

Planning and Development (Draft Variation No 370) Consultation Notice 2021

Notifiable instrument NI2021—90

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 370) Consultation Notice 2021*.

2 Draft variation to the Territory Plan

The planning and land authority (the **Authority**) has prepared a draft plan variation 370 – East Yowani Estate Lyneham section 67 part block 7 Zone change and amendments to the Lyneham Precinct Map and Code (the **draft variation**) to vary the Territory Plan. The draft variation proposes to rezone the site from PRZ2 Parks and Recreation to Commercial CZ5 Mixed Use and will provide guidance for development in the Lyneham Precinct Map and Code consistent with the requirements of the City and Gateway Urban Design Framework.

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, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT, 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 **16 April 2021** (the **consultation period**).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at www.act.gov.au/draftvariations.

4 Invitation to give written comments

- (1) The Authority invites written comments about the draft variation during the consultation period. Comments should include reference to the draft variation and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (**EPSDD**). Please also provide your name and contact

details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

- (2) Written comments should be provided to the Authority by:
- (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to the Access Canberra, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

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

6 Effect of the draft variation

Section 65 of the Act does not apply in relation to the draft variation and therefore it does not have interim effect. Where a draft variation does not have interim effect, the current Territory Plan will continue to apply.

7 Obtaining further information

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

8 Dictionary

In this instrument:

draft plan variation No 370 – East Yowani Estate Lyneham section 67 part block 7 Zone change and amendments to the Lyneham Precinct Map and Code means the draft plan variation in Schedule 1.

Lesley Cameron
Delegate of the planning and land authority
16 February 2021



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Draft Variation to the Territory Plan 370

East Yowani Estate
Lyneham section 67 part block 7

Zone change and amendments to the
Lyneham precinct map and code

February 2021

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

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Contents

1.	INTRODUCTION	1
1.1	Summary of the Proposal.....	1
1.2	Outline of the process	2
1.3	Public Consultation.....	3
2.	EXPLANATORY STATEMENT	4
2.1	Background	4
2.2	Site Description	5
2.3	Current Territory Plan Provisions	7
2.4	Proposed Changes.....	8
2.4.1	Proposed Changes to the Territory Plan Map.....	8
2.4.2	Proposed Changes to Territory Plan	10
2.5	Reasons for the Proposed Draft Variation.....	10
2.6	Planning Context.....	11
2.6.1	National Capital Plan	11
2.6.2	ACT Planning Framework.....	11
2.7	Interim Effect	14
2.8	Consultation with Government Agencies.....	14
3.	DRAFT VARIATION.....	18
3.1	Variation to the Territory Plan.....	18

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1. INTRODUCTION

1.1 Summary of the Proposal

The draft variation proposes to:

- allow the redevelopment of the eastern portion of the Yowani Country Club for a mix of commercial and residential uses. To permit this change in use:
 - Lyneham, section 67, part block 7 (between Northbourne Avenue and Sullivans Creek) will be rezoned from Parks and Recreation PRZ2 restricted access recreation and Transport and Services TSZ1 Transport (south east corner) to Commercial CZ5 mixed use zone
 - amend the Lyneham Precinct Code by introducing new rules and criteria to guide future Estate Development Plan and individual building Development Applications which include:
 - limitations on the scale of residential and non-residential uses
 - flood impacts, flood mitigation and protection of the values of Sullivans Creek
 - the location and design of open space areas and internal pedestrian connections
- implement the relevant planning recommendations of the City and Gateway Urban Design Framework (the Framework) which include active travel routes, building heights and building setbacks
- implement the relevant planning recommendations of the ACT Climate Change Strategy 2019-2025 and Canberra's Living Infrastructure Plan: Cooling the City. These provisions relate to tree canopy cover, urban heat and sustainable building design assessments
- incorporating changes and updates to the Territory Plan to better align with the special requirements of the National Capital Plan

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 nonurban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the Territory Plan.

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

1.3 Public Consultation

Written comments about the draft variation are invited from the public by **Friday 16 April 2021**.

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
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

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, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT and will 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 is available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Access Canberra Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT, 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

Lyneham, Section 67, Block 7

Lyneham, section 67, block 7 is currently occupied by the Yowani Country Club which was established in 1954 and provides both golf and a bowling green to members and the public.

Due to a decline in traditional revenue sources the Yowani Country Club is seeking to diversify its revenue base to 'future proof' their club. The addition of a mixed-use development (which will be permitted by this variation) will allow for additional revenue which in turn will enable the redevelopment of the club facilities including a redesigned golf course, new clubhouse and bowling green.

The subject area currently contains the Yowani Country Club clubhouse, carpark and bowling green. Upon redevelopment of the site, DV370 requires these facilities to be provided elsewhere on the site or within close proximity to the golf course.

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 Framework was 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 relevant planning controls recommended in the Framework for the site such as active travel routes, building heights and building setbacks.

Amendment 91 and 93 to the National Capital Plan

In April and September 2019, the National Capital Authority (NCA) amended its National Capital Plan (NCP) with Amendments 91 (A91) and 93 (A93) respectively. A91 and A93 implemented parts of the Framework which were of interest to the NCA. Prior to this the Yowani Country Club was subject to the NCA's Development Control Plan for the site which essentially restricted the block to its current use.

The changes made through A91 and A93 allow the eastern portion of the Yowani Country Club to be used more intensely in line with the principles of the Framework.

This draft variation makes minor changes or clarifications to provisions to better align with the special requirements of the National Capital Plan, particularly Part 4.28 City and Gateway Corridor.

ACT Climate Change Strategy 2019-2025 & Canberra's Living Infrastructure Plan: Cooling the City

The ACT Climate Change Strategy 2019-2025 (CCS) & Canberra's Living Infrastructure Plan: Cooling the City (LIP) outlines the high and mid-level principles to reduce greenhouse gas emissions and support community resilience to the effects of climate change.

This draft variation includes environmentally sustainable design measures and living infrastructure provisions which align with the objects of the CCS and LIP.

2.2 Site Description

The subject area consists of the 8.66ha eastern portion (see Figure 1) of Lyneham, section 67, block 7 between Northbourne Avenue and Sullivans Creek. The subject area is bounded by Barton Highway, Northbourne Avenue, the centreline of Sullivan's Creek stormwater easement and the southern limit of the proposed Swinden Street extension which generally runs along the common boundary with Lyneham, section 59, block 50.

The subject area currently contains the Yowani Country Club clubhouse, carpark and bowling green. These facilities are proposed to be relocated to Lyneham, section 64, blocks 14 and 15 as part of a separate process to this variation. This separate process is related to but does not necessarily rely on this variation as blocks 14 and 15 already possess suitable zoning for these uses to be undertaken.

