

# Planning and Development (Draft Variation No 368) Consultation Notice 2019

Notifiable instrument NI2019—806

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification)

---

## 1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 368) Consultation Notice 2019*.

## 2 Draft variation to the Territory Plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 368 – City and Gateway South Northbourne Avenue Corridor (the **draft variation**) to vary the Territory Plan. The Draft Variation No 368 incorporates a number of recommendations from the City and Gateway Urban Design Framework for development along Northbourne Avenue between Mouat/Antill Street and Barry Drive/Cooyong Street. The draft variation also replaces the Northbourne Avenue precinct code and Inner North precinct code with the proposed Northbourne Avenue Corridor precinct code.

## 3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
  - (a) the draft variation; and
  - (b) the background papers relating to the draft variation.
- (2) Copies of the documents mentioned in section 3 (1) are available for inspection and purchase at Access Canberra 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 28 February 2020 (the **consultation period**).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the Consultation Period online at <https://www.planning.act.gov.au/tools-resources/plans-registers/plans/territory-plan/draft-variations-to-the-territory-plan>

## **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](mailto:terrplan@act.gov.au); or
  - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
  - (c) hand delivery to Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

*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](http://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**

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

## **7 Obtaining further information**

Further information about the draft variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at [terrplan@act.gov.au](mailto:terrplan@act.gov.au). A reference to the draft variation should be included in any email.

**8      Meaning of *draft plan variation No 368 – City and Gateway South Northbourne Avenue Corridor***

In this instrument:

*draft plan variation No 368 – City and Gateway South Northbourne Avenue Corridor* means the draft plan variation in the schedule.

Carolyn O'Neill  
Delegate of the planning and land authority  
12 December 2019



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Schedule

*Planning and Development Act 2007*

# **Draft Variation to the Territory Plan 368**

**City and Gateway South**  
**Northbourne Avenue Corridor**  
**(Barry Drive/Cooyong Street to Antill/Mouat Street)**

**December 2019**

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

# Contents

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Summary of the Proposal.....	1
1.2	Outline of the process .....	1
1.3	This document.....	2
1.4	Public Consultation.....	2
<b>2.</b>	<b>EXPLANATORY STATEMENT .....</b>	<b>4</b>
2.1	Background .....	4
2.2	Site Description .....	4
2.3	Current Territory Plan Provisions .....	6
2.4	Proposed Changes.....	7
2.4.1	<b>Proposed Changes to the Territory Plan Map .....</b>	<b>7</b>
2.4.2	<b>Proposed Changes to Territory Plan.....</b>	<b>7</b>
2.5	Reasons for the Proposed Draft Variation.....	8
2.6	Planning Context.....	9
2.6.1	<b>National Capital Plan .....</b>	<b>9</b>
2.6.2	<b>ACT Planning Framework .....</b>	<b>9</b>
2.7	Interim Effect .....	11
2.8	Consultation with Government Agencies.....	12
<b>3.</b>	<b>DRAFT VARIATION .....</b>	<b>18</b>
3.1	Variation to the Territory Plan.....	18

# 1. INTRODUCTION

## 1.1 Summary of the Proposal

The draft variation implements the planning recommendations of the City and Gateway Urban Design Framework (the Framework) for areas between Barry Drive/Cooyong Street and Antill/Mouat Street, and will amend the Territory Plan by:

- merging the Inner North and Northbourne Avenue precinct maps and codes to create the Northbourne Avenue Corridor Precinct Code
- modernising and clarifying existing provisions of the Inner North and Northbourne Avenue Precinct Codes
- incorporating changes and updates to the Territory Plan to remain consistent with the National Capital Plan, and
- updating other associated precinct codes (Braddon, Turner, O'Connor, Dickson and Lyneham) to provide consistency with the changes above, such as changing the reference in the precinct codes from Northbourne Avenue and Inner North Precinct Code to Northbourne Avenue Corridor Precinct Code.

## 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 that 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 Director-General of EPSDD is the planning and land authority.

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

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

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD (planning and land authority) 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 if it chooses to report on the DV before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

### **1.3 This document**

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

Part 1 This Introduction

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

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

### **1.4 Public Consultation**

Written comments about the draft variation are invited from the public by **28 February 2020**.

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

Comments can be:

- emailed to [terrplan@act.gov.au](mailto: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 received with respect to the draft variation 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](http://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 City and Gateway Draft Urban Design Framework**

The Australian Government through the National Capital Authority (NCA) and the ACT Government share planning responsibility in the ACT. The City and Gateway Draft Urban Design Framework (the Framework) has been jointly prepared by the NCA and ACT Government to set the principles for development and growth in the city centre and along the gateway corridor of Northbourne Avenue and Federal Highway. The Framework provides a long-term vision and principles for this important location, drawing upon the legacy of historic planning and contemporary design.

Implementation of the planning recommendations of the Framework will require amendments to the Territory Plan. This draft variation seeks to implement the key planning controls recommended in the Framework for the section of the gateway corridor from Barry Drive/Cooyong Street to Antill/Mouat Street.

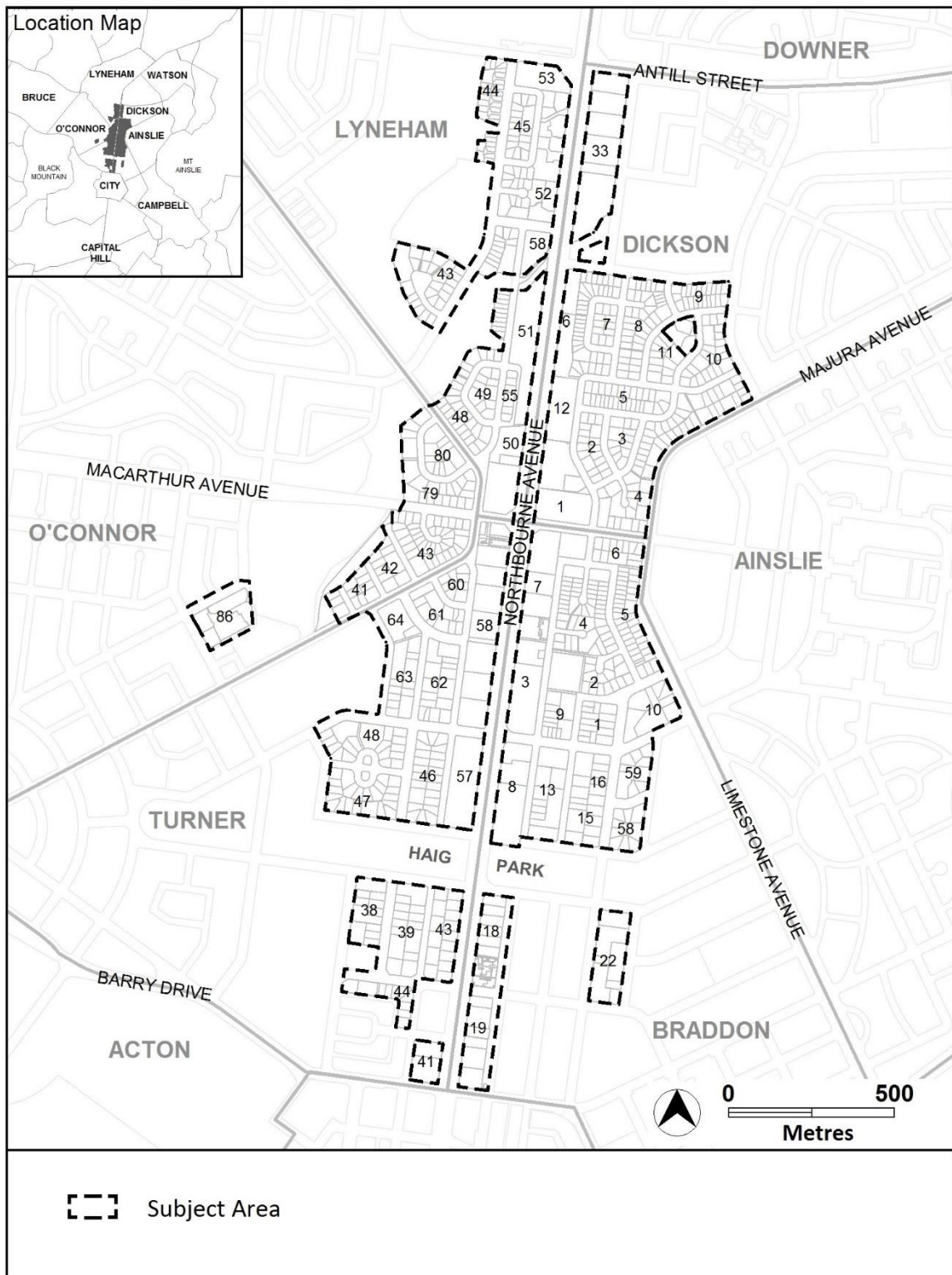
The review of the corridor has also provided the opportunity to review the Inner North precinct code, which covers multi-unit residential development on land adjoining the Northbourne corridor. The provisions contained in the Inner North precinct code have been reviewed and updated for inclusion into this draft variation as part of the proposed Northbourne Avenue Corridor precinct code.

### **2.2 Site Description**

The subject area covered by this variation is the Northbourne Avenue Corridor between Barry Drive/Cooyong Street and Antill/Mouat Street as shown in

**Figure 1.** The subject area includes:

- land currently subject to the Northbourne Avenue Precinct Code and the Inner North Precinct Code
- blocks in Braddon and Turner which currently have to comply with the Inner North and Northbourne Avenue precinct codes but were not included in either of the codes.

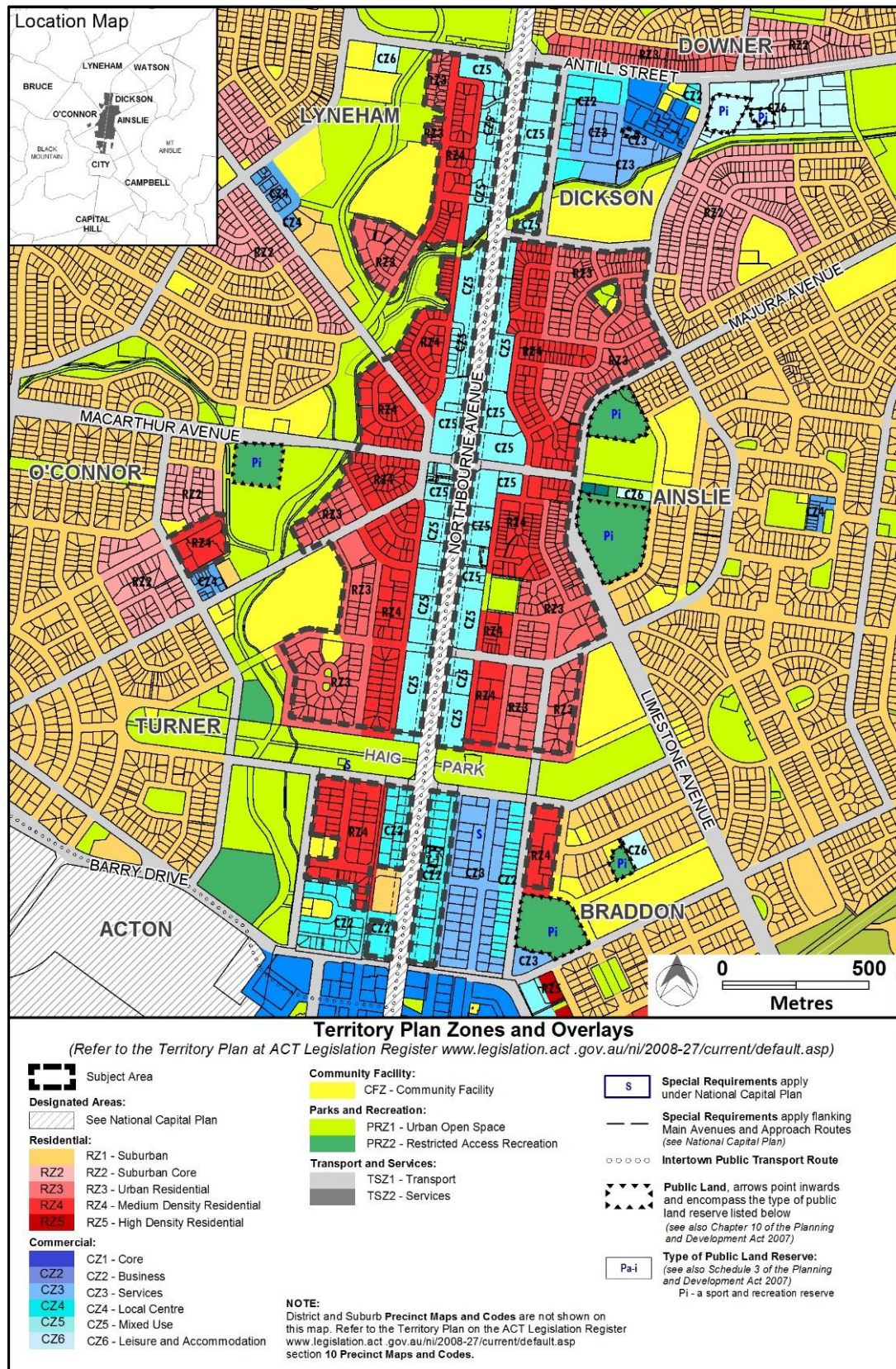


**Figure 1 Location map**



## 2.3 Current Territory Plan Provisions

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



**Figure 2 Territory Plan Zones Map**

## **2.4 Proposed Changes**

### **2.4.1 Proposed Changes to the Territory Plan Map**

There are no proposed zoning changes to the Territory Plan Map.

### **2.4.2 Proposed Changes to Territory Plan**

This draft variation proposes to change the Territory Plan in the following ways:

- A. Implementing the key planning policies set out in the City and Gateway Urban Design framework for blocks along the Northbourne Avenue corridor between the Barry Drive/Cooyong Street intersection and Antill/Mouat Street intersection.

