

Statement Against Rules and Criteria

Block 9 Section 3 Bruce

Prepared for:
University of Canberra

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1 Introduction

1.1 Overview

This Statement Against Rules and Criteria (**Statement**) has been prepared by Canberra Town Planning and accompanies the submission of a Merit Track Development Application for the proposed subdivision, Crown lease variation and construction of a sign at the University of Canberra (**UC**) Bruce Campus formally identified as Block 9 Section 3 Bruce.

This Statement has been prepared in accordance with the provisions of the *Planning and Development Act 2007* (**the Act**) and the Territory Plan (**the Plan**). The Statement, accompanying drawings and documentation are provided in support of the proposed development.

With the exception of the installation of the proposed sign, the DA does not seek approval for works on site. The proposed subdivision and Crown lease variation are limited to land titling and administration matters only.

The DA does not propose to reconfigure existing services and utilities as part of the subdivision and all Blocks within the subdivision remain accessible through the provision of access easements proposed to be enshrined in the new Crown leases.

Any proposal to undertake physical assessable development on the subdivided Blocks would be subject to separate Development Application/s as defined under the provisions of the Act and would be submitted for the assessment of the Planning and Land Authority.

The subject site (UC Bruce Campus - Block 9 Section 3 Bruce) is zoned CFZ Community Facilities and subject to the provisions of the Bruce Precinct Map and Code. The applicable zoning, precinct and general codes are assessed in this report. It is submitted that the proposed subdivision, Crown lease variation and sign satisfy the requirements of the detailed provisions of the Territory Plan in particular the requirements of the Bruce Precinct Code and relevant provisions of the Act.

This assessment concludes that the proposal development is permissible and suitable for the site and warrants approval under Section 120 of the Act.

The proposed subdivision and Crown lease variation represent a significant milestone for the University of Canberra and critical step to enable the progression of the UC Bruce Campus - Residential Development.

An Environmental Significance Opinion (ESO) has been issued by the Conservator of Flora and Fauna under section 138AB(4) of the Act stating “provided the works are undertaken in a manner consistent with the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact”. The ESO determination by the Conservator of Flora and Fauna is submitted with the Development Application.

1.2 Purpose of Statement

The purpose of this Statement is to:

- Identify and describe the Block and Section to which the DA relates;
- Describe the characteristic of the surrounding locality;
- Describe the proposed development;
- Define the statutory planning framework within which the DA is to be assessed and determined; and
- Assesses the proposed development in light of all relevant heads of consideration.

1.3 Structure of Statement

The structure of the statement is as follows:

- **Section 2** Site Description and Proposal – identifies the site in terms of context, setting and locality, and also describes the site characteristics and surrounding locality. Describes the proposal and its key features.

- **Section 3** Document List – provides a detailed list of all drawings and documentation accompanying the merit track Development Application submission.
- **Sections 5 to 10** – completes an assessment of the proposed development having regard to all relevant provisions of the Territory Plan.

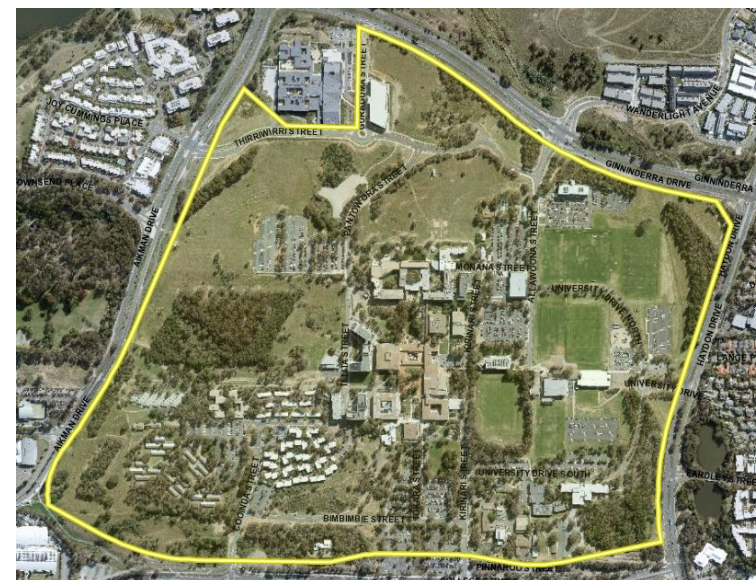


Figure 1: Aerial image of site (outline in yellow) (ACTmapi, March 2022)

2 Site Description and Proposal

2.1 Location and Site Description

The site is a block of land with an area of circa 1,134,847 square metres situated within the district of Belconnen. The site is predominately regular in shape, excepting the northwest corner, as shown in **Figure 1**. Block 9 Section 3 Bruce is bounded by Ginninderra Drive to the north; Haydon Drive to the east; College Street to the south; and Aikman Drive to the west. The site location is identified in **Figure 2** and **Figure 3**, below.

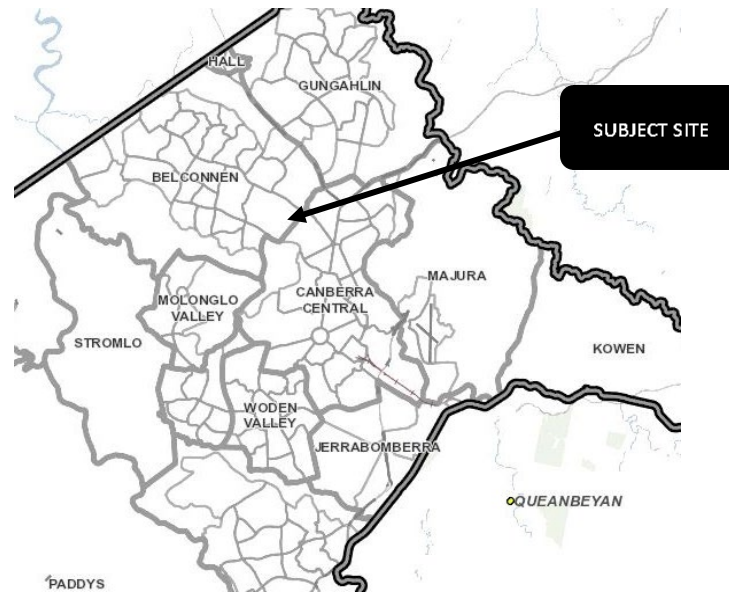


Figure 2: Regional site location (ACTmapi, December 2021)



Figure 3: Site location (outlined in yellow) (ACTmapi, December 2021)

2.2 Territory Plan Zoning

Per ACTmapi, the site is zoned as a 'CF – Community Facility' Zone under the Territory Plan (**Figure 4**).

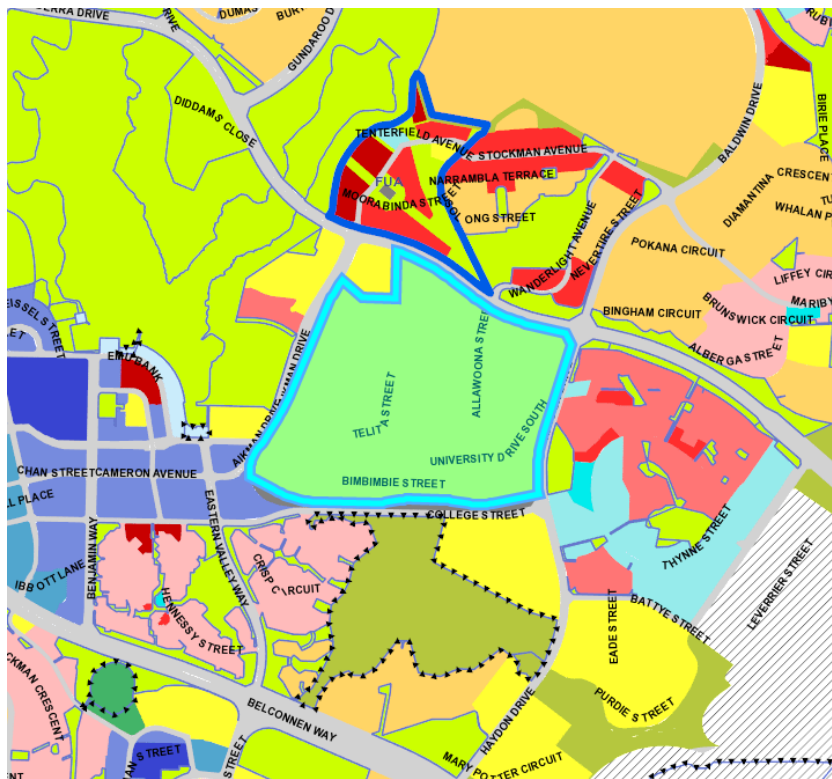


Figure 4: Territory Plan zoning context for site (outlined in blue) (ACTmapi, December 2021)

Immediately surrounding the site, other 'CF - Community Facility' zones are noted to the northwest, south and east; 'PRZ1 - Urban Open Space' zones exist to the north, east and west; 'RZ3 - Urban Residential' parcels are located to the east and west; 'CZ5 - Mixed Used' commercial zones are situated to the east; 'RZ2 - Suburban Core' residential blocks are located to the south. Further from the site, blocks are zoned for various commercial; residential; and parks and recreational use.