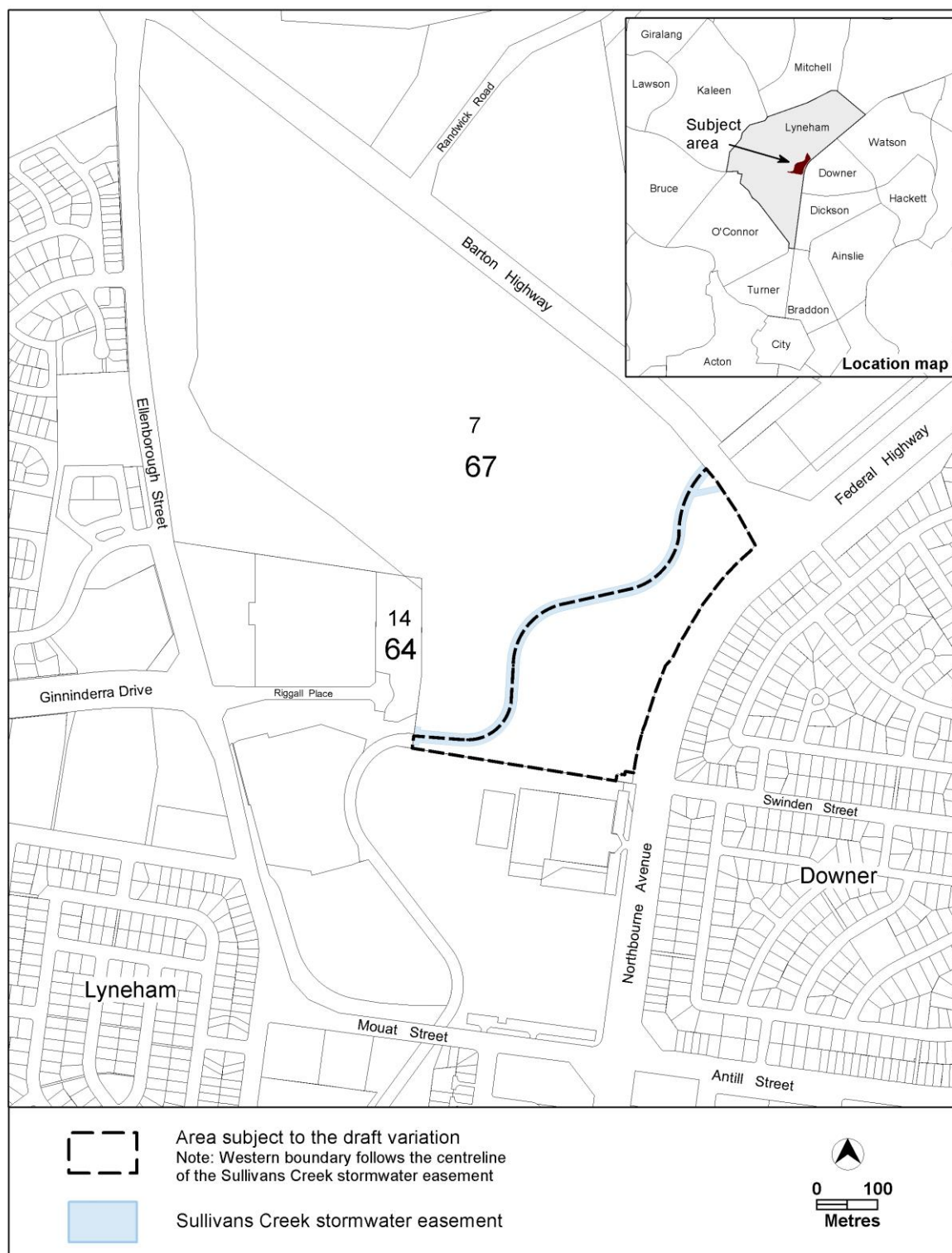


Figure 1 Site Plan

2.3 Current Territory Plan Provisions

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

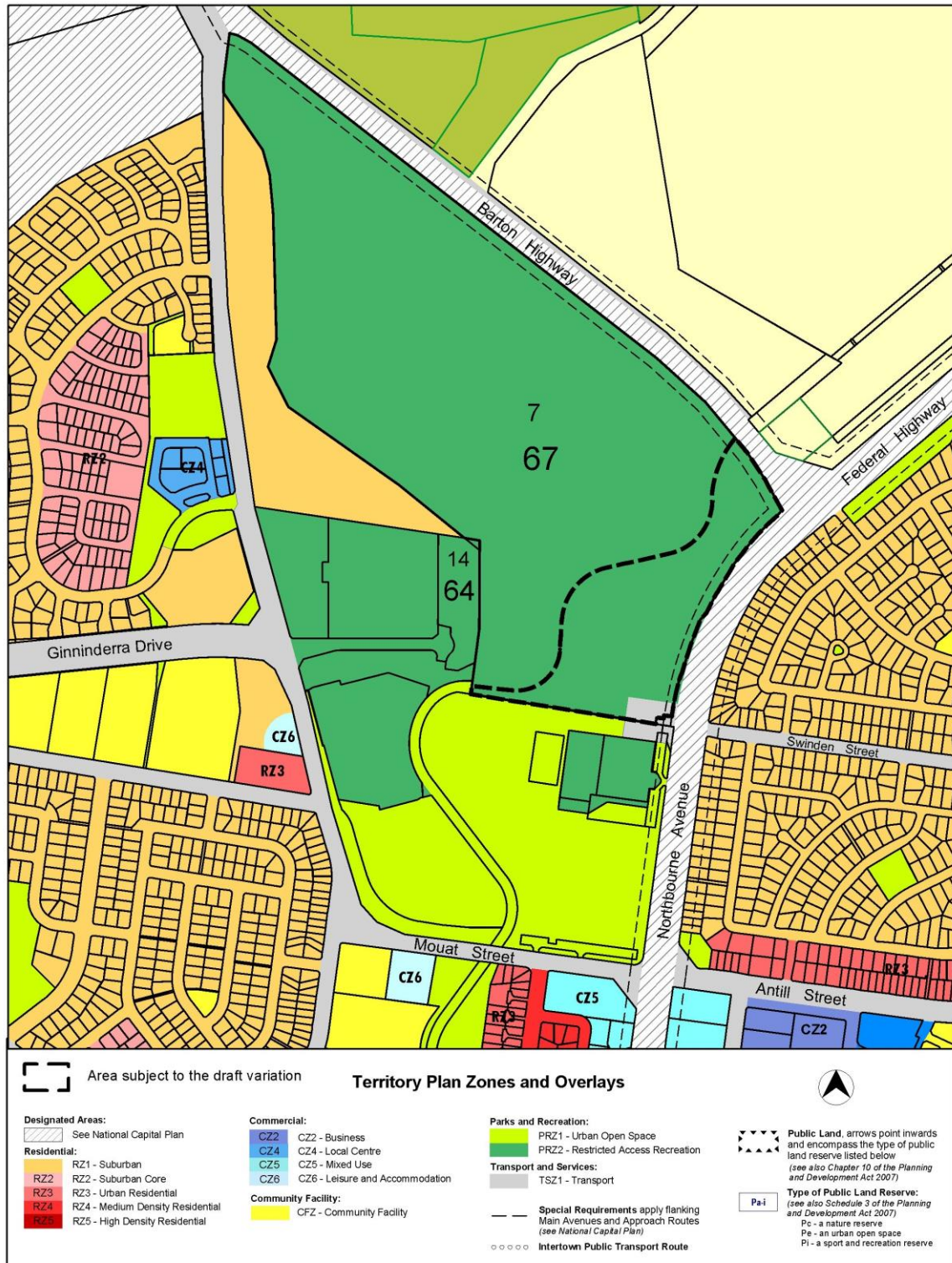


Figure 2 Current Territory Plan Zones Map

2.4 Proposed Changes

2.4.1 Proposed Changes to the Territory Plan Map

The Territory Plan map is proposed to be changed in this draft variation as per Figure 3. The eastern part of Lyneham, section 67, block 7 is proposed to be rezoned from Parks and Recreation PRZ2 Restricted Access and Transport and Services TSZ1 Transport (south east corner) to Commercial CZ5 Mixed Use.

The subject area is bounded by Barton Highway, Northbourne Avenue, the centreline of the Sullivan's Creek stormwater easement and the southern limit of the proposed Swinden Street extension which generally runs along the common boundary with Lyneham, section 59, block 50.

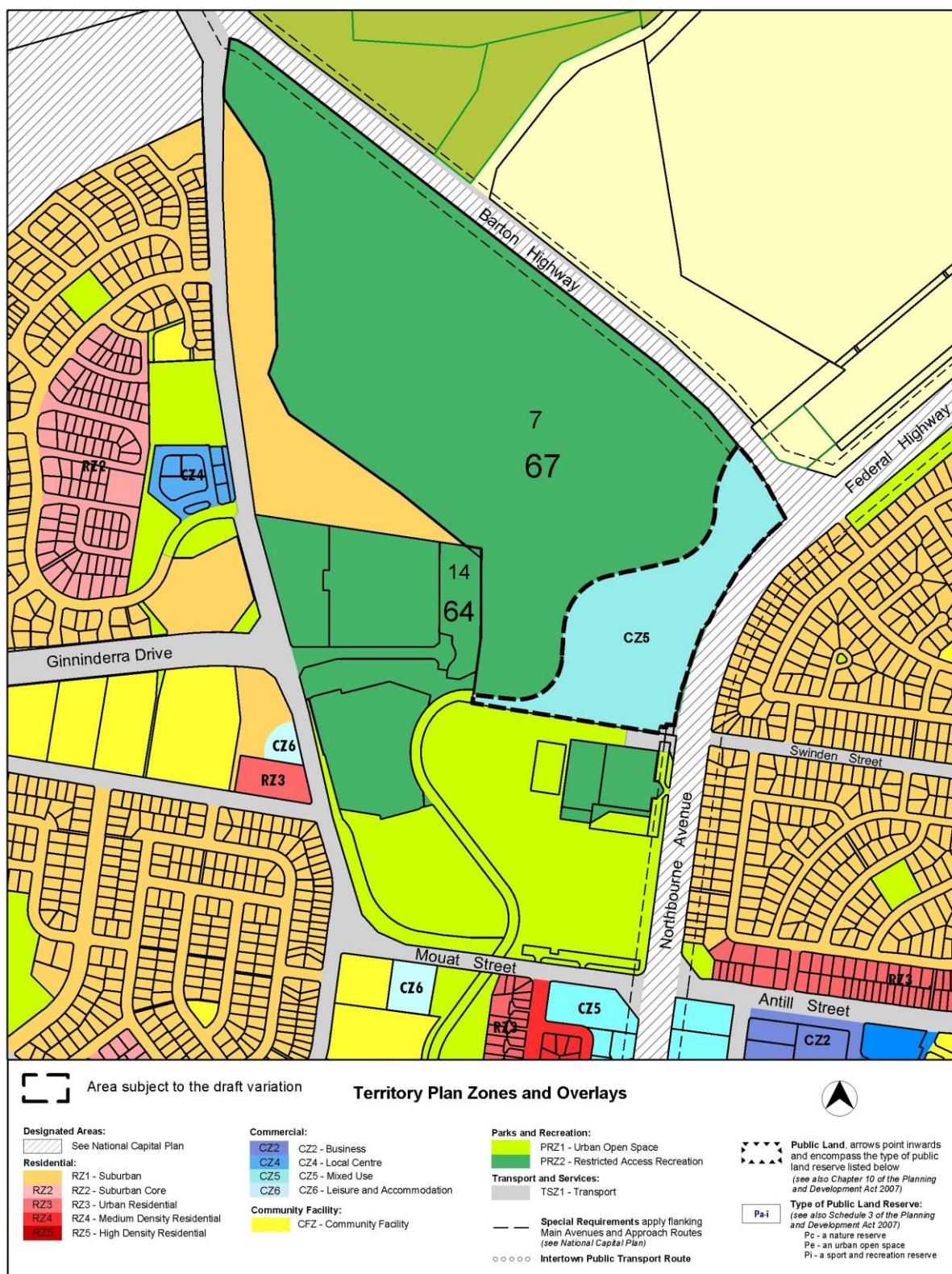


Figure 3 Proposed Territory Plan Zones Map

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

2.4.2 Proposed Changes to Territory Plan

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

- replacement of the Lyneham Precinct Code to include detailed controls for Yowani Country Club site (see below)
- inclusion of rules and criteria to protect Sullivans Creek and guide naturalisation, if it was to occur
- limit residential and non-residential uses on the site, including
 - limit the number of dwellings and non-residential uses
 - mandate a minimum area for community uses, open space areas and pedestrian linkages
- implementing the key planning policies set out in the Framework for the site including active travel routes, building heights and building setbacks.
- implementing the key planning policies set out in the CCS and Canberra's LIP. These provisions relate to tree canopy cover, urban heat and sustainable building design assessments
- changes and updates to the Territory Plan to better align it with the special requirements of the National Capital Plan as varied by Amendments A91 and A93.

2.5 Reasons for the Proposed Draft Variation

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

- incorporate the relevant planning policy recommendations of the Framework into the Territory Plan
- incorporate the relevant planning policy recommendations of the LIP to promote development which will be adaptable in a changing climate
- facilitate the redevelopment of the Yowani Country Club to promote a compact city by allowing additional residents and appropriate services to be located within close proximity to a vital transport corridor
- amend the Territory Plan to better align it with the special requirements of the National Capital Plan as varied by Amendments A91 and A93.

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.

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

This variation facilitates the development of land which is centrally located and on an important transport corridor. While the variation will rezone land from PRZ2 to CZ5, the land further to the west (currently a golf course) will remain as PRZ2. The CZ5 area will also contain active travel routes, open space and pedestrian connections available for public use. The redevelopment of this site is located within the urban area and contributes to limiting urban expansion.

- 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 along the light rail corridor. This variation will facilitate redevelopment of the site to allow more residents to live in close proximity to this vital public transport corridor. The variation will also require walking and cycling connections in and around the site 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. In the Framework it is recommended 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, among other things, require:

- generous setbacks and separation distances between buildings and for these spaces to be landscaped to a high quality
- a mix of dwellings to cater for a diversity of household sizes
- publicly accessible active travel routes, open spaces and pedestrian paths through the site.

2.5 A wide range of housing types will be permitted in identified residential areas close to centres and major transport routes to increase choice; maximise opportunities for affordable housing; and secure some intensification of development consistent with maintaining residential amenity. Outside of these areas, planning policies will protect typically low density, garden character of Canberra's suburban areas.

This variation requires a variety of dwelling types, including requirements for dwellings to contain one, two and three bedrooms and alternative layout requirements. As the site is isolated from adjoining development the impact on the amenity of nearby residents is considered to be minimal.

