



DEVELOPMENT APPLICATION

PLANNING REPORT AND STATEMENT
AGAINST CRITERIA

BLOCKS 2, 7 & 8 SECTION 5 CITY

27 OCTOBER 2023





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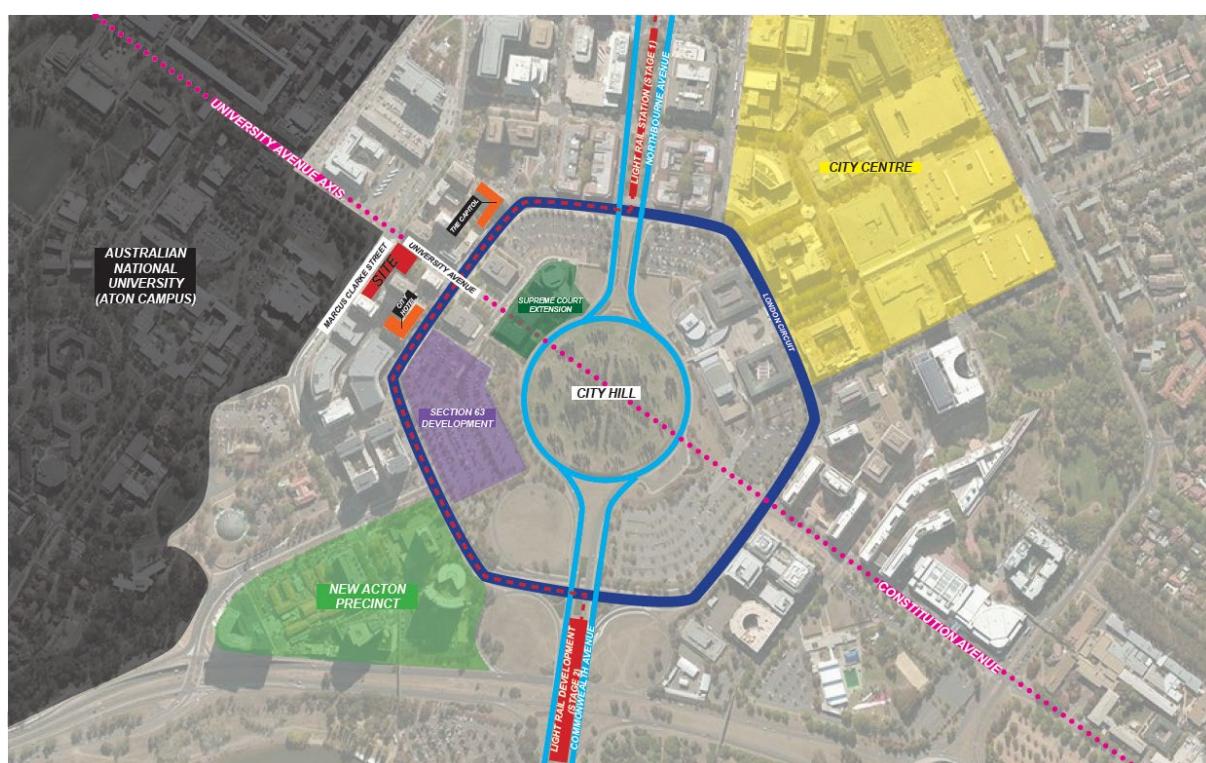
1.0 Introduction & Purpose

This report has been prepared by Purdon on behalf of Bulum Group (the proponent) in support of a Development Application (DA) for the proposed mixed-use development on Block 2, 7 & 8 Section 5 City (the subject site).

This application is lodged as a **merit track** assessment with ACTPLA and includes an assessment of the proposed development against all relevant planning Codes.

This report should be read in conjunction with architectural plans prepared by the project team and lodged as part of the DA.

Figure 1: Site Context



Source: Purdon Planning (ACTMAPI, 2023) - Subject site highlighted in Red:



2.0 The Site

The site is Blocks 2, 7 & 8 Section 5 City.

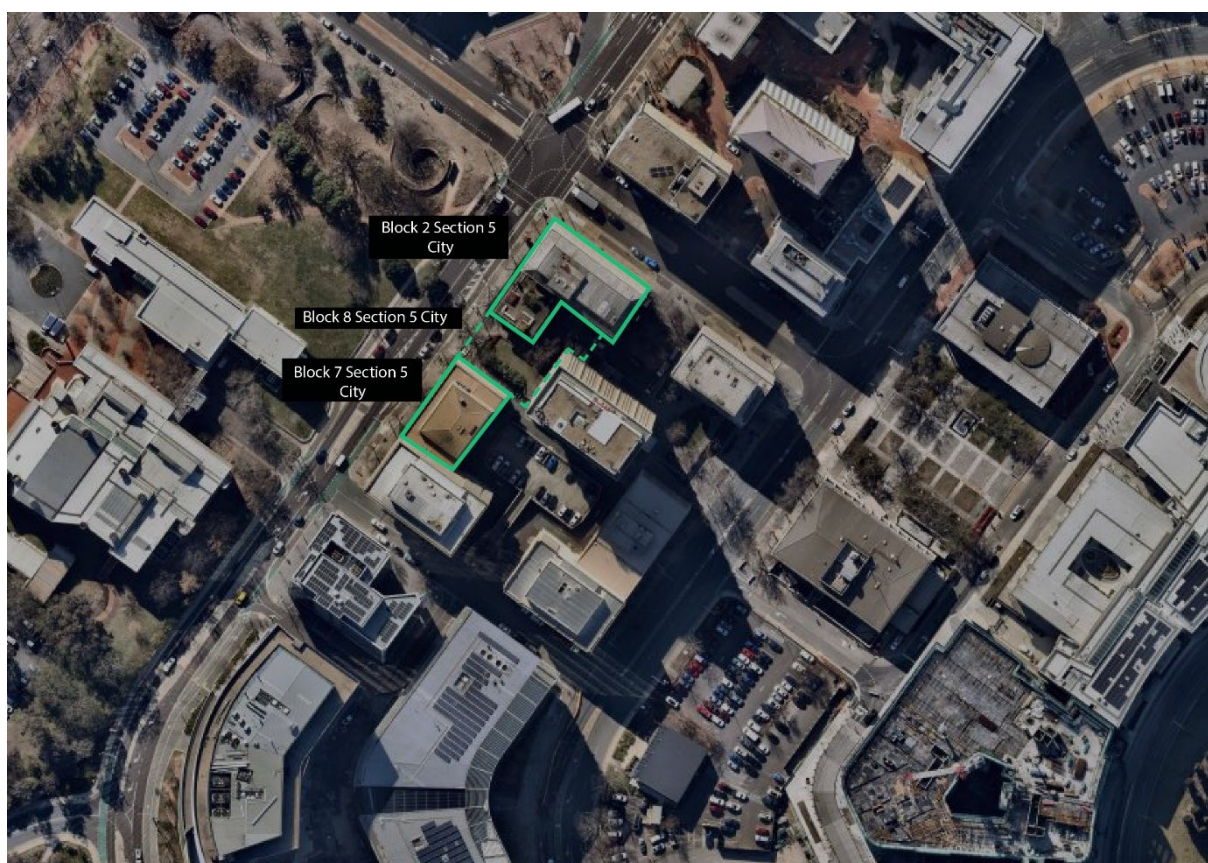
Other site characteristics include:

Site Area	Blocks 2, 7 & 8 Section 5 has an area of approx. 2,421 m² ▪ Block 2 Section 5 City = approx. 859m² ▪ Block 7 Section 5 City = approx. 582m² ▪ Block 8 Section 5 City = approx. 980m² Some works proposed will be located above unleased territory land. Pending approval of the physical works (as part of this DA), a direct sale application will be made on the areas of works overhanging any Territory Land.
Current Use	Blocks 2 & 7 are currently an office building (NON-RETAIL COMMERCIAL USE) with ground level retail (SHOP use). Block 8 is a public thoroughfare connecting Marcus Clarke Street and Darwin Place.
National Capital Plan	The sites are subject to special requirements of the National Capital Plan – Main Avenues and Approach Routes.
Territory Plan Zoning	The site is zoned ‘CZ1-Core Zone’
Existing Access	The site fronts University Avenue, Marcus Clarke Street, Farrell Place and Darwin Place. Vehicular access is limited.
Existing Parking	No parking is currently available on the site. All parking is currently provided off-site.
Vegetation/Ecology	The sites do not contain any threatened species or endangered ecological communities (ACTMAPi, 2022). Block 8 has some landscaped elements, Block 2 & 7 are fully developed.
Registered/regulated trees	ACTmap records do not indicate the presence of any registered trees
Adjacent Uses/Activities	The site is located in City Centre. Adjacent land uses are largely commercial and mixed-use residential developments. Key destinations in the nearby vicinity include: • ANU School Of music • ACT magistrates Court • Canberra City Police Station • Canberra Museum & Gallery • Canberra Theatre Centre • Future Light rail



Topography & Drainage	The sites slope down towards Marcus Clarke St. The site drains to the surrounding street network.
Heritage	The area of works contains sites or objects that are nominated for Heritage registration.
Easements	No easement is located on the subject site (ACTmapi, October 2023).
Site Servicing	The site is fully serviced.
Contamination & Hazardous materials	The sites are not recorded on the Environment Protection Authority Contaminated Land Register.

Figure 2: Subject Sites



Source: Purdon Planning (Nearmap, 2022)



3.0 Proposed Development

3.1 Project Rationale

The proposed development is for a new Mixed-use development on Blocks 2 & 7 Section 5 City located on the corner of Marcus Clarke Street and University Avenue, within the City Precinct. Block 8 is proposed to be refurbished with landscape elements, public kiosks and a three level basement below, connecting Block 2 & 7.

The overall site has two major street frontages to the northwest (Marcus Clarke Street) and northeast (University Avenue). To the east of the site is Darwin Place, which includes a publicly accessible landscaped area featuring several mature street trees that provides both pedestrian and vehicle access and loading zones that service the neighbouring buildings. To the east and south-east, there is an existing building (i.e. 15 London Circuit, the 'AON Building') and a two level car parking structure accessible via Farrell Place. The site is bound to the south by Block 6 Section 5 City, featuring a building that abuts the existing built form on the site.

Block 2 is currently occupied by an eight-storey building (formerly known as the 'CML Building') on the corner of University Avenue and Marcus Clarke Street, designed by Towell Rippon and Associates Architects and completed in 1968. **Block 7** also includes a four-storey building in the southwestern corner, '24 Marcus Clarke' that directly abuts the adjacent building on Block 6 Section 5 City. **Block 8** is currently used as a pedestrian thoroughfare for the existing commercial leases within the section. The existing condition of the pedestrian connection is rundown and dingy which in turn results in lack of activity within the area.

3.2 Proposal

The proposed development will revitalise the entire section through the inclusion of the following design and siting elements submitted for approval by EPSDD:

- **Building A, located on Block 2**, is proposed to be a 14-storey mixed-use building with 357m² of commercial use on the ground floor and 91 dwellings on the 13 storeys above; and
- **Building B, located on Block 7**, is proposed to be a 15-storey mixed-use building with 459m² of commercial use on the ground floor/mezzanine and 64 dwellings on the 13 storeys above; and
- **Five (5) levels of basement** are proposed. The basement is proposed across all three blocks and will feature 223 overall car parking spaces, including 18 Accessible car spaces, there are also 6 motorcycle spaces (total of 229 spaces) in addition to bicycle parking and end-of-trip facilities and other service areas; and
- High-quality **landscaping** elements, including 102m² of **kiosks**, and opportunities for **deep-rooted planting** on **Block 8**; and
- Associated works.



In addition to the design and siting components, **a lease variation is also sought as part of this DA.** The variation sought is to revise multiple clauses of each Crown Lease.

The revision to Block 2, is to add the below uses:

- SHOP
- Café
- Health Facility
- Hairdresser; and
- residential use limited to 91 units

The revision to Block 2 also updates the wording of “*commercial and professional offices*” to “*Non-retail commercial use*” – as it is currently defined in the Territory Plan. It is also proposed that a colonnade clause be added to this Crown Lease to reflect the colonnade to the Marcus Clarke Street frontage, as per the KUD Architects DA plans.

This results in the below clauses on **Block 2 Section 5:**

Colonnade:

That the lessee will maintain the colonnade at ground level and shall at all times permit members of the public to pass and repass along the said colonnade.

