

Australian Capital Territory

Planning and Development (Plan Variation 364) Approval 2022

Notifiable instrument NI2022-181

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 364) Approval 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Approval of draft plan variation

(1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 364 to the Territory Plan.

(2) In this section:

plan variation 364 to the Territory Plan means the plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management

6 April 2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule (See section 3(2))

Planning and Development Act 2007

Variation to the Territory Plan 364

Gungahlin Town Centre Amendments to the Gungahlin Precinct Map and Code

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

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1. EXPLANATORY STATEMENT

1.1 Background

The variation implements the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot 2018. The refresh has been prepared as part of the ACT Government initiative to review planning controls for the town centre due to the way the centre has developed in the last decade.

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

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

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

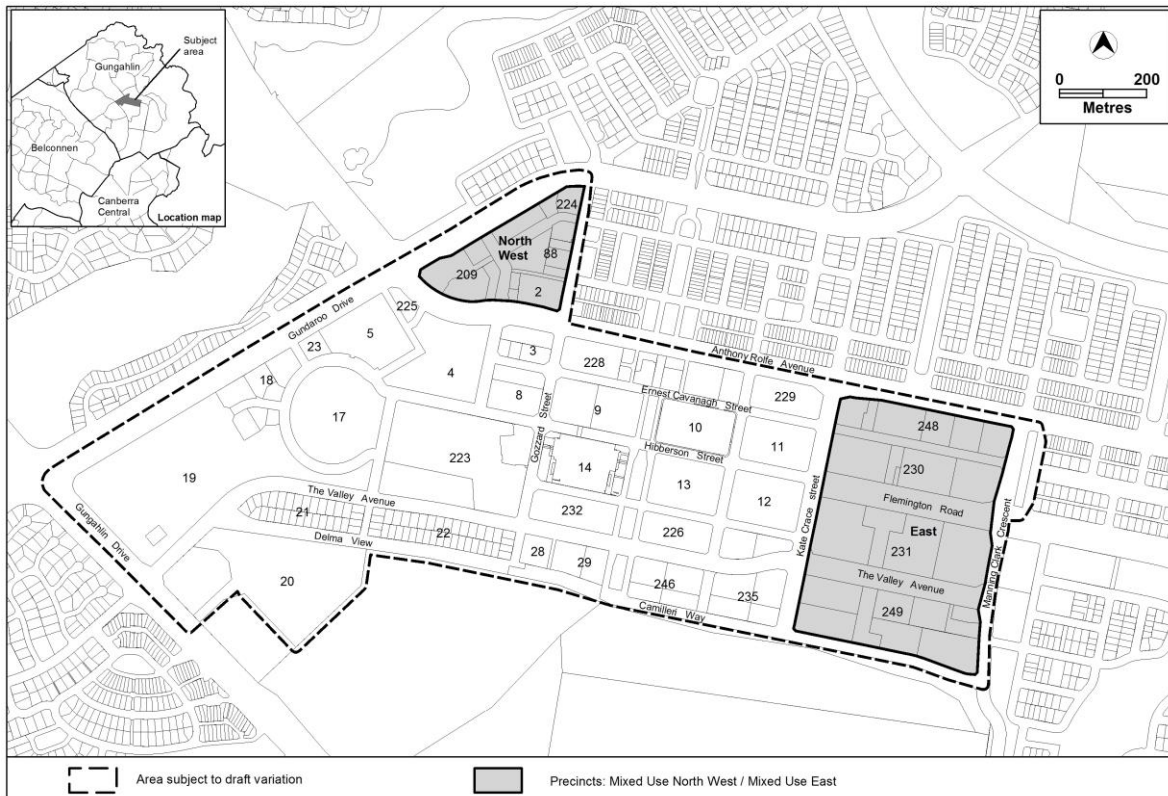


Figure 1 Location plan

1.2 Summary of the Proposal

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

The variation provides clarity about heights in the Mixed Use North West and Mixed Use East precincts, reserves land exclusively for office purposes and clarifies how community facilities are to be provided.

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

1.3 The National Capital Plan

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

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

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

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

1.4 Site Description

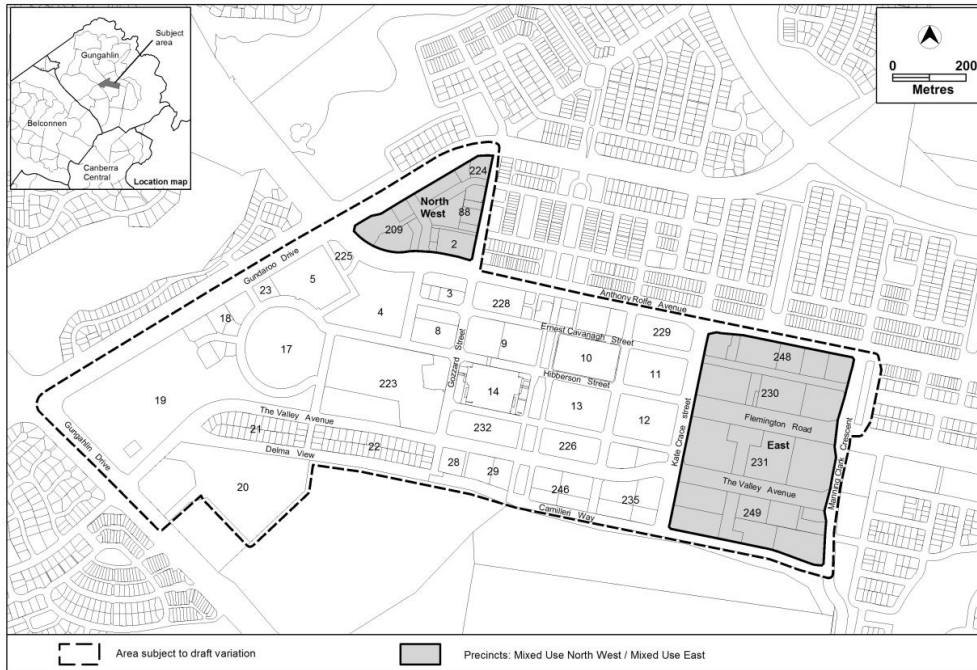


Figure 2 Site Plan

1.5 Current Territory Plan Provisions

The Territory Plan map for the area subject to this variation is shown in Figure 3.

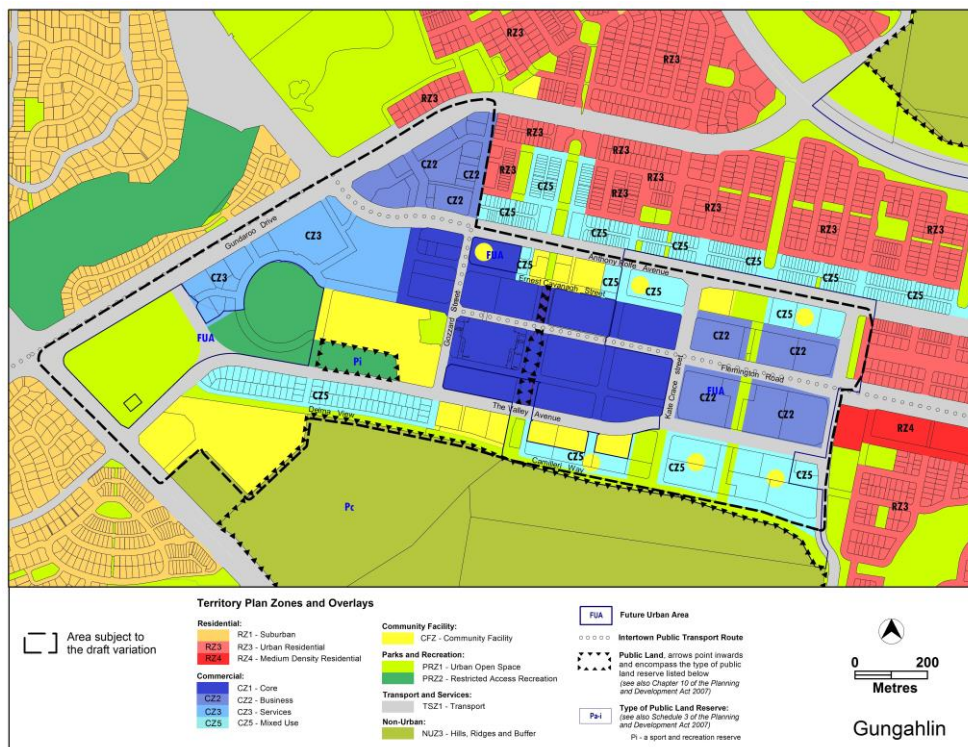


Figure 3 Territory Plan Zones Map

1.6 Changes to the Territory Plan

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

1.7 Consultation on the Draft Variation

DV364 was released for public comment between 30 September 2019 and 18 November 2019. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 30 September 2019.

A total of nine written submissions were received.

Main issues raised by submitters included:

- support for the draft variation
- desire for higher building heights (maximum numbers of storeys) in the Mixed Use North West precinct
- oppose reducing the area reserved for commercial space in the Mixed Use East Precinct 2a and allowing residential development in the Office Core precinct
- requirements for commercial uses at ground level should be removed from the Mixed Use North West precinct 2b because it imposes additional financial pressure
- oppose the draft variation having interim effect because it is premature
- object to building envelope requirements in Retail Mixed Core precinct 1b because they increase construction costs and reduce feasibility of development on smaller blocks
- podium requirements for setback and articulation in the Mixed Use North West precinct 2b will have no effect on improving streetscape
- description of the Gungahlin Town Centre should be retained

The above issues were considered and are detailed in a report on consultation. Changes were informed by the issues raised. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

1.8 Revisions to the Draft Variation Recommended to the Minister

The Standing Committee on Planning, Transport and City Services conducted an inquiry into DV364 and published its findings and recommendations in its report number 5, dated September 2021.

Changes were made after consideration of the Legislative Assembly's Standing Committee report and as directed by the Minister for Planning and Land Management. These are outlined under section 1.9 Ministerial Direction below.

In addition to these changes, the following corrections were made:

- Criterion C21 'Partial Active Frontage' was corrected to 'Active frontage – partial'
- Rule R33 a) figure reference was corrected from Figure 11 to Figure 9 and 'mandatory active frontage' was corrected to 'Active frontage – mandatory'
- Rule R39 figure reference was corrected from Figure 13 to Figure 11

1.9 Ministerial Direction

Ministerial direction was issued under section 76 (2) (b) (iv) of the *Planning and Development Act 2007*.

The ministerial direction states that DV364 is revised to:

- remove criterion C43 and proposed rule R44;*
- amend height of building provisions for specific sites in Precinct 2b to allow for up to two additional storeys, where the additional height does not have an adverse impact on adjacent development;*
- adjust building heights in metres in Precinct 2b to allow for commercial development; and*
- adjust active frontage placements to better align with areas identified as pedestrian thoroughfares.*

Compliance with the ministerial direction is outlined below:

- Remove criterion C43 and proposed rule R44.*

Criterion C43 and proposed rule R44 have been deleted.

- Amend height of building provisions for specific sites in Precinct 2b to allow for up to two additional storeys, where the additional height does not have an adverse impact on adjacent development.*

A new criterion C63 allows for building elements of up to two additional storeys in height for specific sites. These sites are identified in Figure 16. Clear differentiation in the height of these building elements is required and the development is required to achieve a high quality design outcome.

Criterion C64 requires that detrimental impacts on adjacent development, including overshadowing and excessive scale are minimised and that the development contributes to desired planning outcomes.

- (c) *Adjust building heights in metres in Precinct 2b to allow for commercial development.*

Building heights in Precinct 2b via rule R63 have been increased in metres to allow for commercial development.

- (d) *Adjust active frontage placements to better align with areas identified as pedestrian thoroughfares.*

Active frontage requirements have been adjusted by:

- i) removing ‘Active frontage – partial’ requirements from the eastern side of Gribble Street (location A, Figure 4 below)
- ii) amending rule R21 by changing the requirement of a maximum of 40% blank walls without windows to 50% for the ‘Active frontage – partial requirements’ to allow greater flexibility in building design
- iii) amending criterion C6 to add “buildings fronting the linear park (as shown in Figure 11) are designed to provide casual surveillance to users of the linear park.”
- iv) Changing Figure 11 to show the linear park is a main pedestrian area and route.

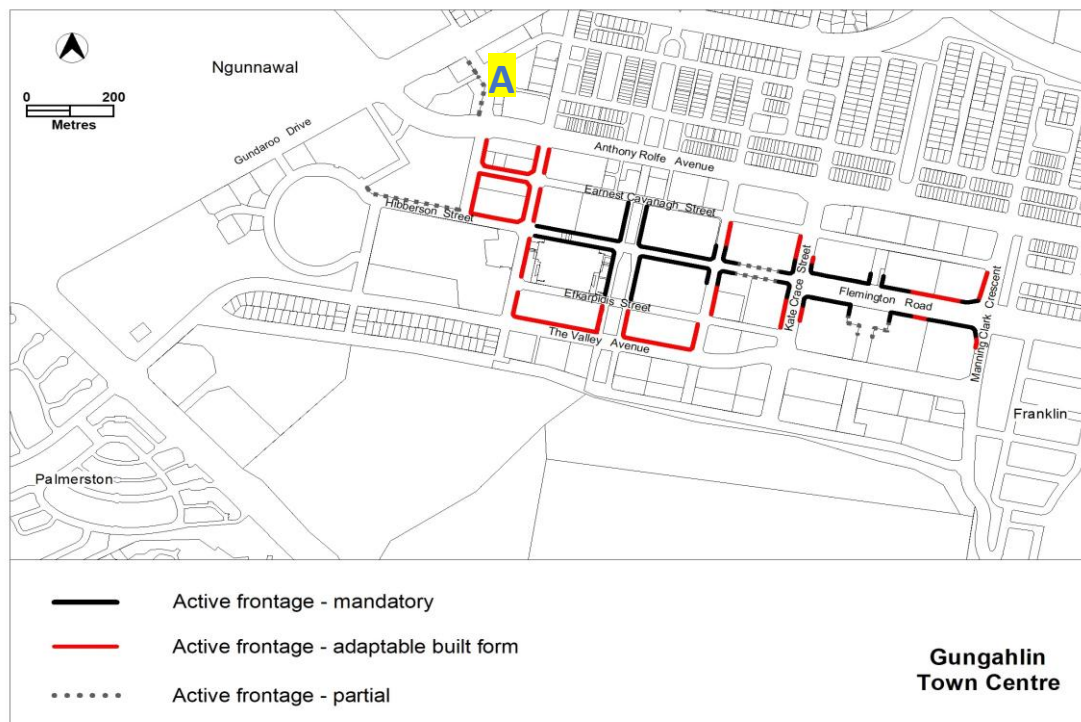


Figure 4 Changes to Active frontage requirements on Gribble Street

Assessment of active frontages and alignment with pedestrian thoroughfares

Figure 9 in the Precinct Code contains three levels of active frontages and rules and criteria related to the areas are under the heading 7.3 Active frontage in the Gungahlin Precinct Code.

'Active frontage – mandatory' has the most onerous requirements, requiring display windows and shopfronts at ground level, direct pedestrian access at grade and verge level, including access requirements for people with a disability and a maximum of 30% of blank walls.

'Active frontage – partial' requirements include display windows and shopfronts at ground level, incorporate pedestrian access for people with a disability at main and secondary entrances and has a maximum of 50% (increased from 40%) blank walls.