The key planning policy recommendations include revising the existing built form controls including changes to building heights and setbacks, building length and separation between buildings as well as amendments to site controls such as open space requirements, deep soil zones and landscape character.

These controls will be incorporated into the proposed Northbourne Avenue Corridor Precinct Code (NACPC).

- B. Merging the Northbourne Avenue precinct code and the Inner North precinct code with parts of the Braddon and Turner Precinct Codes to create the Northbourne Avenue Corridor Precinct Code (NACPC)
- C. Removing 'shop' as a prohibited use from sections 18 and 19 Braddon and section 43 Turner
- D. Modernising and clarifying existing provisions of the Northbourne Avenue and Inner North Precinct Codes.

Many of the current provisions of the abovementioned codes will be replaced in the NACPC by new planning provisions recommended in the Framework. Those provisions that have been carried over to the NACPC from the abovementioned codes have been reviewed and clarified to provide better and more consistent development assessment practices.

- E. Changes and updates to the Territory Plan to maintain consistency with the National Capital Plan

The National Capital Authority introduced Amendment 91 - City and Gateway Urban Design Provisions to the National Capital Plan (NCP) to implement its interest in the Framework by establishing detailed planning and design criteria for development on land flanking Northbourne Avenue and the Federal Highway. Various changes will be made to make sure the Territory Plan is consistent with Amendment 91 to the NCP and recommendations of the City and Gateway Framework. To minimise the potential for inconsistencies between the planning provisions of the Territory Plan and planning and design criteria in the NCP, many of the provisions of the NCP have not been duplicated in this draft variation.

F. Updating of other precinct codes

The Braddon, Turner, O'Connor, Dickson and Lyneham precinct codes will be updated to maintain consistency with the changes above. These changes will primarily be changing the reference in these codes from 'Northbourne Avenue Precinct code' or 'Inner North Precinct Code' to 'Northbourne Avenue Corridor Precinct Code'.

## 2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are to amend the Territory Plan to:

- permit a greater range of commercial retail uses in sections close to the city
- update and consolidate the planning policy provisions applying to the Northbourne Avenue corridor
- incorporate the planning policy recommendations of the City and Gateway framework into the Territory Plan
- amend the Territory Plan to maintain consistency with the National Capital Plan as amended by Amendment 91
- provide guidance on the desired built form character for development within the corridor
- merge the Northbourne Avenue and Inner North Precinct Codes to create the proposed Northbourne Avenue Corridor Precinct Code (NACPC) to reflect the holistic strategic planning approach for the Corridor. The creation of the NACPC means that provisions of the Territory Plan are located in fewer codes. The creation of the new precinct code also provides opportunities to guide development along the newly completed light rail corridor
- make sure that the Territory Plan is consistent with the National Capital Plan.

## 2.6 Planning Context

### 2.6.1 National Capital Plan

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

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

### 2.6.2 ACT Planning Framework

#### Statement of Strategic Directions

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

**1.5** *Planning policies will seek to ensure the efficient use of all resources and to reduce consumption of non-renewable resources. Waste minimisation, reuse and recycling will be encouraged, whilst energy-rating and conservation measures will be applied wherever appropriate, particularly in transport, subdivision planning, and building design and construction.*

The Framework recommends that buildings are designed for the long term to minimise energy use. This variation will require that new buildings are responsive to Canberra's climate and make optimal use of natural light and ventilation.

**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.*



Light rail, integrated with the bus network, provides frequent, reliable and high-amenity public transport in the corridor. This variation requires improved walking and cycling connections (mid-block links through some blocks facing Northbourne to improve east-west access and permeability of sites) which will further increase options for sustainable movement along the corridor.

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

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

The Framework recognises the value of creating spaces that enable workers, residents and visitors to incorporate physical activity into their daily lives. The Framework recommends that public spaces are designed to support safe, healthy and active lifestyles so that it is easy for workers, residents and visitors to be active in the urban environment on a daily basis for greater physical and mental health and wellbeing.

This variation will require:

- mid-block links through some blocks facing Northbourne Avenue
- generous setbacks and separation distances between buildings and for these spaces to be landscaped to a high quality
- active street frontages at strategic locations, and
- dwelling mix to cater for a diversity of household sizes.

**2.14** *Policies and procedures to promote high quality, creative design of development, urban spaces and landscape settings will be applied throughout the Territory, and innovation encouraged, in keeping with the spirit of the National Capital as an exemplar of best practice. Particular care will be taken to ensure high-amenity, quality design outcomes within residential areas, heritage areas, major centres and activity nodes, and along principal approach routes. The relationship between the public and private realms will also be emphasised in terms of the design quality of precincts and shared spaces, including spaces around buildings, as well as that of individual developments.*

The Framework sets out a vision for buildings and public spaces along the Corridor that exhibit design excellence commensurate with the corridor's national significance. This variation will introduce new controls that set higher standards for the design of buildings and public spaces. Where possible, these controls provide flexibility to allow for innovative design responses.

**2.15** *Policies will acknowledge Canberra as the national capital and the symbolic heart of Australia and will seek to preserve the landscape features that give the national capital its character and setting; respect and reinforce the key elements of Walter Burley Griffin's formally adopted plan for Canberra within the proposed urban settlement pattern; enhance and strengthen approaches and backdrops to the city and its national institutions; conserve open space between urban areas as visual separation buffers consistent with the landscape setting; retain areas that are identified as the rural setting surrounding the city; and retain key vistas created by the landscape network within new settlement areas.*

The Framework recommends that new development is focused in the city centre and along Northbourne Avenue to reinforce the Avenue's significance as an important national approach route for the National Capital. It also recommends that the integrity of the Griffin plan's visual structure is reinforced by strengthening the geometry and form of main avenues.

This variation will allow redevelopment along the Corridor and at the Dickson and Macarthur Nodes, which will create a distinctive approach to the National Capital and a sequence of increasingly developed places that link the surrounding bush and grassland to the urban heart of Canberra. The variation will also allow higher marker buildings at the junction of Macarthur Avenue to recognise it as an important point in the Griffin plan. Improved east-west pedestrian connections will also be provided to the adjacent suburbs.

Through consistency with the above Strategic Directions, this draft variation is also consistent with the ACT Planning Strategy 2018 and Transport for Canberra – Transport for a Sustainable City.

## **2.7 Interim Effect**

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



## 2.8 Consultation with Government Agencies

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

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council
- the Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

### National Capital Authority

The National Capital Authority provided initial comments on 16 August 2019, with revised comments provided on 9 September 2019:

#### ***Building heights***

*Permitted building heights for Northbourne Avenue (between Barry Drive/Cooyong Street and Antill/Mouat Streets) under the Plan are generally:*

- *25 metres (up to 27.5 metres where a residential apartment incorporates a two storey or mezzanine unit)*
- *32 metres at the intersection of Northbourne Avenue with Antill/Mouat Streets*
- *RL617 on some parts of the sites at the intersection of Northbourne Avenue with Wakefield/Macarthur Avenues.*

*R5 of the proposed Precinct Code states that a maximum building height of buildings in Area A is 25 metres. R7 of the proposed Precinct Code states a maximum permitted building height of 32 metres at the Dickson Node. The Dickson Node however is identified as a single block on Figure 1 of the draft variation, with the block to the west of Northbourne Avenue identified as being part of 'Area A' (and therefore subject to a 25 metre height limit). Both blocks at the intersection of Northbourne Avenue with Antill/Mouat Streets should be identified as having a maximum permitted building height of 32 metres.*

*There are no particular rules/criteria regarding building height at the intersection of Northbourne Avenue and Wakefield/Macarthur Avenues. The combination of the proposed R5 and identifying this intersection as part of 'Area A' on Figure 1 effectively restricts buildings to 25 (or 27.5 metres). While this is not inconsistent with the Plan, the NCA expects that this is not the intended consequence of the draft variation and requests that a necessary rule/criteria be incorporated to allow buildings to the height limits permitted by the Plan.*

*Changes to Figure 1 may assist in clarifying permitted building heights, for example by identifying the blocks at the intersections of Northbourne Avenue with Macarthur/Wakefield Avenues and Antill/Mouat Streets in a different colour.*

*R7 refers to building heights for the Dickson node. Is there a reason that there is not a similar rule for the Macarthur node? If the intent is to defer to the National Capital Plan for the Macarthur node, the opportunity to specify that buildings must be a minimum of 80% of the maximum permitted height is lost.*

*For the Macarthur and Dickson nodes, has consideration been given to specifying the point at which building height is measured (in a similar way to R5)?*

#### Response – Building heights

The variation has been amended to clarify that the sites within the Dickson node and Macarthur node are not included in area A, while the Dickson node has been amended to include block 1 section 53 Lyneham. A new provision has been included for the Macarthur node to specify that the minimum building heights in the Macarthur node must be at least 80% of the maximum height specified in the National Capital Plan for each site within the node. The building height rule R7 for Dickson node has been amended to specify that the building height should be measured from the Northbourne Avenue front boundary.

#### **Building setbacks**

*Building setbacks prescribed in R9 and C9 and are generally not inconsistent with the Plan, however the NCA has some concern that the required setbacks for the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues are not prescribed in the Territory Plan. The setbacks for some parts of the intersection vary from those set out in R9/C9 and R12/C12. While the Plan takes precedence, the NCA thinks there is merit in including all required setbacks in the Territory Plan to ensure that all setbacks requirements are set out in the Precinct Code and to improve consistency between the two plans.*

*C9 contains examples of elements that may/may not be within the setback area, but could also clarify that service areas and facilities are not permitted forward of the building line.*

*If a rule regarding setbacks at the Macarthur intersection is included, there must be no corresponding criteria. The setbacks for the intersection are mandatory under the Plan.*

#### Response – Building setbacks

Figure 2 has been revised to remove the Macarthur node from the setback provisions. This means that setback requirements for Macarthur node will be as per the NCP. As noted previously, unnecessary duplication between the NCP and precinct code has been removed to reduce the potential for inconsistencies between the two.

Criterion C9 has been amended to include reference to service areas and facilities not being permitted forward of the building line.

### ***Building separation***

*R14 appears complex, with long sentences and many defined terms. The NCA suggests that the rule could be re-drafted to simplify requirements or improve readability.*

*The NCA would appreciate clarification as to whether part b) of R14 is intended to reflect the statement in the Plan that where a building is located on a block abutting a lower density zone, building setbacks to the relevant boundary of sites zoned for lower density should be increased by three metres. This provision of the Plan is framed in such a way that it is not mandatory. EPSDD may wish to consider incorporating the requirement as a criteria rather than a rule to allow for individual site characteristics and context.*

*With the changes to R14/C14, is the intention that building separation for Area A is as per the National Capital Plan (ie. there is no corresponding rule/criteria in the Territory Plan)?*

### **Response – Building separation**

The rule has been amended to apply only to area B, which are sites within the Northbourne Avenue corridor that are not covered by the NCP provisions. The part b of rule R14 is not the three metre requirement in the NCP. The setback requirements for area A will be as per the NCP.

### ***Dwelling size and internal dwelling design***

*Draft Amendment 91 as released for public consultation included minimum room sizes within dwellings. In discussion with EPSDD, it was agreed that these would be best addressed in the Territory Plan to more appropriately reflect the division on interest and responsibilities of the NCA and ACT Government. C21 of DV368 requires habitable rooms to be of a size suitable to accommodate the daily activities of their occupants and visitors, however there is no corresponding rule. The NCA would appreciate advice as to whether minimum room sizes will be included in further variations to the Territory Plan, for example to the Multi-Unit Housing Development Code.*

### **Response – Dwelling size and internal dwelling design**

Noted. Minimum internal room dimensions have been inserted.

## **Landscape**

*The proposed deep soil planting requirements in C22 are not inconsistent with the Plan, however the NCA notes that the only locational requirement for deep soil zones is that they be located in the front zone. It would be beneficial if deep soil zones were also required elsewhere on a block to help increase the urban tree canopy and help secure the benefits that this provides (including in relation to urban cooling, stormwater management, habitat, etc).*

*The draft variation also provides an opportunity to strengthen landscape requirements, for example by requiring a minimum planting area and reducing hardscape.*

### **Response – Landscape**

Noted. The provision has been amended in criterion C20 to not limit the location for the deep root zones to the front zone. The landscape requirements of the Multi Unit Housing Development Code still apply, such as minimum required planting areas and landscape design. Additional provisions will be considered for inclusion in the future review of the Territory Plan to apply across Canberra.

## **General comments**

- 1. The 'Introduction' section includes a paragraph stating that where a development is subject to Special Requirements under the Plan, the development must be not inconsistent with the Special Requirements. This section could also state that for development adjacent to Northbourne Avenue, the precinct Code must be read in conjunction with the relevant provisions of the Plan.*
- 2. The NCA was previously issued with 'drafting instructions' for the draft variation. In some cases it was identified that there was sufficient detail in the Plan and requirements would not be incorporated into the Territory Plan. In other cases, consistent (and/or) complementary provisions were to be included. The NCA would appreciate advice as to why some provisions of the Plan have been included in the draft variation (for example floor to ceiling heights) and other matters not (for example landscape controls concerning tree plantings in setback areas, signage, etc).*
- 3. DV368 contains few requirements concerning architectural quality and design (and no requirements concerning materiality, durability, etc). The City and Gateway Urban Design Framework promoted quality design, which were translated into policy through Amendment 91 to the Plan. Section 2.6 of the draft variation discusses the planning context for the proposed changes and refers to the ACT's Statement of Strategic Directions, including paragraph 2.14 which refers to the policies and procedures to promote high quality and creative design. The response to this is that the variation sets higher standards for the design of buildings and public spaces, however the NCA is of the view that these could be strengthened.*

4. *C17 refers to incorporating colonnades or awnings in building design in accordance with established/intended design themes for the Macarthur and Dickson Nodes. Are the established/intended design themes documented?*

#### Response

Text has been included in the introduction to clarify that RC1 of the precinct code must be read in conjunction with the National Capital Plan.

