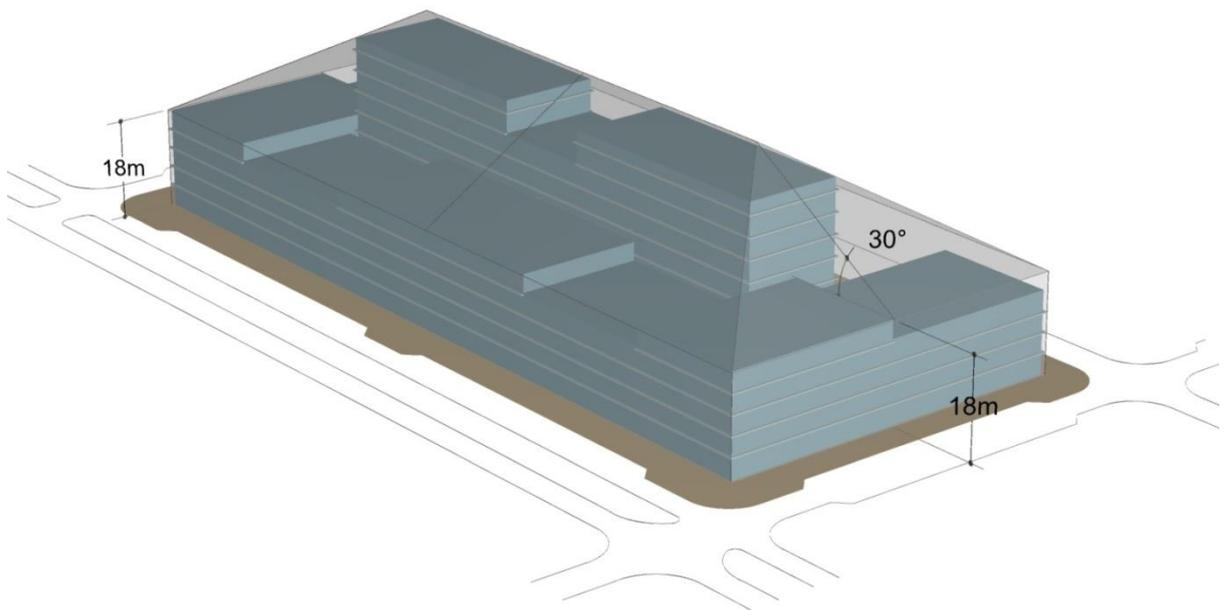


Figure 13 Building envelope in Precinct 1b

Element 13: Built form

Rules	Criteria
13.1 Building Design	
R39 The minimum ground floor level floor to ceiling height is 3.6m.	C39 Ground floor level of buildings is designed to be adaptable for commercial use.
13.2 Awnings	
R40 Buildings with front boundary setbacks less than 2m incorporate awnings that comply with all of the following: a) cantilevered for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) a minimum of 3m in cantilever width c) a minimum height of 3m above finished pavement or ground level of the verge d) integrated with the building design at the first floor level.	This is a mandatory requirement. There is no applicable criterion.

Precinct 2a – Mixed Use East

The following elements apply to precinct 2a shown in Figure 10.

Element 14: Use

Rules	Criteria
14.1 Protection of office development	
<p>R41</p> <p>Blocks 3 and 5 Section 231 will be exclusively for the development of commercial office and ancillary use.</p> <p>Note: In the event that these blocks are subdivided, the portion of the land adjacent to Flemington Road will be used exclusively for the commercial office.</p>	<p>C41</p> <p>The location and need for the commercial office may be reviewed within this precinct with the approval of the planning and land authority.</p>
<p>R42</p> <p>Rule 41 applies until 1 January 2023 or, until such time as nominated in writing by the relevant authority.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R43</p> <p>Buildings with active frontage – mandatory, identified in Figure 9 must not have RESIDENTIAL USE at ground level.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
14.2 Street level uses	
<p>R44</p> <p>A minimum of one (1) of the following uses is provided at the ground floor level adjacent to the street or main building entry for buildings of 2,000m² or greater:</p> <ul style="list-style-type: none"> a) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> with a maximum GFA of 200m². 	<p>C44</p> <p>Buildings facing main pedestrian areas and routes identified in Figure 11 incorporate uses that generate activity at the ground level in the public space.</p>