'Active frontage – adaptable built form' contains the lowest level of requirements, requiring clear display windows, shopfronts or a level of casual surveillance to streets/spaces, and requirement for access for people with a disability.

The above measures are set out in rules. A greater level of flexibility can also be considered if compliant with the associated criteria.

In precinct 2a Mixed Use East, active frontage requirements along Flemington Road (between Kate Crace Street and Manning Clarke Crescent) vary between the three types of active frontages, depending upon location. The combination of active frontage requirements enables variation in building frontage design. The 'Active frontage – mandatory' requirements are applicable to selected areas along the main pedestrian areas and routes and include the light rail corridor, buildings fronting intersections and corner of buildings adjacent to public open spaces including the linear park.

Pedestrian movements and thus vibrancy of the area will be increased following development along Flemington Road, adjacent to the light rail corridor. However, a pedestrian area with outdoor eating areas and cafés, similar to Hibberson Street, is not envisaged for Precinct 2a Mixed Use East. A combination of more flexible provisions including 'Active frontage – partial' and 'Active frontage – adaptable built form' along with 'Active frontage – mandatory' at important locations is necessary to support the mixed use character of the precinct.

Active frontage provisions do not restrict ground level uses in and of themselves. There are a number of planning controls that consider uses in the various precincts within the Gungahlin Town Centre. An office use can be developed at ground level

if it is able to meet the relevant planning control as outlined by a criterion and providing it can be demonstrated this use is able to generate activity in the public space. As an example, an office has been developed on ground level on block 4 section 226 Gungahlin (Winyu House) under these provisions and generates activities in the public space at ground level.

i) Change to active frontage requirements – Gribble Street

Gribble street is not identified as a main pedestrian area or route in the variation. Therefore, buildings with active frontages on both sides of the street are not required and the 'Active frontage – partial' on the eastern side of Gribble Street has been removed (see 'A' in Figure 4 above). These active frontage requirements would have only applied to two undeveloped blocks with narrow street frontages. This change will provide greater flexibility for building design. The proposed change will not compromise the pedestrian connection from South of the Anthony Rolfe Avenue to the north-west of Gungahlin. The western side of Gribble Street is developed and contains active frontages with adequate shopfronts/windows, a wide developed footpath and parking facilities supporting future commercial uses.

These changes focus active frontages and higher-level active frontage requirements to better align with pedestrian thoroughfares.

ii) Change to rule R21 of the 'Active frontage – partial' requirements

The change to allow 50% blank façade instead of 40% for the 'Active frontage – partial' requirements will enable greater flexibility in building design. The change contributes to establishing a greater difference between 'Active frontage – mandatory' (maximum of 30% blank walls) and 'Active frontage – partial' (maximum of 50% blank walls). This will allow a greater focus on areas which require 'Active frontage – mandatory' and forms a part of the main thoroughfare through the centre.

iii) Additional requirement for criteria C6 for buildings along the Linear Park

The linear park forms part of the public realm and is a pedestrian thoroughfare within the eastern part of the town centre. It is not considered necessary to incorporate specific active frontage requirements for all buildings along the length of the linear park. It is, however, appropriate to add an additional element to criterion C6 for building design along the linear park to promote casual surveillance for the safety of park users. This provision is adequately flexible for building solutions that achieve an appropriate level of surveillance.

iv) Change to Figure 11 to show the linear park is a main pedestrian area and route

Figure 11 shows the main pedestrian areas and routes and the linear park. A change has been made to hatch the linear park, so that it is identified as a main pedestrian area and route in addition to its status as the linear park.

2. VARIATION

2.1 Variation to the Territory Plan

Variation to the Gungahlin Precinct Map and Code

1. Gungahlin Precinct Map and Code

*Substitute the Gungahlin 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, çempel:
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 telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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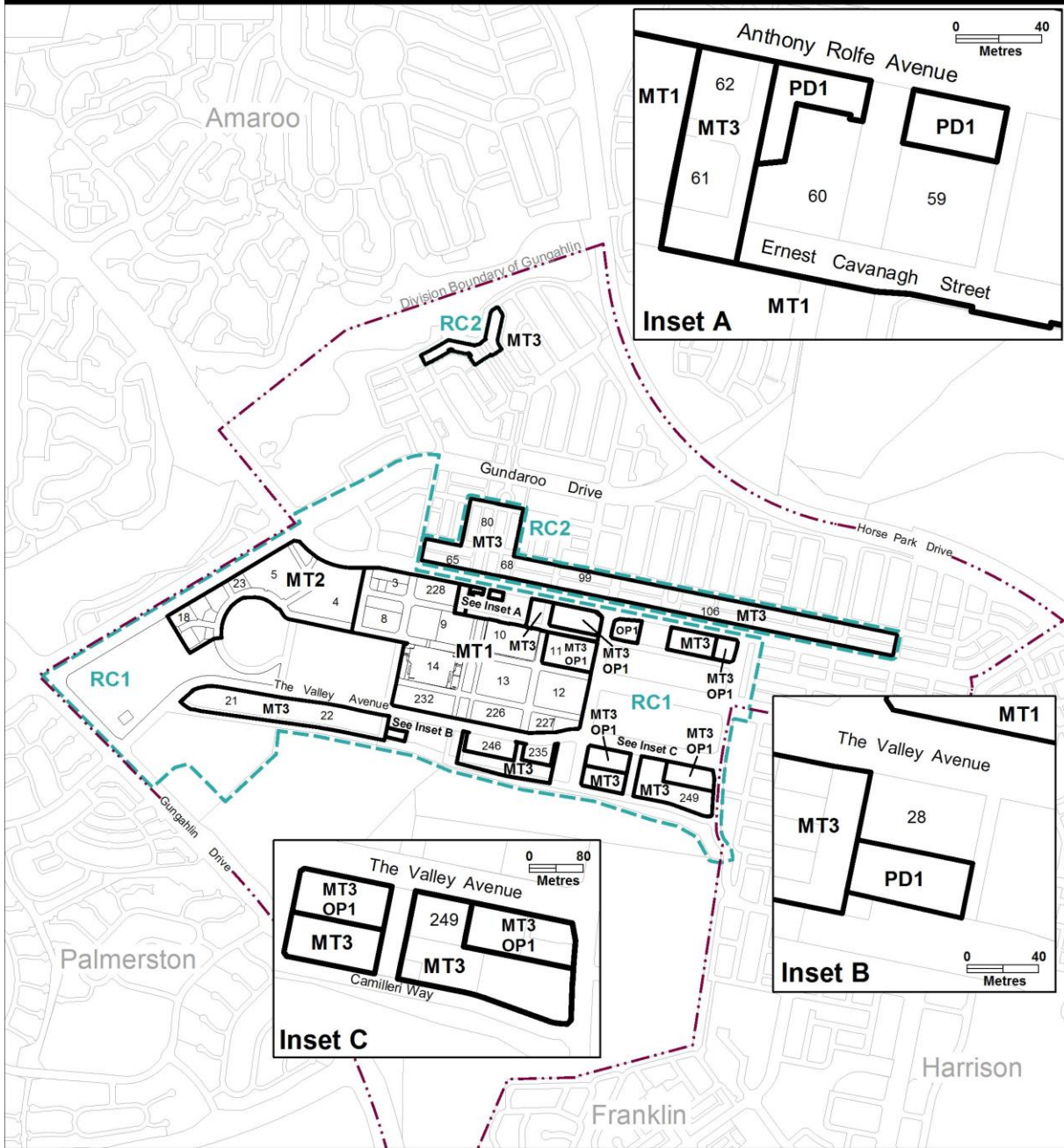
Appendix A

Gungahlin Precinct Map and Code

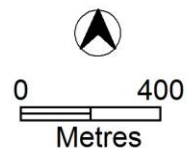
includes

Gungahlin Town Centre

Gungahlin Precinct Map



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



Assessment Tracks

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

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

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village supportive housing</i>

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ1	<i>produce market</i>
MT2	CZ3	<i>correction facility</i>
MT3	CZ5	<i>craft workshop drink establishment indoor entertainment facility tourist resort</i>

Gungahlin Precinct Code

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Introduction

Name

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

Application

The code applies to the Division of Gungahlin.

Purpose

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

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

Structure

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

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

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

Code hierarchy

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

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

Definitions

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

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

Acronyms

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

Additional rules and criteria

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

RC1 – Gungahlin Town Centre

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

Gungahlin Town Centre is the major hub for employment, shopping, social activities and public transport particularly serving suburbs within the Gungahlin district. Gungahlin Town Centre is bounded on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east and the Mulangari Grasslands in the south.

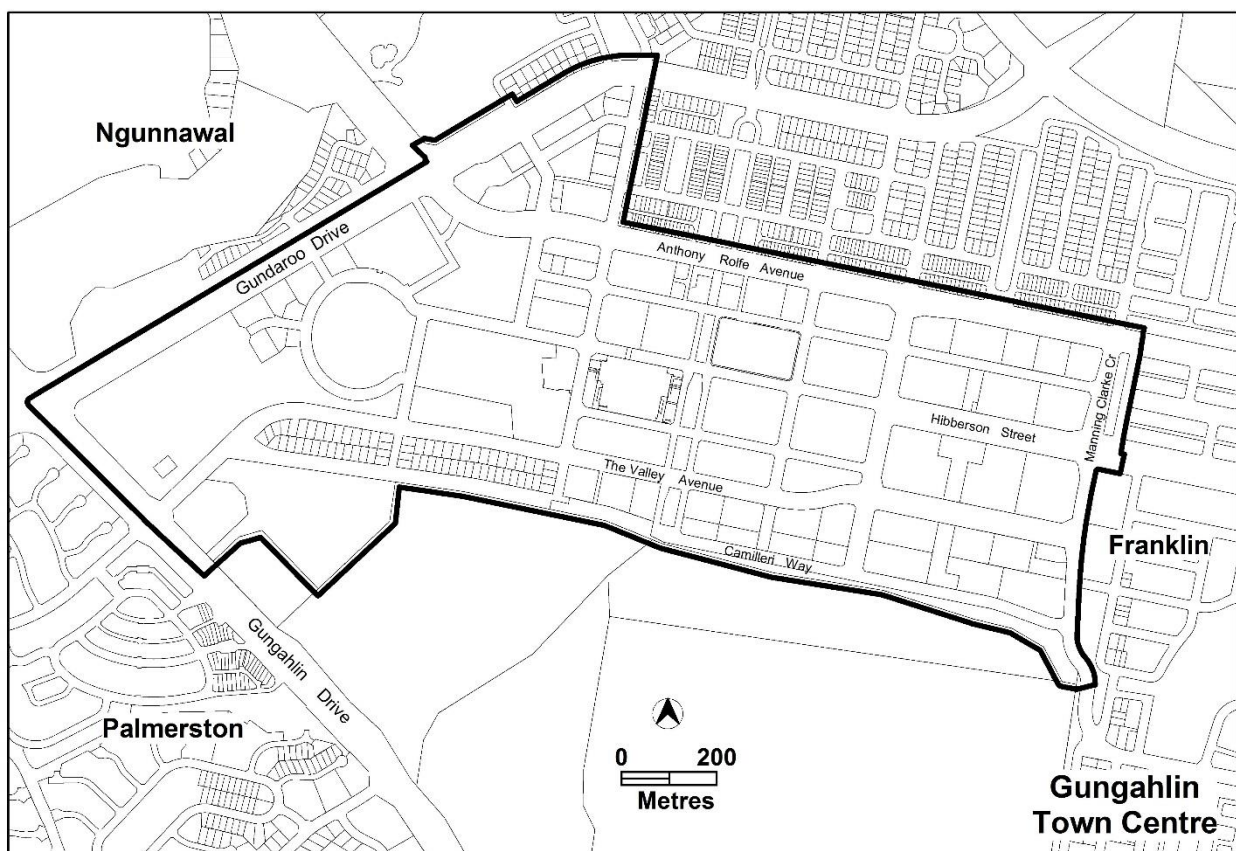


Figure 1 RC1 Area – Gungahlin Town Centre

Purpose

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

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

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

Desired planning outcomes

The intent of the development controls is to:

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

Part A – General Development

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

Element 1: Land use zones

Rules	Criteria
<p>R1</p> <p>A minimum of 3.8 hectares of land is provided with a community facility zone within the area shown in Figure 2.</p>	<p>C1</p> <p>A community needs assessment approved by the planning and land authority is required to identify community uses in the area identified in Figure 2 or located elsewhere in the town centre. Community uses will be identified as community facility zoned land and/or a specified minimum gross floor area within a mixed use or multi use development.</p> <p>The community needs assessment achieves all of the following:</p> <ul style="list-style-type: none"> a) considers the demand for community facilities in the town centre to service the needs of the Gungahlin community b) identifies mechanism(s) and safeguards to make sure that gross floor area is retained for community uses within a mixed use development c) takes into account facilities and zoning for community facilities already located within the town centre.