2.3 Crown Lease Provisions

Block 9 Section 3 Bruce is subject to the Crown lease covenants outlined in **Table 1** below.

Table 1: Key Crown Lease provisions – Block 9 Section 3 Bruce

Key Covenant	Detail
Site Identifier	Block 9 Section 3 Bruce
Proprietor	University of Canberra
Site Area	118.2 hectares
Deposited Plan	5926
Lease Commenced	17 July 1984
Lease Term	Perpetuity

Key Covenant	Detail
Purpose Clause	1(a) To use the premises only for any purpose permitted pursuant to the Territory Plan.
Key Attributes	<p>Market value Crown lease.</p> <p>The Crown lease is not concessional within the meaning of the <i>Planning and Development Act 2007</i>.</p> <p>On 13 February 2015, a market value lease notification was registered with the ACT Registrar General. The notification attaches a decision from ACT Planning and Land Authority, dated 6 November 2014, to the effect that the University's Crown lease is a market value lease.</p> <hr/> <p>Perpetual Crown lease.</p> <p>The Crown lease does not expire.</p> <p>Unlike any other Crown lease in Canberra, the University's Crown lease was granted under the <i>Canberra College of Advanced Education (Leases) Ordinance 1977</i>, which allowed the Minister on behalf of the Commonwealth, to grant leases in perpetuity to the College at nominal rent. The Ordinance was made under the <i>Seat of Government (Administration) Act 1910</i> (Cth), whereby the Governor-General could make ordinances related to the good government of the Territory with respect to the subject matter of laws specified in Schedule 3 to the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cth).</p> <hr/> <p>Declared Crown lease.</p> <p>Under the <i>Planning and Development Act 2007</i>, the Territory Government can declare certain perpetual Crown leases as being in the public interest. The Territory Government declared the University's campus Crown lease on 1 July 2015.</p> <hr/> <p>Unique purpose clause.</p> <p>The University's Crown lease contains a broad purpose clause. The purpose clause of the University's Crown lease was varied in 2016 to provide that the University may use the land for "any purpose permitted pursuant to the Territory Plan".</p>

2.4 Description of Proposal

The DA seeks approval for subdivision, Crown lease variation and installation of signage at Block 9 Section 3 Bruce. A detailed description of the proposal is provided in the sections below.

2.4.1 Subdivision and Crown Lease Variation

The proponent seeks approval to subdivide Block 9 Section 3 Bruce into two parcels, one Crown lease for 'Area A' and one Crown lease for 'Area B'— as shown in **Figure 5** below. The following section of this report details the background of this proposal; the scope of the current application; a brief description of the draft Crown leases accompanying the submission; and matters for future consideration.

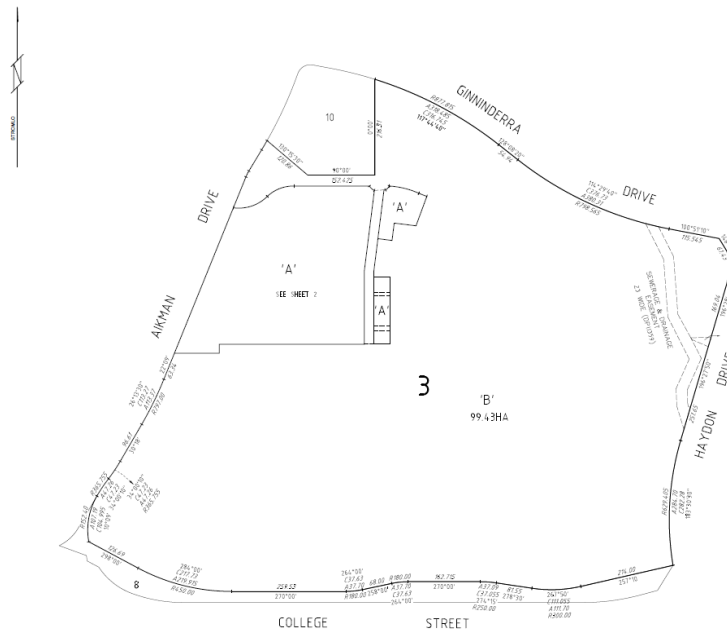


Figure 5: Campus Plan (Steger & Associates, January 2022)

Background

The University of Canberra seeks to subdivide the site into two parcels, for the purposes of transferring Area A (identified in **Figure 6**) to a developer. The residual land (Area B, hereinafter referred to as the campus land) is to be retained by the University of Canberra.

As identified in of this report, Block 9 Section 3 Bruce may be used for any purpose permitted pursuant to the Territory Plan. Many controls for development of the site are contained in the Bruce Precinct Code. These include, but are not limited to, additional merit track assessable development and land use provisions.

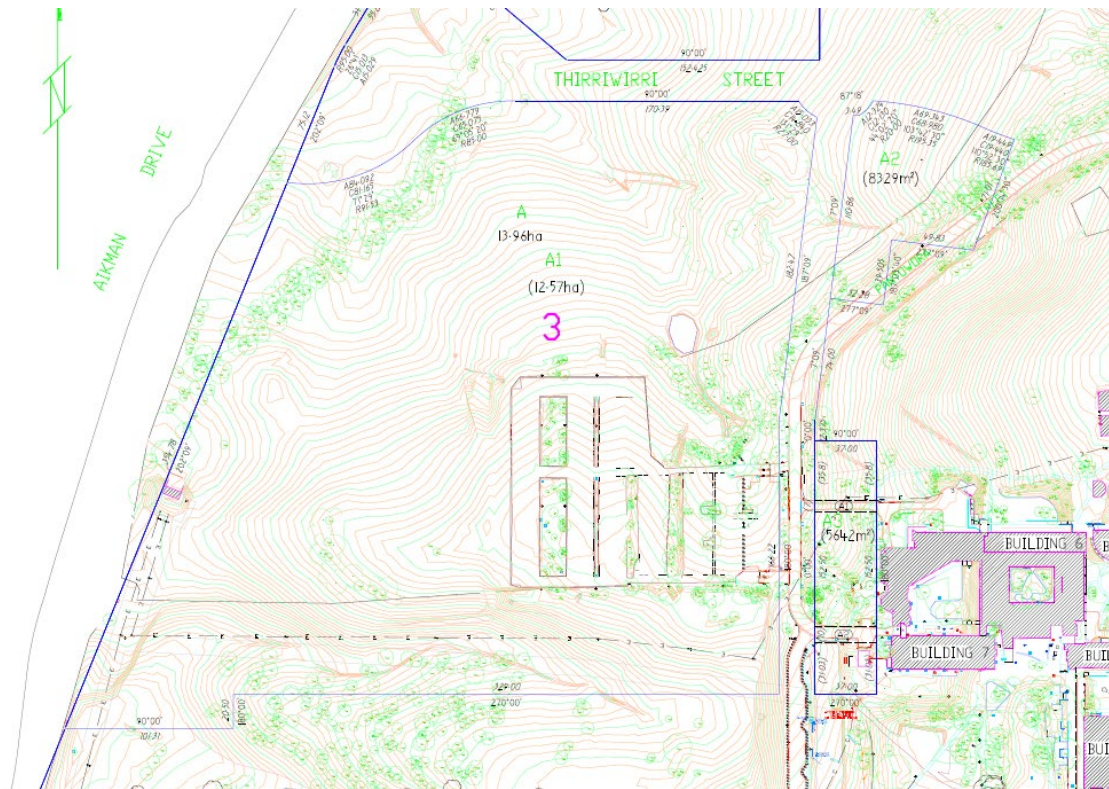


Figure 6: Detailed notional Subdivision Plan (Veris, April 2022)

Current Application

Pursuant to the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth), the University of Canberra seeks to surrender its perpetual lease in return for the regrant of a 999 year renewable Crown lease for the campus land, and a 99 year renewable Crown lease for the project land. The proposed subdivision may occur through a traditional surrender and regrant model.