Regarding why some provisions from the NCP have been included, and not others, some were included where additional detail or clarification was considered necessary. Other provisions have been omitted to reduce the potential for inconsistency between the Territory Plan and the National Capital Plan.

The provisions relating to design quality are consistent with the NCP requirements, and development will still need to comply with relevant development code provisions. It is noted that these will be considered for inclusion in the future review of the Territory Plan to apply across Canberra.

Regarding the colonnade and awning design themes requirement in criterion C17, the wording has been amended.

#### **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments on 20 August 2019:

*“No comments”*

#### **Response**

The response is noted.

#### **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 22 August 2019:

*“Thank you for the opportunity to review and provide comment on the draft variation to the Territory Plan, TPV368 City and Gateway South - Northbourne Avenue Corridor. The Environment Protection Authority supports the variation in its current form.”*

#### **Response**

The response is noted.

## **Heritage Council**

The Heritage Council provided the following comments on 21 August 2019:

*“Review of the ACT Heritage Register has identified registered heritage places and objects within the Northbourne Avenue corridor including Haig Park (Braddon and Turner), the ‘Expansion’ mural,( Braddon); the former AAA Building (Braddon); and the Northbourne Housing Precinct Representative Sample (Dickson and Lyneham).*

*The Council does not object to the changes proposed by DV368, as the provisions of the Heritage Act 2004 will continue to apply to the heritage places within the Northbourne Avenue corridor.”*

Response

The response is noted.

## **Land Custodian Transport Canberra and City Services**

The land custodian provided the following comments on 16 August 2019:

- *“TCCS supports the draft Territory Plan Variation to update and consolidate the planning policy provisions recommended in the City and Gateway framework.*
- *TCCS will provide comment when we receive DA as part entity referral under the Planning and Development Act 2007.”*

Response

The comments are noted.

## **Land Custodian Suburban Land Agency**

The land custodian provided the following comments on 19 August 2019:

*“Confirming the Suburban Land Agency have no comments on this one.”*

Response

The response is noted.

### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan

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

<b>1. Inner North Precinct Map and Code</b>
---

*Delete*

Inner North Precinct Map and Code from the Territory Plan

<b>2. Northbourne Avenue Precinct Map and Code</b>
--

*Delete*

Northbourne Avenue Precinct Map and Code

<b>3. Northbourne Avenue Corridor Precinct Map and Code</b>
---

*Insert*

Northbourne Avenue Corridor precinct map and code at Appendix A

<b>4. Braddon Precinct Map and Code</b>
---

*Substitute*

Braddon precinct map with Appendix B

Table 1 – Additional prohibited development with Appendix C

*Delete*

Table 2 – Additional merit track development, and associated table

## **5. Dickson Precinct Map and Code**

### *Substitute*

Dickson precinct map with Appendix D

Table 2 – Additional merit track development with Appendix E

## **6. Lyneham Precinct Map and Code**

### *Substitute*

Lyneham precinct map with Appendix F

Table 2 – Additional merit track development with Appendix G

## **7. O'Connor Precinct Map and Code**

### *Substitute*

O'Connor precinct map with Appendix H

### *Delete*

Assessment Tracks and associated text

Table 2 – Additional merit track development, and associated table

## **8. Turner Precinct Map and Code**

### *Substitute*

Turner precinct map with Appendix I

Table 1 – Additional prohibited development and Table 2 – Additional merit track development with Appendix J



## Interpretation service

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

### TRANSLATING AND INTERPRETING SERVICE

**131 450**

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



**ACT**  
Government

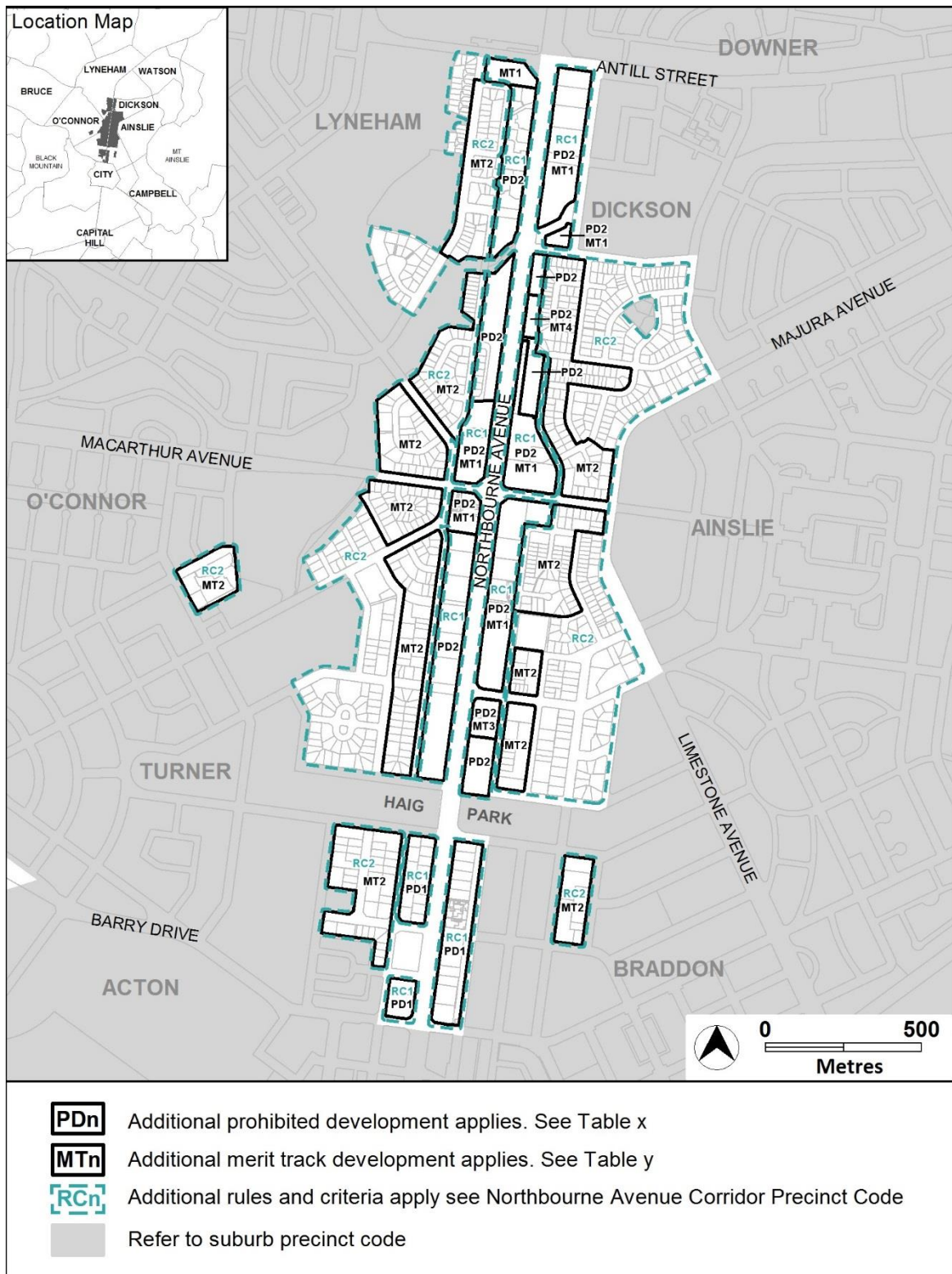
---

Environment, Planning and  
Sustainable Development

**Appendix A**

# **Northbourne Avenue Corridor Precinct Map and Code**

*This page is intentionally blank.*



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Northbourne Avenue Corridor 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	CZ2	<i>place of assembly place of worship</i>
PD2	CZ5	<i>service station</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	CZ5	<i>club place of assembly scientific research establishment</i>
MT2	RZ4	<i>business agency office restaurant SHOP</i>
MT3	CZ5	<i>club</i>
MT4	CZ5	<i>tourist facility (tourist information centre only)</i>

# Northbourne Avenue Corridor Precinct Code

## Contents

<b>INTRODUCTION .....</b>	<b>3</b>
<b>ADDITIONAL RULES AND CRITERIA.....</b>	<b>5</b>
<b>RC1 – NORTHBOURNE AVENUE .....</b>	<b>5</b>
<b>Element 1: Restrictions on use .....</b>	<b>5</b>
1.1 Shop – floor area limit .....	5
1.2 Community use – minimum floor area .....	5
1.3 Residential use – ground floor .....	5
1.4 Additional uses .....	6
<b>Element 2: Building controls and design .....</b>	<b>6</b>
2.1 Height of building.....	6
2.2 Front boundary setback – Northbourne Avenue .....	10
2.3 Front boundary setback – Other .....	10
2.4 Side and rear boundary setback .....	10
2.5 Building separation.....	11
2.6 Floor to ceiling heights .....	13
2.7 Internal dwelling design.....	13
2.8 Housing diversity .....	13
<b>Element 3: Site controls and design.....</b>	<b>14</b>
3.1 Landscape design – Deep soil zones .....	14
3.2 Pedestrian shelters.....	14
3.3 Mid-block links.....	15
3.4 Courtyard walls.....	18
<b>Element 4: Amenity .....</b>	<b>18</b>
4.1 Solar Access - apartments .....	18
4.2 Solar Access to adjoining blocks.....	19
4.3 Private open space.....	19
4.4 External facilities .....	20
4.5 Noise .....	20
<b>Element 5: Parking and vehicular access .....</b>	<b>21</b>
5.1 Vehicular access .....	21
5.2 Parking .....	22
5.3 Parking structures .....	23
<b>Element 6: Environment .....</b>	<b>23</b>
6.1 Erosion and sediment control.....	23
<b>Element 7: Waste management.....</b>	<b>24</b>
7.1 Post occupancy waste management .....	24
<b>RC2 – INNER NORTH.....</b>	<b>25</b>
<b>Element 8: Consolidation .....</b>	<b>25</b>
8.1 Consolidation.....	25
<b>Element 9: Built form .....</b>	<b>28</b>

9.1	Building heights .....	28
9.2	Setbacks.....	28
9.3	Planting areas .....	28
9.4	Basement vehicle access and parking.....	29
9.5	Utilities .....	29
9.6	Solar access.....	29
9.7	Private open space and residential amenity .....	30
9.8	Housing diversity .....	31
<b>Element 10:</b>	<b>Building controls.....</b>	<b>32</b>
10.1	Ceiling Heights .....	32

## Figures

<b>Figure 1:</b>	<b>Building heights.....</b>	<b>8</b>
<b>Figure 2:</b>	<b>Front boundary setbacks.....</b>	<b>9</b>
<b>Table 1:</b>	<b>Minimum building separation .....</b>	<b>11</b>
<b>Figure 3:</b>	<b>Additional requirements .....</b>	<b>12</b>
<b>Figure 4:</b>	<b>Active travel links .....</b>	<b>17</b>
<b>Table 2:</b>	<b>Principal private open space area requirements.....</b>	<b>20</b>
<b>Figure 5:</b>	<b>Additional requirements – north of Macarthur Avenue .....</b>	<b>26</b>
<b>Figure 6:</b>	<b>Additional requirements – south of Macarthur Avenue.....</b>	<b>27</b>
<b>Table 3:</b>	<b>Minimum balcony areas .....</b>	<b>30</b>

# Introduction

## Name

The name of this code is **Northbourne Avenue Corridor Precinct Code**.

## Application

The code applies to any block identified on the Northbourne Avenue Corridor Precinct Map. Part RC1 applies to sites adjoining Northbourne Avenue while Part RC2 of this precinct code applies to *multi-unit housing* only, both in residential zones and commercial zones adjoining the RC1 area, including the residential components of mixed use commercial developments.

## National Capital Plan

Where a development is subject to special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, the development must not be inconsistent with the special requirements or development control plan. Where any provision of this code is inconsistent with special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, that provision has no effect, to the extent of the inconsistency. Development in RC1 of this code must be read in conjunction with the relevant provisions of the National Capital Plan.

## 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, either associated with the respective rule or listed below:

TCCS                      Transport Canberra and City Services

## Additional rules and criteria

This part applies to blocks and parcels identified in the Northbourne Avenue Corridor Precinct Map (RCn). It should be read in conjunction with the relevant zone development and general codes.

### RC1 – Northbourne Avenue

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

#### Element 1: Restrictions on use

Rules	Criteria
<b>1.1 Shop – floor area limit</b>	
R1 The maximum <i>gross floor area per supermarket</i> is 750m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.
<b>1.2 Community use – minimum floor area</b>	
R2 This rule applies to the hatched area shown in Figure 1. A <i>COMMUNITY USE</i> development is provided within the development that complies with all of the following: a) minimum <i>gross floor area</i> – 500m <sup>2</sup> b) located at ground floor level and/or first floor level.	This is a mandatory requirement. There is no applicable criterion.
<b>1.3 Residential use – ground floor</b>	
R3 This rule applies to the Dickson node and Macarthur node shown in Figure 1. <i>RESIDENTIAL USE</i> is not permitted at the ground floor.	This is a mandatory requirement. There is no applicable criterion.