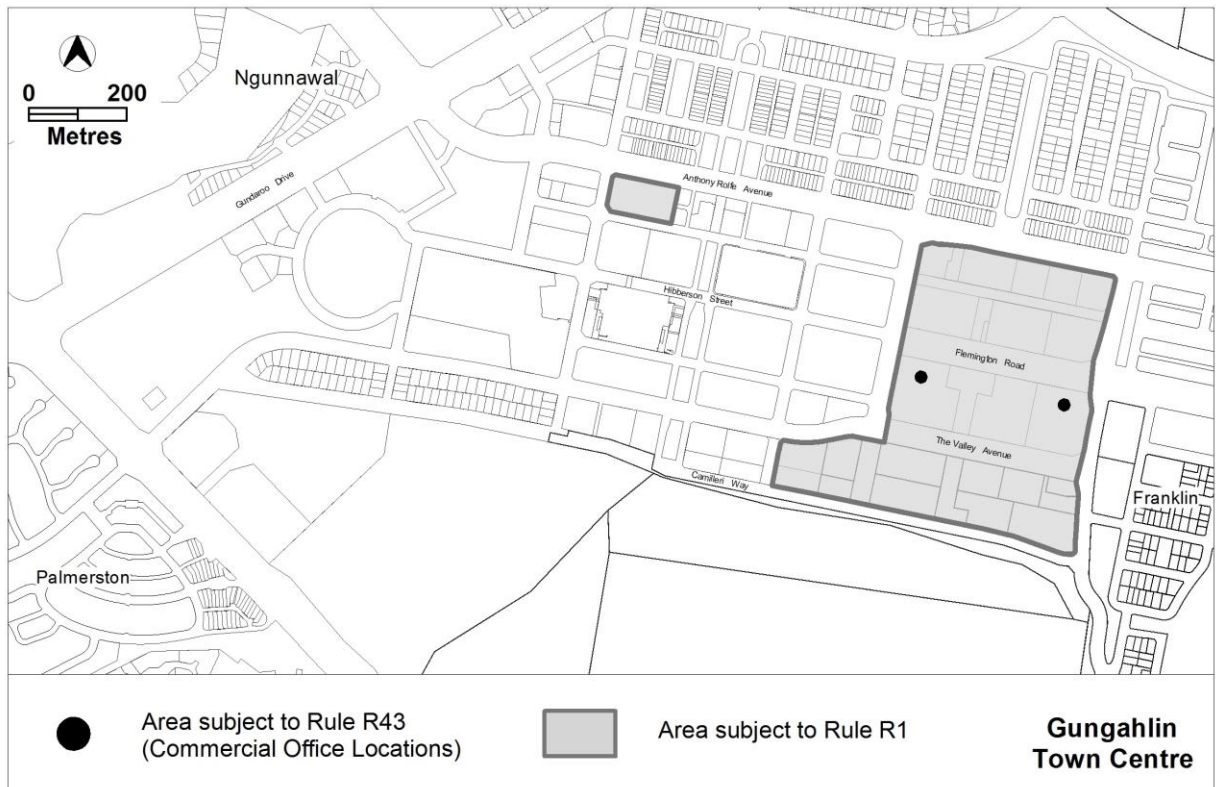


Figure 2 Location of land available for zoning as Community Facility CFZ zone

Element 2: Bushfire protection

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

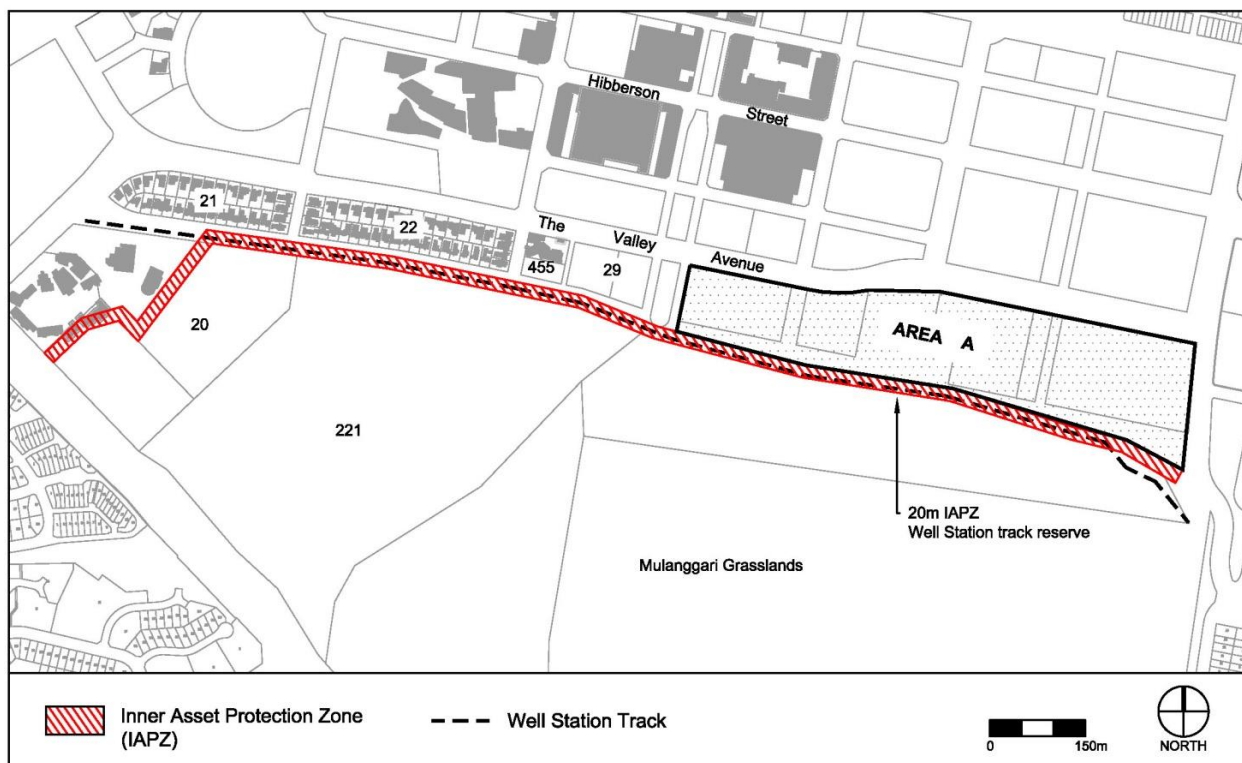


Figure 3 Bushfire protection

Element 3: Restrictions on use

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

Rules	Criteria
d) <i>NON RETAIL COMMERCIAL USE</i> e) <i>Restaurant</i> f) <i>SHOP</i> the maximum <i>gross floor area</i> per establishment or tenancy is 200 m ²	

Element 4: Building and site controls

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

Element 5: Built form

Rules	Criteria
5.1 Building design - general	
There is no applicable rule.	C6 Development complies with all of the following: <ol style="list-style-type: none"> a) contributes to the desired planning outcomes of the town centre as described in the introduction of this document b) corner buildings contain focal points providing architectural interest and variety to the building design c) entrances to common lobbies for residential use provide strong visual connection to the street and ensure a high level of surveillance for active travel routes d) buildings incorporate sun shading to reduce summer sun into the building interior e) car parking structures are designed to integrate with the built form of adjoining development f) buildings fronting the linear park (as shown in figure 11) are designed to provide casual surveillance to users of the linear park.

Rules	Criteria
There is no applicable rule.	<p>C7</p> <p>This criterion applies to all new developments, major alterations and/or extensions to existing buildings (if the work affects more than 50% of the floor area of the whole of an existing building), or changes of use that require approval of a Development Application (DA) by the planning and land authority:</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) reinforces, enhances and addresses public transport stops and active travel routes to create active spaces for pedestrian activity b) enhance and promote active interface between buildings and the public domain.
<p>R8</p> <p>Open structured car parks, loading docks and substations are not located on frontages to the street in the area shown in Figure 4.</p>	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	<p>C9</p> <p>Buildings located on street frontages identified in Figure 4 achieve all of the following:</p> <ul style="list-style-type: none"> a) contribution to the character and amenity of adjacent public spaces b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i> and pedestrian experience c) articulated building forms.
5.2 Noise management plan	
<p>R10</p> <p>New residential development or residential component within a mixed use development on sites identified within the entertainment precinct (Figure 5) will need to demonstrate noise mitigation measures for approval by the ACT Environment Protection Authority.</p> <p>Note: a noise management plan will form part of the development application.</p>	This is a mandatory requirement. There is no applicable criterion.

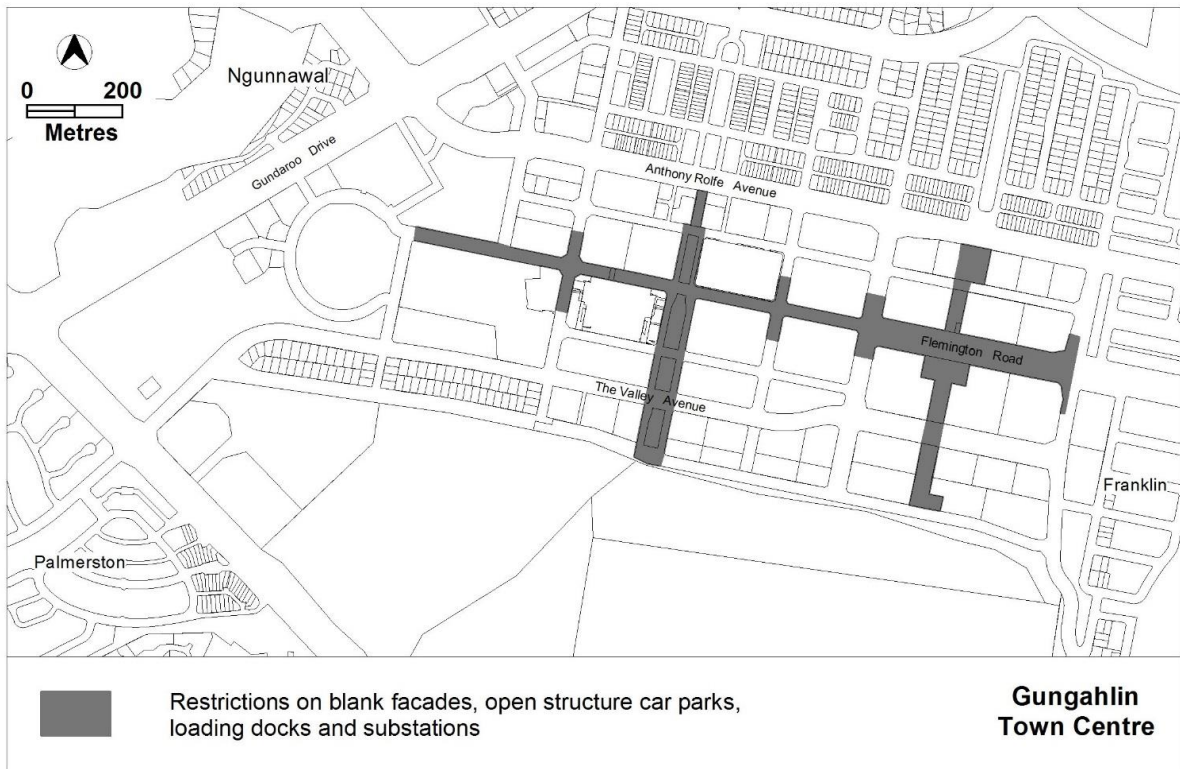


Figure 4 Restrictions on open structure car parks, loading docks and substations

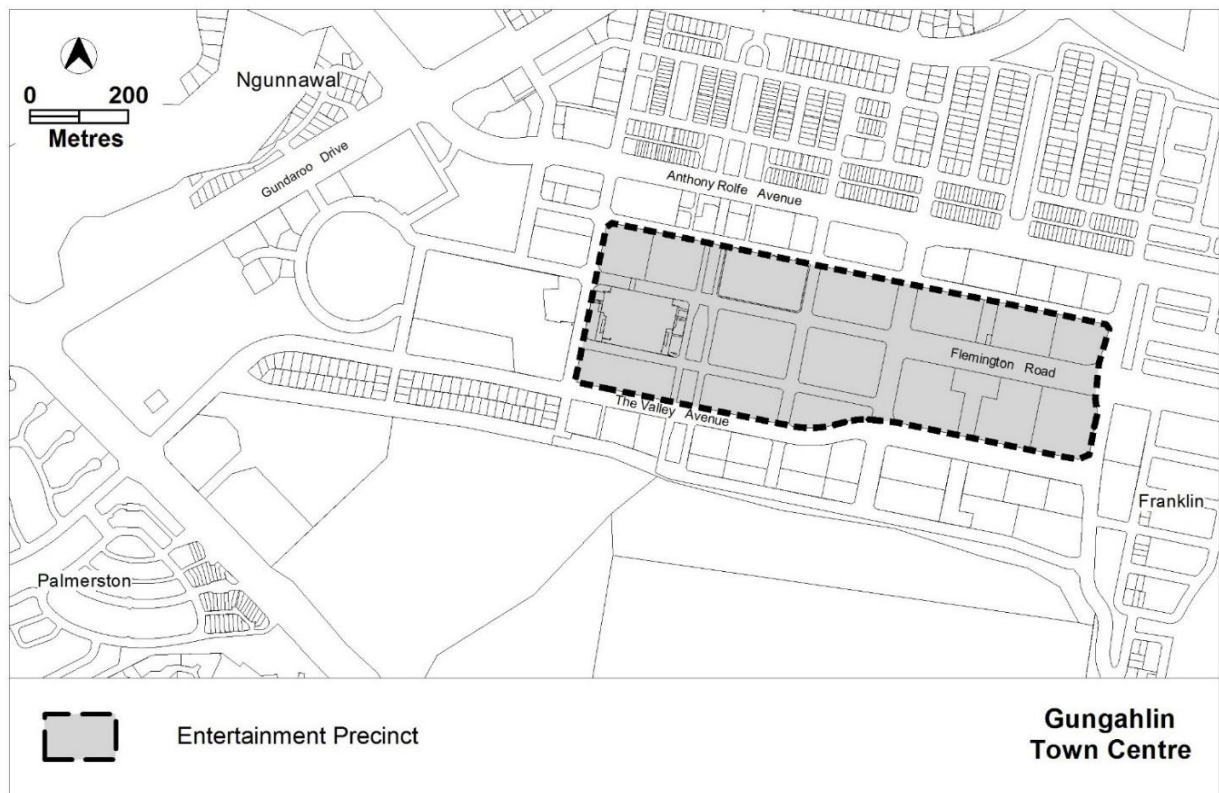


Figure 5 Entertainment precinct

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

Rules	Criteria
5.3 Public transport stations and adjacent development	
<p>R11</p> <p>Public transport stops or stations are provided at the locations shown in Figure 6.</p>	<p>C11</p> <p>The location of public transport stations on Hibberson Street and Flemington Road achieve all of the following:</p> <ul style="list-style-type: none"> a) supports public transport usage by town centre patrons b) provides access to retail and office areas c) is endorsed by the Territory.
<p>There is no applicable rule.</p>	<p>C12</p> <p>New buildings adjacent to a public transport bus and light rail station shown in Figure 6 are designed to achieve all of the following:</p> <ul style="list-style-type: none"> a) be transit-oriented development with main building entrances located within close walking distance to the public transport station and clearly addressing the station b) provide improved access for pedestrians and cyclists between the station and verge to ensure continuity and ease of active travel routes c) ensure visual amenity by having vegetation and shade for comfort and minimise hard paving d) promote active frontages to the public transport station.
<p>There is no applicable rule.</p>	<p>C13</p> <p>Development <i>adjacent</i> to a public transport bus and/ or light rail station will comprise use(s) which meet the needs of commuters.</p>

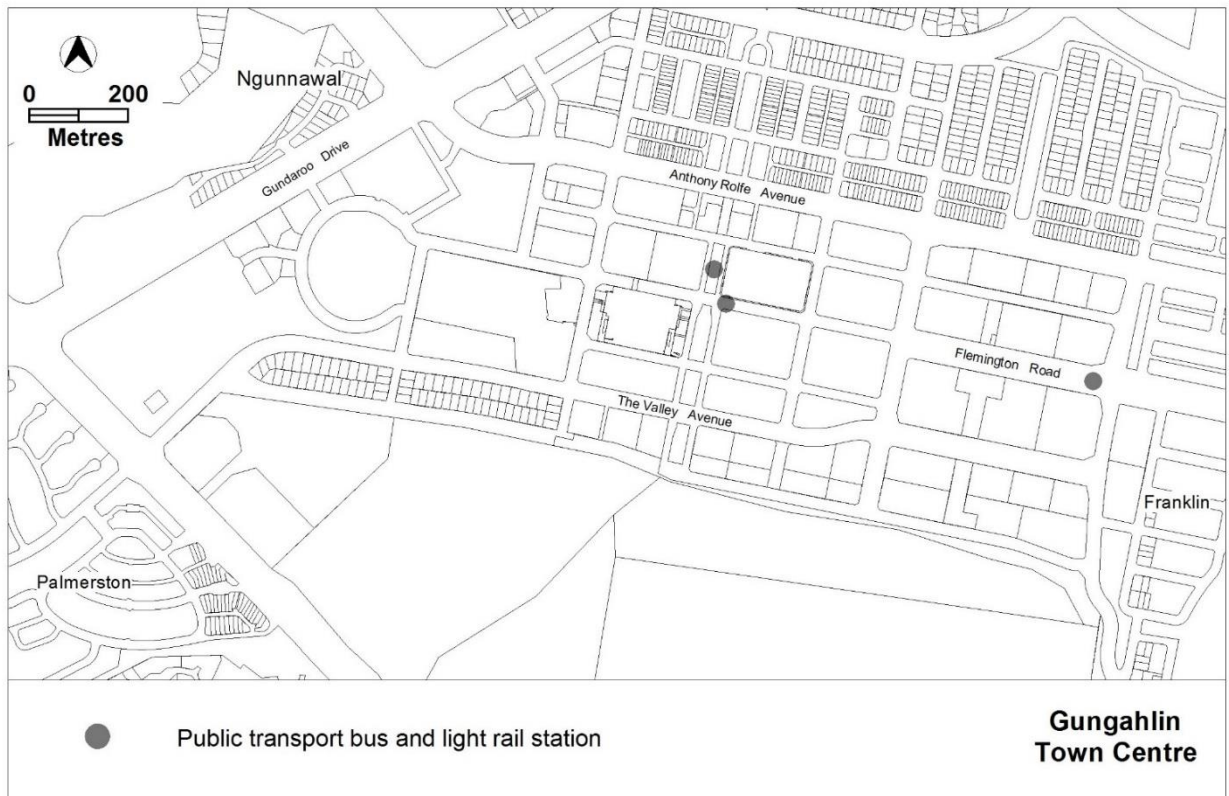


Figure 6 Public transport bus and light rail stations

Element 6: Parking and site access

Rules	Criteria
6.1 Sites for public car parking	
<p>R14</p> <p>Development on <i>sites</i> identified in Figure 7 includes one (1) of the following:</p> <ul style="list-style-type: none"> a) surface car park with number of spaces endorsed by the Territory agency responsible for parking policy b) other development where all of the following are provided: <ul style="list-style-type: none"> i) provide a number of car parking spaces endorsed by the Territory agency responsible for parking policy ii) accommodate onsite any additional demand for car parking generated by the development iii) ensure the number of car parking spaces identified in rule R14 b) i) remains available for public access iv) complies with the <i>Parking and Vehicular Access General Code</i>. 	<p>C14</p> <p>Development on <i>sites</i> identified in Figure 7 may be considered where the development achieves all of the following:</p> <ul style="list-style-type: none"> a) any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development b) makes a substantial contribution to the long-term public parking supply for the whole town centre as endorsed by the Territory.