Purpose Clause:

To use the ground floor for the purpose only of:

Shop, café, health facility, hairdresser, non retail commercial use;

To use the floors above the ground floor only for the purpose of:

Multi-unit housing LIMITED TO a maximum of ninety one(91) dwellings;

Block 7 Section 5 is amended to add the below uses:

- SHOP
- Café
- Health Facility
- Hairdresser; and
- residential use limited to 64 units

The revision to Block 7 also updates the wording of “*commercial and professional offices*” to “*Non-retail commercial use*” – as it is currently defined in the Territory Plan. Additionally, the Crown Lease for Block 7 is further amended to **remove the gross floor area restriction**, the **removal of the floor area for retail clauses**, retaining the colonnade clause and amendment of the carparking clause.

These changes will result in a **Purpose Clause for Block 7 of:**



To use the ground and mezzanine floor for the purpose only of:

Shop, café, health facility, hairdresser, non retail commercial use;

To use the floors above the ground floor only for the purpose of:

Multi-unit housing LIMITED TO a maximum of sixty four (64) dwellings;

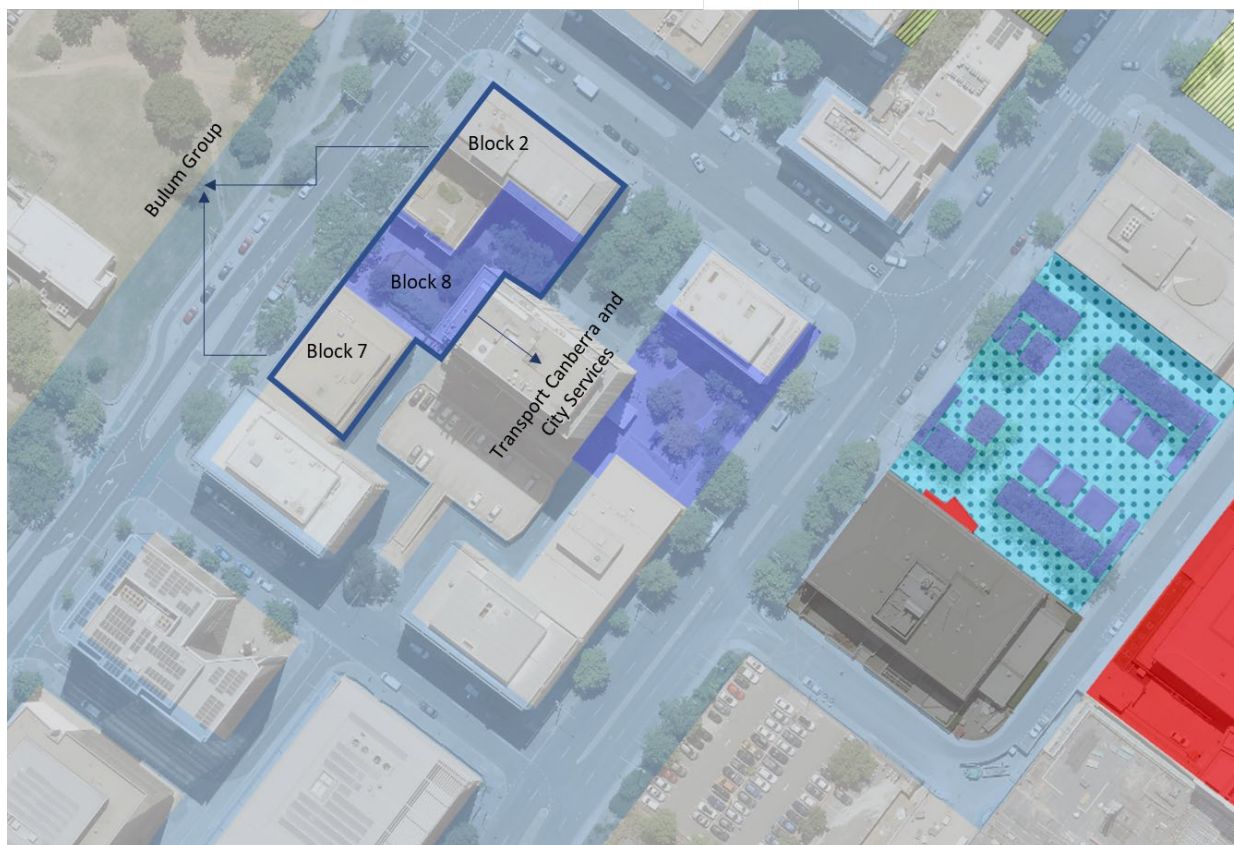
3.3 Direct Sale

Bulum Group is the owner of Blocks 2 and 7 Section 5 City, whereas Block 8 Section 5 City is owned by the Territory and under the custodianship of the Transport Canberra and City Services Directorate (TCCS). The block is currently used as a pedestrian thoroughfare for the existing commercial leases within the section.

A Direct Sale application is currently under assessment for Block 8 to permit a basement between Blocks 2 and 7 and new hard and soft landscaping on Block 8, which will be designed in accordance with Territory standards for handback to TCCS. Refer to the landscape plans submitted as part of this application for further details.



Figure 3- Land Custodianship



Source: Purdon (ACTmapi, 2022)