- 2.7 Development will be planned to encourage use of public transport, walking and cycling, including commuter cycling. Routes will be reserved for an enhanced inter-town public transport system. Requirements for vehicle parking will relate to commercial needs and transport policy objectives.*

This subject site is located near Southwell Park, along the light rail corridor and near the Sullivans Creek active travel route. This variation incorporates provisions requiring public pedestrian connections and active travel routes through the site to enhance these connections as well as public open spaces. In recognition of the location of the site and proposed additional connections, vehicle parking requirements will be expressed as a maximum rather than minimum amount. This will encourage more efficient use of the site, a range of dwelling options to create housing choice and encourage public transport use, commuter pedestrians and cyclists.

- 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/Federal Highway to reinforce the corridor'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 rejuvenation along the light rail corridor to create a distinctive approach to the National Capital and a sequence of progressively urban places that reinforces Canberra as a city within the landscape.

The draft variation is consistent with the above Strategic Directions, the ACT Planning Strategy 2018 and the ACT Transport Strategy 2020.

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 (NCA) provided the following comments on 2 September 2020

Thank you for the request for comments for Draft Variation 370, East Yowani Estate. Block 7 Section 67 Lyneham is zoned as 'Urban Areas' in the 'General Policy Plan – Metropolitan Canberra' in the National Capital Plan (the Plan). The proposed CZ5 land use is not inconsistent with the 'Urban Areas' land use in the Plan. Any development fronting and within 200 metres of the centre line from the Federal Highway Approach Route (Northbourne Avenue) must be consistent with Section 4.28 of the Plan and is subject to Special Requirements.

Some items and policies from section 4.28 in the Plan have been introduced to the Lyneham Precinct Code, but other items have no rules in the Draft Variation such as minimum apartment sizes and building length. Further discussion regarding the extent to which National Capital Plan provisions are reflected in the Territory Plan and how these provisions are implemented during the development assessment phase would be useful. The NCA's objective in this regard is to ensure that National Capital Plan provisions are recognised by all parties and considered throughout the planning process.

R35 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.

Both C1 (f) and C2 (g) state that development adjacent to Sullivan's Creek is to provide a sufficient area to allow for the naturalisation of Sullivans Creek, if feasible and desirable. The Plan requires that development adjacent to Sullivans Creek must assist in enhancing Sullivans Creek as a multi-functional creek corridor that enhances environmental values, improves ecological connectivity and wildlife. The NCA suggests that provisions concerning the naturalisation of Sullivans Creek should be stronger to align with the Plan and to encourage this to occur.

C34 proposes setbacks to Sullivan's Creek with development meeting a number of criteria. Has criteria for maintaining public access been considered?

C34 (c i) should be changed from 'floor risk study' to 'flood risk study' mentioned in R4.

Response

Noted. Due to the current differences between the NCP and the Territory Plan, DV370 does contain some of the provisions from 4.28 of the NCP. DV370 has incorporated provisions from the NCP for the following reasons:

- implementation of parts of the Framework which are within the interest of the ACT Government, some of which may overlap with provisions in the NCP
- converting NCP provisions to Territory Plan structure or language to improve clarity during assessment without being inconsistent with the NCP
- where provisions of the NCP have sufficient detail or can be applied appropriately during the assessment of development applications without further clarification, they have not been incorporated into DV370
- development codes in the Territory Plan contain a paragraph in the introduction to explain the relationship between the NCP and Territory Plan

In addition to the above points, the provisions of the NCP apply to most of the area covered by DV370, regardless of their inclusion in the Territory Plan. If there is any inconsistency between the Territory Plan and NCP the NCP takes precedence.

As a result of NCA comments, DV370 contains provisions for building length and minimum apartment sizes.

Building separation requirements (Rule 35) are drafted to be consistent with the NCP requirements. Due to the differences between ACT and NCA planning systems, it is important that R35 has defined terms to make sure the intent of building separation is consistently applied across all applications. The wording of the rule will make sure that the intent of the provisions is assessed consistently under the Territory Plan.

DV370 contains provisions for the naturalisation of Sullivans Creek. Development applications for the naturalisation of Sullivans Creek will be referred to the NCA for comment. More information on the feasibility and extent of the naturalisation of Sullivans creek can be found below in response to comments from the Conservator of Flora and Fauna.

Public access along Sullivans Creek is an important feature of DV370. DV370 contains provisions to make sure public access is achieved including active travel routes and setting riparian uses and values along the length of the Creek.

Finally, a requirement is included under R30 which will require the proponent to provide documentation of how their proposal is consistent with the provisions of the National Capital Plan. Minor typographical errors have been corrected in the public consultation version of DV370.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna provided the following comments on 1 September 2020:

The area of the proposed amendment is highly disturbed and there are no major ecological issues of concern. Furthermore, conversion of the existing concrete drain into a vegetation lined creek will have a positive ecological outcome.

It should be noted, however, that there are several regulated trees on the site that may be impacted by the proposed development. Regulated trees are protected under the Tree Protection Act 2005 and to allow their removal they are required to meet the criteria for removal under the Act.

Response

Noted. The feasibility and extent of naturalisation of Sullivans Creek is set to be determined at the estate development plan development application stage. If naturalisation does occur, DV370 includes provisions (specifically R3/C3) to guide this process. These provisions may be amended prior to, during or after further detailed work is undertaken to inform feasibility and design of the naturalised creek.

The Conservator of Flora and Fauna will be referred future development applications for the site, particularly when regulated trees are present.

Environment Protection Authority

The Environment Protection Authority (EPA) provided the following comments on 31 August 2020:

The EPA has no comment on the draft variation.

Response

Noted. The EPA has been involved in the prior planning report processes for the site. The EPA will also be referred relevant future development applications for the site.

Heritage Council

The Heritage Council provided the following comments on 26 August 2020:

As set out in prior Council advice on the proposal, the subject area contains no registered or recorded heritage places or objects, and the proposed redevelopment is unlikely to have detrimental heritage effects.

In this context, the Council does not object to DV370, subject to the condition that any future development applications for the place include an Unanticipated Discovery Protocol for the assessment and management of any unexpected heritage discoveries during construction.

Response

Noted. The Heritage Council will be referred future development applications for the site as relevant. DV370 includes R65/C65 which requires an endorsed 'Unanticipated Discovery Protocol' to be provided with any development application or alternatively it will be referred to the Heritage Council.

Land Custodian

DV370 encompasses the eastern portion of block 7 Section 67 Lyneham which is privately leased. Therefore, DV370 does not affect any unleased or leased public land.

3. DRAFT VARIATION

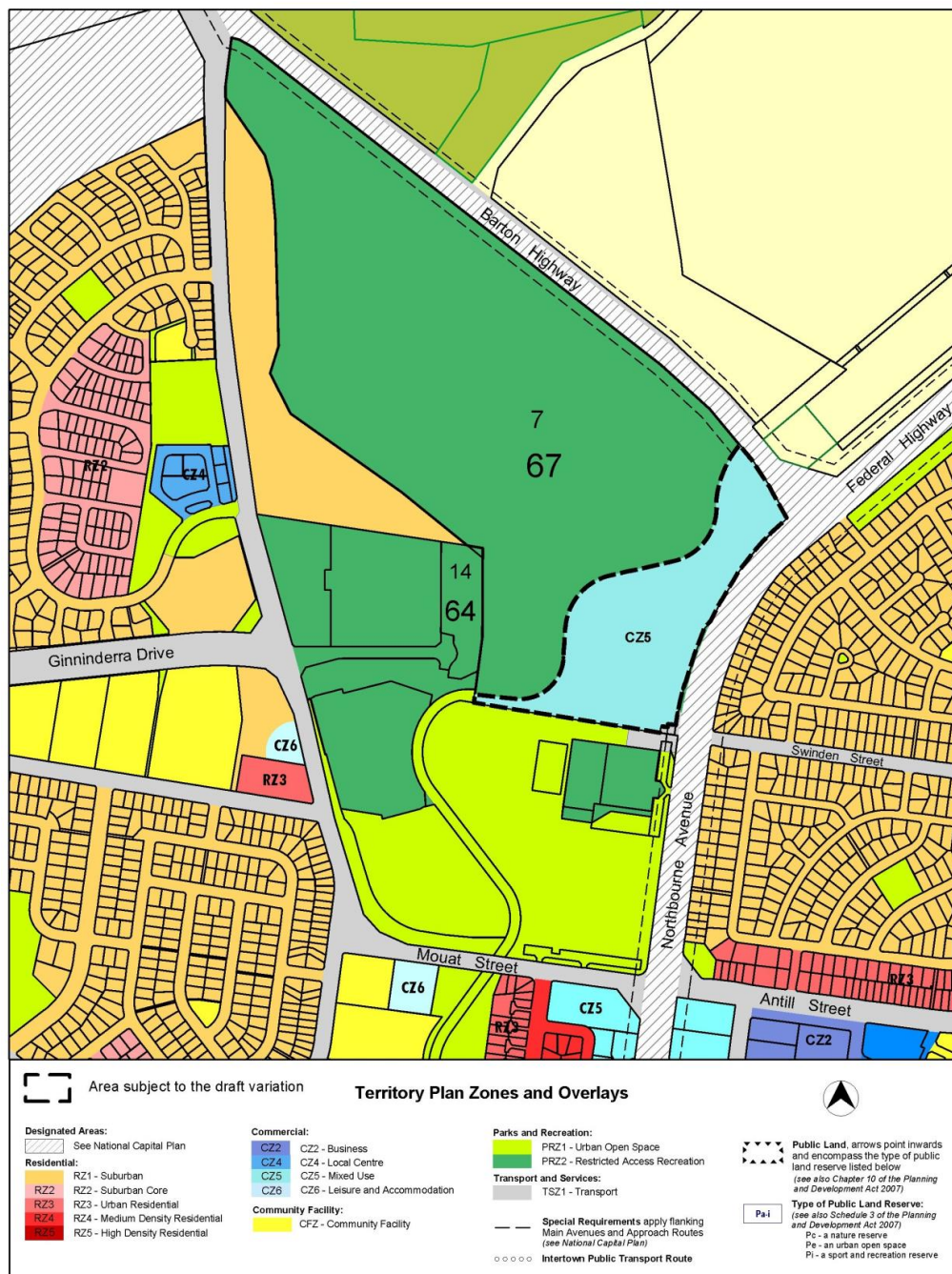
3.1 Variation to the Territory Plan

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

Variation to the Territory Plan map

1. Maps

Substitute



Variation to the *Lyneham Precinct map and code*

2. 10 Precinct Maps and Codes

Substitute the current Lyneham Precinct Map and Code with Appendix A.