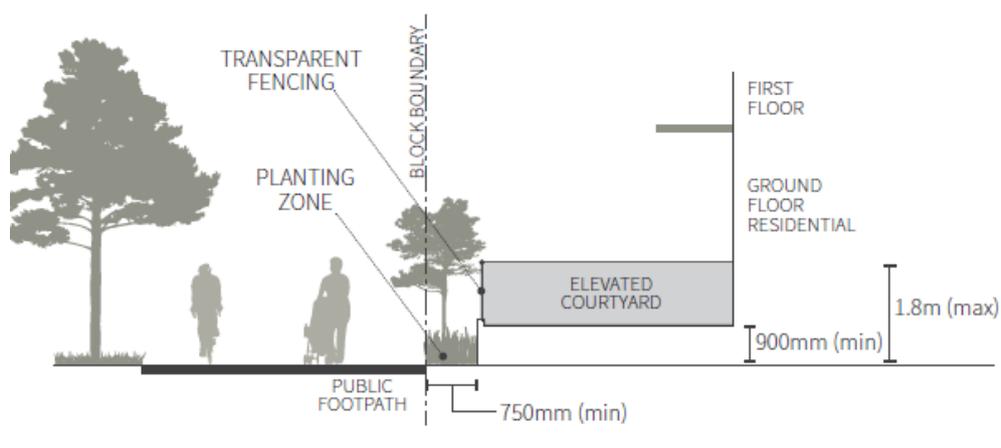
Element 15: Buildings

15.1 Maximum numbers of storeys	
<p>R45</p> <p>Maximum number of storeys will be as indicated in Figure 14.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

15.2 Minimum numbers of storeys	
<p>R46</p> <p>Minimum number of storeys will be:</p> <p>a) Building fronting Flemington Road: 4 storeys including podium.</p> <p>b) Building fronting northern side of the Valley Avenue: 3 storeys</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.3 Building setbacks	
<p>R47</p> <p>Notwithstanding Rule 50, minimum building setbacks identified in Figure 15 are:</p> <p>a) Flemington Road – nil setback</p> <p>b) Kate Crace Street and Manning Clarke Crescent between The Valley Avenue and Ernest Cavanagh – nil setback</p> <p>c) Anthony Rolfe Avenue – nil setback</p> <p>d) All other street frontages – 4m</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.4 Podium height and setback	
<p>R48</p> <p>This rule applies to buildings with non-residential components at ground level which front main pedestrian routes identified in Figure 11.</p> <p>Buildings achieve all of the following:</p> <p>a) minimum setback from the building line – 4m</p> <p>b) minimum podium height – 6.9m</p>	<p>C48</p> <p>Design of buildings at the ground and podium level promote human scale development.</p>
15.5 Above ground parking	
<p>R49</p> <p>Parking area above ground level is not permitted fronting the following roads:</p> <p>a) Flemington Road</p> <p>b) Manning Clarke Crescent</p> <p>c) Kate Crace Street</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.6 Building setback and articulation	
<p>R50</p> <p>Building podium fronting Flemington Road, Manning Clarke Crescent and The Valley Avenue will have a setback of 4m for 30% of the blocks <i>front boundary</i> length.</p>	<p>C50</p> <p>Building form and façades are articulated to reduce bulk of the development and promote an interesting streetscape.</p>

15.7 Master plan for blocks of more than 10,000m²	
There is no applicable rule.	<p>C51</p> <p>This criterion applies to new development on blocks of more than 10 000m².</p> <p>A site analysis must be undertaken to inform the development of a master plan for the block. The master plan must outline all of the following:</p> <ul style="list-style-type: none"> a) a variation in building height and form to reduce bulk and scale of the buildings b) location of communal open space c) how development will address adjoining streets, intersections, corners and open space d) provision for pedestrian mid-block links which: <ul style="list-style-type: none"> i) relate and contribute to the wider open space and pedestrian network ii) are publicly accessible at all times iii) provide high level of safety and amenity for users. e) site access for loading and delivery <p>The master plan must be agreed to by the planning and land authority prior to lodgement of a development application.</p>
15.8 Ground floor level	
<p>R52</p> <p>Where residential uses are permitted along a main pedestrian route, the level of any habitable floor will not be lower than the verge or pedestrian access level.</p>	<p>C52</p> <p>Ground floor design of the building to promote active street frontage.</p>
15.9 Awning	
<p>R53</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) Cantilevered awnings for the full extent of the building frontage identified as active frontage - mandatory in Figure 9 b) A minimum of 3m in cantilever width c) A minimum height of 3m above finished pavement or ground level of the verge d) Integrated with the building design at the first 	<p>This is a mandatory rule. There is no applicable criterion.</p>