It is noted that the Crown lease existing over the site is perpetual and has been declared, under the *Planning and Development Act 2007* (ACT), as being in the public interest. The proponent proposes the removal of the perpetual and declared status of the lease.

The University of Canberra proposes to surrender its Crown lease of the Land. Consequently, the new Crown lease of the campus land is not sought to be granted in perpetuity and, as such, will not be declared under the *Planning and Development Act 2007* (ACT). The surrendered Crown lease of the land will remain declared due to the existing declared sublease registered on title.

In surrendering the perpetual lease for the land, the proponent seeks a Crown lease for the project land for a term not exceeding 99 years; and a Crown lease for the campus land for 999 years. A 999 year Crown lease may be granted for land previously held under a perpetual lease pursuant to section 6 of the *Australian Capital Territory (Planning and Land Management) Regulations 2021* (Cth).

Area A and Area B are currently serviced in terms of access; utilities; and waste, and will continue to be so should the subdivision be approved. The proposed subdivision is essentially a matter of land administration.

Proposed Draft Crown Leases

The draft Crown leases accompanying this submission have been prepared with reference to the provisions of the Territory Plan and seek to apportion the rights associated with the site thereunder.

The draft Crown lease for Area A includes terms relating to:

- land use;
- lease variation;
- vehicular access;
- provision of utilities;
- landscaping; and
- preservation of trees.

The draft Crown lease for the campus land includes provisions concerning:

- land usage;
- vehicular access; and
- preservation of trees.

The University of Canberra Campus Master Plan 2020-2040 sets out the University's future vision for a campus that connects residents, students and the community with education, lifestyle and business. This subdivision is the enabler for a key residential campus community development, which is a fundamental element of the University's future vision. It is intended that the long-term implementation of the Campus Master Plan will see an expansion of development on the University campus, including requisite increases in residential and commercial capacity in due course.

Matters for Future Consideration

Despite the administrative nature of the proposed subdivision, the proponent appreciates that this application will be referred to relevant entities for comment, in accordance with section 148 of the *Planning and Development Act 2007*.

As noted above, the proposed subdivision is sought to facilitate the transfer of Area A to a developer for future development. Arrangements pertaining to vehicular access; utilities; and waste, and environmental matters, will be considered as part of a subsequent submission to the Environment, Planning and Sustainable Development Directorate. Referral entities, including Icon Water; Evoenergy; the Conservator of Flora and Fauna; and the Transport Canberra and City Services Directorate, will be afforded an opportunity to provide advice through the assessment of future applications. It is respectfully submitted that such matters are more appropriately considered in relation to proposed works, as opposed to this primarily administrative application. It is noted that the Conservator has issued an Environmental Significance Option, thereby supporting this position.

2.4.2 Signage Proposal

The installation of one pylon sign is proposed. A pylon sign delivers *a large display surface with its height being greater than its width*. As the proposed sign will display the insignia of the University of Canberra and identify the nature of their business, the sign is considered to be principal signage. The sign typology and content are permissible within the zone.

An image of the proposed sign is shown in **Figure 7**, overpage.



Figure 7: Proposed signage details (Cardno, December 2021)

2.5 Assessment Track Consideration

The 'CFZ – Community Facility Zone' Development Table identifies those activities, which are permissible within a CF zone subject to the lodgement of a Development Application in the Merit Track. As demonstrated in **Table 2**, signage and subdivision are permissible within this zone. Furthermore, varying a lease is permitted where the variation is not prohibited or impact track assessable. As the proposal is not of a development type that is required to be assessed in the Impact Track (as shown in **Table 3**), it may be assessed in the Merit Track.

Table 2: 'CFZ - Community Facility Zone' Development Table Merit Assessment Track

Minimum Assessment Track Merit	
Development	
ancillary use	minor use
business agency	office
child care centre	outdoor recreation facility
community activity centre	parkland
community theatre	place of worship
consolidation	public agency
cultural facility	religious associated use
demolition	residential care accommodation
development in a location and of a type identified in a precinct map as additional merit track development	retirement village
educational establishment	sign
emergency services facility	subdivision
health facility	supportive housing
hospital	temporary use
indoor recreation facility	varying a lease (where not prohibited, code track or impact track assessable)
minor road	

Table 3: 'CFZ - Community Facility Zone' Development Table Impact Assessment Track

Development Type	Commentary
Development that is not an exempt, code track or merit track development where the development is otherwise authorised	Not Applicable. The proposed use is merit track assessable.
Development specified in schedule 4 of the <i>Planning and Development Act 2007</i> and not listed as a prohibited use.	Not Applicable. The development is not of a type identified in Schedule 4 of the Act.
Development that is authorised by a lease and listed as a prohibited use in this table.	Not Applicable. The proposed use is not a prohibited use.
Development declared under section 124 or section 125 of the <i>Planning and Development Act 2007</i> and not listed as a prohibited development.	Not Applicable. Declarations have not been made.
Varying a lease to add a use assessable under the impact track.	Not Applicable. Impact track uses are not being added.

3 Pre-Lodgement Consultation

Planning Regulation 20A (Planning and Development Regulation 2008 (as amended)) state that development proposals that meet the criteria below will be subject to mandatory pre-DA consultation – as required by Section 138AE of the *Planning and Development Act 2007*.

(1) A development proposal for 1 or more of the following is prescribed:

- a) a building for residential use with 3 or more storeys and 15 or more dwellings;*
- b) a building with a gross floor area of more than 5000m²;*
- c) if the development proposal is for more than 1 building—the buildings have a total gross floor area of more than 7 000m²*
- d) a building or structure more than 25m above finished ground level;*
- e) a variation of a lease to remove its concessional status.*
- f) the development of an estate*

(2) Also, a development proposal on which the proponent is required to consult the design review panel under the Act, section 138AL (1) or (2) is prescribed.

The proposal does not meet the criteria above. Therefore, mandatory community consultation is not required, and no consultation was undertaken in preparing this submission.

The public will be afforded the opportunity to comment on the DA as part of public notification of the DA.

4 Document List

The ACT Government's [Minimum Documentation Requirements for Lodgement of a Development Application](#) provides an indication of the plans and documents that are required or may be expected to accompany a Development Application proposing signage and variation of the Crown lease in a 'CF – Community Facilities' Zone. The table below identifies the documents included in this submission.

Table 4: Minimum Document Requirements

DA Document/Drawing List	Reference
Statement Against Rules and Criteria	BRUC003009 Draft SAC
Lessee Authorisation	Form 4 – Letter of Authorisation
Survey Certificate	09206 University of Canberra Master Survey [Revision O] Block 9 Section 3 Division of Bruce Survey Certificate, dated 14 April 2022
Site Plan	17094.14 Site Plan
Utilities Plan	17094.14-A-CP Car Park Plan Area A 17094.14-A-LP-S Land Plan Area A
Elevations	Drawing No. 50521035-DA-SIGN Location Plan, Elevations and Perspective
Subdivision Plans	22022.87-09206.87_DA Plan of Subdivision 17094.14-A-LP_I Land Plan Area A
List of Interested Parties	Block 9 Section 3 Bruce List of Interested Parties
Draft Crown Leases	DRAFT New Campus Lease (55221105.1) DRAFT New Land Lease (55216638.2)
Ecology Report	Ecological Assessment Report prepared by Capital Ecology, dated 21 April 2022
Other supporting documentation	Letter of ESO Decision, dated 10 April 2022 Environmental Significance Opinion, dated 10 April 2022

5 Applicable Codes

The *Planning and Development Act 2007* sets out the requirements for obtaining development approval for works (development) proposed to be undertaken, unless the works are specifically exempt from requiring such approval.

Section 113 of the Act explains the relationship between development proposals and development applications and states that:

- (1) A person who has a development proposal may apply to the planning and land authority for approval to undertake the development proposed.
- (2) If an assessment track applies to a development proposal, the proposal is in that assessment track and that track must be followed in assessing the development application for the proposal.

Note: Our Underline.

Development is defined under Section 7 of the Act as follows:

s7 Meaning of development

- (a) building, altering or demolishing a building or structure on the land;
- (b) carrying out earthworks or other construction work on or under the land;

- (c) carrying out work that would affect the landscape of the land;
- (d) using the land, or a building or structure on the land;
- (e) subdividing or consolidating the land;
- (f) varying a lease relating to the land (other than a variation that reduces the rent payable to a nominal rent);
- (g) putting up, attaching or displaying a sign or advertising material otherwise than in accordance with a licence issued under this Act or permit under the Roads and Public Places Act 1937.

**Note: Underlined text relates to those activities that is likely to be undertaken in the current proposal that are regarded as development under the Act.*

From the above it follows that a proposal for development may require DA approval and if a specific assessment track applies, then the proponent must seek approval from the Planning Authority.