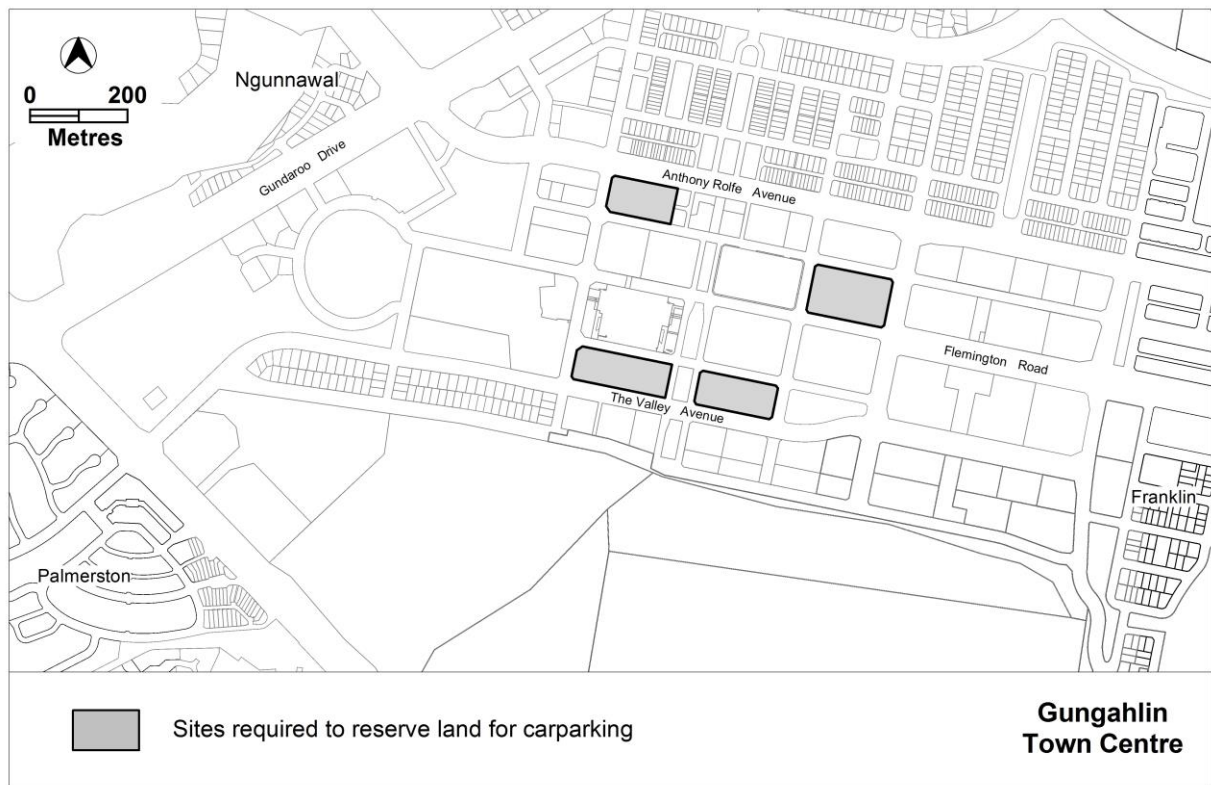


Figure 7 Location of sites for public car parking

Rules	Criteria
6.2 Restrictions on driveway access	
<p>R15</p> <p>Driveway access or egress to Hibberson Street, Flemington Road and Gungahlin Place is not permitted, other than being ancillary to the transport infrastructure in areas shown in Figure 8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R16</p> <p>Driveway access or egress from roads identified as limited direct access shown in Figure 8 is not permitted.</p>	<p>C16</p> <p>Verge crossings and driveways may be permitted on blocks identified as having limited direct access / egress in Figure 8 where all of the following can be demonstrated:</p> <ol style="list-style-type: none"> a need based on localised traffic impact and movements a safe and effective spacing of access points between adjacent blocks and sections does not adversely impact on active travel routes or their priority.

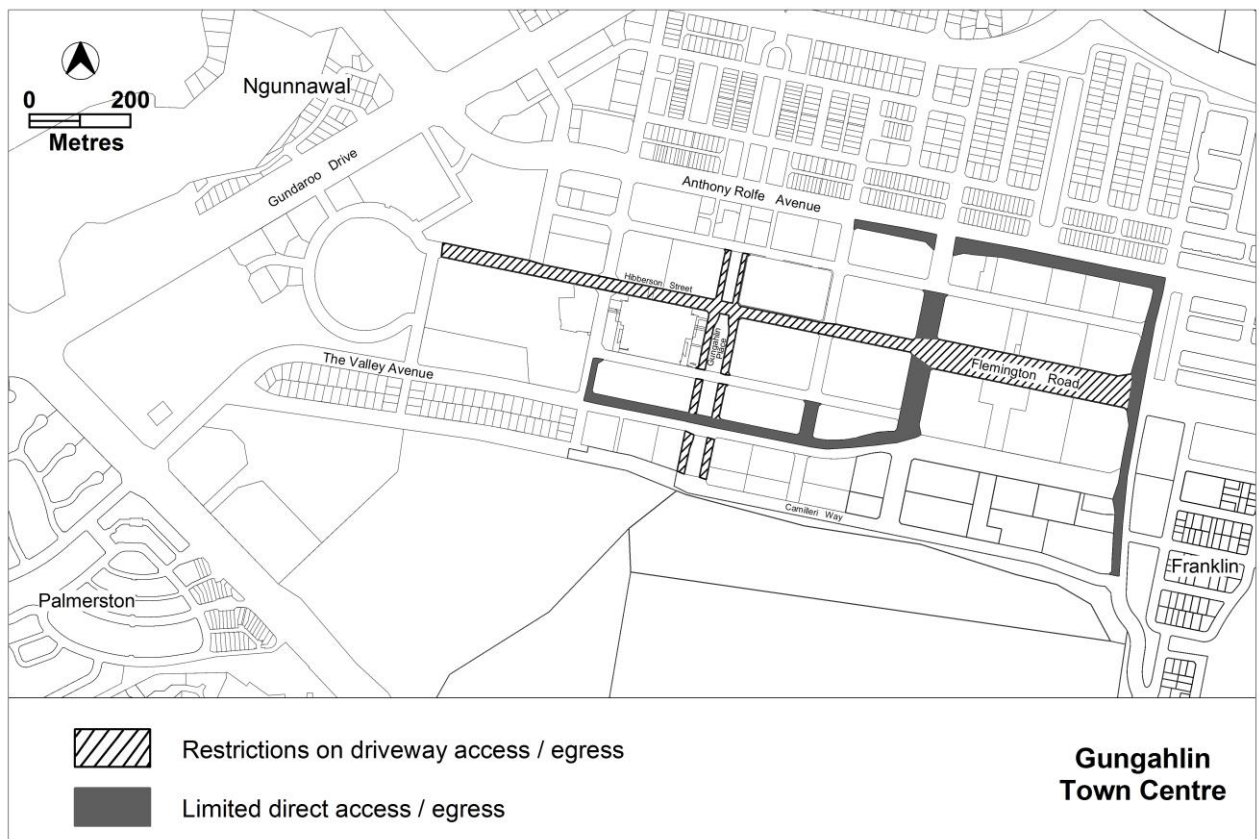


Figure 8 Restriction on driveway access and egress

Element 7: Amenity

Rules	Criteria
7.1 Design of Hibberson Street and Flemington Road public realm	
There is no applicable rule.	<p>C17</p> <p>Hibberson Street and Flemington Road, between Gozzard Street and Manning Clarke Crescent, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provides convenient pedestrian access along both sides of Hibberson Street to promote an accessible and safe environment for active shop fronts b) provides convenient and safe pedestrian access across Hibberson Street at appropriate locations between the adjacent retailing c) provides direct and visible pedestrian access to public transport facilities along Hibberson Street.
7.2 Design of Gungahlin Place public realm	
There is no applicable rule.	<p>C18</p> <p>Gungahlin Place, between Ernest Cavanagh Street and Camilleri Way, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provide direct and convenient east-west and north-south pedestrian and cycling access in Gungahlin Place between adjacent retailing and community amenities b) provide pedestrian access along both verges within Gungahlin Place to promote an accessible and safe environment for active shop fronts c) provide open space in Gungahlin Place that allows for outdoor seating areas and promotes uses such as community events, markets, cafes and kiosks d) provide unobtrusive weather protection and high quality landscaping with canopy trees within Gungahlin Place that is consistent with the surrounding character and use of Gungahlin Place.

Rules	Criteria
7.3 Active frontage	
<p>R19</p> <p>For building frontages shown as 'Active Frontage – Mandatory' in Figure 9, ground floor frontages comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities c) blank walls without windows will be a maximum of 30% of the building frontage and will be articulated or designed to contribute positively to the streetscape. 	<p>C19</p> <p>Where a street frontage has multiple active frontage requirements, as per Figure 9, an integrated plan is required to be prepared for the building that demonstrates how the frontage on the ground floor achieves all of the following:</p> <ul style="list-style-type: none"> a) clear display windows and shop fronts are incorporated into buildings b) pedestrian access is incorporated into the buildings and or shop fronts c) building design contributes positively to the streetscape d) maximise articulated building façade.
<p>R20</p> <p>For building frontages shown as 'Active Frontage – Adaptable Built Form' in Figure 9, ground floor frontage is to comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows or shop fronts b) buildings incorporate pedestrian access and egress for persons with disabilities. 	<p>C20</p> <p>For buildings fronting streets identified as 'Active Frontage – Adaptable Built Form' in Figure 9, development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) be adaptable for shops b) where building access is provided, pedestrian access is from the street.
<p>R21</p> <p>For buildings located along 'Active Frontage – Partial' shown in Figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) blank walls without windows will be a maximum of 50% of the building frontage and will be articulated or designed to contribute positively to the streetscape. c) buildings incorporate pedestrian access for access and egress for persons with disabilities at the main and secondary entrances. 	<p>C21</p> <p>For buildings located along 'Active Frontage – partial' shown in Figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) ensure the building façade is designed to provide sufficient natural surveillance to the street/ spaces b) provide access where buildings front the public domain c) ensure that the location and design of footpath awnings and colonnades enhance the public domain by providing appropriate levels of shade and weather protection to support retail, commercial and community activities.

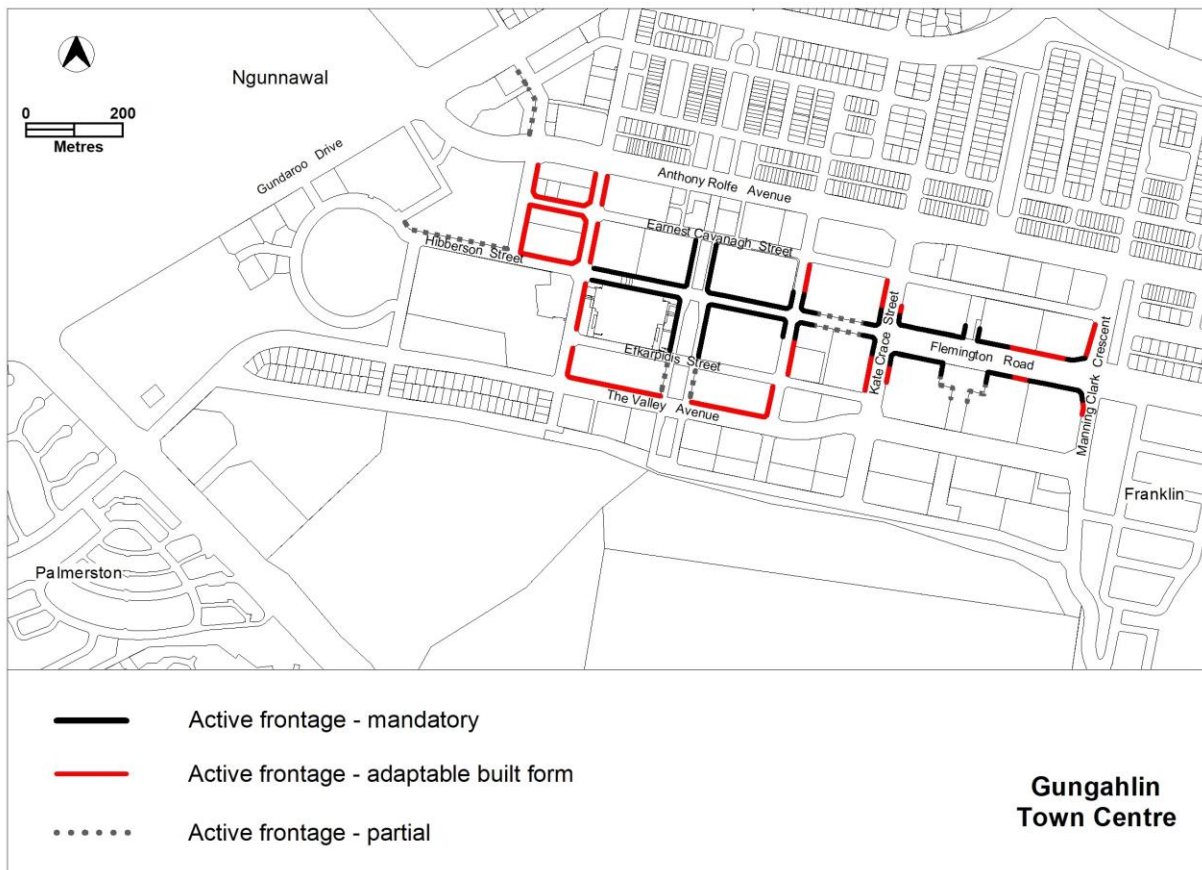


Figure 9 Active frontage requirements

Rules	Criteria
<p>7.4 Landscape</p>	
<p>There is no applicable rule.</p>	<p>C22</p> <p>Landscaping achieves all of the following:</p> <ul style="list-style-type: none"> a) is sensitive to <i>site</i> attributes, including <i>streetscapes</i> and landscapes of documented heritage significance b) use of vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with Gungahlin Place, linear parks, public spaces, reserves and public transport corridors c) contributes to energy efficiency and amenity of public space by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor spaces d) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground utilities