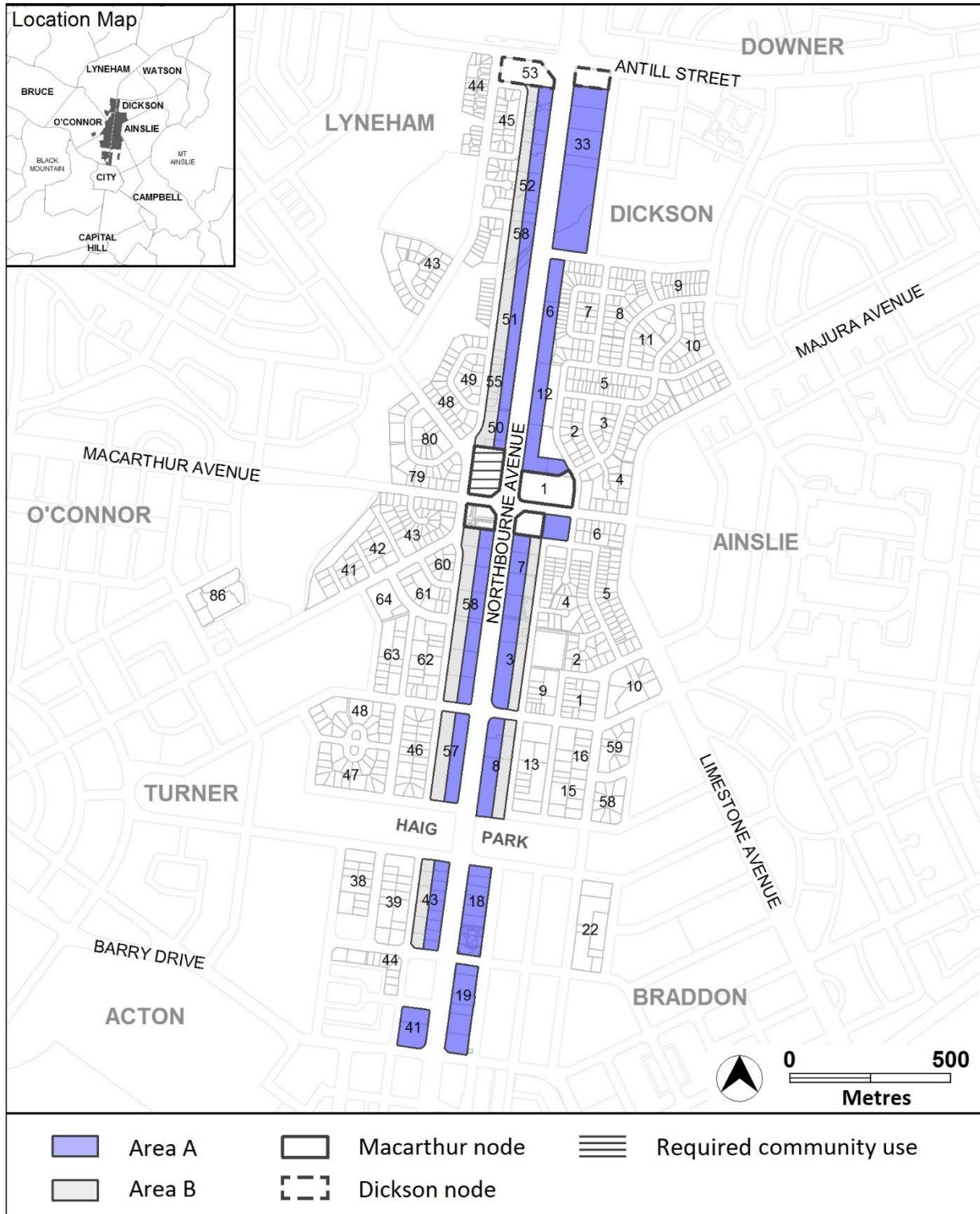
Rules	Criteria
<b>1.4 Additional uses</b>	
<p><b>R4</b></p> <p>This rule applies to the Dickson node and Macarthur node shown in Figure 1.</p> <p>Only the following uses are provided in <i>buildings</i> at ground floor level on frontages to Northbourne Avenue, MacArthur Avenue, Wakefield Avenue and Antill Street:</p> <ul style="list-style-type: none"> <li>a) <i>business agencies</i></li> <li>b) <i>commercial activity centres</i></li> <li>c) <i>financial establishments</i></li> <li>d) <i>indoor entertainment facilities</i></li> <li>e) <i>indoor recreation facilities</i></li> <li>f) <i>public agencies</i></li> <li>g) <i>restaurants</i></li> <li>h) <i>SHOP</i></li> </ul> <p>In addition to these uses, <i>COMMUNITY USE</i> is permitted in the hatched area shown in Figure 1.</p>	<p><b>C4</b></p> <p><i>Buildings</i> fronting Northbourne Avenue, MacArthur Avenue, Wakefield Avenue and Antill Street incorporate uses on the ground floor that generate activity in the public space, in a form that is consistent with the needs of the area.</p>

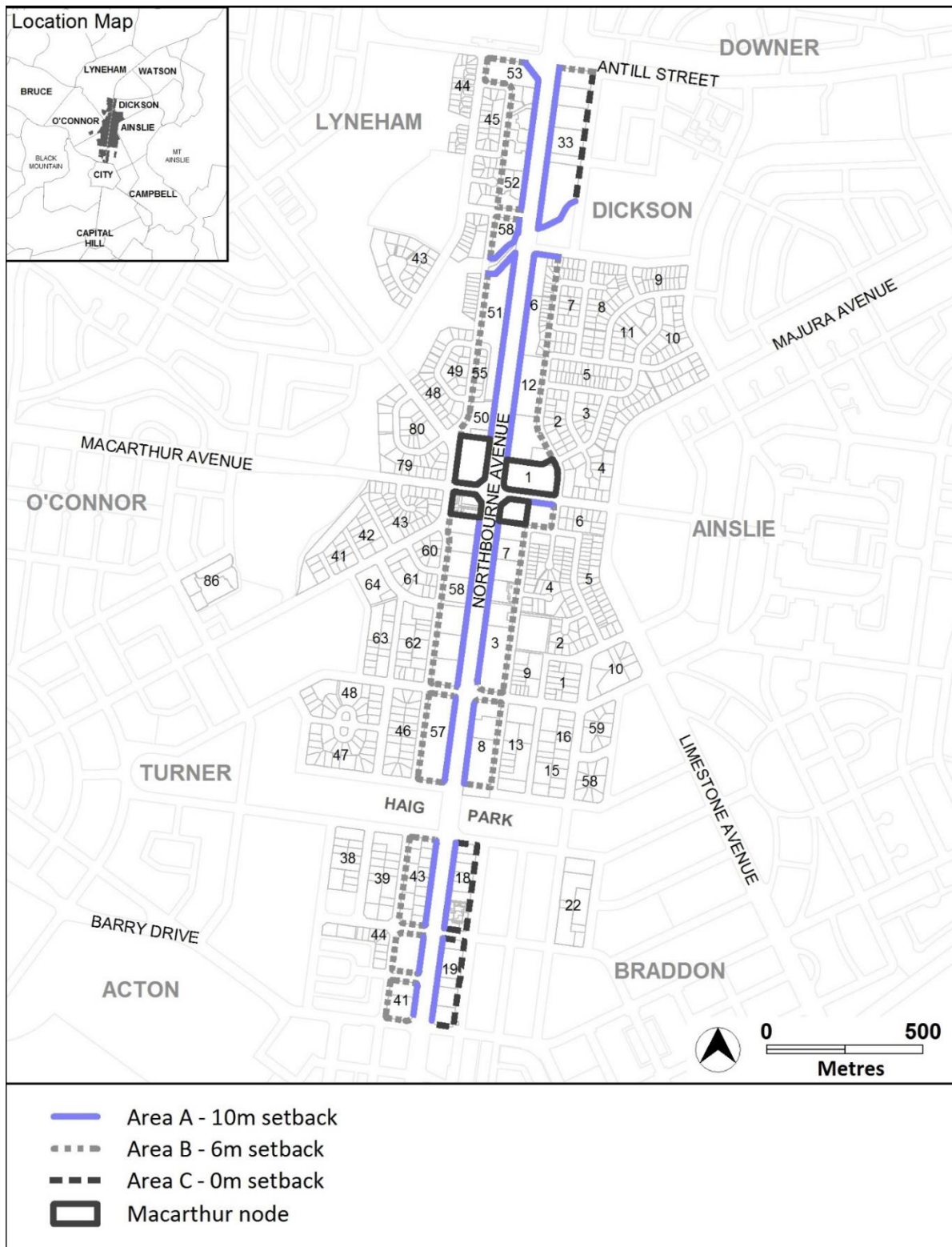
## Element 2: Building controls and design

Rules	Criteria
<b>2.1 Height of building</b>	
<p><b>R5</b></p> <p>This rule applies to area A shown in Figure 1.</p> <p>The minimum <i>height of building</i> is 20m and the maximum <i>height of building</i> is 25m.</p> <p>For the purpose of this rule and associated criterion <i>height of building</i> means the vertical distance between <i>datum ground level</i> at the <i>front boundary</i> to Northbourne Avenue and the highest point or points of the <i>building</i>.</p>	<p><b>C5</b></p> <p>Maximum <i>height of building</i> is 27.5m where the <i>building</i> includes an <i>apartment</i> which is at least partially or wholly two storeys high, at least two of which are above <i>finished ground level</i>.</p> <p>‘Minor building elements’ may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion ‘minor building elements’ include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, and fully enclosed pergolas are not ‘minor building elements’.</p>

Rules	Criteria
<p>R6</p> <p>This rule applies to area B shown in Figure 1.</p> <p>The minimum <i>height of building</i> is 14.5m, and the maximum <i>height of building</i> is 18m.</p> <p>Area B extends from the adjoining street front boundary parallel to Northbourne Avenue for 30m into the block.</p>	<p>C6</p> <p>Maximum <i>height of building</i> may be increased to 25m where development complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) adequate transition in building height from the building to the <i>adjacent</i> residential zone</li> <li>b) reasonable amenity for residents of the adjacent residential zone.</li> </ul> <p>'Minor building elements' may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion 'minor building elements' include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, and fully enclosed pergolas are not 'minor building elements'.</p>
<p>R7</p> <p>This rule applies to the Dickson node and Macarthur node shown in Figure 1.</p> <ul style="list-style-type: none"> <li>a) For the Dickson node: <ul style="list-style-type: none"> <li>i) The minimum <i>height of building</i> is 25.5m, and</li> <li>ii) the maximum <i>height of building</i> is 32m.</li> </ul> </li> <li>b) for the Macarthur node: <ul style="list-style-type: none"> <li>i) The minimum <i>height of building</i> is not less than 80% of the maximum building height for each site as described in the National Capital Plan</li> <li>ii) The maximum <i>height of building</i> is as described in the National capital Plan.</li> </ul> </li> </ul> <p>For the purpose of this rule and associated criterion <i>height of building</i> means the vertical distance between <i>datum ground level</i> at the <i>front boundary</i> to Northbourne Avenue and the highest point or points of the <i>building</i>.</p>	<p>C7</p> <p>'Minor building elements' may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion 'minor building elements' include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, are not 'minor building elements'.</p>
<p>There is no applicable rule.</p>	<p>C8</p> <p>Where a lawfully constructed <i>building</i> exceeds the <i>height of building</i> stipulated in this code, a new <i>building</i> or <i>buildings</i> up to the height of the existing <i>building</i> may be permitted provided there are no additional adverse impacts on adjoining</p>

Rules	Criteria
	properties including, but not limited to, solar access.