floor level.	
15.10 Residential interface to street	
<p>R54</p> <p>Residential development at ground floor level where it fronts main pedestrian areas and routes identified in Figure 11 complies with all of the following:</p> <ol style="list-style-type: none"> minimum front boundary setback – 4m <i>private open space</i> behind the front fence will have a minimum finished ground level of 900mm above the finished verge level pedestrian access to individual <i>private open space</i> is provided from the <i>street</i> front fencing should comply with all of the following: <ol style="list-style-type: none"> minimum <i>front boundary setback</i> – 750mm maximum height above finished verge level – 1.8m area between the <i>front boundary</i> and the front fence is to be landscaped area behind the fence, within the <i>private open space</i>, is to be landscaped predominantly transparent designed to integrate with the streetscape <p>Note: the above controls are illustrated in Section 1.</p> <p>Note: the 4m setback for residential forms a component of the 30% building articulation required by Rule 49.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>



Section 1: Example of residential interface to street

Element 16: Open space

Rules	Criteria
16.1 Linear park	
<p>R55</p> <p>A series of open spaces to form a linear park will be consistent with Figure 11.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C56</p> <p>The linear park shown in Figure 11 shall be consistent with a landscape master plan and comply with all of the following:</p> <ul style="list-style-type: none"> a) unified and integrated park design b) high quality design and amenities including street furniture and lighting c) large canopy trees d) responds to adjacent developments.