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα 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

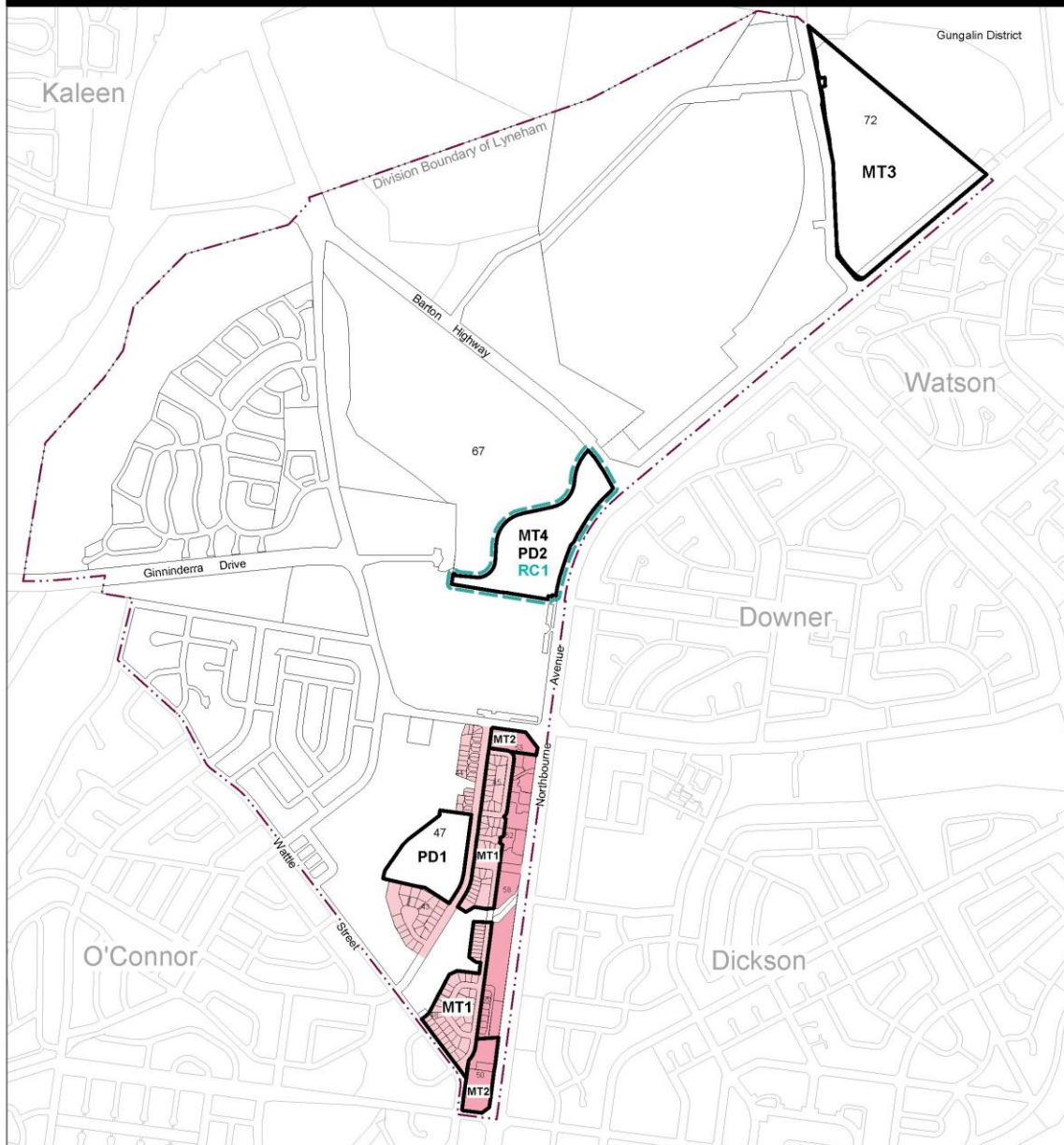
Environment, Planning and
Sustainable Development

Appendix A

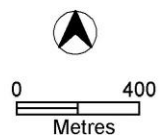
Lyneham Precinct Map and Code

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Lyneham Precinct Map



- MTn** Additional merit track development see Part A
- PDn** Additional prohibited development see Part A
- RCn** Additional rules and criteria apply see Lyneham Precinct Code
- Northbourne Avenue Precinct Code applies
- Inner North Precinct Code applies



Assessment Tracks

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

The following tables constitute part of the relevant zone development table.

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village supportive housing</i>
PD2	CZ5	<i>bulky goods retailing department store secondary residence single dwelling housing</i>

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	RZ4	<i>business agency office restaurant SHOP</i>
MT2	CZ5	<i>club place of assembly scientific research establishment</i>
MT3	NUZ1	<i>place of assembly</i>
MT4	CZ5	<i>drink establishment</i>

Lyneham Precinct Code

Contents

INTRODUCTION.....	3
ADDITIONAL RULES AND CRITERIA.....	5
RC1 – EAST YOWANI ESTATE	5
Element 1: Estate planning	5
1.1 Sullivans Creek.....	5
1.2 Site access and internal road layout	9
1.3 Location of non-residential uses.....	10
1.4 Open space areas and travel routes - General	10
1.5 Estate open space areas.....	11
1.6 Mid-block links	12
1.7 Internal pedestrian and bicycle network	13
1.8 Active travel connection	13
1.9 Recreation	14
1.10 Tree retention and canopy cover.....	17
1.11 Block address	17
1.12 Educational facilities planning	18
Element 2: Restrictions on use	19
2.1 Number of dwellings	19
2.2 Retail	19
2.3 Commercial	20
2.4 Food and Entertainment.....	20
2.5 Community Use	21
2.6 Non-RESIDENTIAL USE – ground floor	21
Element 3: Building controls and design	22
3.1 National Capital Plan	22
3.2 Height of building.....	22
3.3 Front boundary setback.....	23
3.4 Building separation	23
3.5 Floor to ceiling heights	25
3.6 Building address	25
3.7 Building Length.....	26
3.8 Pedestrian shelters.....	26
3.9 Internal dwelling and building design	26
3.10 Housing diversity	27
Element 4: Site controls and design	28
4.1 Landscape design – Deep soil zones	28
4.2 Courtyard Walls	28
Element 5: Amenity.....	29
5.1 Solar Access – apartments	29
5.2 Solar Access to adjoining development	29
5.3 Principal private open space	29
5.4 External facilities.....	30
5.5 Noise	31

Element 6:	Parking and vehicular access	31
6.1	Vehicular access	31
6.2	Parking	32
6.3	Parking structures.....	33
Element 7:	Environment	34
7.1	Erosion and sediment control.....	34
7.2	Environmental assessment	34
7.3	Environmentally sustainable design	34
7.4	Microclimate	35
7.5	Permeability	36
7.6	Heritage	36

Figures

Figure 1.	Mid-Block Links and Active Travel Connections	16
Figure 2.	Areas not covered by the National Capital Plan	24
Table 1.	Minimum building separation	25
Table 2.	Principal private open space area requirements	30

Introduction

Name

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

Application

The code applies to the Division of Lyneham

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.

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 Directorate
CMTEDD	Chief Ministers, Treasury and Economic Development Directorate

Additional rules and criteria

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

RC1 – East Yowani Estate

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

Element 1: Estate planning

Rules	Criteria
1.1 Sullivans Creek	
There is no applicable rule.	<p>C1</p> <p>This criterion applies to land contained within the <i>setback</i> area to Sullivans Creek identified in C34.</p> <p>Development complies with all of the following (where relevant):</p> <ul style="list-style-type: none">a) maintain or increase flood conveyance capacity and storage volume for Sullivans Creekb) create and maintain opportunity for flora and fauna habitat and movementc) provide a landscape setting to improve visual and environmental amenityd) provide an infrastructure corridor for existing and future utility servicese) demonstrated adequate space for active travel routes and open spaces for the use and enjoyment of the local community and commutersf) increased or complete ‘naturalisation’ of Sullivans Creek through the use of natural construction materials and vegetationg) development of b) and d) is completed prior to or at the same stage as surrounding residential development. <p>For the purpose of this criterion ‘naturalisation’ means changing the appearance and functionality to more closely represent natural characteristics.</p> <p>Note: The planning and land authority may consult, where relevant, with TCCS and other</p>

Rules	Criteria
	areas of EPSDD (or future relevant agencies) when determining compliance with this criterion.
There is no applicable rule.	<p>C2</p> <p>This criterion applies to land contained within the <i>setback</i> area to Sullivans Creek specified in C34.</p> <p>Development is limited to:</p> <ul style="list-style-type: none"> a) works to mitigate flooding b) works which maintain or increase flood conveyance capacity and storage volume for Sullivans Creek c) landscaping or minor structure to improve visual and environmental amenity d) high quality and visually interesting screening of utility or flood mitigation works and infrastructure e) works relating to utility infrastructure that take place predominantly or entirely below <i>natural ground level</i> f) works to promote active travel and/or open areas for recreation and leisure g) communal open space and <i>private open space</i> required by a development code h) works to increase 'naturalisation' of Sullivans Creek through the use of natural construction materials and vegetation. <p>For the purpose of this criterion 'naturalisation' means changing the appearance and functionality to more closely represent natural characteristics.</p> <p>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this criterion.</p>

Rules	Criteria
<p>R3</p> <p>This rule applies to the following:</p> <ul style="list-style-type: none"> a) filling within one of the following (whichever is greater): <ul style="list-style-type: none"> i) 1% AEP (once in 100 year) flood extent for Sullivans Creek ii) 6 metres of Sullivans Creek stormwater easement b) compensatory excavation to offset filling specified in a) c) reducing or increasing flood conveyance capacity and storage volume for Sullivans Creek d) increased 'naturalisation' of Sullivans Creek. <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) is endorsed by TCCS b) is prepared by a 'suitably qualified professional' <p>For the purpose of this rule 'naturalisation' means changing the appearance and functionality to more closely represent natural characteristics which may include the use of natural construction materials and vegetation.</p> <p>For the purpose of this rule a 'suitably qualified professional' is familiar with the design and analysis of flood management measures related to development adjacent to major watercourses.</p> <p>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this rule.</p>	<p>C3</p> <p>If TCCS endorsement is not provided the application will be referred to TCCS.</p>

Rules	Criteria
<p>R4</p> <p>This rule applies to development wholly or partially within 1% AEP (once in 100 year) flood extent for Sullivans Creek.</p> <p>Development of the RC1 area is consistent with a flood risk study, prepared by a 'suitably qualified professional' and endorsed by TCCS, which includes all of the following:</p> <ul style="list-style-type: none"> a) protections for ongoing safety of the public against impacts of floods are provided b) protections for property against the impacts of floods are provided c) the RC1 area is planned and developed with consideration for flood risks d) where flood impacts on development exceed 6m from Sullivans Creek stormwater easement, identification of a minimum <i>setback</i> for development to inform C34. <p>For the purpose of this rule a 'suitably qualified professional' is familiar with the design and analysis of flood management measures related to development adjacent to major watercourses.</p> <p>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this rule.</p>	<p>C4</p> <p>If TCCS endorsement is not provided the application will be referred to TCCS.</p>

Rules	Criteria
1.2 Site access and internal road layout	
<p>R5</p> <p>The following is endorsed by TCCS:</p> <ul style="list-style-type: none"> a) a transport impact assessment, prepared by a suitably qualified professional b) location, nature and number of new and existing external vehicular site access points to/from the RC1 area c) Sullivans Creek active travel connection. <p>Plans and drawings clearly demonstrate that the development is consistent with TCCS endorsements for a), b) and c).</p> <p>Note: TCCS may endorse development or works in addition to items identified in this rule.</p>	<p>C5</p> <p>If TCCS endorsement is not provided with the application or the plans and drawings are not consistent with rule, the application will be referred to TCCS.</p>
<p>There is no applicable rule.</p>	<p>C6</p> <p>The number of new and existing vehicular access points from/to RC1 and to/from Northbourne Avenue is minimised.</p>
<p>There is no applicable rule.</p>	<p>C7</p> <p>The internal road layout for RC1 area complies with all of the following:</p> <ul style="list-style-type: none"> a) incorporates a parallel access street generally along the Northbourne Avenue frontage b) prioritises pedestrians and cyclists particularly where the 'internal pedestrian and bicycle network' mentioned in C12 or 'mid-block links' mentioned in C11, intersects with internal roads c) minimises the amount of road in favour of soft landscape areas.