**Figure 2: Front boundary setbacks**

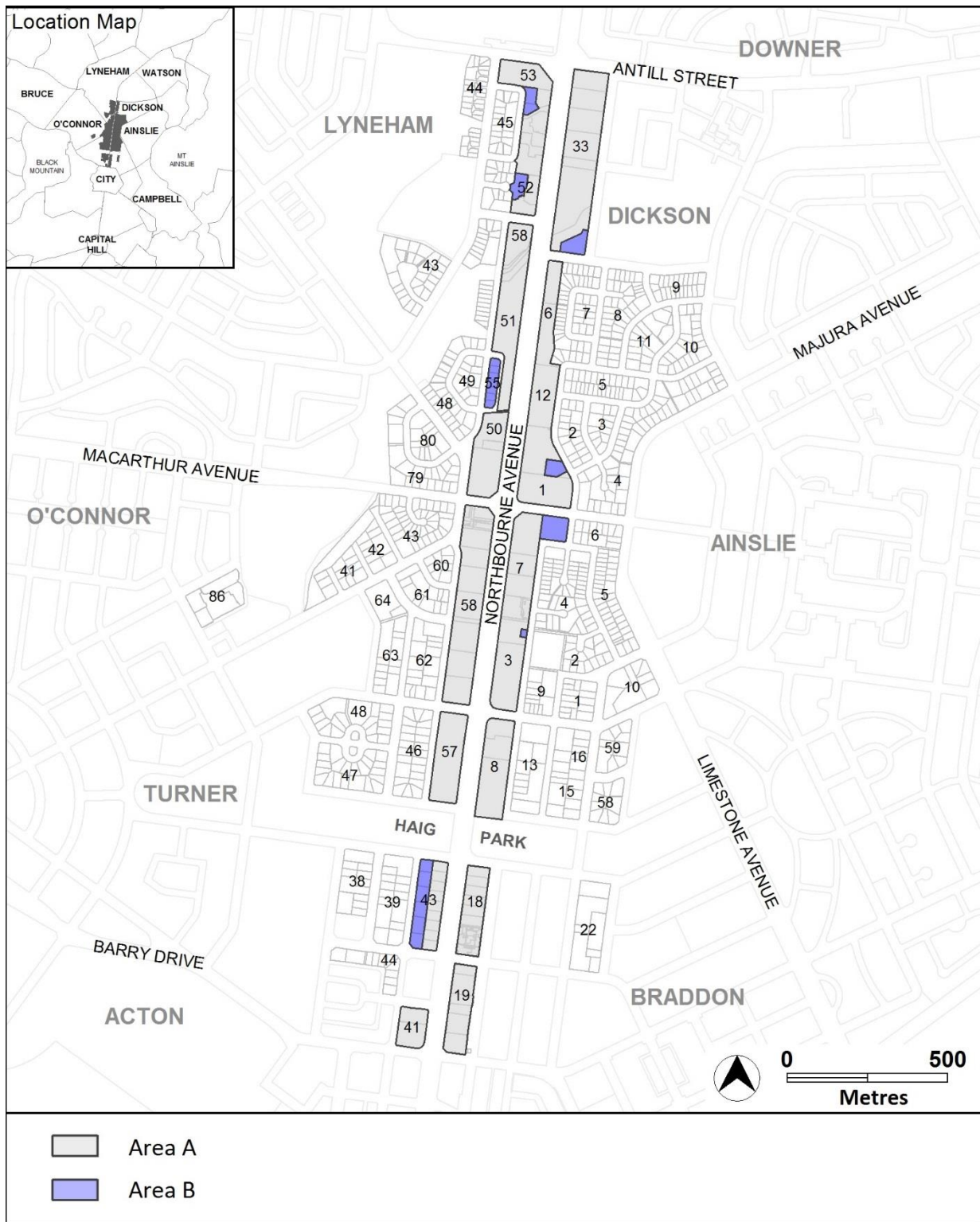
Rules	Criteria
<b>2.2 Front boundary setback – Northbourne Avenue</b>	
<p>R9</p> <p>This rule applies to blocks and parcels identified in Area A of Figure 2.</p> <p>Minimum <i>front boundary setback</i> to Northbourne Avenue is 10m.</p> <p>No building elements are permitted forward of the minimum front boundary setback.</p>	<p>C9</p> <p>Minor encroachments by one or more of the following may be permitted forward of the building line provided the materials and design retain the visual integrity of the building line:</p> <ul style="list-style-type: none"> <li>a) awnings</li> <li>b) architectural details, not including: <ul style="list-style-type: none"> <li>i) <i>basements</i></li> <li>ii) <i>basement</i> ramps</li> <li>iii) <i>balconies</i></li> <li>iv) service areas or facilities</li> <li>v) above ground utility infrastructure</li> </ul> </li> <li>c) courtyard walls for areas of <i>principal private open space</i> provided the area does not encroach more than 4m into the setback area.</li> </ul>
<b>2.3 Front boundary setback – Other</b>	
<p>R10</p> <p>This rule applies to area B shown in Figure 2.</p> <p>Minimum <i>front boundary setback</i> is 6m.</p>	<p>C10</p> <p><i>Front boundary setbacks</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable amenity for residents</li> <li>b) sufficient space for street trees to grow to maturity.</li> </ul>
<p>R11</p> <p>This rule applies to area C shown in Figure 2.</p> <p>Minimum <i>front boundary setback</i> is 0m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.4 Side and rear boundary setback</b>	
<p>R12</p> <p>This rule applies to <i>blocks</i> in areas A and B shown in Figure 2.</p> <p>Minimum <i>side boundary</i> and <i>rear boundary setback</i> is:</p> <ul style="list-style-type: none"> <li>a) northern or southern boundary – 5m</li> <li>b) eastern or western boundary – 10m.</li> </ul>	<p>C12</p> <p><i>Side boundary</i> and <i>rear boundary setback</i> provides reasonable amenity for residents.</p>
<p>R13</p> <p>This rule applies to area C shown in Figure 2.</p> <p>Minimum <i>side boundary</i> and <i>rear boundary setback</i> is 0m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>2.5 Building separation</b>	
<p><b>R14</b></p> <p>This rule applies to area B shown in Figure 3.</p> <p>Minimum separation distances between a <i>dwelling</i> and another <i>dwelling</i> or non-residential use is described in Table 1, except where the following applies:</p> <ul style="list-style-type: none"> <li>a) where measuring separation distance from a <i>dwelling</i> or non-residential use on the subject <i>block</i> to a <i>dwelling</i> or non-residential use on an <i>adjacent block</i> – half the minimum separation distance stated in Table 1, measured from the common boundary or boundaries between the <i>blocks</i></li> <li>b) where measuring separation distance from a <i>dwelling</i> or non-residential use on a subject <i>block</i> in a commercial zone to a <i>dwelling</i> or non-residential use on an adjacent <i>block</i> in a residential zone - 1.5m in addition to the relevant minimum separation distance stated in Table 1, measured from the common boundary or boundaries between the <i>blocks</i>.</li> </ul> <p>For the purpose of this rule and associated criterion, building separation is measured to the outer face of external walls, external windows or outer edge of balconies where relevant.</p> <p>Note: This rule replaces <i>building</i> separation requirements in the relevant development code.</p>	<p><b>C14</b></p> <p>Building separation may be reduced where <i>building</i> complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable levels of visual and acoustic privacy</li> <li>b) suitable areas for soft landscaping and deep root planting between buildings.</li> </ul>

Number of storeys	Between windows in <i>habitable rooms/ balconies</i> (metres)	Between windows in <i>habitable rooms/ balconies</i> and windows in <i>non-habitable rooms</i> (metres)	Between windows in <i>non-habitable rooms</i> (metres)
Up to 4 storeys	12	9	6
5 to 8 storeys	18	12	9
9 storeys and above	24	18	12

**Table 1: Minimum building separation**





**Figure 3: Additional requirements**

Rules	Criteria
<b>2.6 Floor to ceiling heights</b>	
<p>R15</p> <p>This rule applies to development in area B shown in Figure 3.</p> <p>Minimum <i>finished floor level</i> to ceiling heights are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>storey of dwellings</i> containing the main daytime living area: 2.7m</li> <li>b) non-habitable rooms in a <i>dwelling</i>: 2.4m</li> <li>c) non-residential development: 3.3m.</li> </ul>	<p>C15</p> <p>Floor to ceiling heights achieve sufficient natural ventilation and daylight access.</p>
<b>2.7 Internal dwelling design</b>	
<p>R16</p> <p>Habitable rooms comply with the following:</p> <ul style="list-style-type: none"> <li>a) master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</li> <li>b) bedrooms have a minimum dimension of 3m (excluding wardrobe space)</li> <li>c) living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>i) 3.6m for studio and 1 bedroom apartments</li> <li>ii) 4m for 2 or more bedroom apartments</li> </ul> </li> <li>d) the width of cross-over or cross-through dwellings are at least 4m internally to avoid deep narrow dwelling layouts.</li> </ul>	<p>C16</p> <p><i>Habitable rooms</i> are of a size suitable to accommodate the daily activities of their occupants and visitors.</p>
<p>R17</p> <p><i>Habitable room</i> depths are limited to a maximum of 2.5m x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum <i>habitable room</i> depth is 8m, measured from an external window.</p>	<p>C17</p> <p><i>Habitable room</i> depth may be increased where <i>finished floor level</i> to ceiling heights are above the minimum permitted, provided reasonable solar access to each <i>habitable room</i> is maintained.</p>
<b>2.8 Housing diversity</b>	
<p>There is no applicable rule.</p>	<p>C18</p> <p>Buildings contain a variety of <i>dwelling</i> designs such as dual aspect apartments, shallow apartment layouts and two storey <i>dwellings</i>.</p>

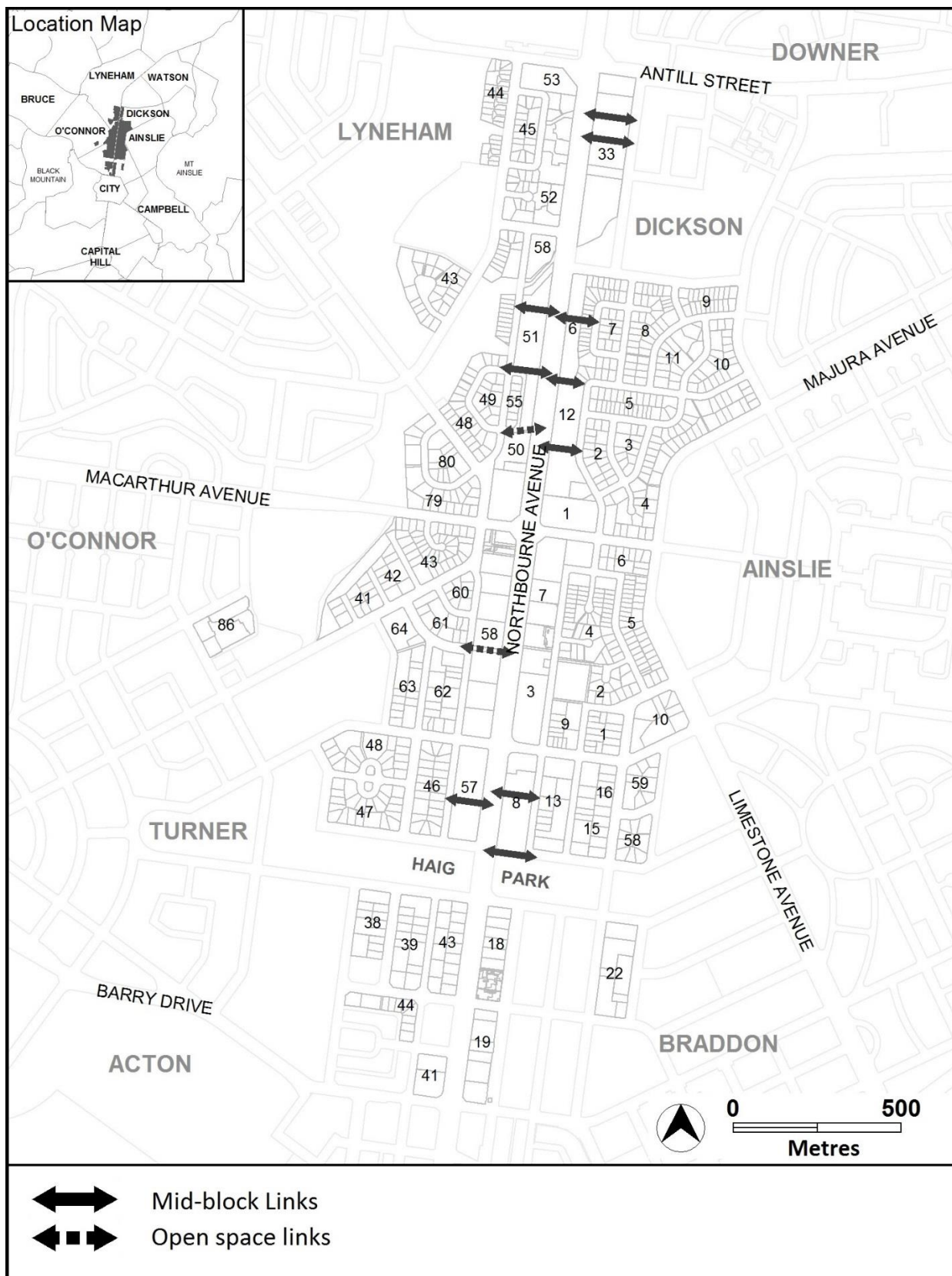
Rules	Criteria
<p>R19</p> <p>This rule applies to developments containing 40 or more dwellings.</p> <p>Development contains:</p> <ul style="list-style-type: none"> <li>a) not more than 40% studio or one bedroom <i>dwellings</i></li> <li>b) not more than 40% two bedroom <i>dwellings</i></li> <li>c) not less than 20% three or more bedroom <i>dwellings</i>.</li> </ul>	<p>C19</p> <p>Multi-unit residential development provides dwellings with a variety of bedroom numbers.</p>

### Element 3: Site controls and design

Rules	Criteria
<b>3.1 Landscape design – Deep soil zones</b>	
<p>There is no applicable rule.</p>	<p>C20</p> <p>This criterion applies to development fronting Northbourne Avenue.</p> <p>Deep soil zones are provided that comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) have a minimum horizontal dimension of 5m</li> <li>b) incorporate any <i>protected trees</i></li> <li>c) allow for the development of healthy root systems and provide anchorage and stability for mature trees</li> <li>d) co-located near deep soil zones on <i>adjacent</i> blocks where possible.</li> </ul> <p>Note: <i>Protected tree</i> is defined under the <i>Tree Protection Act 2005</i>.</p>
<b>3.2 Pedestrian shelters</b>	
<p>R21</p> <p>This rule applies to the Macarthur node and Dickson node shown in Figure 1.</p> <p><i>Buildings</i> provide continuous awnings or colonnaded walkways at ground floor level to facades facing Northbourne Avenue, MacArthur Avenue, Wakefield Avenue, and Antill Street, and have a minimum clear width of 2.5m and a minimum ceiling height of 6m.</p>	<p>C21</p> <p>Sheltered and convenient pedestrian access is provided to building facades facing Northbourne Avenue, MacArthur Avenue, Wakefield Avenue and Antill Street at street level.</p>

Rules	Criteria
<p>R22</p> <p>This rule applies to all <i>blocks</i>, except for the <i>blocks</i> within the Dickson node or Macarthur node shown in Figure 1.</p> <p>Awnings, canopies or colonnades are provided at each active travel entrance to a building and each active travel path along a building edge.</p>	<p>C22</p> <p>Awnings, canopies or colonnades achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) provide protection from natural elements along buildings and building entrances</li> <li>b) are integrated with the design of the building.</li> </ul>
<p><b>3.3 Mid-block links</b></p>	
<p>There is no applicable rule.</p>	<p>C23</p> <p>This criterion applies to ‘mid-block links’ shown in Figure 4, except for the link on the southern boundary on Braddon Section 8, Block 10.</p> <p>‘Mid-block links’ comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) in a location generally in accordance with Figure 4 and aligns with the <i>community path system</i> through the area and public transport connections.</li> <li>b) provides unimpeded public access at all times</li> <li>c) not less than 5m wide at any point;</li> <li>d) development within ‘mid-block link’ is limited to <i>planting area</i>, surface landscaping, <i>buildings</i> and <i>structures</i> which are consistent with active travel pathways or open space and does not limit accessibility</li> <li>e) suitably landscaped to provide a welcoming environment for path users</li> <li>f) adequate lighting and other safety features that promote active, passive and perceived surveillance of the area.</li> </ul>

Rules	Criteria
R24	<p>C24</p> <p>This criterion applies to the mid-block link on the southern boundary on Braddon Section 8, Block 10 shown in Figure 4.</p> <p>The mid-block link complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) in the location consistent with Figure 4, and located entirely within the block boundaries</li> <li>b) provides unimpeded public access at all times</li> <li>c) not less than 10m wide at any point</li> <li>d) development within ‘mid-block link’ is limited to <i>planting area</i>, surface landscaping, <i>buildings</i> and <i>structures</i> which are consistent with active travel pathways or open space and does not limit accessibility</li> <li>e) suitably landscaped to provide a welcoming environment for path users</li> <li>f) adequate lighting and other safety features that promote active, passive and perceived surveillance of the area.</li> </ul>
There is no applicable rule.	<p>C25</p> <p>This criterion applies to ‘open space links’ shown in Figure 4.</p> <p>‘Open space links’ provide unimpeded public access at all times.</p>