Figure 14 Maximum number of storeys in Precinct 2a

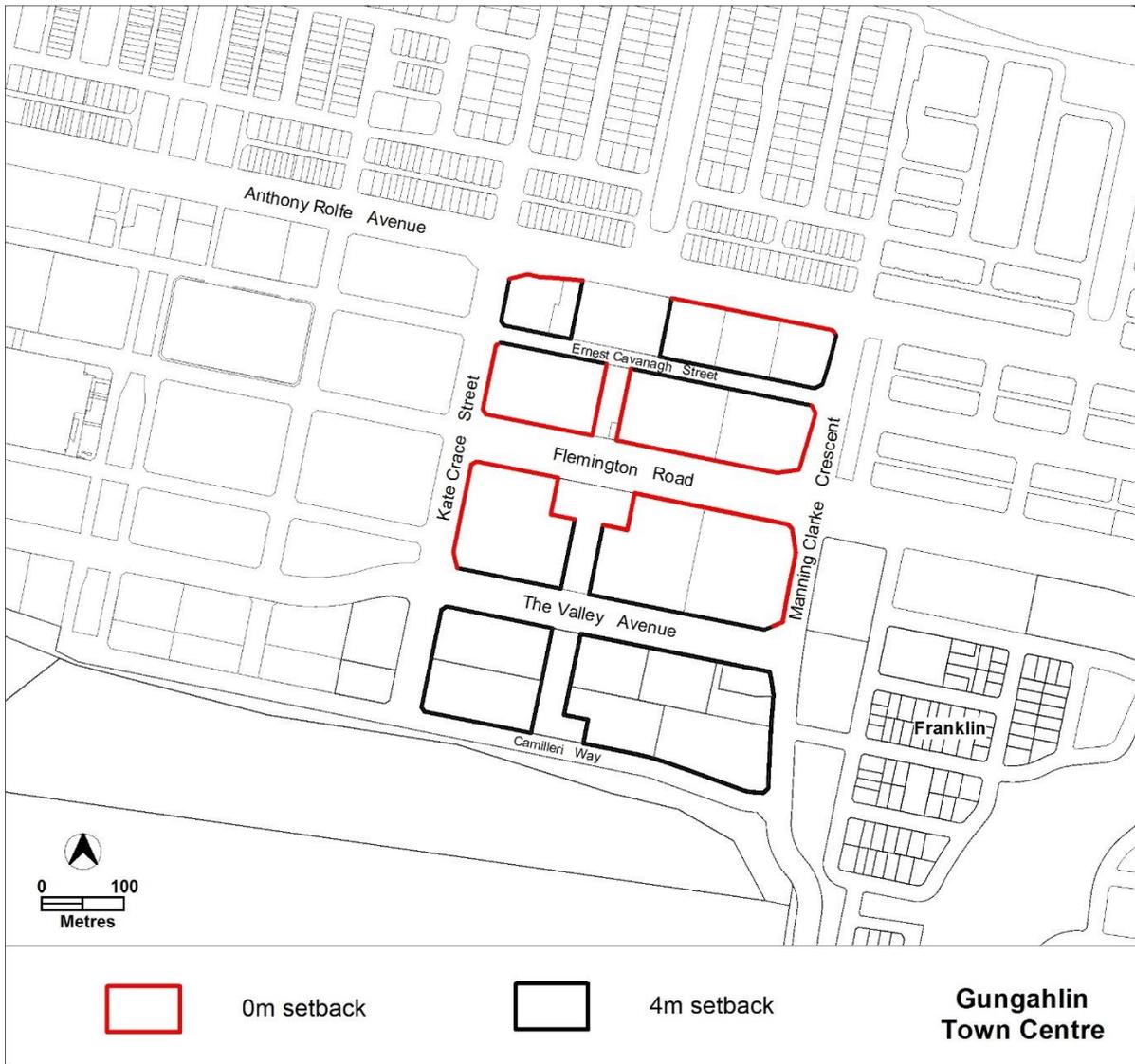


Figure 15 Setbacks in Precinct 2a

Element 17: Built form

Rules	Criteria
17.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C57</p> <p>To provide public entrances that are easily identifiable and convenient, the development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances to commercial and other uses provide a strong visual connection to the street b) the main building entrance relates to

	the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer.
<p>R58</p> <p>This rule applies to buildings fronting areas identified as main pedestrian areas and routes and linear park identified in Figure 11.</p> <p>New development provides articulated building entrance to the street and public space at grade with the adjoining verge or finished site levels.</p>	<p>C58</p> <p>Building entrance to address main pedestrian routes adjoining public open space.</p>
Rules	Criteria
17.2 Landscape	
There is no applicable rule.	<p>C59</p> <p>Provide a high quality landscape character to Precinct 2a Mixed Use East and achieve all of the following:</p> <ul style="list-style-type: none"> a) a documented landscape design showing how landscape associated with the development addresses all of the items described in criterion C20 in this code b) use vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with the north-south linear park, public spaces, reserves and public transport corridors.

Precinct 2b – Mixed Use North West

The following elements apply to precinct 2b shown in Figure 10.

Element 18: Use

Rules	Criteria
18.1 Street level uses	
<p>R60</p> <p>A minimum of one (1) of the following uses is provided at the ground floor level abutting the street or main building entry for buildings of 2,000m² or greater:</p> <ul style="list-style-type: none"> a) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> 	<p>C60</p> <p>Buildings abutting the street or main building entry incorporate uses that generate activity at the ground level in the public space.</p>

Element 19: Buildings

19.1 Number of storeys	
<p>R61</p> <p>Maximum number of storeys of any new development will be as specified in Figure 16.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
19.2 Podium height and setback	
<p>R62</p> <p>Commercial components within a building fronting a street will have at least 6.9 m podium height. Buildings over podium level will have a further minimum 4m setback from the building line.</p>	<p>C62</p> <p>Integrated building design for ground and upper level to promote a human scale for the pedestrians.</p>
<p>R63</p> <p>Building podium fronting Anthony Rolfe Avenue, Gundaroo Drive and Swain Street will have a setback of 4m for minimum of 30% of the site's front boundary length.</p>	<p>C63</p> <p>Articulated building form and façade to reduce the bulk of the development and promote interesting streetscape.</p>

Element 20: Built form

Rules	Criteria
20.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C64</p> <p>To provide public entrances that are easily identifiable and convenient, the development provides all of the following:</p> <ol style="list-style-type: none"> entrances to commercial and other uses provide a strong visual connection to the street the main building entrance relate to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer provide articulated building entrance to the street and/ or public space at grade with the adjoining verge or finished <i>site</i> levels.