Rules	Criteria
1.3 Location of non-residential uses	
<p>There is no applicable rule.</p>	<p>C8</p> <p>This criterion applies to development other than <i>RESIDENTIAL USE</i>.</p> <p>Development is located to comply with all of the following:</p> <ul style="list-style-type: none"> a) in the south eastern portion of the site b) in close proximity to and easily accessible from site access points and the Swinden Street light rail stop c) after a) and b) have occurred, along Northbourne Avenue and the Swinden Street extension, primarily adjoining or in close proximity to other non-residential development. <p>Note: this criterion does not preclude <i>RESIDENTIAL USE</i> from occurring in the above areas on the site.</p>
1.4 Open space areas and travel routes - General	
<p>There is no applicable rule.</p>	<p>C9</p> <p>This criterion applies to:</p> <ul style="list-style-type: none"> a) 'open space areas', 'Sullivans Creek active travel connections' and 'mid-block links' identified in Figure 1 b) 'internal pedestrian and bicycle network' mentioned in C12. <p>Development within the areas mentioned above comply with all of the following:</p> <ul style="list-style-type: none"> a) provide safe, efficient and unimpeded public access to pedestrian and cyclists at all times b) identifies and provides the recreational and leisure needs of the local community c) where these areas intersect with roads and vehicular access ways, demonstrate how priority is given to pedestrians and cyclists through traffic calming measures such as slow speed areas, shared spaces and refuge islands d) provides adequate amenity and safety for uses of the area including soft

Rules	Criteria
	<p>landscaping, shade for warmer weather, access to sunlight (particularly in colder weather), adequate lighting (that does not impact on the amenity of adjoining development) and passive and perceived surveillance at all times</p> <p>e) development within these areas is limited to <i>planting area</i>, surface landscaping, <i>buildings</i> and <i>structures</i> which are consistent with active travel pathways or are open and do not limit accessibility</p> <p>f) all areas provide adequate irrigation for landscaped areas and high-quality fit-for-purpose paving and finishes</p> <p>g) are completed prior to or at the same stage as surrounding residential development.</p>
1.5 Estate open space areas	
<p>R10</p> <p>'Open Space Areas' comply with all of the following:</p> <p>a) <i>RESIDENTIAL USE</i> development within the RC1 is not more than 300m from an 'open space area'</p> <p>b) has a minimum total 'useable' area across RC1 of 3200m² plus 4m² for each <i>multi-unit housing</i> dwelling within RC1 over 800 dwellings</p> <p>c) not more than four 'open space areas' are provided across the RC1 area</p> <p>d) the RC1 area provides a mix of open space areas and facilities in accordance with a 'neighbourhood park and a 'micro park'.</p> <p>For the purpose of this rule and associated criterion 'usable' does not include areas which limit the useability of open space such as regulated tree protection zones and high-risk flood zones etc.</p> <p>Characteristics of 'neighbourhood parks' and 'micro parks' are outlined in '<i>Municipal Infrastructure Standard 16 Urban Open Space</i>'.</p>	<p>C10</p> <p>An open space needs assessment is undertaken by a 'suitably qualified professional' that:</p> <p>a) demonstrates that at least one open space area is within accessible walking distances for all <i>RESIDENTIAL USE</i> development within the RC1.</p> <p>b) specifies a minimum 'usable' area of open space across the RC1 area that is adequate to accommodate the current and future on-site population</p> <p>c) specifies the amount of open space areas to achieve equitable access and adequate space per area for all current and future <i>RESIDENTIAL USE</i> development</p> <p>d) identifies areas, facilities and equipment needed by the local community, including high quality children's play spaces, kick-about area recreation facilities (such as barbeque facilities, picnic tables, benches, waste and recycling bins and exercise equipment).</p>

Rules	Criteria
	<p>Findings of the open space needs assessment are clearly shown on plans and drawings.</p> <p>For the purpose of this criterion a 'suitably qualified professional' has qualifications and experience in urban planning, landscape architecture or other similar field.</p>
1.6 Mid-block links	
<p>There is no applicable rule.</p>	<p>C11</p> <p>This criterion applies to the 'mid-block links' shown in Figure 1.</p> <p>'Mid-block links' comply with all of the following:</p> <ul style="list-style-type: none"> a) are in a location generally in accordance with Figure 1 and aligns with the <i>community path system</i> through the area b) provides unimpeded public pedestrian and bicycle access at all times from Northbourne Avenue to the Sullivans Creek 'external active travel route' c) connects with 'internal pedestrian and bicycle network' to provide a safe and efficient pedestrian and bicycle network d) a landscape corridor, which includes a path, is approximately 10 metres wide but not less than 5 metres wide at any point e) vehicular access is not permitted within or along the 'mid-block links'. <p>Development of and within 'mid-block links' are to be endorsed by TCCS..</p>

Rules	Criteria
1.7 Internal pedestrian and bicycle network	
There is no applicable rule.	<p>C12</p> <p>Internal pedestrian and bicycle network through the RC1 area complies with all of the following:</p> <ul style="list-style-type: none"> a) provides an efficient and legible pedestrian and bicycle network through the site b) predominantly utilises routes which are not also used by vehicles c) aligns with light rail stations and crossing points to reduce informal light rail crossings for cyclists and pedestrians d) allows pedestrian and cyclists to travel between 'open space areas', 'external active travel connections', 'mid-block links', the existing light rail stops, light rail crossing points and <i>community path system</i> in the area e) a landscape corridor, which includes a path is not less than 5 metres wide at any point. <p>Development of and within the internal pedestrian and bicycle network are to be endorsed by TCCS where relevant.</p>
1.8 Active travel connection	
There is no applicable rule.	<p>C13</p> <p>This criterion applies to the 'Sullivans Creek active travel connection' shown in Figure 1. 'Sullivans Creek active travel connection' complies with all of the following:</p> <ul style="list-style-type: none"> a) 'Sullivans Creek active travel connection' is either: <ul style="list-style-type: none"> i) in a location generally in accordance with Figure 1 or ii) allows users of the Sullivans Creek pedestrian and cycle network who enter the RC1 area from the south-west to transit through the RC1 area safely and efficiently towards a formal pedestrian and bicycle crossing point across Barton

Rules	Criteria
	<p>Highway to facilitate their journey north along Sullivans Creek</p> <ul style="list-style-type: none"> b) align with the <i>community path system</i> and internal pedestrian and bicycle network through the area c) provide unimpeded public pedestrian and bicycle access at all times for the length of the active travel connection shown in Figure 1 d) exclusively utilises routes which are not also used by vehicles e) is a landscape corridor which is not less than 5 metres wide at the narrowest point and contains all of the following: <ul style="list-style-type: none"> i) a shared path for pedestrians and cyclists ii) the landscape corridor and path are both of adequate width to meet the current and future usage demand.
1.9 Recreation	
There is no applicable rule.	<p>C14</p> <p>Demonstrate that there is adequate and suitable land for an 18-hole golf course to be provided within sections 64 and/or 67 Lyneham.</p>
	<p>C15</p> <p>This criterion applies to the redevelopment of the area which contains one or more of the following, existing or proposed:</p> <ul style="list-style-type: none"> a) golf clubhouse b) bowling facilities c) car park related to the uses mentioned in a) and b). <p>The development complies with all of the following:</p> <ul style="list-style-type: none"> a) demonstrates that existing or proposed development for that area can be relocated within the RC1 area or: <ul style="list-style-type: none"> i) for the golf clubhouse, adjacent to the golf course

Rules	Criteria
	<ul style="list-style-type: none"> ii) for the bowling facilities and the car parking within close proximity to the RC1 area b) demonstrate that the development has adequate space and zoning to accommodate all the following: <ul style="list-style-type: none"> i) the entirety of the development which is being relocated, including ancillary development required by the Territory Plan or relevant government agencies such as waste areas, waste access and vehicular parking ii) adequate vehicular, pedestrian and bicycle access iii) not predominantly located within the 1% AEP (once in 100 year) flood extent for Sullivans Creek or the flood area indicated by the flood study in R4 c) identification of and endorsement from relevant government agencies with respect to the scale, nature and location of the relocated facilities. <p>Note: For the purpose of this criterion Sports and Recreation (S&R) within CMTEDD and TCCS are considered relevant government agencies. Other government agencies may be identified by the proponent or S&R.</p>