	<ul style="list-style-type: none"> e) provides landscaping with low and high elements which does not obscure or obstruct sightlines to building entries, paths and driveways to reduce the actual or perceived personal safety and security f) tree planting in and around car parks to provide shade and soften the visual impact of parking areas g) Water Sensitive Urban Design (WSUD) principles are applied to all landscape treatments within the town centre h) Drought tolerant plant species are used in both public and private realms to contribute to a high quality landscape character.
Rules	Criteria
<p>There is no applicable rule.</p>	<p>C23</p> <p>This criterion applies to the residential development or residential components of mixed use development.</p> <p>Communal open space complies with all of the following:</p> <ul style="list-style-type: none"> a) provide for active and passive recreation needs of all residents b) unpaved soft landscaped areas with vegetation will form a significant part of the total communal open space area c) designed to present as a private area for use by the residents d) includes passive surveillance from adjacent internal living areas and/or pathways e) have a northerly aspect where possible f) be in addition to any public thoroughfares g) inclusion of exterior private open spaces such as roof top gardens and/or podiums to reduce urban heat island effect. All exterior private open spaces must have supporting systems for ongoing maintenance installed h) adequate shade through landscape plantings. <p>Note: This criterion does not replace the relevant provisions for open space in the development codes. This criterion takes precedence where there is a conflict with the development code provisions.</p>

Part B - Area specific controls

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

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

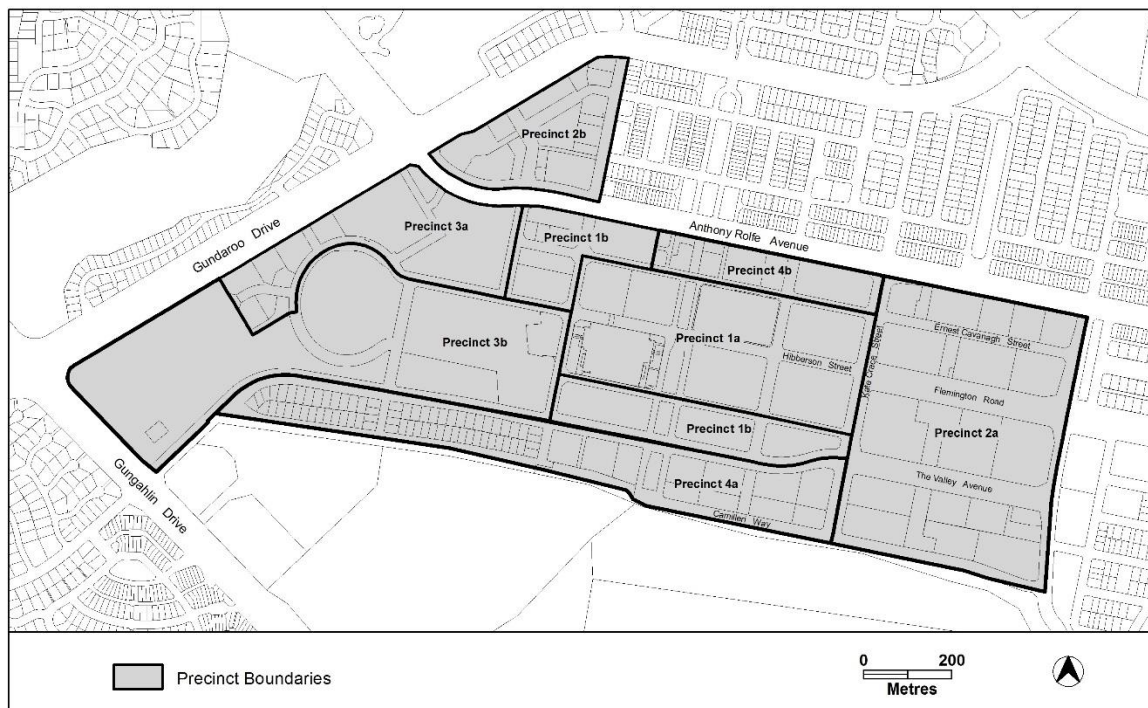


Figure 10 Precinct areas within the Gungahlin Town Centre

Gungahlin Town Centre has several precincts:

Precinct 1a – Retail Core

Precinct 1b – Retail Core Mixed Use

Precinct 2a – Mixed Use East

Precinct 2b – Mixed Use North West

Precinct 3a – Services and Trades

Precinct 3b – Major Community and Recreation Facilities

Precinct 4a – Southern Transition

Precinct 4b – Northern Transition

In this code:

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

Precinct 1a – Retail core

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

Element 8: Use

Rules	Criteria
8.1 Ground floor use	
<p>R24</p> <p>This rule applies to buildings with frontages to main pedestrian areas and routes as shown in Figure 11.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C24</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
8.2 Protection of retail expansion opportunities	
<p>R25</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1a:</p> <ul style="list-style-type: none"> a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i> 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.3 Development in Gungahlin Place	
<p>R26</p> <p>This rule applies to sections 36, 37 and 38.</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) a maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy c) is endorsed by the land custodian. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
8.4 Distribution and coordination of retail	
<p>R27</p> <p>Each section contains at least <i>one large retail anchor</i>.</p> <p>Note: The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p> <p>Note: This rule does not apply to unleased territory land including sections 36 and 37.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

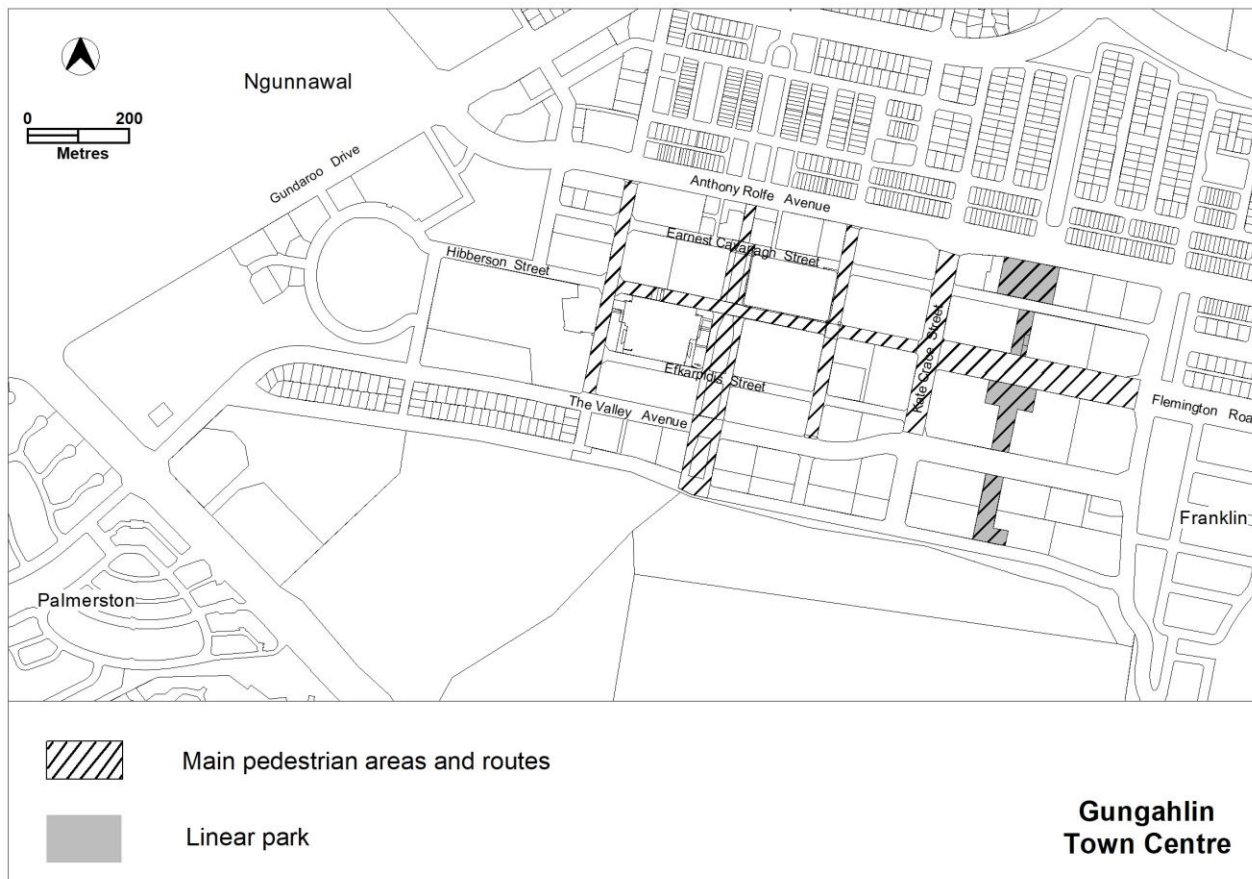
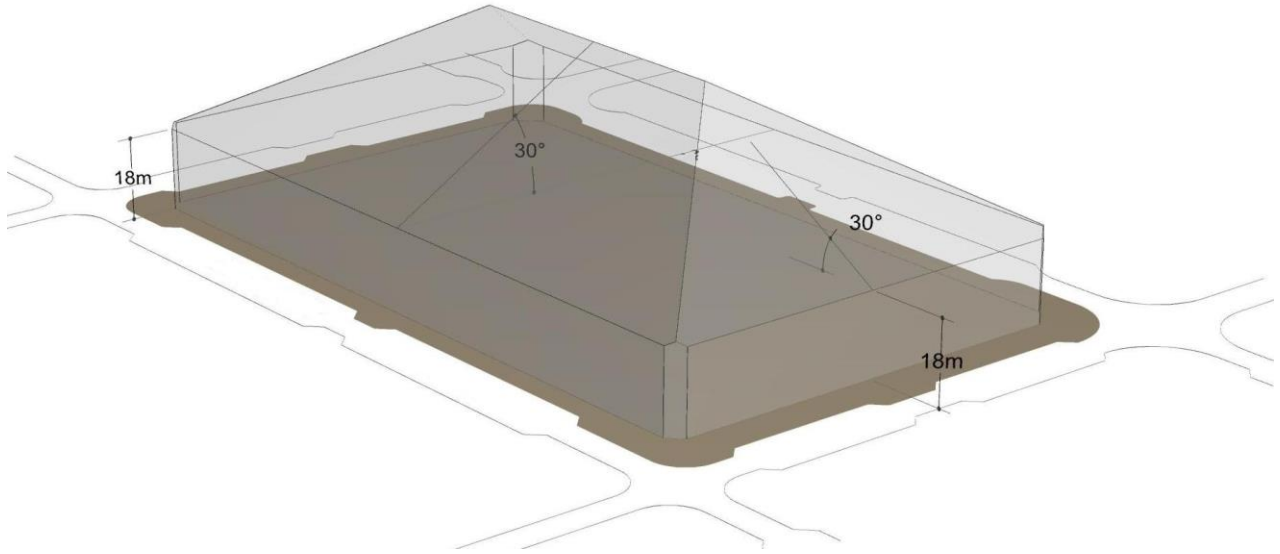


Figure 11 Main pedestrian areas and routes and linear park

Element 9: Buildings

Rules	Criteria
9.1 Building envelope	
<p>R28</p> <p>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in Figure 12.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



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

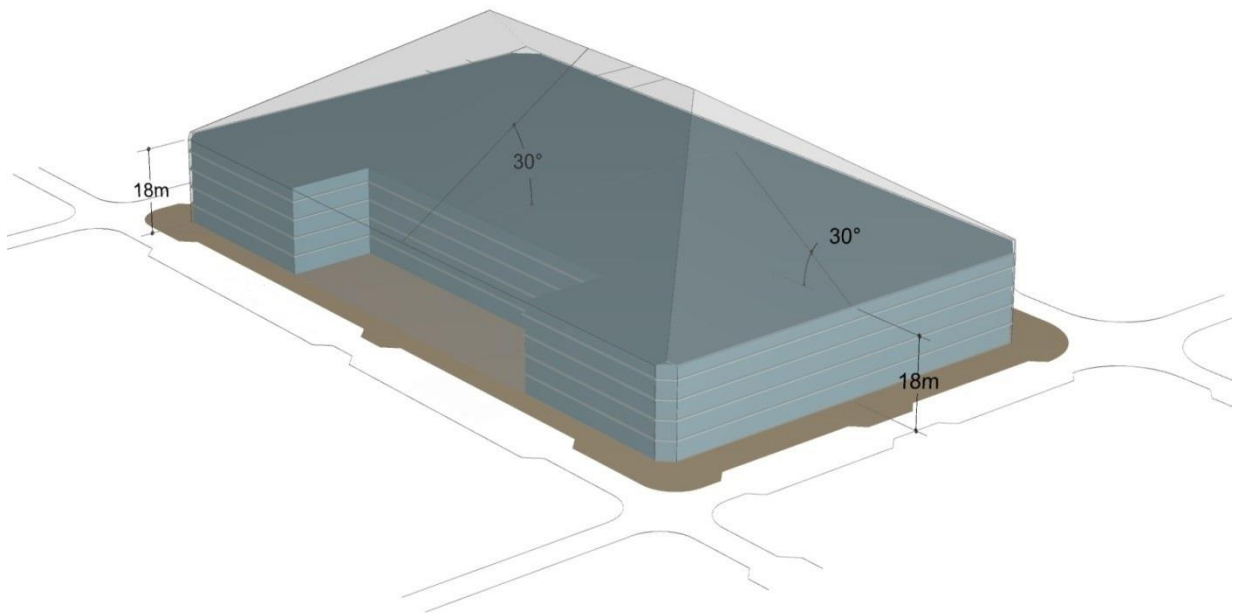


Figure 12 Building envelope in Precinct 1a

Rules	Criteria
9.2 Protection of solar access for activities on south side of Hibberson Street	
R29 For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).	C29 Buildings on the northern side of Hibberson Street are limited in height to ensure development on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).
9.3 Setbacks	
R30 Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.	C30 Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development. Minor setbacks in building alignment may be permitted to provide small spaces for active uses.

Element 10: Built form

Rules	Criteria
10.1 Building Design	
R31 The minimum ground floor level floor to ceiling height is 3.6m.	C31 Ground floor level of buildings is designed to be adaptable for commercial use.
There is no applicable rule.	C32 Major public entrances of retail centres achieve all of the following: a) are visible from the major public entrances of nearby retail centres b) provide convenient access between major public entrances of nearby retail centres.
10.2 Awnings	
R33 Buildings must incorporate awnings that comply with all of the following: a) cantilevered awnings for the full extent of the building frontage identified as 'Active frontage – mandatory' in Figure 9 and a minimum of 50% of the building frontage identified along main pedestrian areas and routes shown in Figure 11 b) awnings are to be a minimum height of 3m in cantilever width	This is a mandatory requirement. There is no applicable criterion.