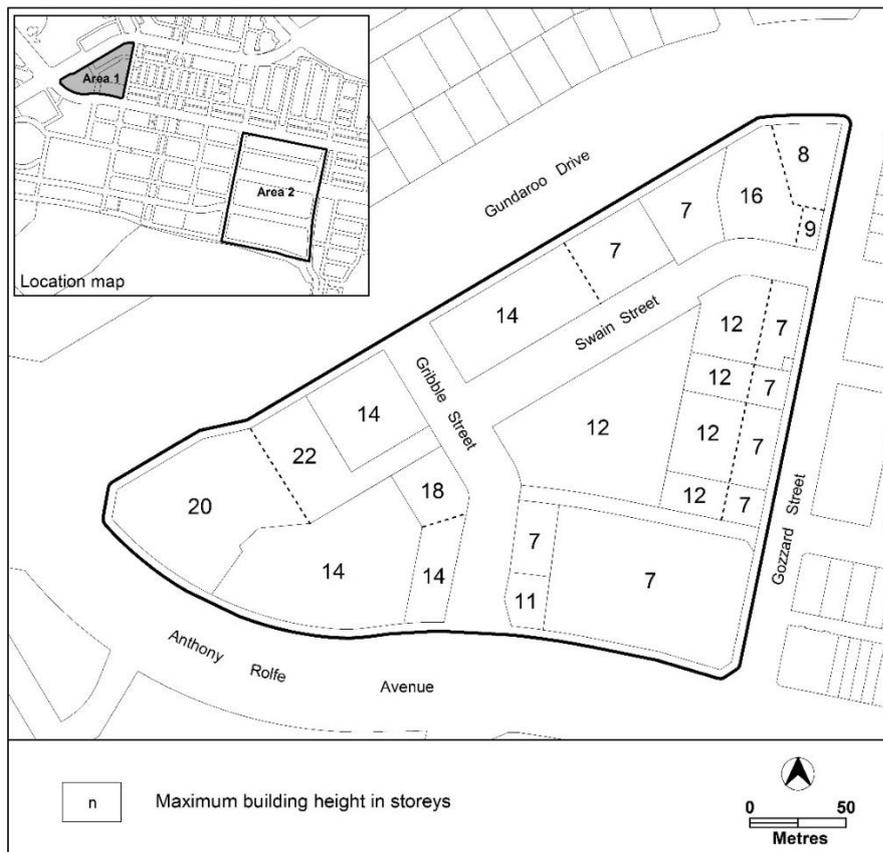


Figure 16 Maximum numbers of storeys in Precinct 2b

Precinct 3a – Services and Trades

The following elements apply to precinct 3a shown in Figure 10.

Element 21: Buildings

Rules	Criteria
21.1 Height and setbacks	
<p>R65</p> <p>Maximum <i>height of buildings</i> is 14 metres above the <i>datum ground level</i>.</p>	<p>C65</p> <p><i>Height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing character in the Service Trades Precinct b) is appropriate to the scale and function of the use c) minimise detrimental impact to adjacent open space and development, including overshadowing and excessive scale.
<p>R66</p> <p>Buildings maintain a continuous <i>building line</i> along Hibberson Street.</p>	<p>C66</p> <p>Building setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) frontages to Hibberson Street maintain a continuous <i>building line</i> b) setbacks in building alignment may be permitted where it provides small spaces for active uses and / or building entrances.

Element 22: Built form

22.1 Building design	
<p>There is no applicable rule.</p>	<p>C67</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, the development is to provide all of the following:</p> <ul style="list-style-type: none"> a) entrances provide a strong visual connection to the street and ensure a high level of surveillance b) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i>.

Precinct 3b – Major community and recreation facilities

The following elements apply to precinct 3b shown in Figure 10.

Element 23: Buildings

Rules	Criteria
23.1 Height and setbacks	
<p>R68</p> <p>Maximum <i>height of buildings</i> is 14m above the <i>datum ground level</i>.</p>	<p>C68</p> <p>Maximum <i>height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.
<p>R69</p> <p>A minimum setback of 6 metres applies to Warwick Street and The Valley Avenue street frontages.</p>	<p>C69</p> <p>Setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.

Element 24: Built form

Rules	Criteria
24.1 Building design	
<p>There is no applicable rule.</p>	<p>C70</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances have a strong visual connection to the street b) ensure a high level of surveillance c) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i> d) building frontage onto The Valley Avenue is to provide articulation in the building facade.

Element 25: Amenity

Rules	Criteria
25.1 Open space	
There is no applicable rule.	<p>C71</p> <p>Provide a landscape buffer along the southern <i>block</i> boundary parallel to The Valley Avenue that achieves all of the following:</p> <ul style="list-style-type: none">a) variety in vegetation species and sizesb) vegetation types and landscaping styles that complement the <i>streetscape</i> character, particularly street trees on The Valley Avenue, public spaces and reservesc) is appropriate to the bulk and scale of the development.

Precinct 4a – Southern transition

The following elements apply to precinct 4a shown in Figure 10.