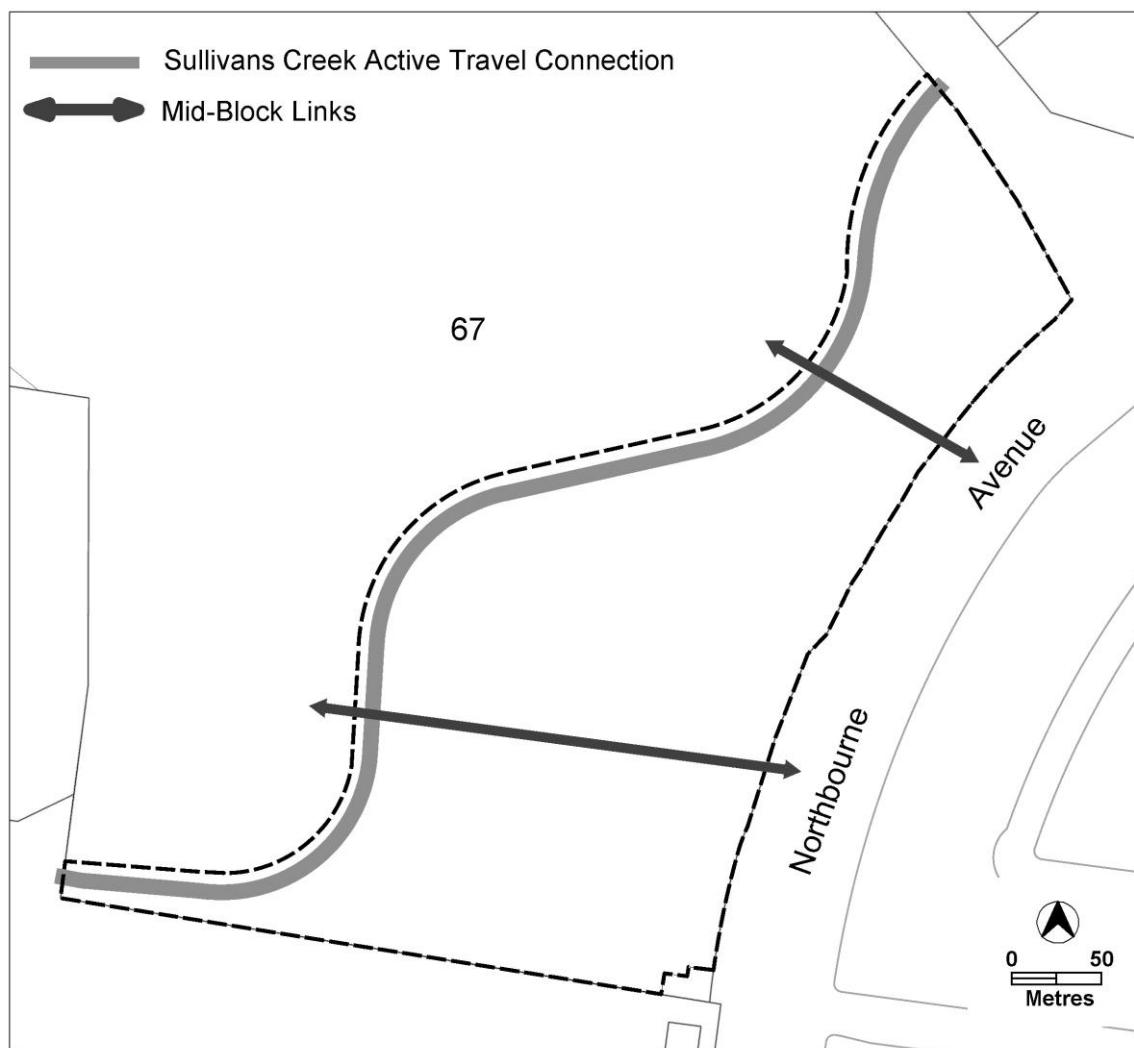


Figure 1. Mid-Block Links and Active Travel Connections

Rules	Criteria
1.10 Tree retention and canopy cover	
There is no applicable rule.	<p>C16</p> <p><i>Subdivision, block, building</i> and site design demonstrates how existing trees are retained and/or adequately replaced.</p> <p>Note: This criterion does not replace the provisions relating to tree protection in the relevant development code.</p>
There is no applicable rule.	<p>C17</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) has or will achieve a minimum of 30% canopy tree cover across the RC1 area measured at a mature height b) inclusion of irrigation and maintenance systems to support canopy trees and ensure they remain a part of the development c) equitable distribution of canopy tree cover across the private and public realm within the RC1 area.
1.11 Block address	
There is no applicable rule.	<p>C18</p> <p>The size and <i>subdivision</i> pattern of <i>blocks</i> demonstrates that a <i>building</i> with a high quality and interesting façade can be accommodated which addresses the following:</p> <ul style="list-style-type: none"> a) ‘open space areas’, mid-block links’ shown in Figure 1 and ‘internal pedestrian and bicycle network’ mentioned in C12 b) ‘<i>external active travel connections</i>’ and <i>block</i> boundaries to Northbourne Avenue, Barton Highway, Sullivans Creek and the Swinden Street extension.

Rules	Criteria
<p>There is no applicable rule.</p>	<p>C19</p> <p>Dwellings provide a high quality, interesting façade by providing active or passive surveillance through the use of balconies, screened and unscreened windows and access stairs to address the following:</p> <ul style="list-style-type: none"> a) 'open space areas', mid-block links' shown in Figure 1 and 'internal pedestrian and bicycle network' mentioned in C12 b) Sullivans Creek active travel connection and <i>block</i> boundaries to Northbourne Avenue, Barton Highway, Sullivans Creek and the Swinden Street extension. <p>Where a <i>building</i> contains multiple <i>dwellings</i>, which face the areas listed in a) and b), dwellings in a development predominately provide occasional surveillance rather than passive surveillance of those areas.</p>
<p>1.12 Educational facilities planning</p>	
<p>R20</p> <p>A statement of acknowledgement from the 'government agency responsible for future planning of educational enrolments and facilities' is provided, which confirms that the following information has been provided:</p> <ul style="list-style-type: none"> a) number and mix of <i>dwellings</i> that will be constructed per year b) estimated number of preschool, primary, high school and college students per development year <p>Note: for the purpose of this rule and associated criterion the 'government agency responsible for future planning of educational enrolments and facilities' is the Education Directorate or a future relevant agency that is responsible for these functions.</p>	<p>C20</p> <p>If a statement of acknowledgement is not provided the application will be referred to the government agency responsible for future planning of educational enrolments and facilities.</p>

Element 2: Restrictions on use

Rules	Criteria
2.1 Number of dwellings	
There is no applicable rule.	<p>C21</p> <p>This criterion applies to <i>multi-unit housing</i> only.</p> <p>Demonstrate that a minimum of 800 dwellings have already or will be provided across the RC1 area.</p>
<p>R22</p> <p>This rule applies to <i>multi-unit housing</i> only.</p> <p>Total maximum number of <i>dwellings</i> across the RC1 area – 1000.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Retail	
<p>R23</p> <p>This rule does not apply to <i>take-away food shop</i>.</p> <p>Total maximum <i>gross floor area</i> for all <i>SHOP</i> (including <i>supermarket</i>) across the RC1 area – 850m².</p>	<p>C23</p> <p><i>SHOP</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) limited to a scale appropriate to providing convenience shopping and personal services for the local workforce and residents b) demonstrates that the amount of <i>SHOP gross floor area</i> provided across the RC1 area does not have a material adverse impact on surrounding local, group and town centres.
<p>R24</p> <p>Total maximum <i>gross floor area</i> for all <i>supermarkets</i> across the RC1 area– 350m².</p>	<p>C24</p> <p><i>Supermarkets</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) limited to a scale appropriate to providing convenience shopping and personal services for the local workforce and residents b) demonstrate that surrounding commercial centres are not adversely impacted c) demonstrate that the amount of <i>supermarket gross floor area</i> provided across the RC1 area does not have a material adverse impact on surrounding local, group and town centres.

Rules	Criteria
2.3 Commercial	
<p>R25</p> <p>Total maximum gross floor area across the RC1 area for all <i>NON-RETAIL COMMERCIAL USE</i> – 2000m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R26</p> <p>There is no applicable rule.</p>	<p>C26</p> <p>This criterion applies if there is less than 1000m² of <i>NON-RETAIL COMMERCIAL USE</i> across the RC1 area.</p> <p>Demonstrate that at least 1000m² of <i>gross floor area</i> of <i>NON-RETAIL COMMERCIAL USE</i> can and will be provided on site:</p> <ul style="list-style-type: none"> a) directly through purpose-built <i>buildings</i> or spaces within <i>buildings</i> for <i>NON-RETAIL COMMERCIAL USE</i> b) providing ‘fully adaptable’ buildings or spaces within <i>buildings</i> c) a combination of a) and b). <p>For the purposes of this rule ‘fully adaptable spaces’ demonstrate:</p> <ul style="list-style-type: none"> a) ability to cater for a wide variety of <i>NON-RETAIL COMMERCIAL USE</i> b) ability to have compliant, efficient and convenient services, goods and waste facilities and areas c) commercial grade and flexible façade design.
2.4 Food and Entertainment	
<p>R27</p> <p>Total maximum <i>gross floor area</i> for all <i>take-away food shop, restaurant and drink establishment</i> across the RC1 area – 550m².</p> <p>Note: This rule also applies where <i>take-away food shop, restaurant and drink establishment</i> are considered an <i>ancillary use</i>.</p>	<p>C27</p> <p>Scale of development appropriate to providing convenient services for the local workforce and residents.</p> <p><i>Take-away food shop, restaurant and drink establishment</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) limited to a scale appropriate to providing convenience shopping and personal services for the local workforce and residents b) demonstrate that the amount of combined <i>take-away food shop, restaurant and drink establishment</i>

Rules	Criteria
	<i>gross floor area</i> provided across the RC1 area does not have a material adverse impact on surrounding local, group and town centres.
2.5 Community Use	
There is no applicable rule.	<p>C28</p> <p>Demonstrate that a minimum <i>gross floor area</i> of 1500m² of <i>COMMUNITY USE</i> has already and/or will (including indicative location(s)) be provided across the RC1 area.</p>
2.6 Non-RESIDENTIAL USE – ground floor	
<p>R29</p> <p>Where non-<i>RESIDENTIAL USE</i> occurs, they are located at ground floor level.</p>	<p>C29</p> <p>Non-<i>RESIDENTIAL USE</i> located at upper floor levels complies with all of the following:</p> <ul style="list-style-type: none"> a) may only occur where the floor below and the ground floor level of the building have a non-<i>RESIDENTIAL USE</i> b) where it is demonstrated that buildings in areas mentioned in C8 already have or will have a non-residential ground floor c) provide at least two of the following: <ul style="list-style-type: none"> i) direct, inviting and legible pedestrian access ii) a passive and active surveillance of nearby internal and external public areas iii) an interesting and activated address and façade to all nearby internal and external public areas which represents its non-<i>residential</i> nature.

Element 3: Building controls and design

Rules	Criteria
3.1 National Capital Plan	
<p>R30</p> <p>This rule applies to development which is subject to the National Capital Plan</p> <p>Development applications are supported by written documentation demonstrating compliance against the relevant special requirements of the National Capital Plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.2 Height of building	
<p>R31</p> <p><i>The height of building is:</i></p> <ul style="list-style-type: none"> a) minimum <i>height of building</i> fronting Northbourne Avenue – 14.5m b) minimum number of <i>storeys</i> for a <i>building</i> fronting Sullivans Creek – 2 c) maximum height of building – 18m <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>. Where there is a culvert or other localised earthworks impacting the <i>datum ground level</i> of the <i>front boundary</i> to Northbourne Avenue the datum ground level is normalised five metres either side of a culvert or localised earthworks.</p>	<p>C31</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>The minimum height of building is a mandatory requirement. There is no applicable criterion.</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>C32</p> <p>Generally, a smooth transition of <i>building</i> heights across the RC1 area is provided with:</p> <ul style="list-style-type: none"> a) higher <i>buildings</i> predominately located in close proximity to the Swinden Street light rail stop and secondarily along Northbourne Avenue b) lower buildings predominantly located along Sullivans Creek.