Any proposal for development of the site is required to be in accordance with the applicable land use controls (as per the applicable zoning) for the site as set out in the Territory Plan (**the Plan**).

Section 115 of the Act 2007 sets a hierarchy for consideration of the codes in the Territory Plan and states:

Application of inconsistent code requirements

- (1) *This section applies in relation to an application for development approval for a development proposal if —
 - (a) 2 or more codes apply to the proposal; and
 - (b) The requirements under each code (the code requirements) that apply to the proposal are inconsistent.*
- (2) *If the code requirements of a precinct code and either a development code or a general code is inconsistent, the code requirements of the precinct code apply to the development proposal and not the code requirements of the development code or general code, to the extent of the inconsistency.*
- (3) *If the code requirements of a development code and a general code are inconsistent, the code requirements of the development code apply to the development proposal and not the code requirements of the general code, to the extent of the inconsistency.*
- (4) *If the code requirements of 2 or more precinct codes, development codes or general codes are inconsistent, the code requirements of the more recent code apply to the development approval and not the code requirements of the earlier code, to the extent of the inconsistency.*
- (5) *To remove any doubt, a code requirement is not inconsistent with the code requirements of another code only because one code deals with a matter and the other does not.*

This hierarchy should be kept in mind while interpreting the relevant planning controls, and their relationship to the project and each other. All parts of the Territory Plan apply to a siting and design proposal unless it is not applicable given the context and location of the project, or subject to consideration under the hierarchy provisions and clearly in direct conflict with another control.

Block 9 Section 3 Bruce is located within the 'CF – Community Facilities' Zone. Development is subject to the requirements of the Territory Plan and the relevant Precinct, Development and General Codes as detailed in **Table 5** below.

This document considers the proposal's performance against the other Territory Plan regulations and controls as they apply to the development. The Territory Plan's name and numbering system has been retained to facilitate ease of reference between this document and the relevant parts of the Plan.

The assessment of the proposal against the Rules and Criteria has been described below. It is considered that in meeting and surpassing the requirements of the rules and criteria, the proposal is consistent with the objectives and principles that informed these rules/criteria

Table 5: Assessment of Applicable Codes

National Capital Plan		Relevance
	National Capital Plan	Not Applicable. The site is located within Urban Areas Precinct of the National Capital Plan. It is not situated within a Designated Area or subject to special rules in the National Capital Plan. No specific Rules are included in the National Capital Plan (or in an associated DCP) that is applicable to development on the site.
Precinct Codes		Relevance
10.2	Belconnen District Precinct Code/Map	Relevant , although no rules or criteria apply. See Section 7.1 of this report.
10.1	Bruce Precinct Map and Code	Applicable , see Section 7.1 of this report.
Development Codes		Relevance
7.1	Community Facility Zone Development Code	Applicable , see Section 8 and Section 9 of this report.
General Codes		Relevance
11.1	Parking and Vehicular Access General Code	Not Applicable , as the existing parking and vehicular access arrangements will not be altered as a consequence of this proposal.
11.2	Bicycle Parking General Code	Not Applicable , as the existing bicycle parking arrangements will not be altered as a consequence of this proposal
11.3	Access and Mobility General Code	Not Applicable , as no building works are proposed by this application.
11.4	Crime Prevention Through Environmental Design General Code	Not Applicable , as no building works are proposed by this application.
11.5	Community and Recreation Facilities Location Guidelines General Code	Not Applicable , as this application does not propose a community or recreation facility. .
11.6	Communication Facilities and Associated Infrastructure General Code	Not Applicable , as no communication facilities or associated infrastructure are proposed by this application.
11.7	Signs General Code	Applicable , see Section 10.1 of this report.
11.8	Water Use and Catchment General Code	Not Applicable , as the Code identifies the site as being within the Urban Area. Consequently, the Code does not contain any provisions applicable to this proposal.
11.9	Home Business General Code	Not Applicable , as home business use is not proposed by this application.

	National Capital Plan	Relevance
11.10	Waterways: Water Sensitive Urban Design General Code	Not Applicable , as no building works are proposed by this application.
11.11	Planning for Bushfire Risk Mitigation General Code	Not Applicable , as no building works are proposed by this application.
11.12	Residential Boundary Fences General Code	Not Applicable , as residential fencing does not form a part of this proposal.
11.13	Lease Variation General Code	Applicable , see Section 10.2 of this report.

6 The National Capital Plan

The site of this development proposal is not identified as a Designated Area and is not subject to any special rules in the National Capital Plan and/or subject to a Development Control Plan.

The statutory consent authority for Planning Approval is the ACT Environment, Planning and Sustainable Development Directorate (**EPSDD**), with applicable planning regulations and controls as documented in the Territory Plan being considered (as detailed in this document).

7 District and Suburb Precinct Maps and Codes

7.1 Belconnen District Precinct Map and Code

There are no additional provisions for assessment listed in the Belconnen District Precinct Code/Map (effective 4 October 2013) for the site. No assessment is made against this Code.

7.2 Bruce Precinct Map and Code

The Bruce Precinct Map and Code (effective 7 December 2018) includes controls that apply to the whole of the suburb in addition to site specific controls.

The subject site falls within area RC4 as shown in the Precinct Map reproduced in **Figure 8**. A response to Rules and Criteria relating to area RC3 has been provided in **Table 6**.

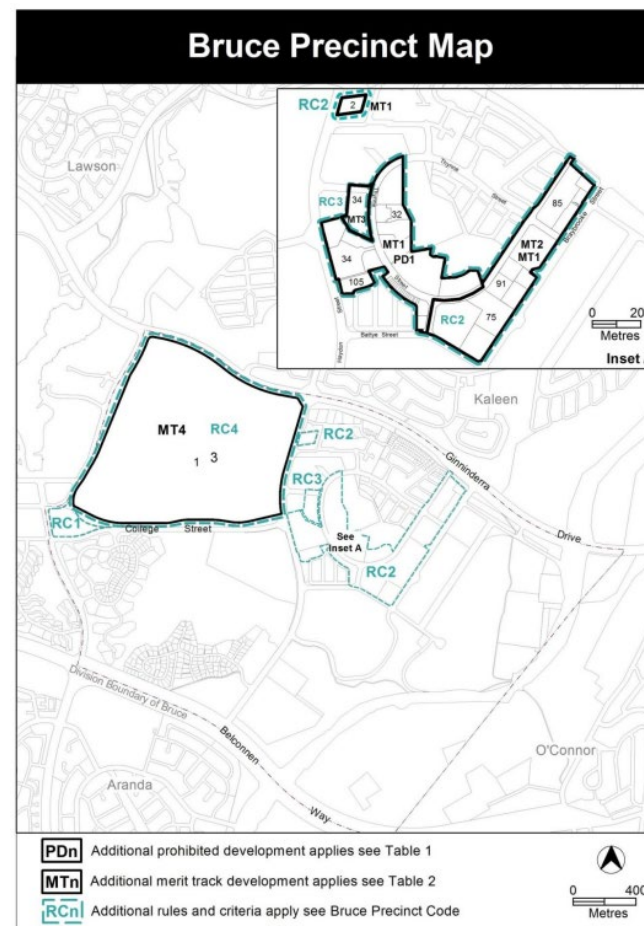


Figure 8: Bruce Precinct Map

Table 6: RC4 - University of Canberra controls

Rule	Criteria	Response
Element 6: General development Controls		
6.1 Storage		
There is no applicable rule.	<p>C13</p> <p>Where the proposed development requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site and should not encroach on car parking, driveways or landscape areas and be adequately screened from public view so it does not detract from the development or its surroundings.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not relate to nor impact on storage.</p>
6.2 Traffic Generation		
There is no applicable rule	<p>C14</p> <p>The existing road network can accommodate the amount of traffic that is likely to be generated by the development.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not increase development rights nor will it impact on traffic generation.</p>
6.3 Vehicular Access		
<p>R15</p> <p>This rule applies to all development not covered by the Parking and Vehicle Access General Code for the Community Facility Zone.</p> <p>Development complies with the Parking and Vehicle Access General Code for 'Commercial CZ5 mixed use zone'.</p> <p>Where not covered elsewhere by this rule, parking requirements for development is subject to individual assessment.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not alter existing vehicular access arrangements to the block.</p>