- | | |
|---|--|
| <ul style="list-style-type: none">c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) integrated with the building design at the first floor level. | |
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Precinct 1b – Retail core mixed use

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

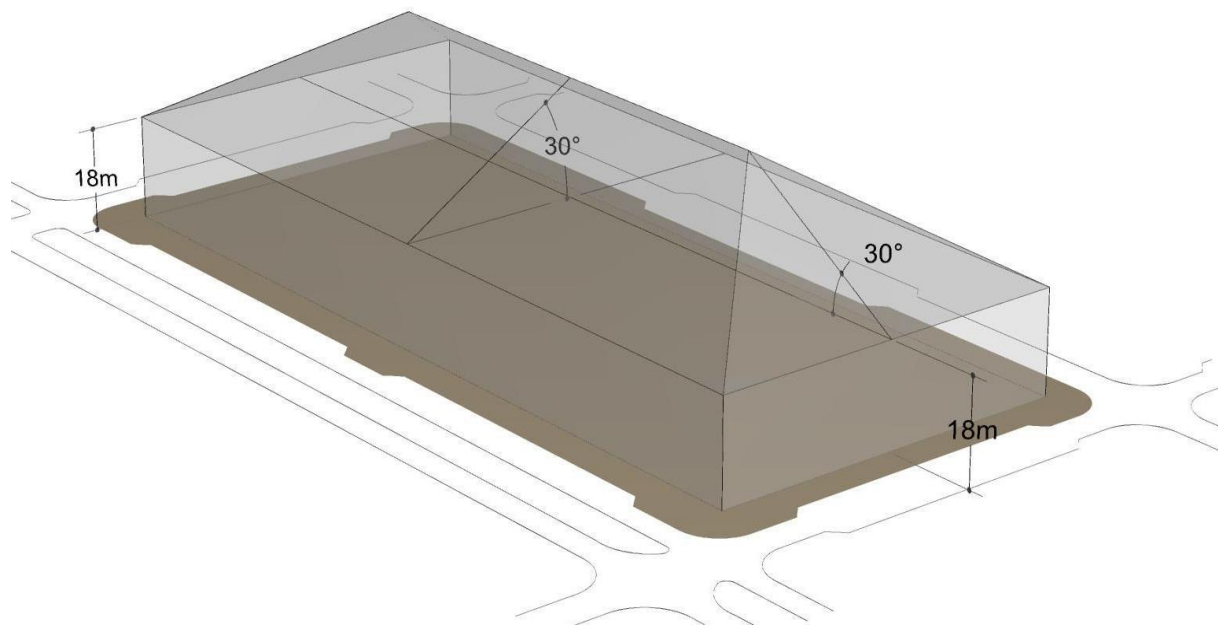
Element 11: Use

Rules	Criteria
11.1 Ground floor use	
<p>R34</p> <p>This rule applies to buildings with frontages to hatched area shown in Figure 8.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C34</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
11.2 Scale of retail activity	
<p>R35</p> <p>Until the five sections in Precinct 1a contains one (1) <i>large retail anchor</i>, the following uses in Precinct 1b are restricted to a maximum of 200m² <i>Gross Floor Area</i> per tenancy:</p> <ul style="list-style-type: none"> a) department store b) discount department store c) <i>supermarket</i> d) <i>SHOP</i> selling food <p>Note: This rule restricts the scale of the listed developments until the retail core area is developed. The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
11.3 Development in Gungahlin Place	
<p>R36</p> <p>This rule applies to sections 36, 37 and 38. Development achieves all of the following:</p> <ul style="list-style-type: none"> a) maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy c) is endorsed by the land custodian. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
11.4 Serviced apartment and residential use	
<p>R37</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1b:</p> <p>a) <i>Serviced apartment</i></p> <p>b) <i>RESIDENTIAL USE</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 12: Buildings

Rules	Criteria
12.1 Building envelope and setbacks	
<p>R38</p> <p>All building elements, including lift overruns and roof top plant are contained within the building envelope controls shown in Figure 13.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R39</p> <p>Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.</p> <p>This rule does not apply to the boundaries to Gungahlin Place of Section 226 Block 4 and Section 232 Block 1, Gungahlin.</p>	<p>C39</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with desired planning outcomes</p> <p>b) compatibility with adjacent development</p> <p>Minor setbacks in building alignment may be permitted to provide small spaces for active uses.</p>
<p>There is no applicable rule.</p>	<p>C40</p> <p>This criterion applies to Section 226 Block 4 and Section 232 Block 1, Gungahlin, but does not apply to the Gozzard Street frontage and Hinder Street frontage.</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with desired planning outcomes</p> <p>b) compatibility with adjacent development</p> <p>c) corner treatment with articulation in the building facade at the corner of Gungahlin Place and Efkarpidis Street</p> <p>d) where setbacks are proposed, reasonable space for active outdoor uses, the protection of any regulated trees, and the provisions of landscaping</p> <p>e) for outdoor spaces adjacent to Gungahlin Place, landscaping consistent with the landscaping in Gungahlin Place.</p> <p>Note: R39 and C39 apply to the Gozzard Street frontage and Hinder Street frontage.</p>



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

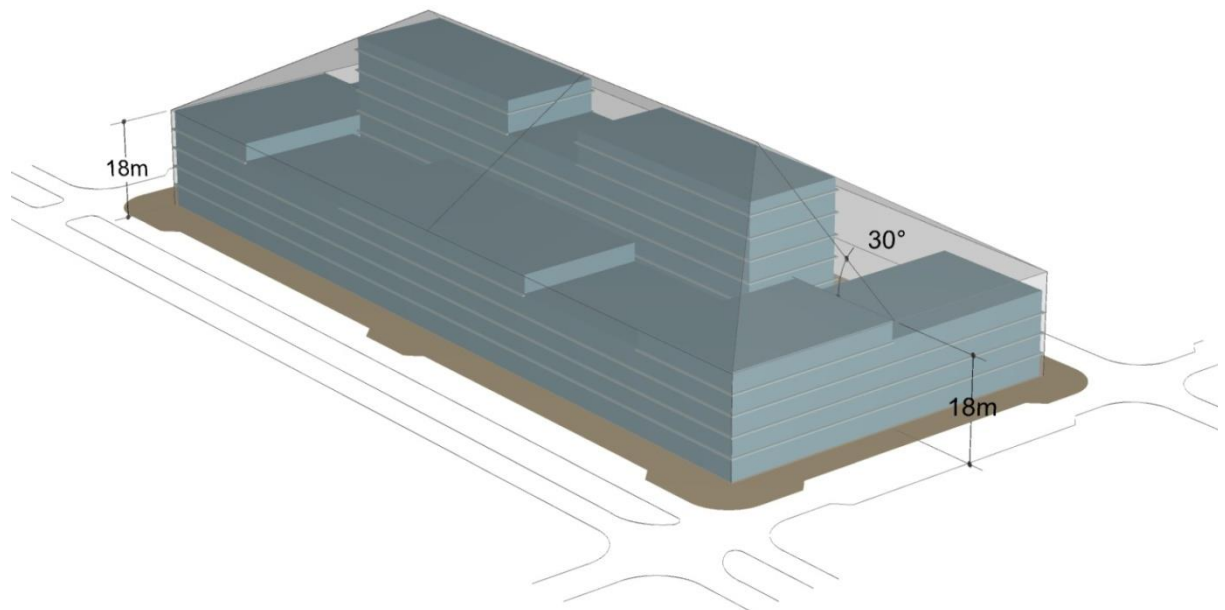


Figure 13 Building envelope in Precinct 1b

Element 13: Built form

Rules	Criteria
13.1 Building Design	
<p>R41</p> <p>The minimum ground floor level floor to ceiling height is 3.6m.</p>	<p>C41</p> <p>Ground floor level of buildings is designed to be adaptable for commercial use.</p>
13.2 Awnings	
<p>R42</p> <p>Buildings with front boundary setbacks less than 2m incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) cantilevered for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) a minimum of 3m in cantilever width c) a minimum height of 3m above finished pavement or ground level of the verge d) integrated with the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Precinct 2a – Mixed Use East

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

Element 14: Use

Rules	Criteria
14.1 Protection of office development	
<p>R43</p> <p>Blocks 3 and 5 Section 231 will be exclusively for the development of commercial office and ancillary use.</p> <p>Note: In the event that these blocks are subdivided, the land for commercial office use will generally be located along Flemington Road.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
14.2 Street level uses	
<p>R44</p> <p><i>RESIDENTIAL USE</i> is not located at ground level where 'Active Frontage – Mandatory' is identified in Figure 9.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R45</p> <p>A minimum of one (1) of the following uses is provided at the ground floor level adjacent to the street or main building entry for buildings of 2,000m² or greater:</p> <ol style="list-style-type: none"> <i>Business agency</i> <i>Drink establishment</i> <i>Health facility</i> <i>Public agency</i> <i>Restaurant</i> <i>SHOP</i> with a maximum GFA of 200m². 	<p>C45</p> <p>Buildings facing main pedestrian areas and routes identified in Figure 11 incorporate uses that generate activity at the ground level in the public space.</p>

Element 15: Buildings

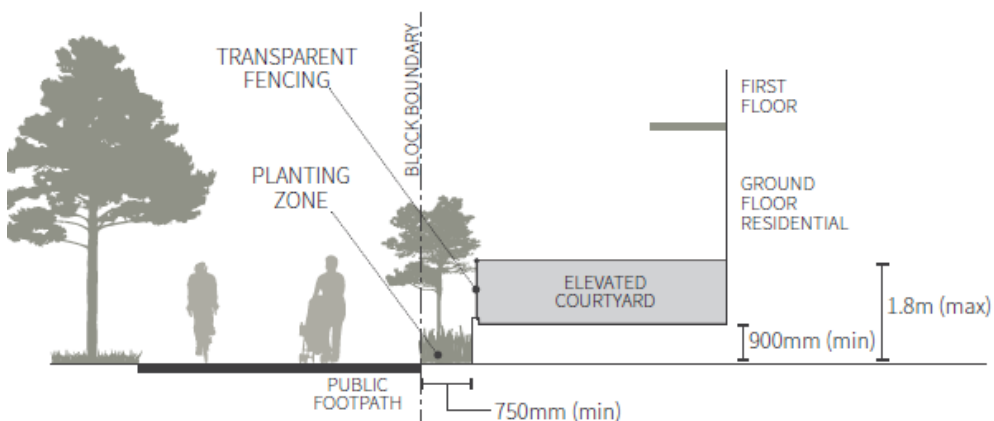
Rules	Criteria
15.1 Building heights	
<p>R46</p> <p>This rule applies to areas shown in Figure 14.</p> <p>Maximum <i>height of building</i> is:</p> <ol style="list-style-type: none"> area 'a': 8 storeys and not more than 32 metres area 'b': 6 storeys and not more than 24 metres area 'c': 3 storeys and not more than 12 metres. <p>For this rule the building height excludes all of the following:</p> <ol style="list-style-type: none"> roof top plant lift overruns antennas photovoltaic panels 	<p>C46</p> <p>The maximum <i>height of building</i> in area 'a' may be increased by an additional two <i>storeys</i> or six metres, where development achieves all of the following:</p> <ol style="list-style-type: none"> the taller building elements are located in accordance with Figure 14 and there is to be no more than two building elements per block there is a clear difference in height between elements within a block

Rules	Criteria
e) air conditioning units f) chimneys, flues and vents Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3 metres.	c) the development achieves a high quality design outcome.
15.2 Overshadowing	
There is no applicable rule.	C47 The maximum <i>height of building</i> complies with all of the following: a) minimise detrimental impacts on adjacent development, including overshadowing and excessive scale b) contribute to the desired planning outcomes.
15.3 Minimum numbers of storeys	
R48 Minimum number of storeys will be: a) Building fronting Flemington Road: 4 storeys including podium. b) Building fronting northern side of The Valley Avenue: 3 storeys	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
15.4 Building setbacks	
<p>R49</p> <p>Notwithstanding Rule R53, minimum building setbacks identified in Figure 15 are:</p> <ul style="list-style-type: none"> a) Flemington Road – nil setback b) Kate Crace Street and Manning Clarke Crescent between The Valley Avenue and Ernest Cavanagh – nil setback c) Anthony Rolfe Avenue – nil setback d) All other street frontages – 4m 	<p>C49</p> <p>Non-residential building elements are permitted within the 4m front setback if they contribute to the streetscape character.</p>
15.5 Podium height and setback	
<p>R50</p> <p>This rule applies to buildings with non-residential components at ground level which front main pedestrian routes identified in Figure 11.</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) minimum setback from the building line – 4m b) minimum podium height – 6.9m 	<p>C50</p> <p>Design of buildings at the ground and podium level promote human scale development.</p>
15.6 Above ground parking	
<p>R51</p> <p>Parking areas above ground level is not permitted fronting the following roads:</p> <ul style="list-style-type: none"> a) Flemington Road b) Manning Clarke Crescent c) Kate Crace Street 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.7 Building setback and articulation	
<p>R52</p> <p>Building podium fronting Flemington Road, Manning Clarke Crescent and The Valley Avenue will have a setback of 4m for 30% of the blocks <i>front boundary</i> length.</p>	<p>C52</p> <p>Building form and façades are articulated to reduce bulk of the development and promote an interesting streetscape.</p>

Rules	Criteria
15.8 Master plan for blocks of more than 10,000m²	
<p>There is no applicable rule.</p>	<p>C53</p> <p>This criterion applies to new development on blocks of more than 10,000m².</p> <p>A site analysis must be undertaken to inform the development of a master plan for the block. The master plan must outline all of the following:</p> <ul style="list-style-type: none"> a) a variation in building height and form to reduce bulk and scale of the buildings b) location of communal open space c) how development will address adjoining streets, intersections, corners and open space d) provision for pedestrian mid-block links which: <ul style="list-style-type: none"> i) relate and contribute to the wider open space and pedestrian network ii) are publicly accessible at all times iii) provide high level of safety and amenity for users. e) site access for loading and delivery <p>The master plan must be agreed to by the planning and land authority prior to lodgement of a development application.</p>
15.9 Ground floor level	
<p>R54</p> <p>Where residential uses are permitted along a main pedestrian route identified in Figure 11, the level of any habitable floor will not be lower than the verge or pedestrian access level.</p>	<p>C54</p> <p>Ground floor design of the building to promote active street frontage.</p>
15.10 Awning	
<p>R55</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) Cantilevered awnings for the full extent of the building frontage identified as 'Active frontage – mandatory' in Figure 9 b) A minimum of 3m in cantilever width c) A minimum height of 3m above finished pavement or ground level of the verge d) Integrated with the building design at the first floor level. 	<p>This is a mandatory rule. There is no applicable criterion.</p>

Rules	Criteria
15.11 Residential interface to street	
<p>R56</p> <p>Residential development at ground floor level where it fronts main pedestrian areas and routes identified in Figure 11 complies with all of the following:</p> <ol style="list-style-type: none"> minimum front boundary setback – 4m <i>private open space</i> behind the front fence will have a minimum finished ground level of 900mm above the finished verge level pedestrian access to individual <i>private open space</i> is provided from the <i>street</i> front fencing should comply with all of the following: <ol style="list-style-type: none"> minimum <i>front boundary setback</i> – 750mm maximum height above finished verge level – 1.8m area between the <i>front boundary</i> and the front fence is to be landscaped area behind the fence, within the <i>private open space</i>, is to be landscaped predominantly transparent designed to integrate with the streetscape <p>Note: the above controls are illustrated in Section 1.</p> <p>Note: the 4m setback for residential forms a component of the 30% building articulation required by Rule R52.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>



Section 1: Example of residential interface to street

Element 16: Open space

Rules	Criteria
16.1 Linear park	
<p>R57</p> <p>A series of continuous open spaces will be established to form a linear park consistent with Figure 11.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C58</p> <p>The linear park shown in Figure 11 shall be consistent with a landscape master plan and comply with all of the following:</p> <ul style="list-style-type: none"> a) unified and integrated park design b) high quality design and amenities including street furniture and lighting c) incorporates large canopy trees d) responds to adjacent developments.