Rules	Criteria
3.3 Front boundary setback	
<p>R33</p> <p>This rule applies to the following <i>front boundaries</i>:</p> <ul style="list-style-type: none"> a) Barton Highway b) proposed, approved or built Swinden Street extension <p>Minimum <i>front boundary setback</i> – 6m.</p> <p>Note: The <i>front boundary setback</i> to Northbourne Avenue is contained within the National Capital Plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C34</p> <p>This criterion does not apply to development mentioned in C2.</p> <p>The minimum setback from Sullivans Creek stormwater easement to development provides all of the following:</p> <ul style="list-style-type: none"> a) adequate space for development in C1 b) a minimum <i>setback</i> (whichever is greater): <ul style="list-style-type: none"> i) 6 metres ii) as recommended by the TCCS endorsed flood risk study mentioned in R4
3.4 Building separation	
<p>R35</p> <p>This rule applies to Area A shown in Figure 2. Area A applies to land contained with the site that is greater than 200m from the centreline of Northbourne Avenue.</p> <p>Minimum separation distances between:</p> <ul style="list-style-type: none"> a) a <i>dwelling</i> and another <i>dwelling</i> or non-<i>RESIDENTIAL USE</i> both on the subject <i>block</i> – Table 1 b) a <i>dwelling</i> or non-<i>RESIDENTIAL USE</i> on the subject <i>block</i> to a <i>dwelling</i> or non-<i>RESIDENTIAL USE</i> on an adjacent <i>block</i> – half the minimum separation distance stated in Table 1, measured from the common boundary or boundaries between the <i>blocks</i> 	<p>C35</p> <p>Building separation may be reduced where the <i>building</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) reasonable levels of visual and acoustic privacy b) suitable areas for soft landscaping and deep root planting between <i>buildings</i>.

Rules	Criteria
<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 <i>balconies</i> where relevant.</p> <p>Notes:</p> <p>This rule replaces building separation requirements in the relevant development code.</p> <p>Building separation provisions for the area outside Area A are contained within the National Capital Plan.</p>	

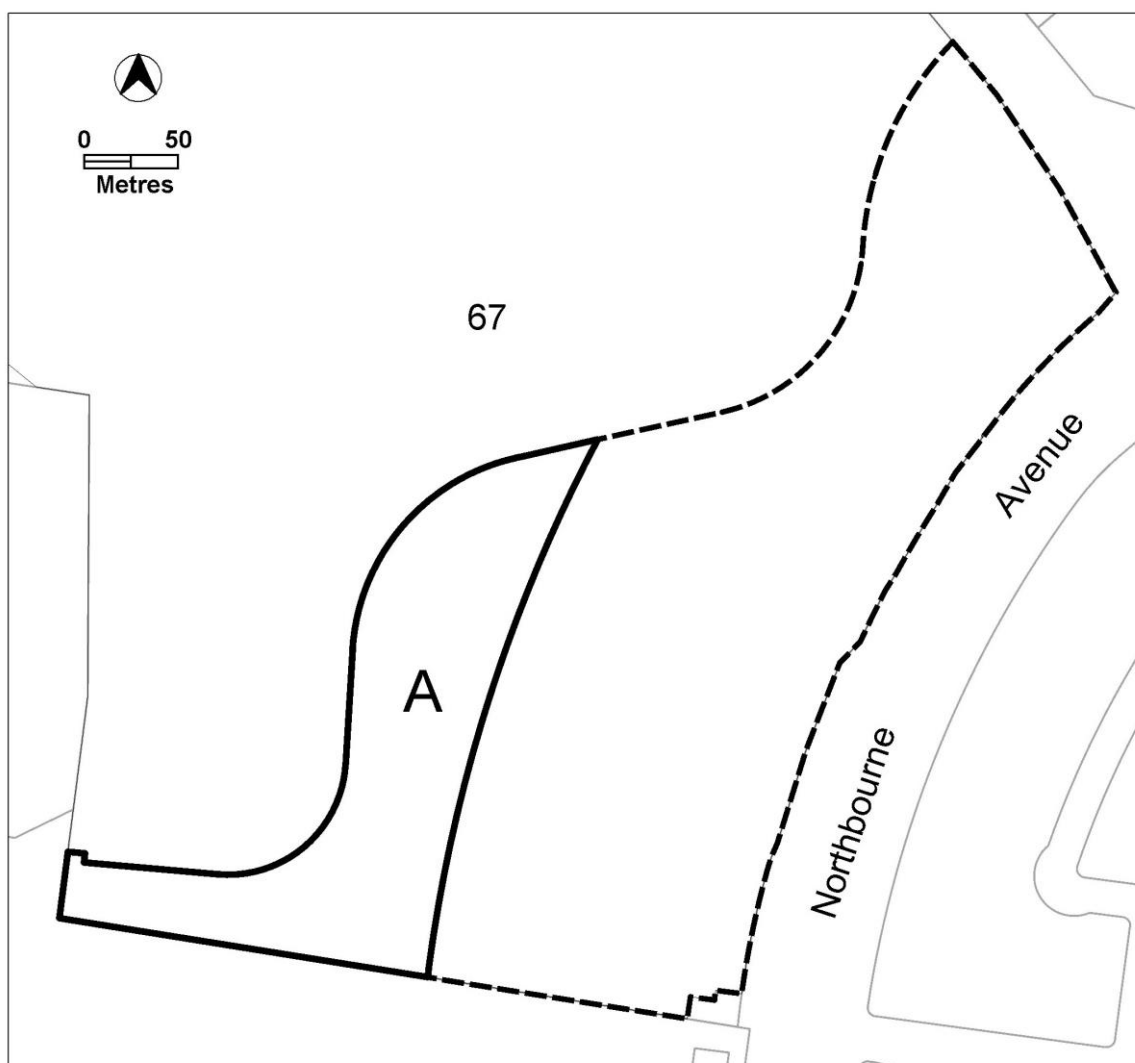


Figure 2. Areas not covered by the National Capital Plan

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

Table 1. Minimum building separation

Rules	Criteria
3.5 Floor to ceiling heights	
<p>R36</p> <p>This rule applies to Area A in Figure 2. Area A applies to land contained with the site that is greater than 200m from the centreline of Northbourne Avenue.</p> <p>Minimum <i>finished floor level</i> to ceiling heights are as follows:</p> <ul style="list-style-type: none"> a) <i>storey of dwelling</i> containing the main daytime living area – 2.7m b) <i>non-habitable rooms</i> in a <i>dwelling</i> – 2.4m c) <i>non-residential</i> development – 3.3m <p>Note: finished floor level to ceiling heights for the remainder of the RC1 area are contained within the National Capital Plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.6 Building address	
<p>There is no applicable rule.</p>	<p>C37</p> <p>This criterion applies to a frontage of a <i>building</i> which faces one or more of the following:</p> <ul style="list-style-type: none"> a) an 'open space area' or 'mid-block link' shown in Figure 1 b) the internal pedestrian and bicycle network connections mentioned in C12 c) Northbourne Avenue, Barton Highway, Sullivans Creek and/or Swinden Street extension.

Rules	Criteria
	<p>The <i>building</i> frontage complies with all of the following:</p> <ul style="list-style-type: none"> a) provides passive surveillance and responds to the characteristics of the area it faces b) provides a high quality and interesting façade which activates and addresses the area c) provides direct pedestrian and bicycle access from the building, all ground floor dwellings and communal open space to all adjoining 'open space areas', 'mid-block links', 'internal pedestrian and cycle network connections and/or 'Sullivans Creek active travel routes'.
3.7 Building Length	
<p>R38</p> <p><i>Buildings</i> are no more than 55m in length and width at their longest/widest point.</p>	<p>C38</p> <p>Buildings exceeding 55m in length and/or width comply with all the following:</p> <ul style="list-style-type: none"> a) strong design justification b) provide continuous active street frontage c) at least every 55 metres of <i>building</i>, provide a pedestrian link between 5 and 10 metres wide.
3.8 Pedestrian shelters	
<p>R39</p> <p>Awnings, canopies or colonnades are provided at each active travel entrance to a <i>building</i> and each active travel path along a <i>building</i> edge.</p>	<p>C39</p> <p>Awnings, canopies or colonnades achieve all of the following:</p> <ul style="list-style-type: none"> a) provide protection from natural elements along <i>buildings</i> and <i>building</i> entrances b) are integrated with the design of the <i>building</i>.
3.9 Internal dwelling and building design	
<p>R40</p> <p><i>Habitable rooms</i> comply with the following:</p> <ul style="list-style-type: none"> a) master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) b) bedrooms have a minimum dimension of 3m (excluding wardrobe space) 	<p>C40</p> <p><i>Habitable rooms</i> are of a size suitable to accommodate the daily activities of their occupants and visitors.</p>

Rules	Criteria
<p>c) living rooms or combined living/dining rooms have a minimum width of:</p> <p>i) 3.6m for studio and 1 bedroom apartments</p> <p>ii) 4m for 2 or more bedroom apartments</p> <p>d) the width of cross-over or cross-through dwellings are at least 4m internally to avoid deep narrow dwelling layouts.</p>	
<p>R41</p> <p><i>Habitable rooms</i> limit depth 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>C41</p> <p><i>Habitable room</i> depth may increase where <i>finished floor level</i> to ceiling height are above the minimum permitted, provided reasonable solar access to each <i>habitable room</i> is maintained.</p>
<p>R42</p> <p>The minimum <i>gross floor area</i> for a <i>dwelling</i> is:</p> <p>a) Studio – 40m²</p> <p>b) 1 bedroom – 50m²</p> <p>c) 2 bedroom – 70m²</p> <p>d) 3 bedroom – 100m²</p> <p>e) each additional bedroom after the 3rd – 12m²</p> <p>f) Each bathroom after the first – 5m²</p> <p>The minimum area mentioned in a), b), c) and d) includes one bathroom.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.10 Housing diversity	
<p>There is no applicable rule.</p>	<p>C43</p> <p><i>Buildings</i> contain a variety of <i>dwelling</i> designs such as dual aspect <i>apartments</i>, shallow <i>apartment</i> layouts and two <i>storey dwellings</i>.</p>
<p>R44</p> <p>Demonstrate the following has already or will be provided across the RC1 area:</p> <p>a) not less than 320 two-bedroom dwellings</p> <p>b) not less than 160 three or more bedroom dwellings</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 4: Site controls and design