Rule	Criteria	Response
6.4 Noise		
<p>R16</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> a) club b) drinks establishment c) emergency services facility d) hotel e) indoor recreation facility f) indoor entertainment facility g) outdoor recreation facility h) restaurant <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA).</p> <p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is used.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose noisy uses.</p>
6.5 Wind		
<p>There is no applicable rule.</p>	<p>C17</p> <p>This criterion applies to buildings with a height of building greater than 19m but less than 28m.</p> <p>The wind patterns associated with the proposed building will not unreasonably reduce the safety and comfort of people in the public realm or other open spaces associated with the development, compared with a similar building on the site with a height of building of 19m.</p> <p>Compliance with this criterion will be demonstrated by a wind assessment report prepared by a suitably qualified person.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose construction of buildings or structures at the nominated height.</p>

Rule	Criteria	Response
<p>R18</p> <p>This rule applies to buildings with a height of building greater than 28m.</p> <p>As a consequence of the proposed development wind speeds do not exceed 16 m/s for all adjacent streets, public places and pedestrian areas.</p> <p>Compliance with this rule is demonstrated by a wind assessment report prepared by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose construction of buildings or structures at the nominated height.</p>
<p>6.6 Landscaping</p>		
<p>There is no applicable rule.</p>	<p>C19</p> <p>This criterion applies to all uses, excluding multi unit housing. Landscaping associated with the development achieves all of the following:</p> <ul style="list-style-type: none"> a) responds to site attributes, including streetscapes and landscapes of documented heritage significance b) appropriate scale relative to the road reserve width and building bulk c) vegetation types and landscaping styles which complement the landscape character of the campus d) integration with park , reserves and public transport corridors e) does not adversely affect the structure of the proposed buildings or adjoining buildings f) contribution to energy efficiency and amenity by providing substantial shade in summer, particularly to west-facing windows, open car park areas, winter sunlight to outdoor and indoor living areas g) minimises the risk of damage to above and underground utilities and screen aboveground utilities 	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose landscaping work not impacts on existing trees.</p>

Rule	Criteria	Response
	<p>h) provides adequate site lines for vehicles and pedestrians, especially near street corners and intersections</p> <p>i) does not obscure or obstruct building entries, paths and driveways to reduce the safety and security.</p>	
7.1 SHOP – floor area limit		
<p>R20 The maximum gross floor area per SHOP (excluding supermarket): 200m².</p>	<p>C20 SHOPS are limited to a scale appropriate to providing convenience shopping and personal services for the local workforce, students and residents.</p>	<p>Not Applicable. The proposed subdivision and signage does not propose a shop. The proposed draft Crown Lease is consistent with the floor area limit.</p>
<p>R21 The maximum gross floor area per supermarket: 1000m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable. The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>
<p>R22 The maximum gross floor area for all SHOP's (including supermarket): 4000m².</p>	<p>C22 The maximum gross floor area for all SHOP's (including supermarket) is limited to a scale that is appropriate to provide convenience shopping and personal services for the local workforce, students and residents or must not have a material adverse impact on the Belconnen Town Centre and other surrounding commercially viable group and local centres.</p>	<p>Not Applicable. The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>
7.2 Produce Market		
<p>There is no applicable rule.</p>	<p>C23 Produce market is limited to a scale appropriate to providing convenience shopping and personal services for the local workforce, students and residents or must not have a material adverse impact on similar uses within the Belconnen Town Centre.</p>	<p>Not Applicable. The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>

Rule	Criteria	Response
7.3 Business Agency, Public Agency and Office		
<p>R24</p> <p>Rule 4 of the Community Facility Zone Development Code does not apply.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p>
<p>R25</p> <p>This rules applies to any of the following:</p> <p>a) business agency b) public agency</p> <p>The maximum gross floor area per business agency or public agency is: 2000m²</p> <p>This rule does not apply where a business agency or public agency is considered an ancillary use to the use of the land as an educational establishment.</p> <p>Note: This rule applies instead of R5 of the Community Facility Zone Development Code.</p>	<p>C25</p> <p>Where a business agency or public agency are not considered ancillary to the use of the land as an educational establishment a report must be prepared by a suitably qualified person demonstrating that the proposal will not have a material adverse impact on the Belconnen Town Centre.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>
<p>R26</p> <p>This rule applies to office.</p> <p>This rule does not apply where an office is a part of an educational establishment or is an ancillary use to the use of the land as an educational establishment.</p> <p>The maximum gross floor area per office is: 5000m².</p> <p>Note: This rule applies instead of R5 of the Community Facility Zone Development Code.</p>	<p>C26</p> <p>Where a office is not considered as :</p> <p>a) a ancillary use to the use of the land as an educational establishment; or b) part of an educational establishment.</p> <p>A report must be prepared by a suitably qualified person demonstrating that the proposal will not have a material adverse impact on the Belconnen Town Centre.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>
<p>R27</p> <p>This rule applies to office.</p> <p>The maximum gross floor area for all office is: 30 000m².</p>	<p>C27</p> <p>Where a office is not considered as:</p> <p>a) a ancillary use to the use of the land as an educational establishment; or b) part of an educational establishment.</p>	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose a specific use. The proposed draft Crown Lease is consistent with the floor area limit</p>

Rule	Criteria	Response
<p>This rule does not apply where an office is a part of an educational establishment or is an ancillary use to the use of the land as an educational establishment.</p> <p>Note: this rule applies instead of R5 of the Community Facility Zone Development Code.</p>	<p>A report prepared by a suitably qualified person and endorsed by the Strategic Planning Branch demonstrating that the cumulative impacts of additional office development will not have a material adverse impact on Belconnen Town Centre.</p>	
Element 8: Buildings		
8.1 Height of buildings		
<p>R28</p> <p>The maximum height of building is 15m.</p> <p>Note: This rule replaces any other height rule mentioning height of building in metres or storeys.</p>	<p>C28</p> <p>The height of a building, may be increased:</p> <p>a) up to 28m, where the development complies with all of the following:</p> <ul style="list-style-type: none"> i. minimises detrimental impacts, including overshadowing and excessive scale; and ii. provides reasonable solar access to pedestrian areas, surrounding residential dwellings and their associated private open space. <p>b) up to 40m, where the development complies with all of the following:</p> <ul style="list-style-type: none"> i. a) i. and a) ii. of this criteria; ii. the building responds to topography by limiting excessive building heights in elevated areas; and iii. where two or more buildings above 30m are within close proximity to one another they do not create excessive bulk and scale or are not the dominant built form. 	<p>Not Applicable.</p> <p>The proposed subdivision and signage does not propose construction of a building.</p>

Rule	Criteria	Response
8.2 Street Address		
<p>There is no applicable rule.</p>	<p>C29 All buildings within 50m of a front boundary must provide to the street frontage:</p> <ul style="list-style-type: none"> a) an interesting and/or articulated façade particularly to the front boundary; b) clearly identified public pedestrian access points; c) with either: <ul style="list-style-type: none"> i. no loading docks facing the front boundary; or ii. loading docks that do not dominate the street frontage and do not conflict with parking or pedestrian movements in front of the building. 	<p>Not Applicable. The proposed subdivision and signage does not propose construction of a building.</p>
8.3 Building design and materials		
<p>There is no applicable rule.</p>	<p>C30 This criterion applies to all development excluding multi unit housing. Buildings are designed and built to achieve all of the following:</p> <ul style="list-style-type: none"> a) a positive contribution to the amenity and character of adjacent public spaces b) interesting, functional and attractive facades that contribute positively to the build form and pedestrian experience; and c) articulated building forms <p>Note: This criterion applies instead of rules and criteria relating to materials and finishes in the Community Facility Zone Development Code.</p>	<p>Not Applicable. The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
Element 9: Residential Development		
9.1 Non-Student Accommodation		
<p>R31</p> <p>This rule does not apply to the following: hotel, motel, commercial accommodation unit, residential care accommodation, retirement village, supportive housing or development which is classified as ‘student accommodation’.</p> <p>Total maximum number of dwellings - 3300.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only. The proposed draft Crown lease is consistent with the total maximum number of dwellings limitation.</p>
9.2 Multi Unit Housing		
<p>R32</p> <p>Multi unit housing or residential components of commercial mixed use comply with the Residential Zones – Multi Unit Housing Development Code.</p>	<p>C32</p> <p>Multi unit housing or residential components of commercial mixed use must be designed and built to comply with all of the following:</p> <ul style="list-style-type: none"> a) Development is innovative, including high quality architectural design and materials, interesting facades which offer passive surveillance and easily distinguishable building entries b) Development is designed and built to a very high environmentally sustainable standard and may including the use of sustainable materials, embodied energy, renewable energy sources and rainwater capture c) Development is sensitive to its surroundings considering design, materials, height, bulk and scale d) Development provides reasonable solar access to the main daytime living areas and private open space of proposed dwellings e) Retains reasonable solar access to adjoining dwellings and their associated private open space 	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
	<p>f) Development provides suitable private open space which is easy to access and high quality landscaped area which break up excessive non-permeable surfaces</p> <p>g) Development provides adequate site open space, communal areas and high quality landscaping for all residents</p> <p>h) Development provides adequate privacy to residents of the proposal and adjoining (wholly or partially) residential buildings</p> <p>i) Vehicular parking, including visitor parking and access, is not a dominant feature or are obscured from public view</p> <p>j) Development provides reasonable levels of residential amenity waste management and other services</p> <p>k) Development must comply with the following provisions of the Multi Unit Housing Development Code that relate to:</p> <ul style="list-style-type: none"> i. 'Adaptability of dwelling for use by people with a disability' ii. 'Noise attenuation – external sources' iii. 'Heritage' iv. 'Tree Protection' v. 'Water Sensitive Urban Design' vi. Part D 'Endorsement by government agencies (entities) 	
	<p>Note: If the development complies with this criterion the Multi Unit Housing Development Code, unless otherwise stated by this criterion, does not apply.</p>	