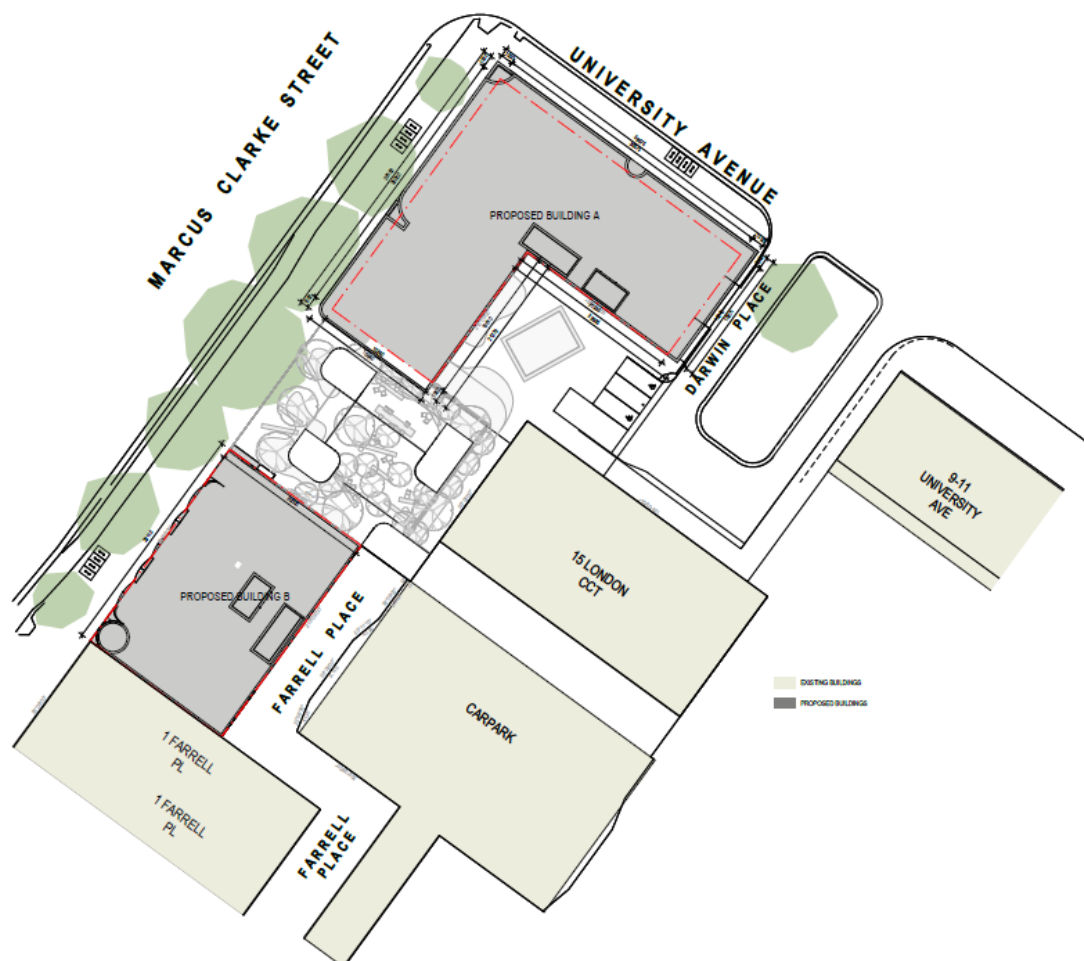
4.0 Design statement

This section of the planning report describes the overall design intent including architectural design rationale and should be read in conjunction with architectural plans prepared by KUD and lodged as part of the DA package.

4.1 Design

A composition of contemporary form with considered materiality and generous public space; the architecture of 17-21 University Avenue aims to redefine Canberra's Civic quarter whilst honouring the past, by providing exceptional amenity in combination with innovative design, timeless finishes, and spacious living areas.

Figure 4- Proposed Site Context Plan



Source: KUD, 2023



17-21 University Avenue speaks directly to the City Renewal Authority's aims for the rejuvenation of Canberra's Civic Quarter, by injecting much needed diversity into what was once a strictly nine to five commercial hub.

The two towers are distinct in design with Building A using elements borrowed from the existing CML building and honouring the geometry of the street grid, addressing its two-street frontage of Marcus Clarke and University Avenue. Building B remains more playful in bookending the site, with greater variation in form in its façade, inverting the language of the arch to form sculpted apartment balconies. Building B draws contextual inspiration from the iconic Clem Cummings bus shelters, employing elements of the iconic curvilinear motifs in their form. Tower A and B are then tied together by the same language of an arched colonnade, achieved by making the colonnade for Tower B double heighted so that is a clear podium datum line carried across the two towers, further celebrating their connection.

4.2 Materials and colours

The design utilises a restrained palette of materials with a mix of textures to define various elements of the development. The colour palette is intended to complement the surrounding buildings within the precinct and is used to further distinguish the two towers with copper and feature horizontal concrete finishes in the façade for Tower A and green bricks and perforated metal for Tower B.

Figure 5- Façade Material and colours/Perspective



Source: KUD,2023



4.3 Building height and solar access

The building heights are in accordance with the criteria of the building envelope requirements specified for the site in the City Precinct Code and NCP special requirements i.e a maximum of RL617m from the ground level. Minor encroachments like the plant rooms and lift overruns on the rooftop are considered to be compliant with the code requirements as the structures are setback from the building edge and screened from public view with screening materials consistent with the proposed buildings.

The L shape design helps to gain as much solar access for as many apartments as possible. The layout of buildings allows for all units to have facades that face east, north and/or west. This approach has meant that there are no south facing units. In doing so, the design is an equitable approach with regard to access to direct sunlight based on the challenges posed by the orientation of the block.

Figure 6- Site Long Sections



Source: KUD, 2023

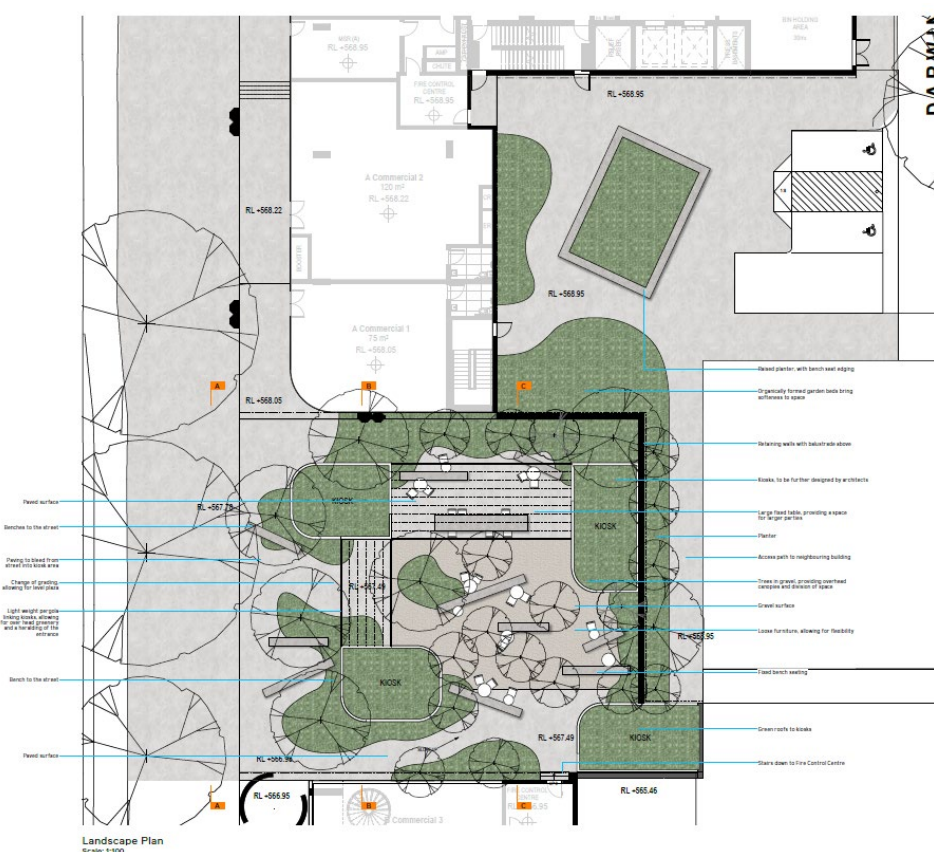


4.4 Landscaping

Shared landscape zones are proposed between the built spaces to enhance the liveability of the proposed development and to improve the overall streetscape for the wider community. The landscape design provides:

- A raised planter bed, with bench seat edging close to the Darwin Place frontage to encourage passive activity and surveillance of the otherwise quiet back-of-house areas in this space.
- The Darwin Place area will also feature organically formed garden beds to soften the space and masonry paving to allow for movement through the space.
- The lower garden area will prominently feature kiosks with green roofs and light weight pergola structures linking these kiosks, allowing for overhead greenery and a heralding of the entrance.
- This space will feature gravel and hard masonry surface finishes to differentiate movement areas from non-movement areas (to encourage passive use of the space) and allow for tree growth directly over the fixed seating areas providing overhead canopies and division of space.
- The proposed landscape design will also provide a change of grading (allowing for level plaza areas), benches to the street, loose furniture (providing flexibility of use of the space) and stairs down to the Fire Control Centre in Building B.

Figure 7- Landscape plan



Source: Acre, 2023



4.5 Traffic, Parking & Waste

Please refer to the submitted traffic report (prepared by Salt3) for all traffic and parking details. For waste details, please refer to Salt3's Waste and Recycling Management plan. In summary:

- *The additional traffic generated by the site is considered low in the context of existing peak hour traffic volumes, and will have no significant impacts on saturation levels, queue lengths and delays when compared to the existing weekday peak hour volumes.*
- *The statutory car parking requirement is satisfied;*
- *The waste management plan will provide efficient waste management for the proposed development.*

4.6 Public and private open space

The project leverages its location between the Australia's National University and Canberra CBD, activating the ground plane along Marcus Clarke Street and University Avenue by gently weaving in retail tenancies, encased in generous sculpted concrete-arched colonnades. 17-21 University Avenue further activates the ground plane by addressing the significant fall in the site. This is achieved by removing the existing raised public space and reworking this with the natural slope of the site.

Through site links permeating both towers, easy DDA access to laneways and the rejuvenated public spaces between the two towers is provided, and the public space will be further activated by kiosk retail and amphitheatre seating.

Through the designed open space between the proposed buildings which also connects to London Circuit, the residents of the building will have access to a range of public open spaces immediately adjacent the development.

Shared landscape zones are proposed between the built spaces to enhance the liveability of the proposed development. Deep root planting zones (as shown on Figure 8) are provided through the space to create a vegetated attractive public space for daily activities for residents and employees in the adjacent buildings.

The colonnades proposed across the street frontages, speak directly to the local Civic landmarks of the iconic Sydney and Melbourne Buildings on Northbourne Avenue, repeating this arched language, defining Civic Quarter's extents and legibility in the city.

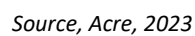


Figure 9- Active Frontage





5.0 Pre-DA consultation

Certain development proposals are required to consult the community prior to DA lodgement under Section 138AE of the Planning and Development Act 2007. Developments which are required to consult the community include:

- 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*

A two-week consultation period was undertaken from 2nd November 2022 to 16th November 2022, a period of 14 days.

The consultations included:

- Letter/newsletter advice to surrounding residents and businesses
- Information on the Purdon website
- Emails to community groups, body corporates and strata managers of the buildings in the vicinity of the development, and other groups as relevant
- Virtual Consultation Session held on 10th November via Teams
- Articles on local media channels like Canberra Times
- Opportunity for feedback during the virtual consultation session as well as via phone or email to Purdon

A majority of submissions received expressed general support to the development with concerns around the parking and construction time schedule.

A full Consultation Report and Community Consultation Written Notice have been included as part of this DA, detailing the consultation process complies with the Planning and Development (Community Consultation) Guidelines 2020 (effective: 1 January 2021).

The public will also be provided with the opportunity to comment on this DA during the public notification as part of the DA assessment.

5.1 NCDRP

Please refer to the response to NCDRP comments document, submitted with this application.



6.0 Strategic Planning Overview

This section describes the strategic planning context for the development site and proposal.

6.1 Statement against the City Plan

Block 2, 7 & 8 city is located within the City North-West area and is bound by University Avenue, Marcus Clarke Street, London Cct and Farrell Place. City North-West is an area with strong connections to ANU (and neighbouring CSIRO) and connections to the legal quarter in the City Hill area. In the future, it will:

- Have commercial and employment uses with residential and mixed-uses to support these and the neighbouring education and research precinct.
- Connect to the lake to the south, the education and research area to the west and the business and civic areas to the east.
- Provide a range of residential typologies responding to the adjacent education and research precinct to accommodate future growth
- Create areas of finer grain public realm around nodes serving the businesses and local residential
- Accommodate traffic restructure to the west and south-west and out of the city centre core area, and
- Retain and establish supporting community facilities within the area and developments.

Figure 10- City North- West Area Map



Source: The city Plan, 2014



Table 1- Future types of development

Future predominant uses	Type of development
Public area	Park, Plaza
Commercial Mixed Use	Office Hotel Carpark Accommodation (eg student) Business / professional
Education	University facilities and precinct Community facilities Local retail
Residential	High density residential
Community Mixed use	Mix of community facilities and services, residential, commercial, local retail

Response:

It is considered that the design and siting proposed responds to the City Plan. The high-density mixed-use development aims to improve the centre's sustainability through the proposed uses, design of buildings and the public space. Also, this application seeks to activate and enhance the public domain which is provided by the Landscape Architect-designed open space between the two buildings. The proposed development includes underground parking which will decrease the site's impact on parking provision within the city centre.

6.2 ACT Planning Strategy 2018

The ACT Planning Strategy 2018 was released on 5 December 2018 and is a refresh of the 2012 Strategy. The Strategy reflects and integrates the vision and directions of the community and other ACT Government strategies, particularly housing, transport, and climate change.

The vision of the strategy is to be a sustainable, competitive, and equitable city that respects Canberra as a city in the landscape and the national capital, while being responsive to the future and resilient to change.