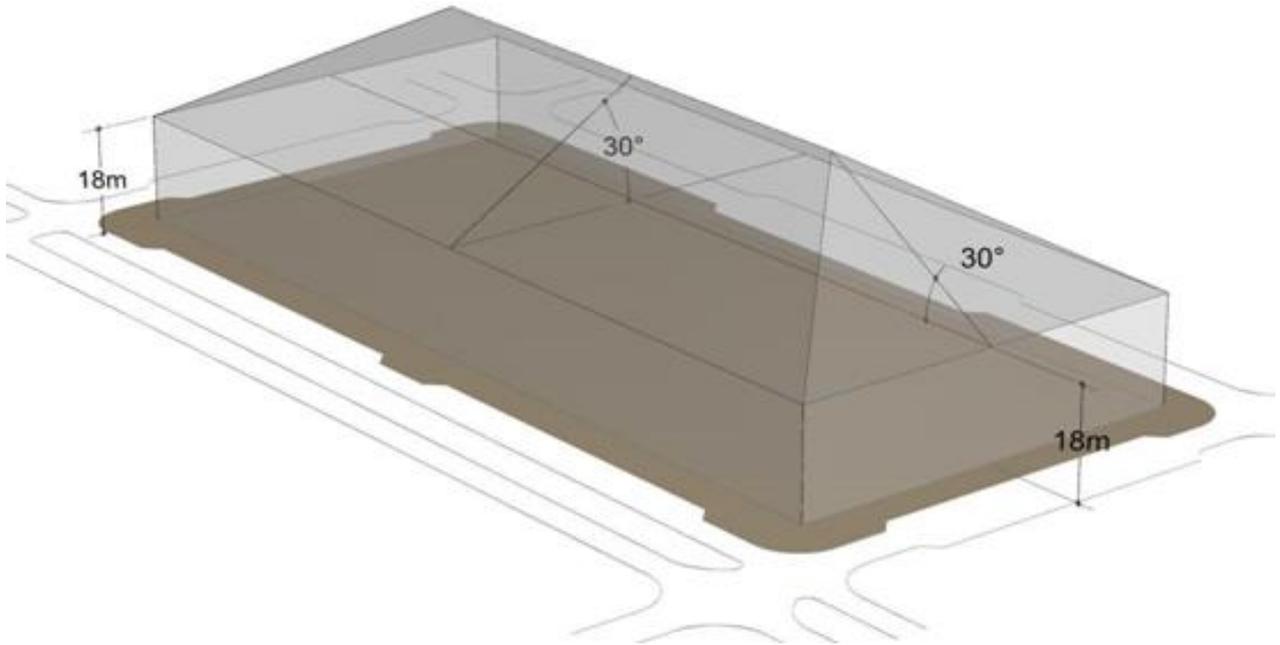
Element 26: Buildings

Rules	Criteria
26.1 Building envelope	
<p>R72</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in Figure 17.</p> <p>Note: Building envelopes shown in Figure 17 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
26.2 Redevelopment of sections 21 and 22 Gungahlin	
<p>R73</p> <p>Redevelopment, other than for a single <i>dwelling</i>, requires the amalgamation of a minimum of six (6) adjoining <i>blocks</i>. The resulting <i>block</i> is required to have a minimum area of 3000 m² and approximately equal frontage to both The Valley Avenue and Delma View.</p> <p>Note: Where <i>block</i> amalgamation is approved, registered Lease and Development Conditions for individual <i>blocks</i> are no longer considered.</p>	<p>C73</p> <p>Amalgamation of less than six (6) <i>blocks</i> is permitted where less than six (6) adjoining single <i>dwelling blocks</i> remain in a section and these adjoining single <i>dwelling blocks</i> are all amalgamated. The resulting <i>block</i> is required to have approximately equal frontage to both The Valley Avenue and Delma View.</p>
<p>R74</p> <p>Redevelopment of more than two <i>blocks</i> for other than a single <i>dwelling</i> is not permitted where it adjoins an existing single <i>dwelling</i> that has an existing or approved redevelopment on the other side boundary, unless the single <i>dwelling site</i> is included in the amalgamation of <i>sites</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R75</p> <p>Subdivision, amalgamation and boundary realignments of <i>blocks</i> resulting in single <i>dwelling</i> development is not permitted.</p>	<p>C75</p> <p>Minor boundary realignments to the side boundaries of redevelopment <i>sites</i> shared with single <i>dwelling blocks</i> is only permitted where the resulting development on the affected <i>blocks</i> is consistent with Rule R56 and Rule R57 of this Code.</p>
<p>R76</p> <p>Redevelopment shall not result in the reduction of the <i>dwelling</i> numbers on the subject <i>blocks</i> to below that the existing at the close of business on 30 November 2010.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R77</p> <p>Development is built to a minimum 4m <i>front boundary</i> setback to all street frontages.</p>	<p>C77</p> <p>Minor encroachments into the front setback are permitted to allow for elements such as awnings, sun shading and roof overhang.</p>
<p>R78</p> <p>Articulation is provided to a minimum depth of 2m behind the front setback to all street frontages for all <i>storeys</i> in the development.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>26.3 Bushfire</p>	
<p>R79</p> <p>This rule applies to blocks or parcels in locations identified in Figure 18.</p> <p>Buildings are constructed in accordance with Australian Standard AS 3959 – Construction of buildings in bushfire-prone areas.</p> <p>Compliance with this rule is demonstrated by a report by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 27: Built form

27.1 Building design	
<p>There is no applicable rule.</p>	<p>C80</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points providing interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and residential uses are to provide a strong visual connection to the street d) entrances ensure a high level of surveillance.