Rule	Criteria	Response
Element 10: Other Development Controls		
10.1 Water sensitive urban design		
<p>R33</p> <p>This rule applies to sites 5000m² or larger, excluding multi unit housing.</p> <p>The average annual storm water pollutant export is reduced for all of the following:</p> <ul style="list-style-type: none"> a) suspended solids by at least 60 percent b) total phosphorous by at least 45 percent c) total nitrogen by at least 40 percent <p>compared with an urban catchment with no water quality management controls.</p> <p>Note: Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p> <p>Note: Multi unit housing will need to comply with the rules and/or criteria (where relevant) for Water sensitive urban design located in the multi unit housing development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>R34</p> <p>This rule applies to sites 2000m² or larger, excluding multi unit housing.</p> <p>Storm water management complies with one of the following:</p> <ul style="list-style-type: none"> a) the capacity of the existing pipe (minor) storm water connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland storm water system is not exceeded in the 1-in-100 year storm event b) the 1-in-5 year and 1-in-100 year storm water peak run off does not exceed pre-development levels. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
<p>Note: Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person</p> <p>Note: Multi unit housing will need to comply with the rules and/or criteria (where relevant) for Water sensitive urban design located in the multi unit housing development code.</p>		
<p>R35</p> <p>This rule applies to sites 2000m² or larger, excluding multi unit housing.</p> <p>Provision is made for one or more of the following:</p> <ul style="list-style-type: none"> a) the storage of storm water equivalent to at least 1.kl per 100m² of impervious area and its release over a period of 1 to 3 days b) runoff peak flow for the 3 month ARI storm to be no more than pre-development levels and release of captured flow over a period of 1 to 3 days. <p>Note: Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person</p> <p>Note: Multi unit housing will need to comply with the rules and/or criteria (where relevant) for Water sensitive urban design located in the multi unit housing development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
<p>R36</p> <p>This rule applies to all development excluding multi unit housing.</p> <p>Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: water Sensitive Urban Design General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption.</p> <p>This requirement does not apply for extensions with an increase in the combined roof area, driveway, car maneuvering areas and car parking areas of less than 25% of the original area.</p> <p>Note: Multi unit housing will need to comply with the rules and/or criteria (where relevant) for Water sensitive urban design located in the multi unit housing development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>There is no applicable rule.</p>	<p>C37</p> <p>Underground piping of natural storm water overland flow paths is minimised.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>10.2 Endorsement by government agencies (entities)</p>		
<p>R38</p> <p>This rule applies to all development excluding multi-unit housing.</p> <p>Uses applicable to this rule complies with the Commercial Zones Development Code Part G – Endorsement by government agencies</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
10.3 Endorsement by government agencies (entities)		
<p>R39</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) requires groundwork within the tree protection zone of a protected tree b) is likely to cause damage to or removal of any protected trees The authority shall refer the development application to the Conservator of Flora and Fauna <p>Notes:</p> <ol style="list-style-type: none"> 1. Under the Planning and Development Regulation 2008 a development application for a declared site under the Tree Protection Act 2005, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. 3. Protected tree and declared site are defined under the Tree Protection Act 2005. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
10.4 Heritage		
<p>R40</p> <p>In accordance with section 148 of the Planning and Development Act 2007, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the Heritage Act 2004 was accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.</p>	<p>C40</p> <p>If advice from the Heritage Council is required however not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

8

CFZ Zone Objectives

An assessment of the proposal against the 'CFZ – Community Facility' Zone Objectives are detailed in **Table 7**.

Table 7: CFZ Zone Objectives

Objective	Response
a) To facilitate social sustainability and inclusion through providing accessible sites for key government and non-government facilities and services for individuals, families, and communities.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
b) To provide accessible sites for civic life and allow community organisations to meet the needs of the Territory's various forms of community.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
c) To protect these social and community uses from competition from other uses.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
d) To enable the efficient use of land through facilitating the co-location, and multi-use of community facilities, generally near public transport routes and convenience services appropriate to the use.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
e) To encourage adaptable and affordable housing for persons in need of residential support or care.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
f) To safeguard the amenity of surrounding residential areas against unacceptable adverse impacts including from traffic, parking, noise or loss of privacy.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
g) Promote active living and active travel	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.
h) Provide safe pedestrian and cycling access to community facilities to promote active living.	The proposal is for subdivision of the block and installation of signage only.. The proposed DA is not inconsistent with the objective for the CFZ zoning.

9

Community Facility Zone Development Code

General controls for development in a 'CFZ' zone are contained in the Community Facility Zone Development Code (effective 17 December 2021). An assessment of the proposal against the provisions of this Code are included below.

Table 8: Community Facility Zone Development Code

Rule	Criteria	Response
Element 1: Restrictions on use		
1.1 Supportive housing		
R1		Not Applicable.
Development for supportive housing complies with all of the following:	This is a mandatory requirement. There is no applicable criterion.	The proposal is for subdivision of the block and installation of signage only.
a) the occupation of individual dwellings in a supportive housing complex is restricted by the lease to persons in need of support.		
b) the site has not been identified in a suburb precinct code as being prohibited for supportive housing.		
c) all dwellings comply with Class 'C' of Australian Standard AS4299 – Adaptable Housing.		
d) subdivision of a lease developed for supportive housing, including subdivision under the Unit Titles Act 2001, is not permitted.		
Note: The applicability of this control is limited to the dwelling only.		
1.2 Retirement village		
R2		Not Applicable.

Rule	Criteria	Response
<p>Development for retirement village complies with all of the following:</p> <ul style="list-style-type: none"> a) the site has not been identified in a suburb precinct code as being prohibited for retirement village. b) Subdivision of a lease developed for retirement village, including subdivision under the Unit Titles Act 2001, is not permitted. c) all dwellings comply with Class 'C' of Australian Standard AS4299 – Adaptable Housing. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>1.3 Business agency, office, public agency</p>		
<p>R3</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> i) business agency ii) office iii) public agency <p>located within a surplus former ACT Government building.</p> <p>The maximum lease term is 5 years.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>R4</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> i) business agency ii) office iii) public agency <p>located in other than a surplus former ACT Government building.</p> <p>The use is conducted only by a not for profit organisation.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>R5</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> i) business agency 	<p>C5</p> <p>Business agencies, offices and public agencies are small scale.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
ii) office iii) public agency located in other than a surplus former ACT Government building. The total gross floor area of all such uses does not exceed 400m ² .		
1.4 Development proposals affected by approved lease and development conditions		
R6 The development proposal complies with approved and current lease and development conditions applying to the site. Where there is an inconsistency between the lease and development conditions and the provisions of this code, the former shall take precedence, but only to the extent of the inconsistency.	C6 The development meets the intent of any approved and current lease and development conditions applying to the site	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
Element 2: Building and site controls		
2.1 Building height		
R7 The maximum building height is: a) for that part of the building within 30m of a residential block – the greater of the following: i) 2 storeys ii) the maximum number of storeys permitted on that residential block b) in all other cases – the lesser of the following: i) 4 storeys ii) 15m height of building. For this rule: Residential block means a block that has at least one of the following characteristics – a) zoned residential	C7 Buildings achieve all of the following: a) consistency with the desired character b) a scale appropriate to the proposed use c) reasonable separation from adjoining developments d) reasonable privacy for dwellings on adjoining residential blocks e) reasonable privacy for principal private open space on adjoining residential blocks f) reasonable solar access to dwellings on adjoining residential blocks and their associated principal private open space.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.