Figure 14 Maximum building height in Precinct 2a

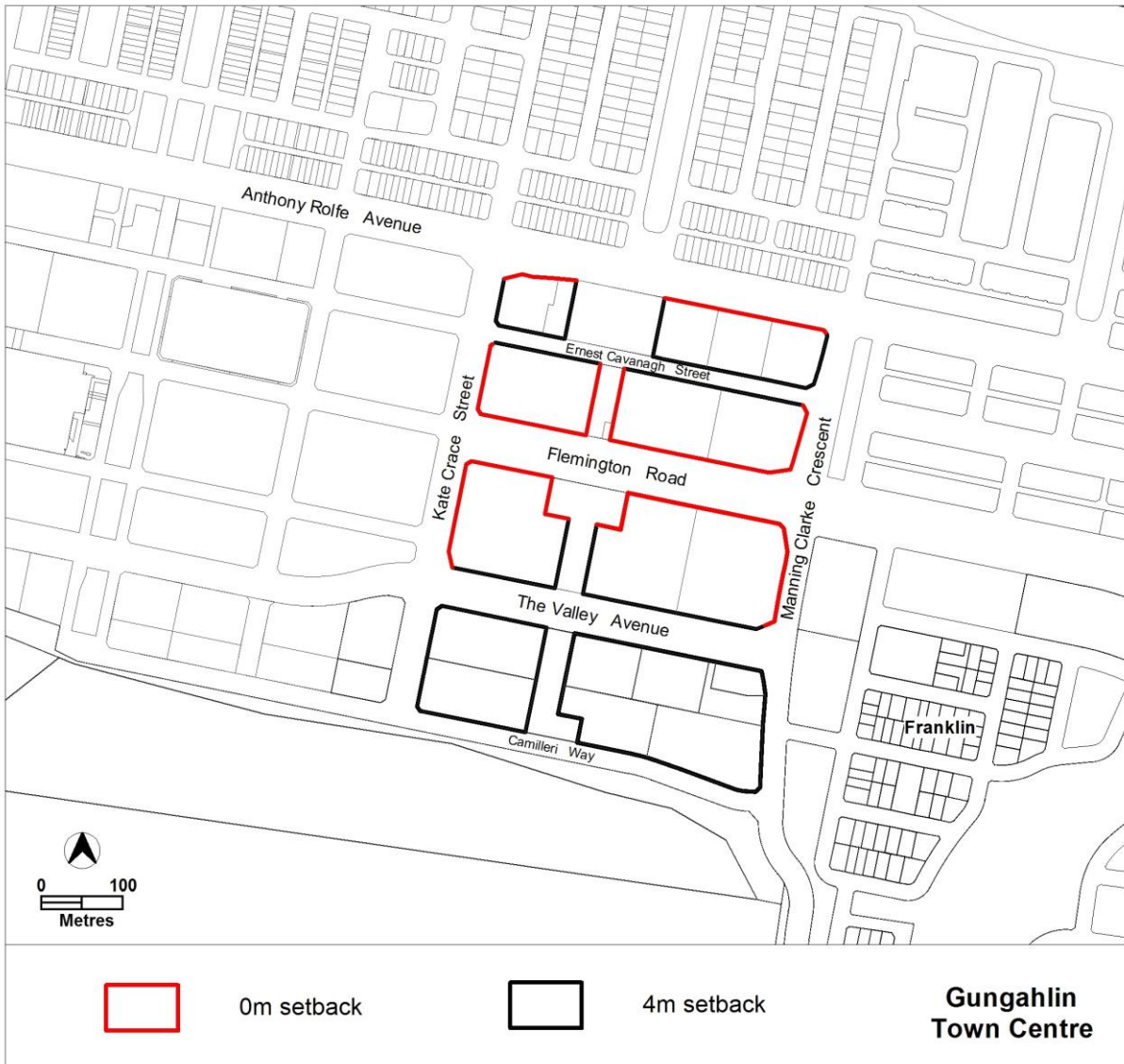


Figure 15 Setbacks in Precinct 2a

Element 17: Built form

Rules	Criteria
17.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C59</p> <p>To provide public entrances that are easily identifiable and convenient, the development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances to commercial and other uses provide a strong visual connection to the street b) the main building entrance relates to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer.

Rules	Criteria
<p>R60</p> <p>This rule applies to buildings fronting main pedestrian areas and routes and the linear park identified in Figure 11.</p> <p>New development provides articulated building entrance to the street and public space at grade with the adjoining verge level.</p>	<p>C60</p> <p>Building entrance to address main pedestrian routes adjoining public open space.</p>
17.2 Landscape	
<p>There is no applicable rule.</p>	<p>C61</p> <p>Provide a high quality landscape character and achieve all of the following:</p> <ul style="list-style-type: none"> a) a documented landscape design showing how landscape associated with the development addresses all of the items described in criterion C22 in this code b) use vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with the north-south linear park, public spaces, reserves and public transport corridors.

Precinct 2b – Mixed Use North West

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

Element 18: Use

Rules	Criteria
18.1 Street level uses	
<p>R62</p> <p>A minimum of one (1) of the following uses is provided at the ground floor level abutting the street or main building entry for buildings of 2,000m² or greater:</p> <ul style="list-style-type: none"> a) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> 	<p>C62</p> <p>Buildings abutting the street or main building entry incorporate uses that generate activity at the ground level in the public space.</p>

Element 19: Buildings

Rules	Criteria
19.1 Building heights	
<p>R63</p> <p>This rule applies to areas shown in Figure 16.</p> <p>Maximum height of building is:</p> <ul style="list-style-type: none"> a) area 'a': 7 storeys and not more than 30 metres b) area 'b': 12 storeys and not more than 50 metres c) area 'c': 14 storeys and not more than 58 metres d) for all other sites the maximum number of storeys is indicated in Figure 16. <p>For this rule the building height excludes all of the following:</p> <ul style="list-style-type: none"> a) roof top plant b) lift overruns c) antennas d) photovoltaic panels e) air conditioning units f) chimneys, flues and vents <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3 metres.</p> <p>Note: Maximum height of building complies with C64.</p>	<p>C63</p> <p>The <i>height of building</i> may be increased by an additional two <i>storeys</i> for building element(s) on blocks shown in Figure 16, where development achieves all of the following:</p> <ul style="list-style-type: none"> a) there is a clear difference in height between elements within a block b) the development achieves a high quality design outcome. <p>Note: Maximum height of building complies with C64.</p>

Rules	Criteria
19.2 Overshadowing	
There is no applicable rule.	<p>C64</p> <p>The maximum <i>height of building</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) minimise detrimental impacts on adjacent development, including overshadowing and excessive scale b) contribute to the desired planning outcomes.
19.3 Building form	
There is no applicable rule.	<p>C65</p> <p>Articulated building form and façade to reduce the bulk of the development and promote interesting streetscape.</p>

Element 20: Built form

Rules	Criteria
20.1 Location of public entrances	
There is no applicable rule.	<p>C66</p> <p>To provide public entrances that are easily identifiable and convenient, the development provides all of the following:</p> <ul style="list-style-type: none"> a) entrances to commercial and other uses provide a strong visual connection to the street b) the main building entrance relate to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer c) provide articulated building entrance to the street and/ or public space at grade with the adjoining verge or finished <i>site</i> levels.

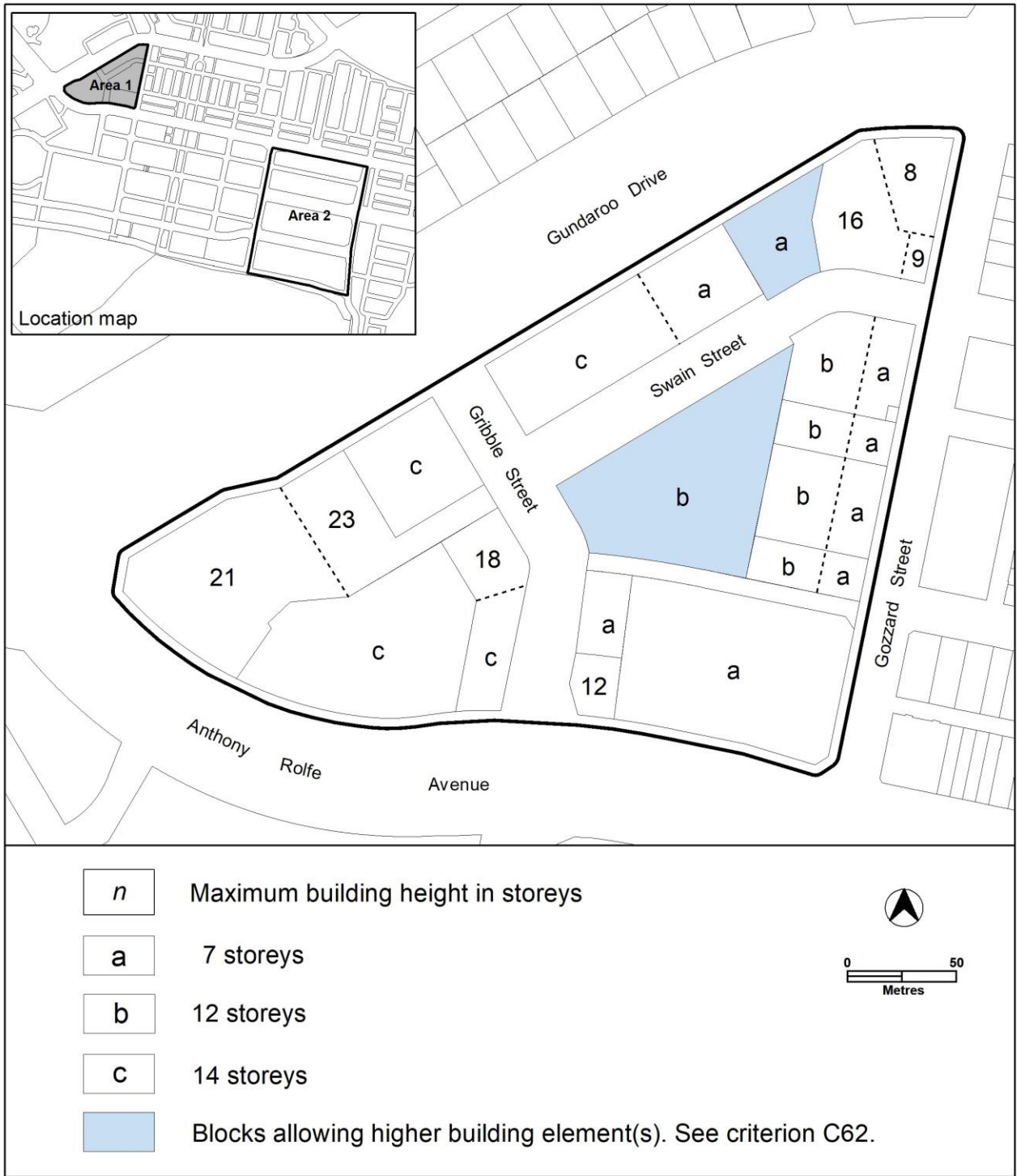


Figure 16 Building height in Precinct 2b

Precinct 3a – Services and Trades

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

Element 21: Buildings

Rules	Criteria
21.1 Height and setbacks	
<p>R67</p> <p>Maximum <i>height of buildings</i> is 14 metres above the <i>datum ground level</i>.</p>	<p>C67</p> <p><i>Height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing character in the Service Trades Precinct b) is appropriate to the scale and function of the use c) minimise detrimental impact to adjacent open space and development, including overshadowing and excessive scale.
<p>R68</p> <p>Buildings maintain a continuous <i>building line</i> along Hibberson Street.</p>	<p>C68</p> <p>Building setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) frontages to Hibberson Street maintain a continuous <i>building line</i> b) setbacks in building alignment may be permitted where it provides small spaces for active uses and / or building entrances.

Element 22: Built form

Rules	Criteria
22.1 Building design	
<p>There is no applicable rule.</p>	<p>C69</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, the development is to provide all of the following:</p> <ul style="list-style-type: none"> a) entrances provide a strong visual connection to the street and ensure a high level of surveillance b) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i>.

Precinct 3b – Major community and recreation facilities

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

Element 23: Buildings

Rules	Criteria
23.1 Height and setbacks	
<p>R70</p> <p>Maximum <i>height of buildings</i> is 14m above the <i>datum ground level</i>.</p>	<p>C70</p> <p>Maximum <i>height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.
<p>R71</p> <p>A minimum setback of 6 metres applies to Warwick Street and The Valley Avenue street frontages.</p>	<p>C71</p> <p>Setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.

Element 24: Built form

Rules	Criteria
24.1 Building design	
<p>There is no applicable rule.</p>	<p>C72</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances have a strong visual connection to the street b) ensure a high level of surveillance c) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i> d) building frontage onto The Valley Avenue is to provide articulation in the building facade.

Element 25: Amenity

Rules	Criteria
25.1 Open space	
There is no applicable rule.	<p>C73</p> <p>Provide a landscape buffer along the southern <i>block</i> boundary parallel to The Valley Avenue that achieves all of the following:</p> <ul style="list-style-type: none">a) variety in vegetation species and sizesb) vegetation types and landscaping styles that complement the <i>streetscape</i> character, particularly street trees on The Valley Avenue, public spaces and reservesc) is appropriate to the bulk and scale of the development.