**Figure 4: Active travel links**

Rules	Criteria
<b>3.4 Courtyard walls</b>	
There is no applicable rule.	<p>C26</p> <p>This criterion applies to courtyard walls for <i>dwelling</i>s which have their <i>private open space</i> at ground floor and fronting Northbourne Avenue.</p> <p>Courtyard walls comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) not higher than 1.8m above <i>datum ground level</i></li> <li>b) non-transparent components not higher than 1m above <i>datum ground level</i></li> <li>c) constructed of high quality materials, specifically excluding pre-coloured metal, unfinished timber panels, chain-link, barbed or razor wire</li> <li>d) integrated with landscaping</li> <li>e) designed and constructed to match or compliment the design of the associated building</li> <li>f) must not occupy more than 40% of the façade at ground floor level.</li> </ul> <p>Note: This criterion replaces the relevant rules and criterion relating to courtyard walls in the relevant development code.</p>

#### Element 4: Amenity

Rules	Criteria
<b>4.1 Solar Access - apartments</b>	
<p>R27</p> <p>This rule applies to <i>apartments</i> only.</p> <p>Not more than 15% of <i>apartments</i> within a development receive no direct sunlight between 9am and 3pm on the winter solstice (21 June).</p> <p>Note: This rule applies in addition to the relevant provisions relating to solar access for apartments in the relevant development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R28</p> <p>This rule applies to all <i>dwelling</i>s.</p> <p><i>Habitable rooms</i> must have an operable window in an external wall with a total minimum glass area of not less than 15% of the <i>gross floor area</i> of the relevant <i>habitable room</i>.</p> <p>Note: connecting <i>habitable rooms</i> to operable windows in an external wall via a corridor, also known as a 'snorkel' arrangement, does not satisfy the requirements of this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>4.2 Solar Access to adjoining blocks</b>	
<p>R29</p> <p>This rule applies to <i>buildings</i> with more than three storeys.</p> <p><i>Buildings</i> do not reduce the hours of direct sunlight between 9am-4pm to any <i>habitable room</i> in any adjoining residential or commercial accommodation developments to less than 2 hours.</p>	<p>C29</p> <p>Reasonable solar access for adjoining residential or commercial accommodation developments is achieved.</p>
<b>4.3 Private open space</b>	
<p>R30</p> <p>This rule applies to <i>multi-unit housing</i> or residential components of commercial mixed use development in area A shown in Figure 3.</p> <p>Each <i>dwelling</i> has at least one area of <i>principal private open space</i> that complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) has a minimum area and dimensions specified in Table 2</li> <li>b) maintains visual privacy of the occupants from adjoining public streets and public open space</li> <li>c) is directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom</li> <li>d) is not located to the south, south-east or south-west of the <i>dwelling</i>, unless it achieves one or more of the following: <ul style="list-style-type: none"> <li>i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June)</li> <li>ii) located at an <i>upper floor level</i> and overlooks a public street or public open space.</li> </ul> </li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<b>4.4 External facilities</b>	
There is no applicable rule.	<p>C31</p> <p>This criterion applies to <i>apartments</i>.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) storage units and plant equipment (including air-conditioning plant) are not permitted on <i>balconies</i></li> <li>b) clothes drying facilities are only permitted on <i>balconies</i> where they are screened from view of streets and public areas.</li> </ul>

Type	<i> dwellings wholly or partially at lower floor level or on a podium or similar structure</i>		<i> dwellings located entirely on an upper floor level</i>	
	minimum area	minimum dimension	minimum area	minimum dimension
studio <i>apartment</i>	18m <sup>2</sup>	4m	4m <sup>2</sup>	nil
1 bedroom <i>dwelling</i>	24m <sup>2</sup>	4m	8m <sup>2</sup>	2m
2 bedroom <i>dwelling</i>	24m <sup>2</sup>	4m	10m <sup>2</sup>	2m
3 or more bedroom <i>dwelling</i>	36m <sup>2</sup>	6m	12m <sup>2</sup>	2m

**Table 2: Principal private open space area requirements**

Rules	Criteria
<b>4.5 Noise</b>	
There is no applicable rule.	<p>C32</p> <p>This criterion applies to <i>dwellings</i> on the <i>block</i> and <i>dwellings</i> on adjoining <i>blocks</i>.</p> <p>Transfer of noise between noise sources and habitable rooms, particularly bedrooms, are minimised through the siting, design and layouts of buildings.</p> <p>For the purpose of this criterion noise sources include, but are not limited to, garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, communal open space and circulation areas.</p>

## Element 5: Parking and vehicular access

Rules	Criteria
<b>5.1 Vehicular access</b>	
There is no applicable rule.	<p>C33</p> <p>Vehicular access to or from Northbourne Avenue is only permitted where it complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) demonstrate that vehicular access from roads other than Northbourne Avenue are not viable in terms of design or traffic impacts</li> <li>b) maximum number of vehicular access points to or from Northbourne Avenue – 1 per <i>block</i> or <i>block</i> resulting from the <i>consolidation</i> of two or more <i>blocks</i></li> <li>c) building/basement entrances to vehicular parking are located to minimise visibility from Northbourne Avenue.</li> </ul>
<p>R34</p> <p>Vehicular access points, including crossovers and driveways, must be co-located and/or shared with adjoining blocks.</p>	<p>C34</p> <p>Vehicular access points, including crossovers and driveways, must be located along or close to the selected <i>side boundary</i> of the subject <i>block</i> and be designed and constructed in a way which could be shared by the adjoining <i>block</i>.</p> <p>The selected <i>side boundary</i> is:</p> <ul style="list-style-type: none"> <li>a) where an adjoining <i>block</i> has their vehicular access point along or close to a side boundary of the subject block, the vehicular access point for the subject block must be located along this <i>side boundary</i></li> <li>b) In any other case, any <i>side boundary</i> of the subject <i>block</i> fronting a public road.</li> </ul>
There is no applicable rule.	<p>C35</p> <p>Vehicular access arrangements must comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) ensure pedestrian and bicycle priority and desire lines and paths are maximised</li> <li>b) the width of the vehicular access is minimised</li> <li>c) materials integrate with relevant landscaping</li> <li>d) contains high quality public realm treatments that add visual interest, including tree planting, landscaping, materials, footpaths and lighting</li> </ul>

Rules	Criteria
	e) where a <i>block</i> has a <i>front boundary</i> to another road which is parallel with Northbourne Avenue, vehicular access continues from Northbourne Avenue through the <i>block</i> to that road at the other frontage.
There is no applicable rule.	C36 Pedestrian and cyclist access to <i>blocks</i> must be clearly separated from vehicular access and be distinguishable through surface materials, level changes and landscaping.
<b>5.2 Parking</b>	
<p>R37</p> <p>This rule applies to multi-unit residential development in residential and commercial zones.</p> <p>The maximum parking provision rate is as follows:</p> <ul style="list-style-type: none"> <li>a) studio or one-bedroom <i>dwelling</i> – 1 space maximum</li> <li>b) two-bedroom <i>dwelling</i> – 1.3 spaces maximum</li> <li>c) three or more bedroom <i>dwelling</i> – 1.5 spaces</li> <li>d) every 8 <i>dwellings</i> – 1 visitor space</li> </ul> <p>Minimum and maximum parking provision rates contained within the relevant development or general codes do not apply.</p> <p>Note: Parking calculations are rounded up to the nearest whole number.</p>	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	<p>C38</p> <p>Visitor car parking spaces are allocated for visitors of occupants of the residential parts of the development.</p> <p>Visitor car parks must not be allocated to any other purpose, including private spaces for dwellings or workers of the commercial components of the development.</p>
There is no applicable rule.	<p>C39</p> <p>Adequate spaces and areas, suitably screened from public view, are provided for the loading and unloading of service vehicles.</p>

Rules	Criteria
<b>5.3 Parking structures</b>	
<p>R40</p> <p>Vehicle parking is only permitted in a <i>basement</i>. At-grade, podium or other above ground vehicle parking is prohibited.</p>	<p>C40</p> <p>At-grade, podium or other above ground parking is only permitted where the following are met:</p> <ul style="list-style-type: none"> <li>a) the parking area is located away from Northbourne Avenue and intersections of Northbourne Avenue with Macarthur Avenue, Wakefield Avenue, Mouat Street or Antill Street</li> <li>b) the parking area is suitably screened from Northbourne Avenue and major cross streets through use of buildings, <i>communal open space</i> area, <i>private open space</i> and/or landscaping</li> <li>c) podium parking structures are screened with high quality architectural treatment</li> <li>d) at-grade car parking: <ul style="list-style-type: none"> <li>i) is incorporated into the landscape design for the <i>block</i></li> <li>ii) incorporates the use of materials, including permeable or light coloured paving, to reduce the increase of surface temperature</li> <li>iii) includes shade trees planted at least every 5 vehicle spaces to reduce the car park surface temperature.</li> </ul> </li> </ul>

## Element 6: Environment

Rules	Criteria
<b>6.1 Erosion and sediment control</b>	
<p>R41</p> <p>For sites less than 3,000m<sup>2</sup>, the development complies with the Environment Protection Authority <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>.</p> <p>Note: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 7: Waste management

Rules	Criteria
<b>7.1 Post occupancy waste management</b>	
There is no applicable rule.	<p>C42</p> <p>Facilities for waste disposal, recycling and composting are:</p> <ul style="list-style-type: none"><li>a) suitably screened from public view</li><li>b) located in safe and convenient locations to encourage source separation of materials.</li></ul> <p>Note: This criterion does not replace the provisions relating to post occupancy waste management endorsement in the relevant development code.</p>

## RC2 – Inner North

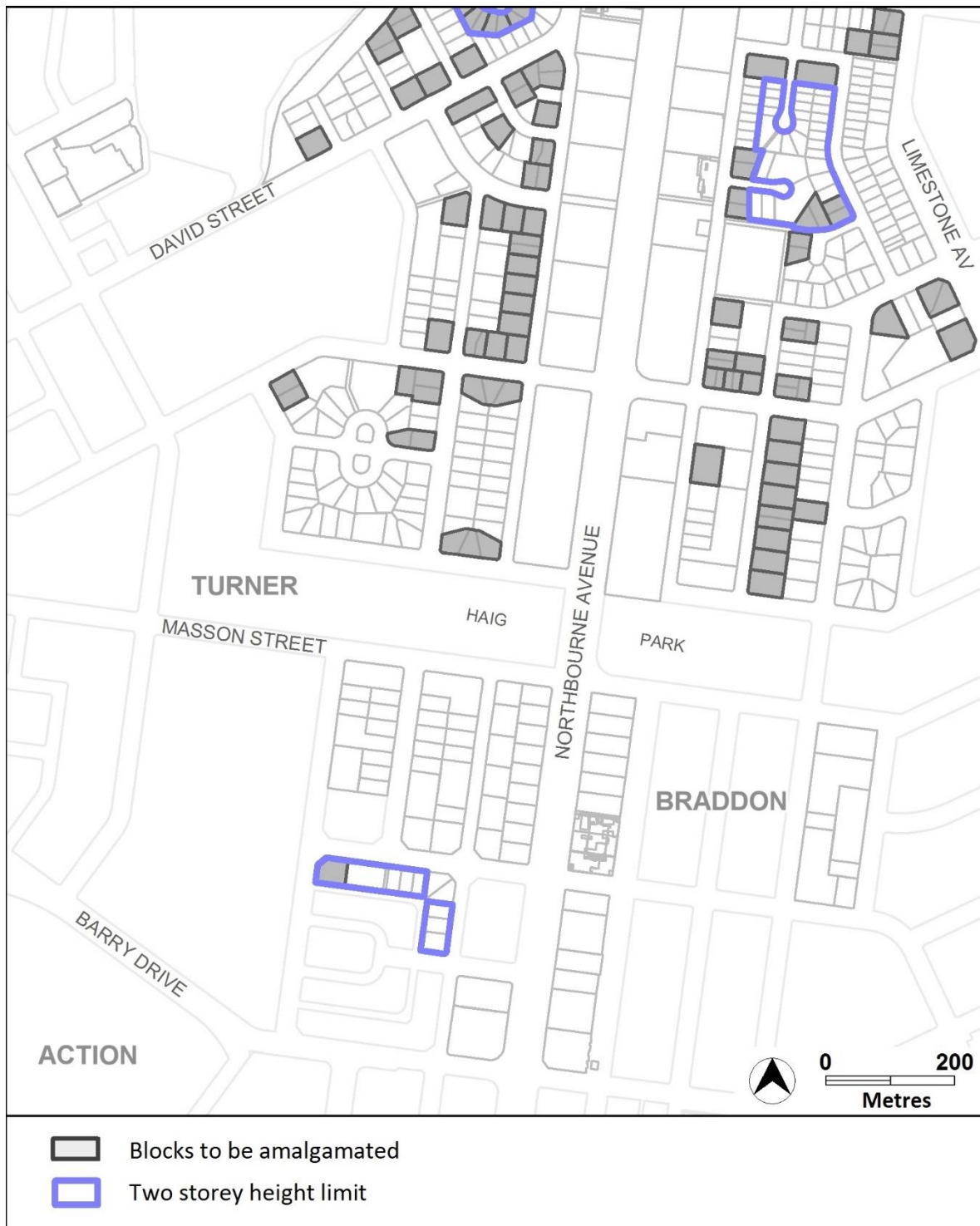
This part applies to multi-unit housing in area RC2 shown on the Northbourne Avenue Corridor Precinct Map.