Rule	Criteria	Response
b) affected by a lease which authorises residential use but does not include any land intended to remain as unleased Territory land or public open space.		
2.2 Setbacks		
R8 Minimum setback of buildings to boundaries of blocks in a residential zone is 6m.	C8 Buildings and other structures are sited to achieve all of the following: a) consistency with the desired character b) reasonable separation from adjoining developments c) reasonable privacy for dwellings on adjoining residential blocks d) reasonable privacy for principal private open space on adjoining residential blocks e) reasonable solar access to dwellings on adjoining residential blocks and their associated principal private open space.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
R9 Outdoor storage areas are screened from view from any road or other public area.	C9 Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is to be included in the design layout of the site and should not encroach on car parking areas, driveways or landscaped areas and be adequately screened from public view.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
Element 3: Built form		
3.1 Materials and finishes		
There is no applicable rule.	C10	Not Applicable. The proposal is for subdivision of the block and installation of signage only.

Rule	Criteria	Response
	Where development presents a blank façade to an adjoining block or public space, a visually interesting architectural treatment is applied to that wall, through the use of one or more elements such as colour, articulation, materials and shadows.	
There is no applicable rule.	C11 Buildings use high quality materials and have façade with visually interesting architectural treatments through the use of one or more elements such as colour, materials, shadows or deep framing profiles.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
3.2 Interface		
There is no applicable rule.	C12 Where appropriate, compatible uses of any existing buildings are integrated with new development and provide physical connections and linkages between buildings, and between buildings and public spaces.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
There is no applicable rule.	C13 Elements of the development that interface with a street promote an attractive streetscape.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
Element 4: Access		
4.1 Traffic generation		
There is no applicable rule.	C14 The existing road network can accommodate the amount of traffic likely to be generated by the development.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.

Rule	Criteria	Response
4.2 Access		
<p>There is no applicable rule.</p>	<p>C14A Access to and within the site achieves all of the following:</p> <ul style="list-style-type: none"> a) pedestrian and cyclist entrances and driveways are clearly visible from the front boundary b) reasonable pedestrian and cycle access is provided through the site to increase permeability c) pedestrian and cycle access paths to community facilities feed into and provide enhanced connections to appropriate offroad path networks and on-road cycle routes d) cyclist entry complies with the Bicycle Parking General Code. 	<p>Not Applicable. The proposal is for subdivision of the block and installation of signage only.</p>
Element 5: Environment protection		
5.2 Sediment and erosion control		
<p>R19 This rule applies to sites larger than 3000m². Development complies with a sediment and erosion control concept plan endorsed by the Environment Protection Authority. Supporting document: A sediment and erosion control concept plan is prepared in accordance with Environment Protection Authority Environmental Protection Guidelines for Construction and Land Development in the ACT 2011. Note: A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable. The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
5.3 Earthworks		
There is no applicable rule.	C20 The extent of earthworks is minimised.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
5.4 Tree protection		
R21 This rule applies to a development that has one or more of the following characteristics: a) requires groundwork within the tree protection zone of a protected tree b) is likely to cause damage to or removal of any protected trees The authority shall refer the development application to the Conservator of Flora and Fauna. Notes: 1. Under the Planning and Development Regulation 2008 a development application for a declared site under the Tree Protection Act 2005, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. 3. Protected tree and declared site are defined under the Tree Protection Act 2005.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.
5.5 Heritage		
R22 In accordance with section 148 of the Planning and Development Act 2007, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the Heritage Act 2004 are accompanied by	C22 If advice from the Heritage Council is required however not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.	Not Applicable. The proposal is for subdivision of the block and installation of signage only.

Rule	Criteria	Response
<p>advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.</p>		
<p>5.6 Contamination</p>		
<p>R23</p> <p>This rule applies where an assessment by the proponent in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Policy 2000 identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area. Development complies with an environmental site assessment report endorsed by Environment Protection Authority.</p> <p>Supporting document: Environmental site assessment report endorsed by Environment Protection Authority.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
<p>Element 6: Amenity</p>		
<p>6.1 Noise</p>		
<p>R24</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> i) emergency services facility ii) indoor recreation facility iii) outdoor recreation facility <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority.</p>	<p>C24</p> <p>Development types specified in rule R24 do not unreasonably diminish the residential amenity of current or future neighbouring residents.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
<p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Noise Zone Standard as detailed in the EPA's Noise Environment Protection Policy, January 2010, based on the estimated noise levels when the facility is in use.</p> <p>Supporting document: noise management plan endorsed by the Environment Protection Authority.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>		
Element 7: Services and utilities		
7.1 Waste management		
<p>R25</p> <p>Development complies with the waste facilities and management measures endorsed by Territory and Municipal Services Directorate.</p> <p>Supporting document: Written confirmation by Territory and Municipal Services Directorate that with the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>
7.2 Utilities		
<p>R26</p> <p>A statement of compliance from each relevant utility provider (for water, sewerage, stormwater, electricity and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility access provisions and asset clearance zones.</p>	<p>C26</p> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Not Applicable.</p> <p>The proposal is for subdivision of the block and installation of signage only.</p>

Rule	Criteria	Response
<p>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions.</p>		
<p>7.3 Waste water</p>		
<p>R27 Subject to ActewAGL approval, all under cover areas drain to the sewer.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable. The proposal is for subdivision of the block and installation of signage only.</p>
<p>Element 8: Demolition</p>		
<p>8.1 Utilities</p>		
<p>R28 This rule applies to demolition. The application is accompanied by a statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with section 148 of the Planning and Development Act 2007 for all of the following:</p> <ul style="list-style-type: none"> a) all network infrastructure on or immediately adjacent to the site has been identified on the plan b) all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) all required network disconnections have been identified and the disconnection works comply with utility requirements d) all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable. The proposal is for subdivision of the block and installation of signage only. No demolition works are proposed.</p>
<p>8.2 Hazardous materials</p>		
<p>R29</p>	<p>C29</p>	<p>Not Applicable.</p>

Rule	Criteria	Response
<p>Demolition of:</p> <p>a) Multi unit housing (including garages and carports) for which a certificate of occupancy was issued prior to 1985, or</p> <p>b) commercial or industrial premises for which a certificate of occupancy was issued before 2005, is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority.</p> <p>A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one (1) of the following:</p> <p>i) is a licensed disposal facility in the ACT</p> <p>ii) another site outside the ACT.</p> <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site. An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>Note: If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>If an endorsed hazardous material survey is required however evidence of an endorsed hazardous materials survey is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>The proposal is for subdivision of the block and installation of signage only.</p>
Element 9: Subdivision		
9.1 Subdivision		
<p>R30</p> <p>Subdivision is only permitted where all of the following are met:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met.</p> <p>The proposed subdivision:</p>

Rule	Criteria	Response
a) the subdivision is part of a development application for another assessable development		a) is sought in conjunction with a proposal for the installation of signage, being another merit track assessable development pursuant to the 'CFZ – Community Facility Zone' Development Table (refer to Section 2.5 of this report).
b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant sections of this code.		b) seeks approval to subdivide the block into two parcels encompassing 139,000 square metres - being the project land - and 995,247 square metres - being the residual or campus land. The residual land is considered to be sufficient to accommodate further assessable development in future.

10 Territory Plan General Codes

The following General Codes of the Territory Plan are applicable to this proposal:

- Signs General Code; and
- Lease Variation General Code.

10.1 Signs General Code

As the proposed development includes development signage, it is required to comply with measures contained within the Signs General Code (effective 31 March 2008). These provisions are addressed in **Table 9** below.

Table 9: Signs General Code

Rule	Criteria	Design Response
Element 1: Use		
1.1 Permissible Sign		
R1 The sign type and location comply with Table 1 Signs Permissible in Zones.	C1 The Sign meets the requirements of C4.	Rule Met. Pylon signs are permissible within a 'CFZ – Community Facility Zone', in accordance with Table 1.
1.2 Content of Sign		
R2 The sign content and sign location comply with Table 2. Allowable Signage Content and Location.	C2 The Sign meets the requirements of C4.	Rule Met. Principal signage is permissible at ground floor level within a 'CFZ – Community Facility Zone', in accordance with Table 2.

Rule	Criteria	Design Response
1.3 Licensing		
R3 A fixed Sign that is designed or located so that it encroaches on, over, or into unleased Territory land, has a valid licence agreement with the Territory for the sign that has been issued under art 9.11 of the Planning and Development Act 2007.	C3 If development approval is granted for a fixed Sign that is designed or located so that it encroaches on, over, or into unleased Territory Land a condition of approval will be imposed requiring the applicant to enter into a licence agreement with the Territory prior to the approval of the encroaching signage taking effect.	Not Applicable. The proposed sign is located wholly within the block boundary and will not encroach in any way upon unleased Territory land.