Precinct 4a – Southern transition

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

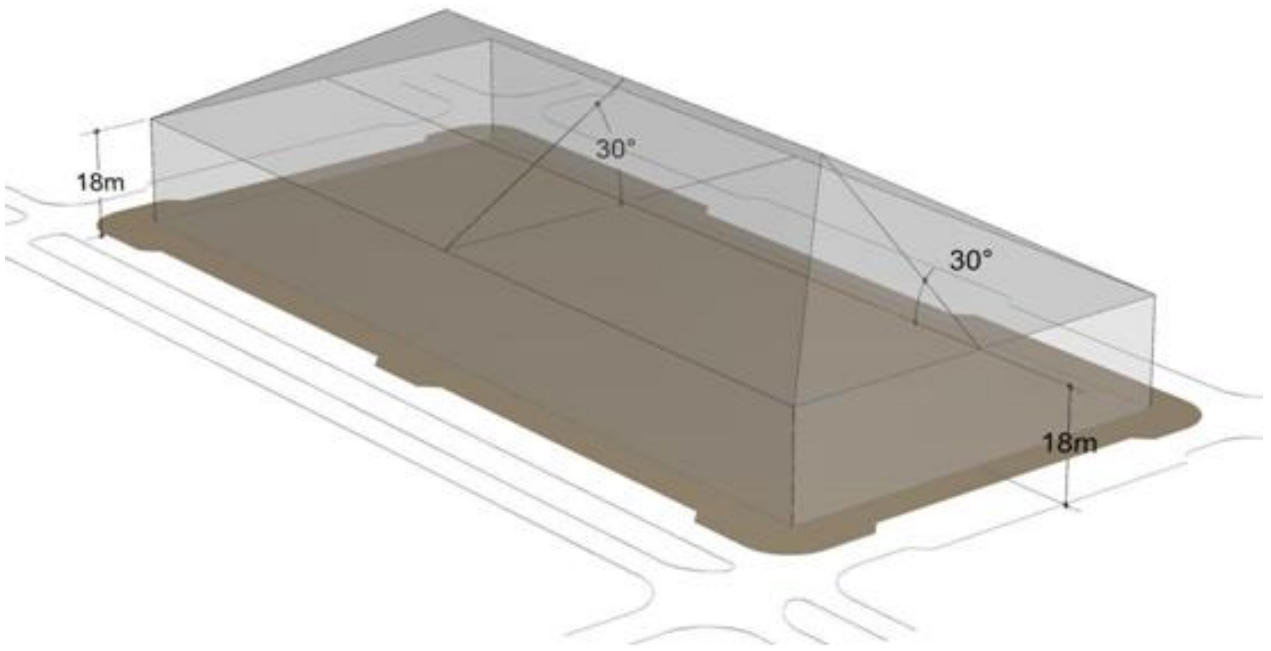
Element 26: Buildings

Rules	Criteria
26.1 Building envelope	
<p>R74</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in Figure 17.</p> <p>Note: Building envelopes shown in Figure 17 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
26.2 Redevelopment of sections 21 and 22 Gungahlin	
<p>R75</p> <p>Redevelopment, other than for a single <i>dwelling</i>, requires the amalgamation of a minimum of six (6) adjoining <i>blocks</i>. The resulting <i>block</i> is required to have a minimum area of 3000 m² and approximately equal frontage to both The Valley Avenue and Delma View.</p> <p>Note: Where <i>block</i> amalgamation is approved, registered Lease and Development Conditions for individual <i>blocks</i> are no longer considered.</p>	<p>C75</p> <p>Amalgamation of less than six (6) <i>blocks</i> is permitted where less than six (6) adjoining <i>standard blocks</i> remain in a section and these adjoining <i>standard blocks</i> are all amalgamated. The resulting <i>block</i> is required to have approximately equal frontage to both The Valley Avenue and Delma View.</p>
<p>R76</p> <p>Redevelopment of more than two <i>blocks</i> for other than a single <i>dwelling</i> is not permitted where it adjoins an existing single <i>dwelling</i> that has an existing or approved redevelopment on the other side boundary, unless the single <i>dwelling site</i> is included in the amalgamation of <i>sites</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R77</p> <p>Subdivision, amalgamation and boundary realignments of <i>blocks</i> resulting in single <i>dwelling</i> development is not permitted.</p>	<p>C77</p> <p>Minor boundary realignments to the side boundaries of redevelopment <i>sites</i> shared with <i>standard blocks</i> is only permitted where the resulting development on the affected <i>blocks</i> is consistent with Rule R60 and Rule R61 of this Code.</p>
<p>R78</p> <p>Redevelopment shall not result in the reduction of the <i>dwelling</i> numbers on the subject <i>blocks</i> to below that the existing at the close of business on 30 November 2010.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
R79 Development is built to a minimum 4m <i>front boundary</i> setback to all street frontages.	C79 Minor encroachments into the front setback are permitted to allow for elements such as awnings, sun shading and roof overhang.
R80 Articulation is provided to a minimum depth of 2m behind the front setback to all street frontages for all <i>storeys</i> in the development.	This is a mandatory requirement. There is no applicable criterion.
26.3 Bushfire	
R81 This rule applies to blocks or parcels in locations identified in Figure 18. Buildings are constructed in accordance with Australian Standard AS 3959 – Construction of buildings in bushfire-prone areas. Compliance with this rule is demonstrated by a report by a suitably qualified person.	This is a mandatory requirement. There is no applicable criterion.

Element 27: Built form

Rules	Criteria
27.1 Building design	
There is no applicable rule.	C82 Buildings are to contribute to the public realm that is safe and convenient by providing the following: <ul style="list-style-type: none"> a) corner buildings are to provide focal points providing interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and residential uses are to provide a strong visual connection to the street d) entrances ensure a high level of surveillance.



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

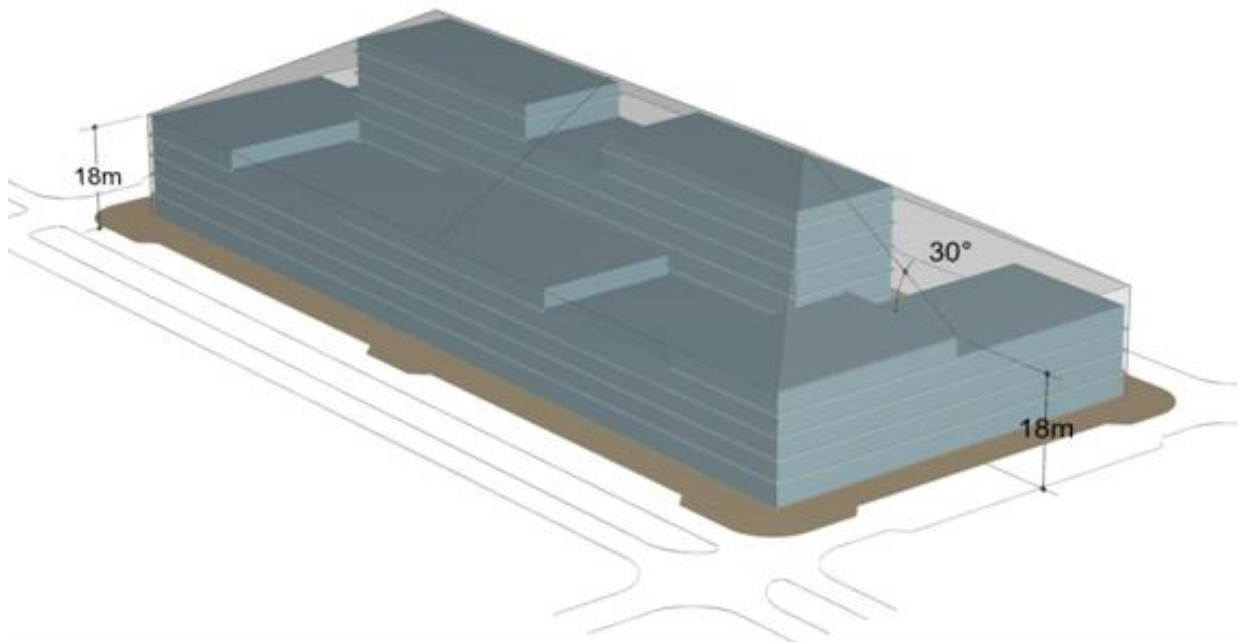


Figure 17 Building envelopes in Precinct 4a and Precinct 4b

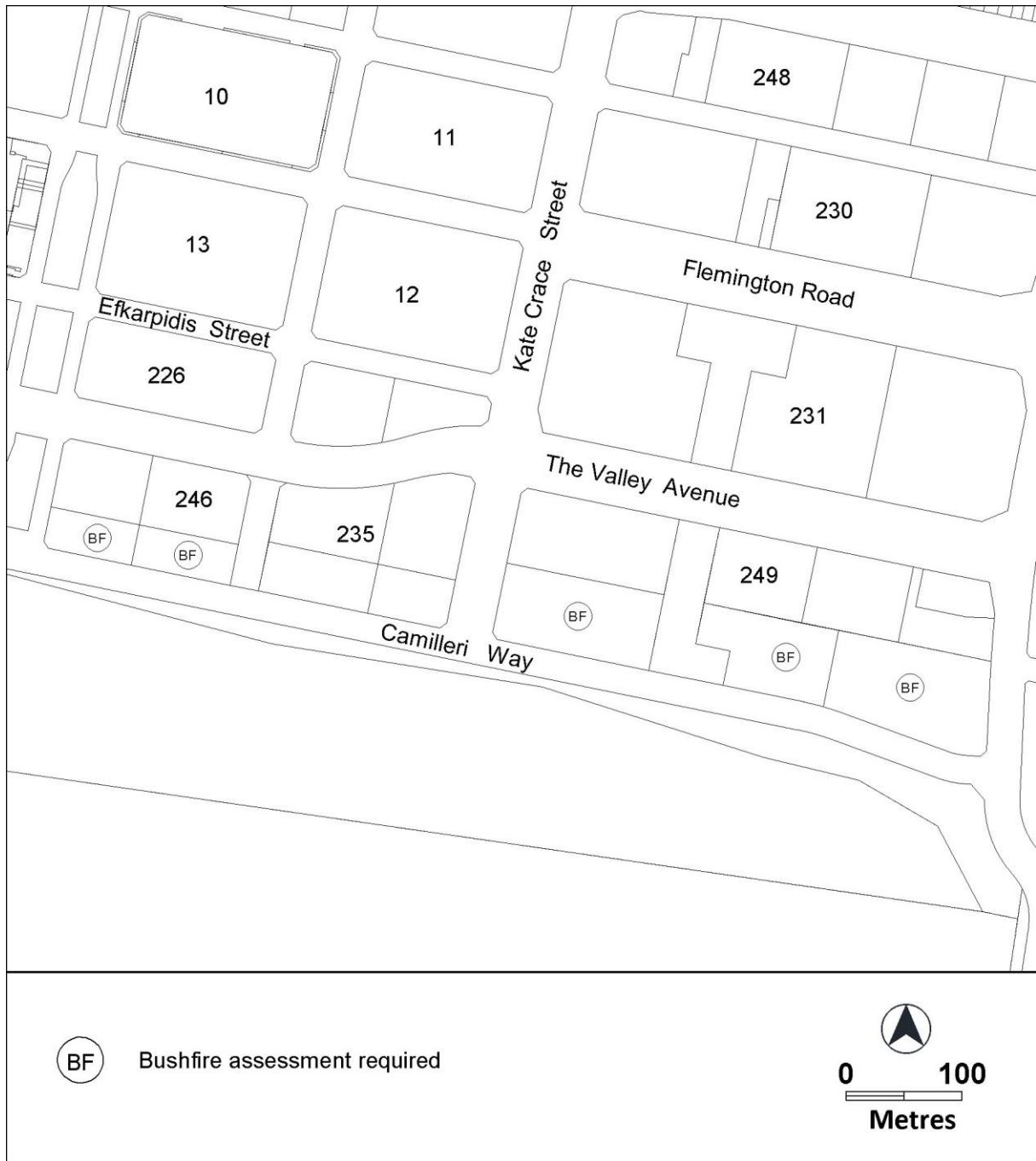


Figure 18 Bushfire controls

Precinct 4b – Northern transition

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

Element 28: Buildings

Rules	Criteria
28.1 Building envelope and setbacks	
<p>R83</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in Figure 17.</p> <p>Note: Building envelopes shown in Figure 17 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R84</p> <p>Buildings are joined at party walls and built to the front property boundary along Anthony Rolfe Avenue and main pedestrian areas and routes identified in Figure 11.</p>	<p>C84</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) strong urban edge for the town centre along Anthony Rolfe Avenue b) compatibility with adjacent development c) consistency with desired planning outcomes.

Element 29: Built form

Rules	Criteria
29.1 Building design	
<p>There is no applicable rule.</p>	<p>C85</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing all of the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points giving interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and lobbies to residential use are to provide a strong visual connection to the street and ensure a high level of surveillance.

Rules	Criteria
<p>R86</p> <p>Where the building frontage incorporates commercial uses at ground floor, buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC2 – Mixed use commercial development area

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

Element 30: Use

Rules	Criteria
30.1 Ground floor use	
<p>R87</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP.</i> 	<p>C87</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
30.2 Ground floor use – floor area limit	
<p>R88</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>Restaurant</i> g) <i>SHOP</i> <p>the maximum <i>gross floor area</i> per establishment or tenancy is 200m².</p>	<p>C88</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to <i>RESIDENTIAL USE</i> b) services the local residents only

Element 31: Buildings

Rules	Criteria
31.1 Number of storeys	
<p>R89</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C89</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) compatibility with the <i>desired character</i> b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> <p>The maximum number of <i>storeys</i> is 4.</p>

Other ongoing provisions

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

OP1 – Gungahlin residential area

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

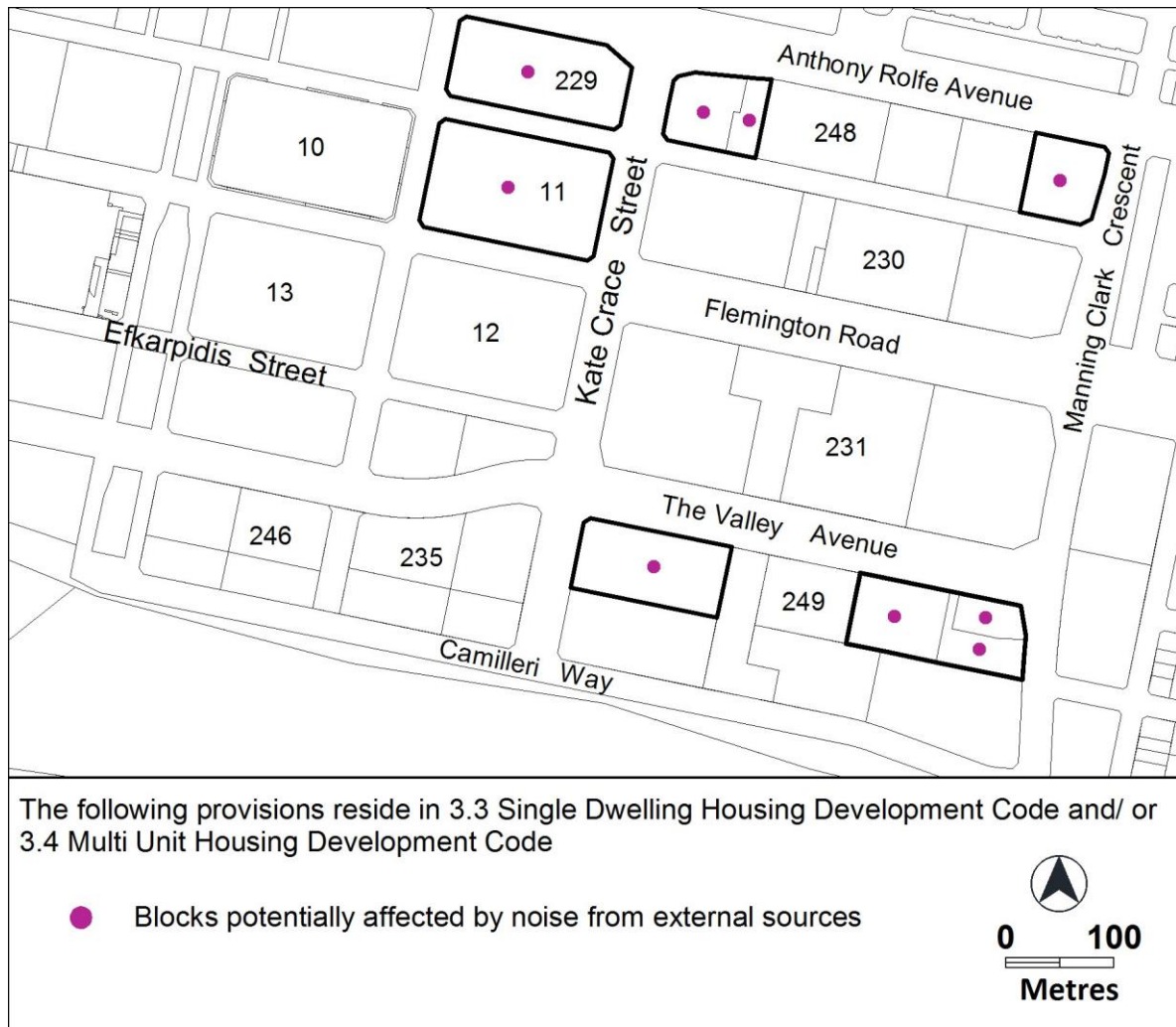


Figure 19 Gungahlin residential area ongoing provisions