### Element 8: Consolidation

Rules	Criteria
<b>8.1 Consolidation</b>	
<p><b>R43</b></p> <p>Where multi-unit housing development is proposed, required minimum block <i>consolidations</i> are shown in Figures 5 and 6.</p> <p>In all other cases, minimum <i>block consolidations</i> are required between two or more <i>blocks</i> where:</p> <ol style="list-style-type: none"> <li>existing single dwellings have shared walls</li> <li>sites are less than 16m wide at the front <i>building line</i></li> <li>single block development cannot provide minimum <i>private open space</i> dimensions for all dwellings</li> <li>TCCS does not support vehicle access for a single block development</li> <li>development would otherwise result in an <i>isolated block</i>.</li> </ol> <p>For the purposes of this rule, an <i>isolated block</i> is a <i>standard block</i> with multi-unit development existing or proposed to each <i>side boundary</i> or <i>rear boundary</i> that cannot be reasonably developed in a manner consistent with the objectives of the zone.</p>	<p><b>C43</b></p> <p>The minimum block consolidation is not required where the lessee(s) of the block(s) to be developed demonstrate to the satisfaction of the Authority that:</p> <ol style="list-style-type: none"> <li>suitable redevelopment of the remaining <i>block(s)</i> can be achieved, through the submission of a concept design</li> <li>the concept design required at a) includes a sufficient level of detail to enable assessment of the feasibility and demonstrate integration of a possible future development on the adjoining block(s) with the proposed development</li> <li>redevelopment of the <i>block(s)</i> that are to be developed can be achieved while ensuring the amenity of any existing <i>dwelling(s)</i> on the remaining <i>block(s)</i> is/are protected</li> <li>The development application includes suitable justification why the nominated blocks could not be consolidated, with written confirmation that all lessees of nominated blocks required to be included in the consolidation have sighted the concept design.</li> </ol> <p>This criterion does not apply to consideration against R43c) or R43d).</p>
<p><b>R44</b></p> <p><i>Consolidated blocks</i> have a single continual street frontage.</p> <p>This rule does not apply to <i>blocks</i> subject to minimum <i>block consolidation</i> shown in Figures 5 and 6.</p>	<p><b>C44</b></p> <p><i>Consolidated blocks</i> have a minimum 30m front street boundary length to each street frontage.</p>



**Figure 5: Additional requirements – north of Macarthur Avenue**



**Figure 6: Additional requirements – south of Macarthur Avenue**



## Element 9: Built form

Rules	Criteria
<b>9.1 Building heights</b>	
<p>R45</p> <p>Maximum building heights are 2 storeys for development on <i>blocks</i> shown in Figures 5 and 6.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.2 Setbacks</b>	
<p>R46</p> <p>Minimum <i>front boundary setback</i> – 6m.</p> <p>Exceptions are:</p> <p>a) for <i>front boundaries</i> fronting onto public open space or pedestrian paths wider than 6m the minimum <i>front boundary setback</i> is 4m, except <i>blocks</i> identified in Figure 5 requiring a defined <i>setback</i> to an adjoining pathway: the minimum <i>setback</i> from boundary adjoining the nominated pathway is 5m</p> <p>b) Turner section 44 minimum front <i>setbacks</i> are:</p> <p>i) 4m to Watson Street and Gould Street</p> <p>ii) 3m to McKay Lane.</p> <p>No <i>building</i> or design elements including basement structures are to be located forward of the specified minimum front street <i>setback</i>.</p>	<p>C46</p> <p>Minor encroachments by one or more of the following may be permitted forward of the <i>building line</i> provided the materials and design retain the visual integrity of the building:</p> <p>a) awnings</p> <p>b) architectural details</p> <p>c) courtyard walls to enclose areas of principal private open space</p> <p>d) entry stairs, landings or ramps for pedestrian access to the dwelling(s)</p> <p>e) Basement ramps, provided that adequate sight lines are maintained for vehicles exiting the ramp</p> <p>For the purpose of this rule architectural details do not include service areas or above ground utility infrastructure.</p>
<p>R47</p> <p>Minimum <i>side boundary setbacks</i> are:</p> <p>a) 0m in the <i>primary building zone</i> and</p> <p>b) 3m in the <i>rear zone</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.3 Planting areas</b>	
<p>R48</p> <p><i>Planting area</i> is a minimum of 25% of the <i>block</i> area. The minimum dimension of any area included in the <i>planting area</i> calculation is 2.5m.</p> <p>Not less than 7% of the <i>block</i> provides deep soil zones with a minimum dimension of 5m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>9.4 Basement vehicle access and parking</b>	
<p>R49</p> <p>Basement vehicle access is limited to one basement entry per two <i>blocks</i> or one basement entry per 40m of street frontage, whichever is the greater.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R50</p> <p>The maximum parking provision for:</p> <ul style="list-style-type: none"> <li>a) each studio or one bedroom dwelling is 1 parking space</li> <li>b) each two bedroom dwelling is 1.3 car parking spaces</li> <li>c) each dwelling with three or more bedrooms is 1.5 car parking spaces.</li> </ul> <p>Minimum and maximum parking provision rates contained within the relevant development or general codes do not apply.</p> <p>Note: Parking calculations are rounded up to the nearest whole number.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.5 Utilities</b>	
<p>R51</p> <p>Overhead powerlines, telephone and data cables are undergrounded in coordination with the relevant utility provider.</p>	<p>C51</p> <p>Powerlines, telephone and data cables are progressively undergrounded within sections to reduce visual impact, improve residential amenity and provide clearance for deep root planting zones.</p>
<b>9.6 Solar access</b>	
<p>R52</p> <p>This rule applies to buildings of more than three storeys.</p> <p>Buildings do not reduce the hours of direct sunlight between the hours of 9am and 3pm to any habitable room in any adjoining residential dwelling or commercial accommodation development to less than two hours.</p>	<p>C52</p> <p>Reasonable solar access for adjoining residential dwellings or commercial accommodation developments is achieved.</p>

Rules	Criteria
<b>9.7 Private open space and residential amenity</b>	
<p>R53</p> <p>Each dwelling above ground floor level provides a primary balcony that complies with the requirements as set out in table 3.</p> <p>For ground floor or podium level dwellings, a private open space area is provided with a minimum area of 15m<sup>2</sup> and minimum dimension of 3m.</p>	<p>C53</p> <p>Dwellings provide appropriately sized areas of private open space to enhance residential amenity.</p>

Dwelling type	Minimum balcony area	Minimum balcony depth
Studio	4m <sup>2</sup>	1m
1 bedroom	8m <sup>2</sup>	2m
2 bedroom	10m <sup>2</sup>	2m
3 or more bedrooms	12m <sup>2</sup>	2.4m

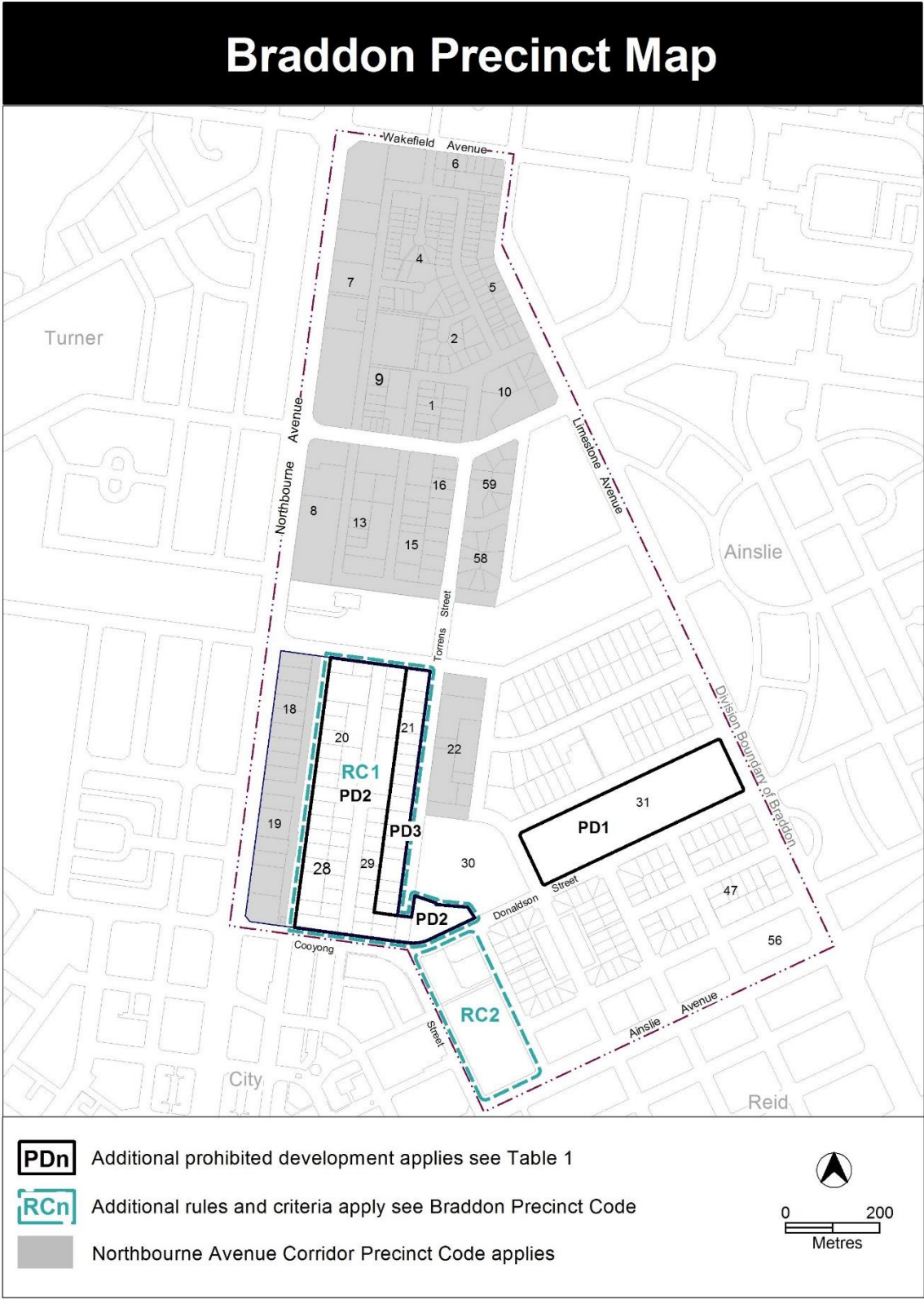
**Table 3: Minimum balcony areas**

Rules	Criteria
<p>R54</p> <p>Minimum <i>dwelling</i> internal floor areas are as follows:</p> <ul style="list-style-type: none"> <li>a) studio <i>dwelling</i>: 40m<sup>2</sup></li> <li>b) one bedroom <i>dwelling</i>: 50m<sup>2</sup></li> <li>c) two bedroom <i>dwelling</i>: 70m<sup>2</sup></li> <li>d) three bedroom <i>dwelling</i>: 100m<sup>2</sup></li> <li>e) four or more bedroom <i>dwelling</i>: 112m<sup>2</sup> plus 12m<sup>2</sup> for each additional bedroom above four bedrooms</li> <li>f) two or more bathrooms: include 5m<sup>2</sup> to the dwelling size for a second bathroom plus 5m<sup>2</sup> for each additional bathroom.</li> </ul>	<p>C54</p> <p>Dwellings provide internal areas of a useable and functional size.</p>

Rules	Criteria
<p><b>R55</b></p> <p>This rule applies to all <i>dwelling</i>s.</p> <p><i>Habitable rooms</i> must have an operable window in an external wall with a total minimum glass area of not less than 15% of the <i>gross floor area</i> of the relevant <i>habitable room</i>.</p> <p>Note: connecting <i>habitable rooms</i> to operable windows in an external wall via a corridor, also known as a 'snorkel' arrangement, does not satisfy the requirements of this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R56</b></p> <p>Living rooms and private open space areas of at least 70% of dwellings in a building receive a minimum of three hours direct sunlight between 9am and 3pm during the winter solstice (21 June).</p> <p>A maximum of 15% of dwellings in a building receive no direct sunlight between 9am and 3pm during the winter solstice (21 June).</p>	<p><b>C56</b></p> <p>The design of the building optimises the number of dwellings receiving sunlight to habitable rooms, primary windows and areas of private open space.</p>
<b>9.8 Housing diversity</b>	
<p><b>R57</b></p> <p>Development contains:</p> <ul style="list-style-type: none"> <li>a) not more than 40% studio or one bedroom <i>dwelling</i>s</li> <li>b) not more than 40% two bedroom <i>dwelling</i>s</li> <li>c) not less than 20% three or more bedroom <i>dwelling</i>s.</li> </ul>	<p><b>C57</b></p> <p>Housing developments comprising multiple <i>dwelling</i>s are required to achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) a range of housing types</li> <li>b) increased diversity of <i>dwelling</i> types within a neighbourhood.</li> </ul>
<p><b>R58</b></p> <p>Minimum separation distances for buildings within a development and between adjoining developments are:</p> <ul style="list-style-type: none"> <li>a) 12m between unscreened habitable rooms and balconies</li> <li>b) 9m between habitable rooms and non-habitable rooms or screened habitable rooms</li> <li>c) 6m between non-habitable rooms or screened habitable rooms.</li> </ul>	<p><b>C58</b></p> <p>Building separation:</p> <ul style="list-style-type: none"> <li>a) assists in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook</li> <li>b) provides suitable areas for communal open spaces, deep soil zones and landscaping.</li> </ul>