The Strategy has five related themes:



THEME 1 - COMPACT AND EFFICIENT CITY

- Support sustainable urban growth by working towards delivering up to 70% of new housing within our existing urban footprint, and by concentrating development in areas located close to the city centre, town and group centres and along key transit corridors.
- Use infrastructure efficiently to support our growing community.

THEME 2 - DIVERSE CANBERRA

- Enhance the diversity and resilience of our centres to meet the needs of the community, support economic viability and improved liveability.
- Protect and enhance infrastructure that supports the economic development of Canberra and the region.

THEME 3 - SUSTAINABLE AND RESILIENT TERRITORY

- Transitioning to net zero emissions city through the uptake of renewable energy, improved building design and transport initiatives.
- Plan for integrated water cycle management to support healthy waterways and a liveable city.

THEME 4 - LIVEABLE CANBERRA

- Deliver social infrastructure that meets community needs and supports strong communities.
- Deliver recreation, open (green) space and public spaces that support social interaction, physical and mental health and engagement in public life.
- Strengthen neighbourhoods and support their diverse character by creating strong local activity hubs.
- Deliver housing that is diverse and affordable to support a liveable city.
- Encourage high quality design, built form and places for a changing climate.

THEME 5 - ACCESSIBLE CANBERRA

- Enhance accessibility by better integrating transport and land use.
- Deliver well designed, safe and sustainable streets and public spaces to create walkable neighbourhoods that are inclusive and fair.
- Create a better experience for walking and cycling into and within the city centre and our town centres

The proposed development complies with each of the above themes outlined in the Government's Strategy for Canberra by contributing to urban intensification and urban renewal in the Canberra Central District, and creates an exemplar for liveability, walkability and placemaking.



6.3 Statement of Planning Intent (2015)

The ACT Government Minister for Planning released the *Statement of Planning Intent* in November 2015 to set out the main principles that will direct development within Canberra, with a view to creating a more vibrant, eclectic city. The document establishes four key planning priorities, and associated actions:

- Creating sustainable, compact and liveable neighbourhoods with better transport choices
- Delivering high quality public spaces and streets through place-making
- Delivering an outcome-focused planning system to reward design excellence and innovation
- Engaging with the community, business and research sectors to optimise planning outcomes.
- The *Statement* builds on the strategic framework set out in the ACT Planning Strategy (2012), Transport for Canberra (2012) and the ACT Government's climate change strategy and action plan.

The proposed development adopts the above principles directly through its commitment to the provision of high-quality private and communal open spaces and use of superior materials and finishes. Furthermore, the development delivers a compact design through its high-density approach.



7.0 Statutory planning assessment

7.1 Crown Lease

The key provisions of the Crown Lease are detailed below:

Table 2- Current Crown Lease

Key Provisions		
	Block 7 Section 5 City	Block 2 Section 5 City
Term	Commenced on 18 December 1998 and terminates on 17 December 2097	Commenced on 25 May 1966 and terminates on 24 May 2065
Lessee	Monc BT Pty Ltd	Monc BT Pty Ltd
Purpose	(a) To use the premises for the purpose of one or more of the following: Commercial offices, banks, retail shops, a tavern personal and commercial services and agencies and car parking.	(g) to use the land for the purpose of commercial and professional offices and other purposes as may be approved by the minister from time to time.
Gross Floor Area	(b) That the gross floor area of the building shall not exceed 2220 square meters; (c) That the floor area of retail shall not exceed 150 square meters.	-
Car Parking	(g) That the Lessee shall maintain car parking spaces sufficient to accommodate not more than twenty two vehicles.	-

LEASE VARIATION

A Lease Variation is proposed as part of this application to enable the proposed uses on the site. Please refer to the Valuation Report and Certificate submitted as part of this application for further details. In summary, the LV proposed is sought is to revise multiple clauses of each Crown Lease.

The revision to Block 2, is to add the below uses:

- SHOP
- Café



- Health Facility
- Hairdresser; and
- residential use limited to 91 units

The revision to Block 2 also updates the wording of “commercial and professional offices” to “Non-retail commercial use” – as it is currently defined in the Territory Plan. It is also proposed that a colonnade clause be added to this Crown Lease to reflect the colonnade to the Marcus Clarke Street frontage, as per the KUD Architects DA plans.

This results in the below clauses on **Block 2 Section 5**:

Colonnade:

That the lessee will maintain the colonnade at ground level and shall at all times permit members of the public to pass and repass along the said colonnade.

Purpose Clause:

To use the ground floor for the purpose only of:

Shop, café, health facility, hairdresser, non retail commercial use;

To use the floors above the ground floor only for the purpose of:

Multi-unit housing LIMITED TO a maximum of ninety one(91) dwellings;

Block 7 Section 5 is amended to add the below uses:

- SHOP
- Café
- Health Facility
- Hairdresser; and
- residential use limited to 64 units

The revision to Block 7 also updates the wording of “commercial and professional offices” to “Non-retail commercial use” – as it is currently defined in the Territory Plan. Additionally, the Crown Lease for Block 7 is further amended to **remove the gross floor area restriction**, the **removal of the floor area for retail clauses**, retaining the colonnade clause and amendment of the carparking clause.

These changes will result in a **Purpose Clause for Block 7 of:**

To use the ground and mezzanine floor for the purpose only of:

Shop, café, health facility, hairdresser, non retail commercial use;

To use the floors above the ground floor only for the purpose of:

Multi-unit housing LIMITED TO a maximum of sixty four (64) dwellings;





7.2 National Capital Plan

The site is subject to special requirements of the National Capital Plan. University Avenue to the north is classified as a Designated area. The works within/overhanging this area will be subject to a future WA application following the DA process (noting the substantial amount of Territory administered land affected by this proposal compared to the Designated Land areas).

MAIN AVENUES AND APPROACH ROUTES

Canberra's main avenues and approach routes have historically been subject to rigorous planning scrutiny, and care has been taken to ensure that suitably high standards of development and landscaping have been observed.

4.15 Main Avenues and Approach Routes Precinct Code (April 2021)

Objectives for Main Avenues and Approach Routes

Establish and enhance the identity of the approaches to the Central National Area as roads of national significance and, where relevant, as frontage roads for buildings which enhance the National Capital function and as corridors for a possible future inter-town public transport system.

Ensure that works within the road reservations are carried out to the highest standards, by maintaining and enhancing landscaping, and by facilitating the flow of traffic as far as possible.