Planning Response to Criterion 4

Signs must:

a) Not create a hazard to traffic or pedestrians

The proposed sign is located away from the road kerb/shoulder. It is well distinguished from street signs and will not be an impediment or hazard to traffic, pedestrians or cyclists.

b) Be of a character and design standard consistent with the objectives and controls for the relevant zone and locality

The sign is located on a CFZ zoned block along Aikman Drive, amongst other illuminated and non-illuminated signage. The proposed sign is considered to be consistent with the relevant zone objectives. Refer to **Section 8** of this report.

c) Recognise the heritage values of sites

No heritage elements are identified on the site, per the ACT Heritage Register.

d) Not compromise the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth

The proposed signage will not impact upon the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth.

e) Complement the streetscape and amenity of the locality by virtue of its size, location, illumination, utilisation of complementary shapes, forms, colours, durable quality materials and design concepts

The proposed sign has been carefully designed and is to be professionally fabricated. As such, it is considered to create visual interest and complement the streetscape.

f) If affixed to a building, complement the architectural style of the building by virtue of its size, location, illumination, utilisation of complementary shapes, forms, colours, durable quality materials and design concepts

Not applicable, as the sign is not proposed to be affixed to a building.

g) Not unnecessarily repeat or duplicate similar signs

As only one sign is proposed, there is no unnecessary duplication of signage.

Rule	Criteria	Design Response
Element 2: Built Form		
2.20 Pylon/Column Sign		
R87 There is no rule applicable.	C87 Aspect: Not to be erected to expose an unsightly back view of the sign.	Rule Met. Being visible only from a private leased block, the back view of the sign will not be exposed to the view of the public.
R88 Maximum surface area: 6m ² per side, for a maximum of two sides if back-to-back or four sides if a column design.	C88 The Sign meets the requirements of C4.	Criterion Satisfied. The surface area of each side of the proposed sign exceeds 6 square metres. Please refer to the Planning Response to Criterion 4 , above.
R89 Maximum height above the ground: 6 metres.	C89 The sign is the height of a building in close proximity, but does not exceed 8 metres.	Rule Met. The proposed sign is 6 metres in height.
R90 There is no rule applicable.	C90 Setting: Erected within a landscaped environment.	Criterion Satisfied. The proposed sign is to be erected within the existing landscape.
R91 Maximum number: Not more than one Pylon sign per frontage to be erected on a site unless the frontage exceeds 100 metres and such signs are not closer than 60 metres.	C91 The Sign meets the requirements of C4.	Rule Met. One pylon sign is proposed by this application.
R92 Content: Name signs of development estates must include the suburb name.	C92 The Sign meets the requirements of C4.	Not Applicable. The proposed pylon sign is not an estate development name sign.
R93 Minimum setback from side boundary: 3 metres.	C93 The Sign meets the requirements of C4.	Rule Met. The setback of the proposed sign to nearest side boundary exceeds 3 metres.
R94 Minimum setback of 1200mm from the sign to the road kerb/shoulder.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. The proposed sign is set back over 1.2 metres from the road kerb.

Rule	Criteria	Design Response
<p>R95 Illumination: Not illuminated.</p>	<p>C95 The Sign meets the requirements of C4 and the illumination of the sign;</p> <ul style="list-style-type: none"> a) minimises the spill effects or escape of light into the night sky; and b) eliminates shadows and promotes the safety of adjoining public areas; and c) the intensity of lighting and hours of illumination do not unreasonable impact on any residential properties. 	<p>Rule Met. The proposed sign will not be illuminated.</p>
<p>Element 3: Sign Construction</p>		
<p>3.1 Traffic Safety</p>		
<p>R132 A sign must not:</p> <ul style="list-style-type: none"> a) Obstruct pedestrians' view of traffic, or vehicle drivers' view of pedestrians, other traffic, or the road ahead; or b) Create confusion for drivers at critical locations, (such as intersections, traffic signals, or merging and weaving situations), due to the design, message/pictures, colours and location of the sign. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met. The proposed sign:</p> <ul style="list-style-type: none"> a) is set back from the adjacent road and pedestrian route to ensure it will not obscure views for pedestrians or drivers. b) is designed and located to ensure that confusion is not created for drivers.
<p>3.2 Installation fixings</p>		
<p>R133 No support, fixing, suspension or other systems required for the installation of a sign are exposed, unless designed as an integral feature of the sign.</p>	<p>C133 Conduits, wiring, switches or the mounting of other apparatus are discreetly placed and out of general view.</p>	<p>Criterion Satisfied. The signage support at the back of the sign is placed out of general view.</p>
<p>R134 A sign must not be nailed or similarly fixed to a tree.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable. No signage is proposed to be affixed to a tree.</p>

Rule	Criteria	Design Response
3.3 Animated or flashing signs		
R135 Signs do not contain animated or flashing elements.	C135 The sign meets the requirements of C4.	Rule Met. The proposed sign does not contain any animated or flashing elements.
Element 4: Environment		
4.1 National Capital Plan		
R136 There are no National Capital Plan requirements that apply to the development.	C136 Where a development is subject to Special Requirements under the National Capital Plan (including any relevant Development Control Plan) the development is not inconsistent with the Special Requirements.	Rule Met. The site is not identified as a Designated Area, is not National Land and is not subject to any special requirements under the National Capital Plan.
4.2 Heritage		
R137 In accordance with section 145(2) of the Planning and Development Act 2007, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.	C137 If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable. The site is not identified by the ACT Heritage Register.
4.3 Trees		
R138 In accordance with section 145(2) of the Planning and Development Act 2007, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application must be accompanied by a Tree Management Plan approved under the Tree Protection Act 2005.	C138 If an approved Tree Management Plan is required, but not provided, then a draft Tree Management Plan is to accompany the application. The draft Tree Management Plan will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable. This proposal will not impact upon any trees.

Rule	Criteria	Design Response
Note: "Protected tree" is defined under the Tree Protection Act 2005.		
4.4 Environmental Control		
R139 A sign must not be nailed or similarly fixed to a tree.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Signage will not be affixed to a tree.

10.2 Lease Variation General Code

This Code (effective 25 May 2018) applies to the variation of Crown leases.

Part A of the Code applies to lease variations in the merit track. Described below is the proposal's performance against the relevant rules and criteria of the Lease Variation General Code.

Table 10: Lease Variation General Code

Rule	Criteria	Design Response
Element 1: Variations - General		
1.1 Varying leases - general		
There is no applicable rule.	C1 A lease is varied only where all of the following are achieved: i) the varied lease is consistent with the Territory Plan including all relevant codes ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease.	Criterion Satisfied. An assessment of the proposal against the relevant provisions of the Territory Plan is provided in the Sections above. The proposal is considered to be consistent with the Territory Plan.
Element 2: Variations to increase rights		
2.1 Increase rights		
There is no applicable rule.	C2	Not Applicable. This application for subdivision does not seek to increase any rights under the existing Crown lease.

Rule	Criteria	Design Response
	<p>A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land. <p>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</p>	
Element 3: Variations to add uses		
3.1 Adding uses generally		
<p>There is no applicable rule.</p>	<p>C3</p> <p>An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land 	<p>Not Applicable.</p> <p>No additional uses are sought by this subdivision proposal.</p>

Rule	Criteria	Design Response
	<ul style="list-style-type: none"> v) no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land vi) no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land vii) no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land. 	
Element 4: Variations to add particular uses		
4.1 Community and Recreational Facilities		
There is no applicable rule.	C4 Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Location Guidelines General Code.	Not Applicable. This application seeks approval for subdivision and does not involve adding community or recreational uses.
4.3 Secondary residence		
R6 A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m ² or larger.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. This application proposes site subdivision and does not involve a secondary residence.
4.4 Emergency Management plan		
R6A A variation to a lease to authorise an animal care facility in the industrial zones is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA).	C6A If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable. No animal care facility is proposed by this application.
4.5 Noise		
R6B	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. This application does not involve an animal care facility.

Rule	Criteria	Design Response
<p>A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an animal care facility.</p> <p>The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbouring uses and reduce the intrusion of noise from industrial uses into the facility.</p>		

Part B of the Code - Elements 5 and 6 - does not apply to this proposal, as it is not being assessed in the code track.

11 Conclusion

This report has detailed the applicable planning controls of the site and, in doing so, it has provided a response to these to meet or exceed the requirements. Accordingly, the proposed signage and subdivision development is considered acceptable having regard to the provisions of the Territory Plan.