## Element 10: Building controls

Rules	Criteria
<b>10.1 Ceiling Heights</b>	
<p>R59</p> <p><i>Dwellings</i> have a minimum finished floor to finished ceiling height of:</p> <ul style="list-style-type: none"> <li>a) <i>single storey dwellings</i> <ul style="list-style-type: none"> <li>i) <i>habitable rooms</i> – 2.7m</li> <li>ii) <i>non-habitable rooms</i> – 2.4m</li> </ul> </li> <li>b) <i>two storey or greater dwellings</i> <ul style="list-style-type: none"> <li>i) <i>storey</i> containing the main daytime living area – 2.7m</li> <li>ii) other floors, where they do not exceed 50% of the total <i>gross floor area</i> of the <i>dwelling</i> – 2.4m, otherwise – 2.7m.</li> </ul> </li> </ul>	<p>C59</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access for <i>habitable rooms</i>.</p>
<p>R60</p> <p>All <i>habitable rooms</i> are naturally ventilated through windows in external walls.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R61</p> <p>At least 60% of dwellings are naturally cross ventilated.</p>	<p>C61</p> <p>The number of dwellings with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>



## Assessment Tracks

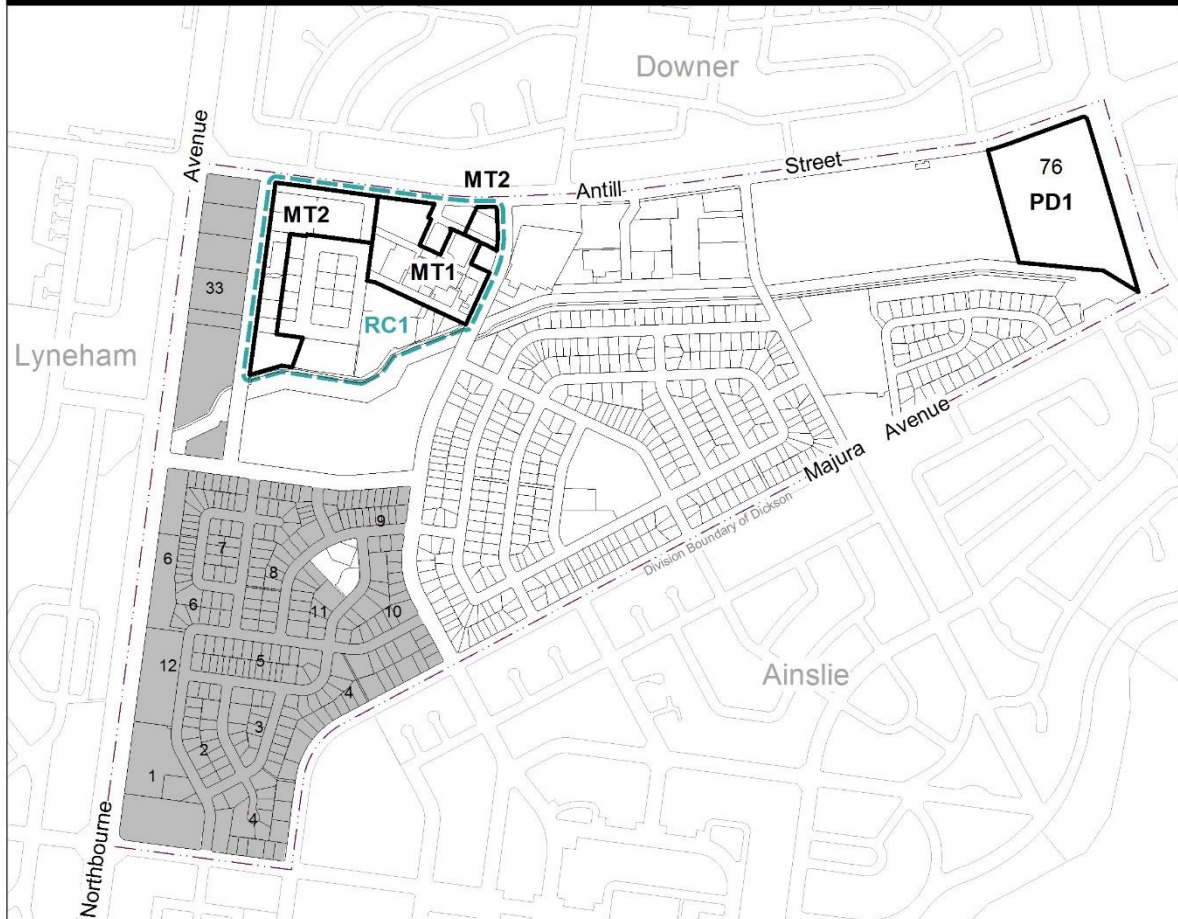
The following table identifies the additional prohibited development for blocks and parcels shown in the Braddon Precinct Map (identified as PDn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.


The following table constitutes part of the relevant zone development table.

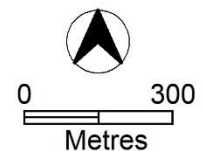
**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village</i> <i>supportive housing</i>
PD2	CZ3	<i>place of assembly</i> <i>place of worship</i> <i>religious associated use</i> <i>tourist facility</i> <i>tourist resort</i>
PD3	CZ2	<i>club</i> <b>COMMERCIAL ACCOMMODATION USE</b> <i>community theatre</i> <i>cultural facility</i> <i>drink establishment</i> <i>educational establishment</i> <i>emergency services facility</i> <i>financial establishment</i> <i>indoor entertainment facility</i> <i>indoor recreation facility</i> <i>outdoor recreation facility</i> <i>place of assembly</i> <i>place of worship</i> <i>religious associated use</i> <i>restaurant</i> <b>SHOP</b> <i>tourist facility</i>

# Dickson Precinct Map



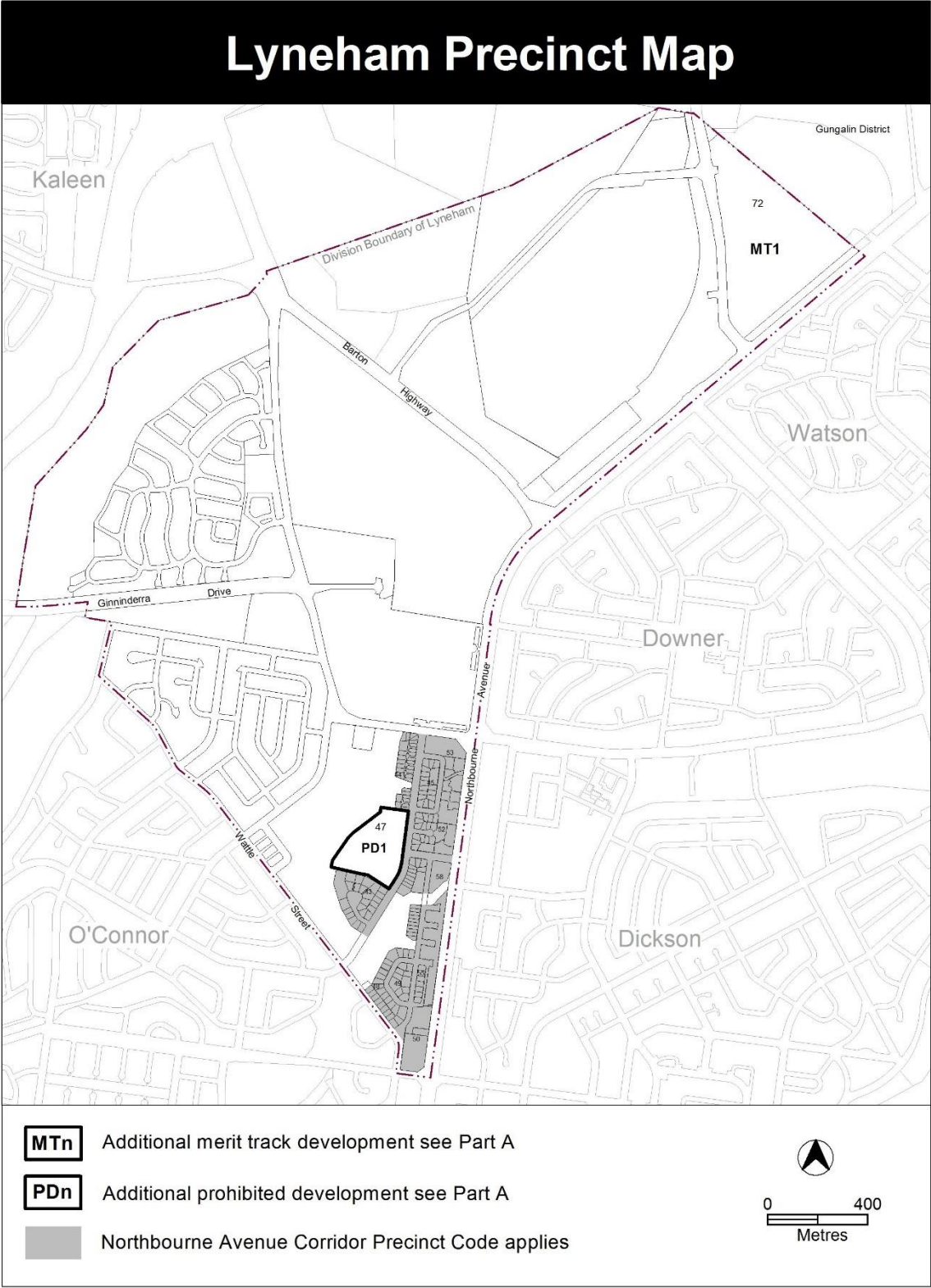
- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Dickson Precinct Code
-  Northbourne Avenue Corridor Precinct Code applies





**Table 2 – Additional merit track development**

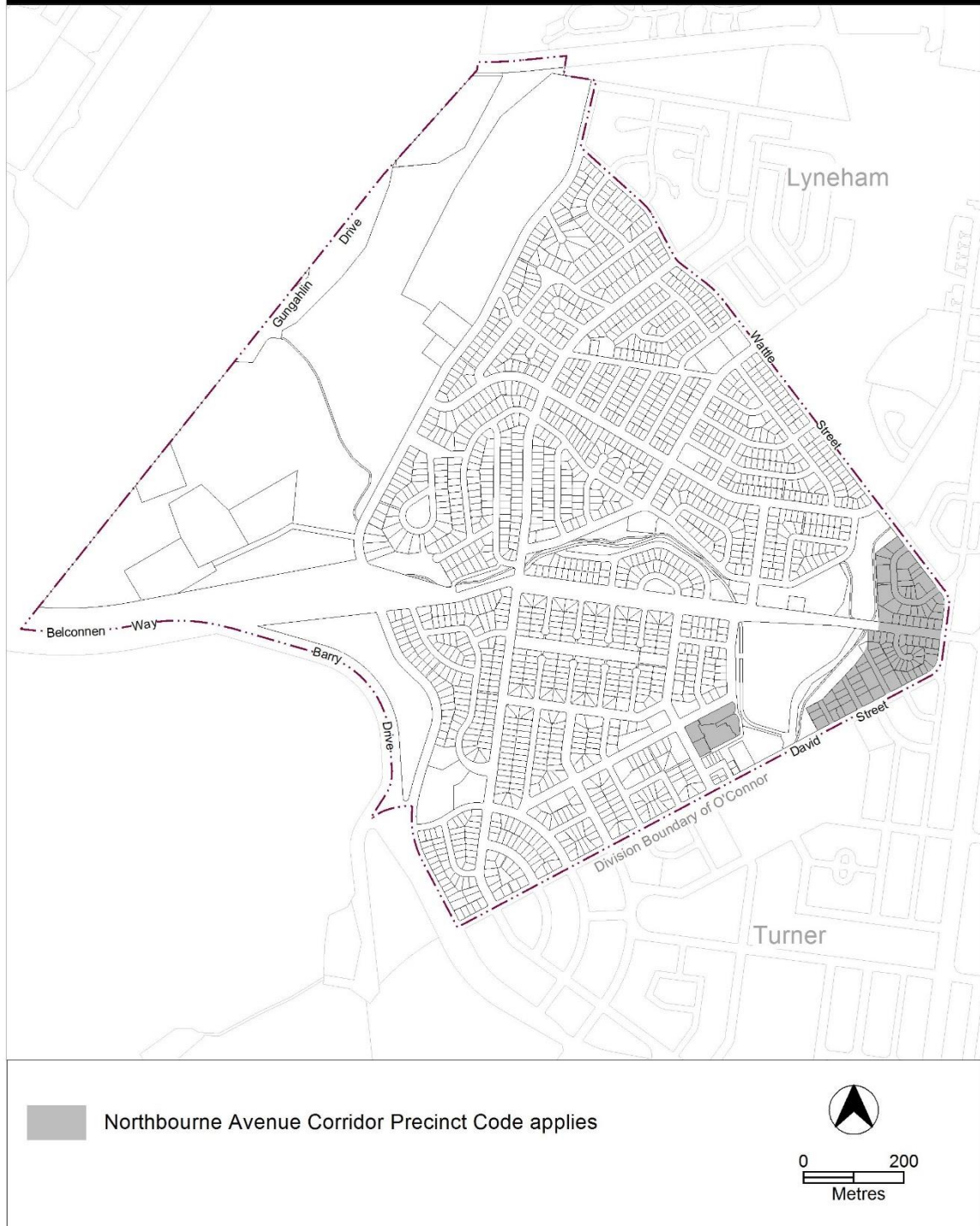
Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ1	<i>industrial trades municipal depot store</i>
MT2	CZ2	<i>funeral parlour light industry service station veterinary hospital</i>



**Table 2 – Additional merit track development**

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	NUZ1	<i>place of assembly</i>

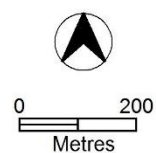
# O'Connor Precinct Map



# Turner Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Turner Precinct Code
- Northbourne Avenue Corridor Precinct Code applies
- X** Urban open space - not public land. These areas may be reviewed.



**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village</i> <i>supportive housing</i>
PD2	CZ2	<i>COMMERCIAL ACCOMMODATION USE</i> <i>(except guest house)</i> <i>drink establishment</i> <i>emergency services facility</i> <i>financial establishment</i> <i>indoor entertainment facility</i> <i>place of assembly</i> <i>restaurant</i> <i>serviced apartment</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	RZ1	<i>COMMUNITY USE</i>
MT2	PRZ1	<i>public transport facility</i>