Rules	Criteria
4.1 Landscape design – Deep soil zones	
There is no applicable rule.	<p>C45</p> <p>Deep soil zones are provided and comply with all of the following:</p> <ul style="list-style-type: none"> a) minimum horizontal dimension of 5m b) incorporate any <i>protected trees</i> c) allow for the development of healthy root systems and provide anchorage and stability for mature trees d) co-located near deep soil zones on adjacent <i>blocks</i> and <i>sites</i> where possible.
4.2 Courtyard Walls	
There is no applicable rule.	<p>C46</p> <p>This criterion applies to courtyard walls for <i>dwelling</i>s which have their <i>private open space</i> at ground floor level fronting Northbourne Avenue and Sullivans Creek 'external active travel route'.</p> <p>Courtyard walls comply with all of the following:</p> <ul style="list-style-type: none"> a) not higher than 1.8m above <i>datum ground level</i> b) non-transparent components not higher than 1m above <i>datum ground level</i> c) constructed of high-quality materials, specifically excluding pre-coloured metal, unfinished timber panels, chain-link, barbed or razor wire d) integrated with landscaping e) designed and constructed to match or compliment the design of the associated <i>building</i> f) not occupy more than 40% of the <i>façade</i> at ground floor level. <p>Note: This criterion replaces the relevant rules and criterion relating to courtyard walls in the relevant development code.</p>

Element 5: Amenity

Rules	Criteria
5.1 Solar Access – apartments	
<p>R47</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 <i>apartments</i> in the relevant development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R48</p> <p>This rule applies to all <i>dwelling</i>s.</p> <p><i>Habitable rooms</i> 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 external walls via a corridor, also known as a ‘snorkel’ arrangement, does not satisfy the requirement of this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
5.2 Solar Access to adjoining development	
<p>R49</p> <p>This rule applies to <i>buildings</i> of more than three <i>storeys</i>.</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 <i>residential</i> or <i>COMMERCIAL ACCOMMODATION</i> developments to less than 2 hours.</p>	<p>C49</p> <p>Reasonable solar access for adjoining residential or commercial accommodation developments is achieved.</p>
5.3 Principal private open space	
<p>R50</p> <p>This rule applies to <i>multi-unit housing</i> and <i>RESIDENTIAL USE</i> components of commercial mixed use.</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> <p>a) minimum area and dimensions as specified in Table 2</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
b) maintains visual privacy of the occupants from adjoining public streets and public open space c) is directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom 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"> 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) ii) located at an upper floor level and overlooks a public street, public open space 	

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 apartment	18m ²	4m	4m ²	nil
1 bedroom dwelling	24m ²	4m	8m ²	2m
2 bedroom dwelling	24m ²	4m	10m ²	2m
3 or more bedroom dwelling	36m ²	6m	12m ²	2m

Table 2. Principal private open space area requirements

Rules	Criteria
5.4 External facilities	
There is no applicable rule.	C51 This criterion applies to <i>apartments</i> . Development complies with all of the following:

Rules	Criteria
	<p>a) storage units and plant equipment (including air-conditioning plant) are not permitted on <i>balconies</i></p> <p>b) clothes drying facilities are only permitted on <i>balconies</i> when they are screened from view of streets and public areas.</p>
5.5 Noise	
There is no applicable rule.	<p>C52</p> <p>This criterion applies to <i>dwelling</i>s on the <i>block</i> and <i>dwelling</i>s on adjoining <i>blocks</i>. Transfer of noise between noise sources and <i>habitable rooms</i>, particularly bedrooms, are minimised through the siting, design and layouts of <i>buildings</i>.</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 6: Parking and vehicular access

Rules	Criteria
6.1 Vehicular access	
<p>R53</p> <p>There is no applicable rule</p>	<p>C53</p> <p>Vehicular access to individual development, including crossovers and driveways, are designed and constructed to be co-located/shared with adjoining current or future development.</p>
There is no applicable rule.	<p>C54</p> <p>Vehicular access arrangements comply with all of the following:</p> <ul style="list-style-type: none"> a) ensure pedestrian and bicycle priority and desire lines and paths are maximised b) the width of the vehicular access is minimised c) materials integrate with relevant landscaping d) contain high quality public realm treatments that add visual interest,

Rules	Criteria
	<p>including tree planting, landscaping, materials, footpaths and lighting</p> <p>e) where a block 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 the road at the rear.</p> <p>Note: This criterion, particularly b), does not replace TCCS requirements, standards and endorsements relating to waste collection and service vehicles.</p>
There is no applicable rule.	<p>C55</p> <p>Pedestrian and cyclist access to <i>blocks</i> are clearly separated from vehicular access and be distinguishable through surface materials, level changes, landscaping and/or slow-speed shared pedestrian road zones.</p>
6.2 Parking	
<p>R56</p> <p>This rule applies to <i>multi-unit housing</i>.</p> <p>The maximum parking provision rate is:</p> <ul style="list-style-type: none"> a) studio or one-bedroom dwelling – 1 space maximum b) two-bedroom dwelling – 1.3 spaces maximum c) three or more bedroom dwelling – 1.5 spaces d) every 8 dwellings – 1 visitor space <p>Notes:</p> <p>Minimum and maximum parking provision rates contained within the relevant development or general codes do not apply.</p> <p>Parking calculations are rounded up to the nearest whole number.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
There is no applicable rule.	<p>C57</p> <p>Visitor car parking spaces are allocated for visitors of occupants of the residential parts of the development.</p> <p>Visitor car parking spaces are conveniently located for visitors to the development and are not allocated to any other purpose, including private spaces for dwellings or</p>

Rules	Criteria
	workers of the commercial components of the development.
There is no applicable rule.	C58 Adequate spaces and areas, suitably screened from public view, are provided for the loading and unloading of service vehicles.
6.3 Parking structures	
R59 Vehicle parking is only permitted in a <i>basement</i> . On-grade, podium or other above ground vehicle parking is not permitted.	C59 On grade, podium or other above ground parking is only permitted where the following is met: <ul style="list-style-type: none"> a) the parking area is located away from Northbourne Avenue and the Swinden Street extension and suitably screened through use of buildings, <i>communal open space</i> area, <i>private open space</i> and/or landscaping. b) on-grade car parking complies with all of the following: <ul style="list-style-type: none"> i) is incorporated into the landscape design for the <i>block</i> ii) incorporates the use of materials, including permeable or light coloured paving, to prevent an increase of surface temperature iii) includes shade trees planted at least every 5 vehicle spaces to reduce car park surface temperature.

Element 7: Environment

Rules	Criteria
7.1 Erosion and sediment control	
<p>R60</p> <p>For <i>sites</i> less than 3,000m², 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>
7.2 Environmental assessment	
<p>R61</p> <p>An environmental assessment report for the development is endorsed by the Environment Protection Authority.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
7.3 Environmentally sustainable design	
<p>There is no applicable rule.</p>	<p>C62</p> <p>The development incorporates measures recommended by an environmentally sustainable design (ESD) assessment undertaken by a 'suitably qualified professional'.</p> <p>The assessment must consider ESD principles and best practice ESD, which at a minimum must include:</p> <ul style="list-style-type: none"> a) energy efficiency, including passive design b) water efficiency c) reducing greenhouse gas emissions d) active and sustainable transport, e) living infrastructure f) urban design, including building materials and finishes. <p>All recommended measures determined by the assessment are:</p>

	<p>a) not inconsistent with the relevant development and general codes of the Territory Plan</p> <p>b) identified on plans and endorsed by the relevant authority to ensure delivery and retention as a feature of the development.</p> <p>For the purpose of this criterion a 'suitably qualified professional' is a person with qualifications, experience and/or skills relevant to ESD and the requirements of the Guideline.</p> <p>Note: the Planning and Land Authority may consult with EPSDD Climate Change and Sustainability (or future relevant agency responsible for the same functions) when determining compliance with this criterion.</p>
7.4 Microclimate	
There is no applicable rule.	<p>C63</p> <p>The development incorporates mitigation measures recommended by a microclimate assessment undertaken by a 'suitably qualified professional' The assessment must identify the urban heat risk factors that apply to the site and recommend appropriate urban heat mitigation measures.</p> <p>All recommended measures determined by the assessment are:</p> <p>a) not inconsistent with the relevant development and general codes of the Territory Plan</p> <p>b) identified on plans and endorsed by the relevant authority to ensure delivery and retention as a feature of the development.</p> <p>For the purpose of this criterion a 'suitably qualified professional' is a person with qualifications, experience and/or skills, relevant to urban climate science, urban heat modelling and microclimate assessment.</p> <p>Note: The Planning and Land Authority may consult with EPSDD Climate Change and Sustainability (or future relevant agency responsible for the same functions) when determining compliance with this criterion.</p>

Rules	Criteria
7.5 Permeability	
<p>R64</p> <p>This rule applies to at least one of the following:</p> <ul style="list-style-type: none"> a) development on <i>sites</i> greater than 2000m² involving works that have potential to alter the stormwater regime for the <i>site</i> b) development within existing urban areas that increase the impervious area of the site by 100m² or more. <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) minimum of 30% of the <i>site</i> area to be permeable. b) generally equitable distribution of permeability across the RC1 area. <p>This rule and associated criterion overrides rules and/or criteria that require a percentage of an individual development site area to be permeable.</p> <p>Note: Compliance with this rule and associated criteria is demonstrated through a report from a 'suitably qualified professional' consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>	<p>C64</p> <p>It is demonstrated that the development of the RC1 area achieves all of the following:</p> <ul style="list-style-type: none"> a) increases permeable surfaces and living infrastructure through green spaces b) plants that require irrigation are supported by sustainable water systems such as onsite stormwater harvesting to achieve microclimate benefits c) promotes evapotranspiration to mitigate extreme temperatures, improve air humidity and overall human comfort d) equitable distribution of a), b) and c) across both the public and private realms of the RC1 area.
7.6 Heritage	
<p>R65</p> <p>An 'Unanticipated Discovery Protocol' which includes assessment and management of any unexpected heritage discoveries during construction is endorsed by the ACT Heritage Council.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>C65</p> <p>If an 'Unanticipated Discovery Protocol' endorsed by ACT Heritage council is not provided the application will be referred to the ACT Heritage Council.</p>

Element 8: Waste management

Rules	Criteria
8.1 Post occupancy waste management	
<p>R66</p> <p>Facilities for waste disposal, recycling and composting:</p> <p>a) complies with the <i>Development Control Code for Best Practice Waste Management in the ACT 2019</i></p> <p>b) are suitably screened from public view.</p> <p>Note: This rule does not replace the provisions relating to post occupancy waste management endorsement in the relevant development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>