Reinforce and, where possible, express the integrity of the Griffin Plan's visual structure by strengthening the geometry and form of main avenues, vistas and public spaces.

Improve the urban design and streetscape qualities of the Main Avenues as approaches to the Central National Area.

The proposed works for redevelopment will improve the urban design and streetscape qualities of the University Avenue by ensuring high quality landscape design that enables deep root planting, amenities, smooth transition between the built form and landscape features.

Detailed conditions of planning, design and development

General

Traffic is to be managed to ensure the continued effective function of the Main Avenues and Approach Routes. The Main Avenues will provide access to fronting buildings where practicable, and where traffic safety and flows are not adversely affected.

Please refer to the Traffic Impact Assessment prepared by SALT³ which is submitted with this application which details access arrangements are provided off the existing Darwin Place frontage.

Landscaping

The Main Avenues and Approach Routes will be developed and maintained as high quality landscaped corridors. In built-up areas, the established design theme of verges and medians and formal tree plantings will be maintained. In areas of intensive pedestrian use, high quality paving is to be used.

University Avenue will be developed and maintained as high quality landscaped corridor and the established design theme of verges and medians, and formal tree planting will be maintained.



4.15 Main Avenues and Approach Routes Precinct Code (April 2021)

Signs

Not applicable. Signs are not proposed in this application

Streetscape design

A streetscape hierarchy, that complements the road hierarchy, should be established. This hierarchy should give primacy to main avenues, emphasise continuity along their length through avenues of appropriately scaled trees, consistent pedestrian pavement materials, street furniture and lighting.

Development should generally be constructed to the street boundary to define and enclose streets and create continuous street frontage while allowing variations in individual buildings and uses.

A limited palette of high-quality pedestrian pavement materials, street furniture and lighting will be used.

Pavement and landscape design should have an elegant, simple and bold design emphasising the geometry and formality of the main avenues.

Streetscapes are to be well lit for pedestrians and optimise security and safety for nighttime use.

The proposed building along University Avenue will complement the existing street hierarchy by providing a prominent corner building which gives primacy to the main avenue. The building will be constructed to a similar building line as the existing, to define and enclose the street. The palette and materials reflect those around the site and the materials/design of the existing site to deliver a simple yet bold design, emphasising the geometry and formality of the main avenues. The colonnades are proposed to provide a human scale underneath the proud buildings above and will be well lit and optimised for use at night.



7.3 Territory Plan

The site is zoned 'CZ1–Core Zone' under the Territory Plan.

Figure 11: Territory Plan Zoning



Source: Purdon Planning (ACTMAPi, 2023)

The following sections address the rules and criteria that apply to the proposal on the subject site.



CZ1 – CORE ZONE OBJECTIVES:

The Land is currently zoned CZ1. The Zone Objectives for CZ1 – Core Zone under the Territory Plan (Figure 11).

- a) *Encourage a mix of predominantly commercial land uses that contribute to a diverse and active character*
- b) *Provide for a range of conveniently located retail and service outlets*
- c) *Promote vibrant, interesting and lively street frontages including during evenings and weekends*
- d) *Encourage an attractive, safe and well-lit pedestrian environment with convenient access to public transport*
- e) *Maintain and enhance a high standard of urban design through use of sustainable design and materials and ensure that buildings retain a high level of design consistency and compatibility*
- f) *Provide opportunities for business investment and employment*
- g) *Maintain and enhance environmental amenity*
- h) *Promote the establishment of cultural and community identity that is representative of, and appropriate to, the place*
- i) *Promote active living and active travel*
- j) *Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.*

The proposal satisfies the above objectives through the provision of a mixed-use development that:

Enables a mix of land uses and streetscape improvements to contribute to a diverse and active character and provide for a range of conveniently located retail and service outlets. The work proposed at the pedestrian scale includes retail opportunities and covered walkways, combined with formal and informal recreational opportunities within the publicly accessible landscape areas proposed to promote vibrant, interesting and lively street frontages including during evenings and weekends. These ground level improvements combine with a dynamic and visually interesting facades that encourage an attractive, safe and well-lit pedestrian environment and enhance the high standard of urban design throughout this area of the City.

The design proposed, provides opportunities for business investment and employment whilst maintaining and enhancing environmental amenity. In conjunction with the overall improvement to levels at the street frontage, on such a sloping site, this proposal will provide a high quality public realm by facilitating active uses on ground floor level connecting to the wider open space, pedestrian and cycle networks to promote active travel and active living.



CZ1– CORE ZONE MERIT TRACK ASSESSABLE USES

The following uses are permitted within the zone subject to merit track assessment by EPSDD:

CZ1	
ancillary use	minor use
car park	NON RETAIL COMMERCIAL USE
civic administration	outdoor recreation facility
Club	Parkland
COMMERCIAL ACCOMMODATION USE	pedestrian plaza
communications facility	place of assembly
COMMUNITY USE	public transport facility
Consolidation	recyclable materials collection
craft workshop	RESIDENTIAL USE
Demolition	Restaurant
development in a location and of a type identified in a precinct map as additional merit track development	service station
drink establishment	SHOP
emergency services facility	Sign
home business	Subdivision
indoor entertainment facility	temporary use
indoor recreation facility	tourist facility
light industry	varying a lease (where not prohibited, code track or impact track assessable)
minor road	

The proposed uses – Residential use and various commercial uses permitted on the lease – are merit track assessable within the zone.