Note: The following illustration shows a potential built form within the building envelope

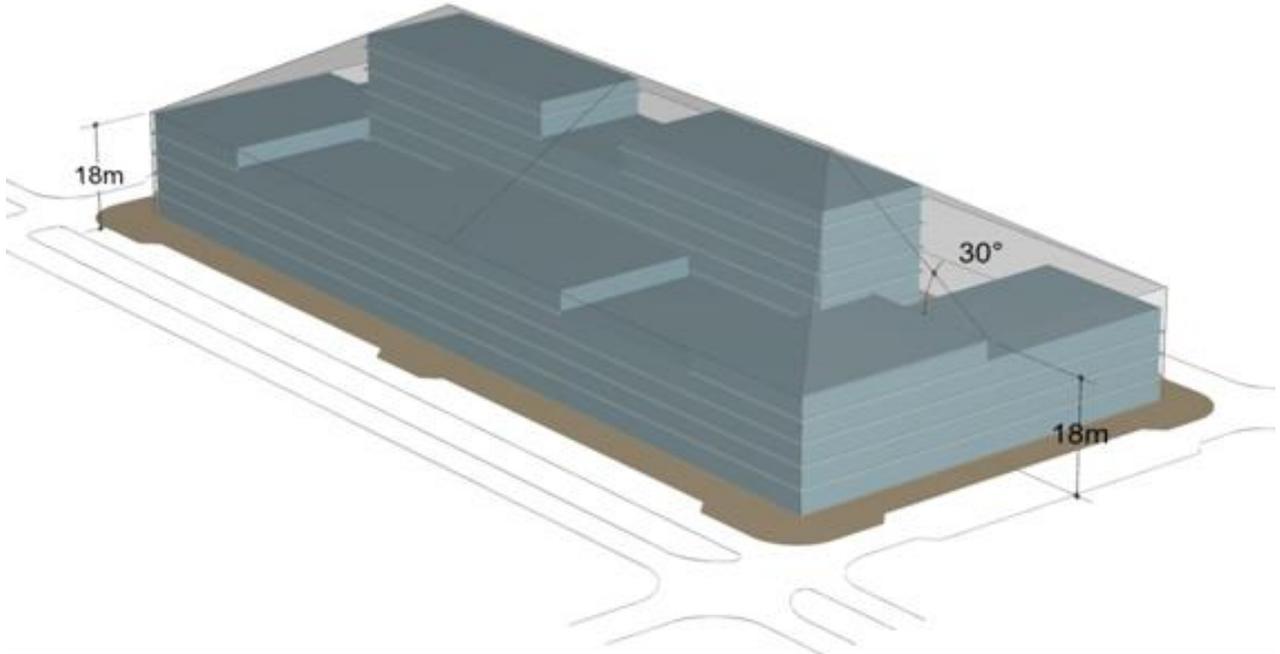


Figure 17 Building envelopes in Precinct 4a and Precinct 4b

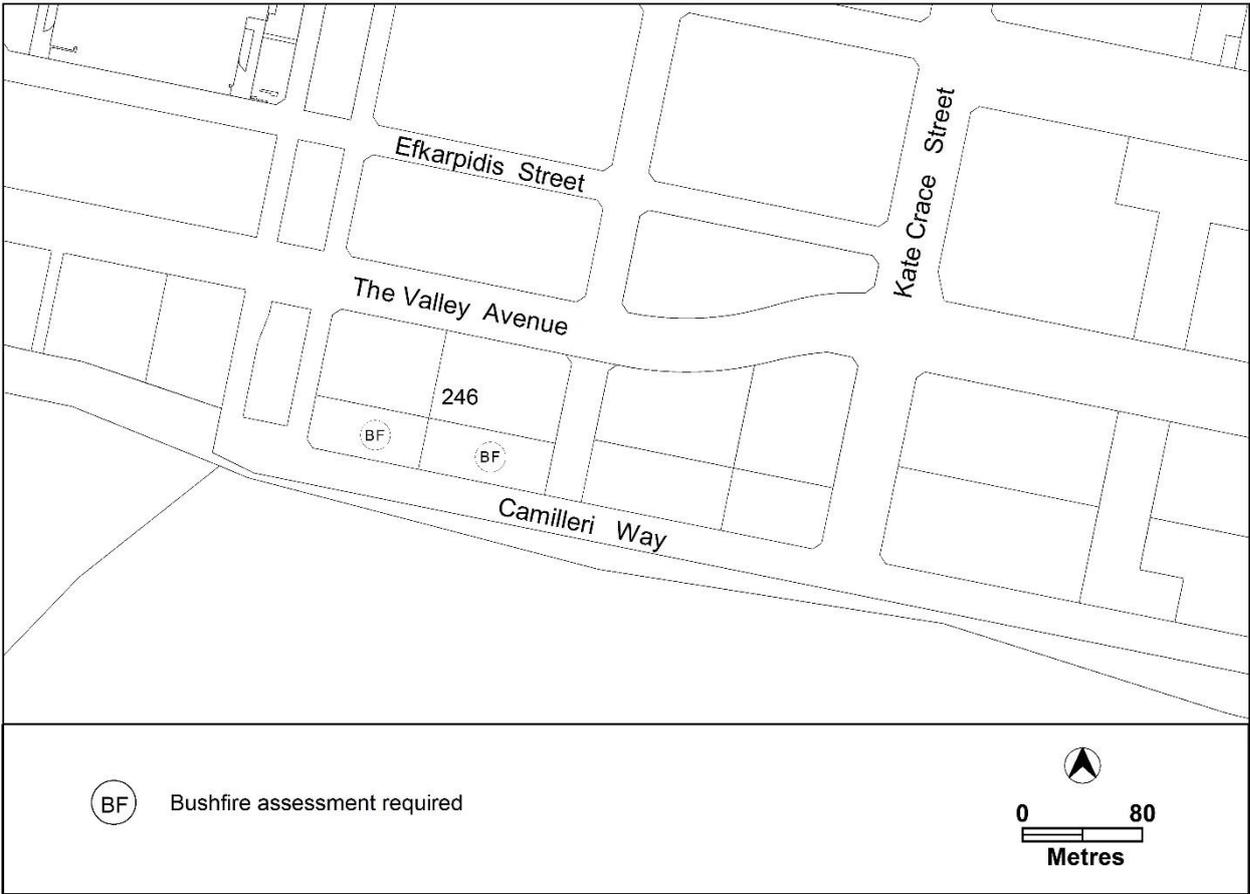


Figure 18 **Bushfire controls**

Precinct 4b – Northern transition

The following elements apply to precinct 4b shown in Figure 10.

Element 28: Buildings

Rules	Criteria
28.1 Building envelope and setbacks	
<p>R81</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in Figure 17.</p> <p>Note: Building envelopes shown in Figure 17 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R82</p> <p>Buildings are joined at party walls and built to the front property boundary along Anthony Rolfe Avenue and main pedestrian areas and routes identified in Figure 11.</p>	<p>C82</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) strong urban edge for the town centre along Anthony Rolfe Avenue b) compatibility with adjacent development c) consistency with desired planning outcomes.

Element 29: Built form

Rules	Criteria
29.1 Building design	
<p>There is no applicable rule.</p>	<p>C83</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing all of the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points giving interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and lobbies to residential use are to provide a strong visual connection to the street and ensure a high level of surveillance.

Rules	Criteria
<p>R84</p> <p>Where the building frontage incorporates commercial uses at ground floor, buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC2 – Mixed use commercial development area

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

Element 30: Use

Rules	Criteria
30.1 Ground floor use	
<p>R85</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP</i>. 	<p>C85</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
30.2 Ground floor use – floor area limit	
<p>R86</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>Restaurant</i> g) <i>SHOP</i> <p>the maximum <i>gross floor area</i> per establishment or tenancy is 200m².</p>	<p>C86</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to <i>RESIDENTIAL USE</i> b) services the local residents only

Element 31: Buildings

Rules	Criteria
30.3 Number of storeys	
<p>R87</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C87</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) compatibility with the <i>desired character</i> b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> <p>The maximum number of <i>storeys</i> is 4.</p>

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Gungahlin Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Gungahlin residential area

This part applies to blocks and parcels identified in area OP1 shown on the Gungahlin Precinct Map.



Figure 19 Gungahlin residential area ongoing provisions