7.4 Statement Against the Canberra Central District Precinct Code

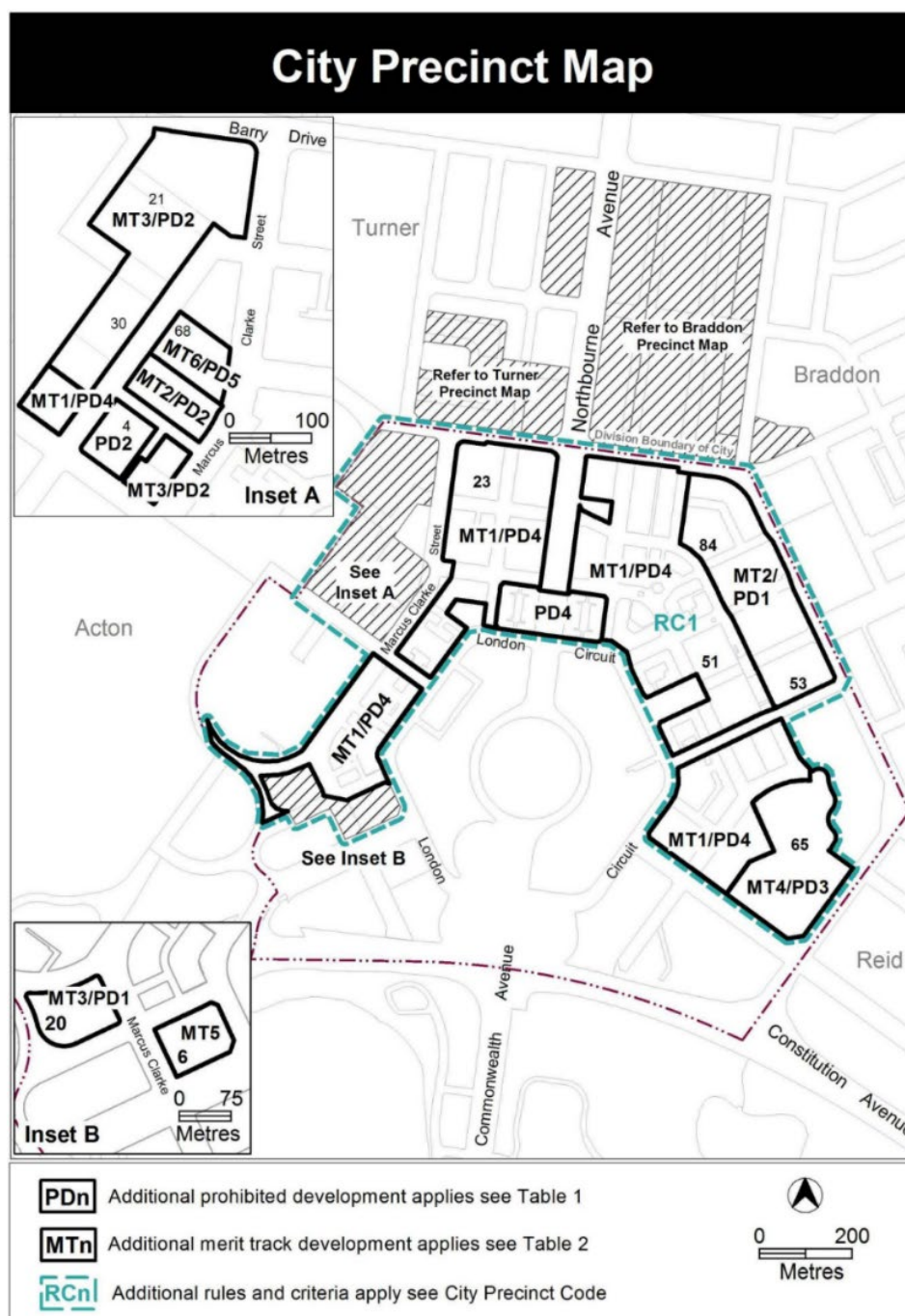
Although the sites are situated within the Canberra Central, no additional planning provisions in the Canberra Central District Precinct Map and Code (effective: 14 December 2012) apply to the site.



7.5 Statement Against the City Precinct Code

The site is located in the suburb of City. The requirements of the *City Precinct Map and Code* (effective: 29 July 2016) therefore apply to the proposed development.

As stipulated in the code, the subject site is identified within map label 'PD4- MT1' and 'area 3' where additional rules and criteria apply. The following table details the statement against all the relevant provisions of the *City Precinct Map and Code* (effective: 29 July 2016).





City Precinct Code (effective 29 July 2016)

RC1 – City Centre (part)

Element 1: Use

1.1 Ground floor uses fronting main pedestrian areas

R1 This rule applies to frontages to main pedestrian areas and routes shown in figure 1. Only the following uses are allowed at ground floor level:

- a) business agency
- b) club
- c) community activity centre
- d) drink establishment
- e) financial establishment
- f) hotel
- g) indoor entertainment facility
- h) indoor recreation facility
- i) public agency
- j) restaurant
- k) SHOP.

C1 Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.

Not applicable. The proposed subject area is not located frontage to main pedestrian and routes shown in figure 1.

Element 2: Buildings

2.1 Shadows

There is no applicable rule.

C2 Buildings on sites that are adjacent to main pedestrian areas and routes (figure 1) are limited in height to ensure these areas remain substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).

Not applicable. The proposed subject area is not located frontage to main pedestrian and routes shown in figure 1.



City Precinct Code (effective 29 July 2016)

2.2 Building design

R3 Buildings incorporate display windows and shop fronts with direct pedestrian access at ground floor level on frontages to main pedestrian areas and routes (figure 1).

C3 Buildings fronting main pedestrian areas and routes are designed to incorporate active frontages with direct pedestrian access.

Not applicable. The proposed subject area is not located frontage to main pedestrian and routes shown in figure 1.

There is no applicable rule.

C4 Extensive lengths of blank walls unrelieved by shopfront, window displays or other openings are not acceptable at street level.

Complies with C4. The ground floor provides active frontages along the street.

There is no applicable rule.

C5 The form and scale of development is consistent with existing adjacent development.

Complies with C5. The form and scale of development is consistent with existing adjacent development in terms of scale and maintains a similar architectural language to the existing site, emphasising the main avenues.

2.3 Building height

There is no applicable rule.

C6 Building heights comply with all of the following:

- i) are compatible with existing, or desired future character of, adjacent development
- ii) are appropriate to the scale and function of the use
- iii) do not cause detrimental impacts, including overshadowing and excessive scale.

Complies with C6. The building is compatible with other buildings in the civic area and is of an appropriate height and scale. Buildings do not exceed RL617m. The buildings adjacent to the site are used as Office buildings, hence it is considered any minor overshadowing due to the increase in height from the existing development is not a detrimental impact. Refer to streetscape elevation for details on how the buildings will integrate into the existing urban form, with regard to height.

R7 Buildings do not exceed RL617m.

This is a mandatory requirement. There is no applicable criterion.

Complies with R7. The building does not exceed RL617m. Refer to the Architectural plans for details. Minor encroachment of plant rooms and lift overruns is proposed, however the encroachments are setback from the building edge and are screened from public view. Refer elevations and sections for details.



City Precinct Code (effective 29 July 2016)

There is no applicable rule.

C8 Unless otherwise stated below, roof top plant that is set back and screened from the street is not included in the maximum building height provided it does not exceed RL617m.

Complies with C8. All structures are below RL617m except for the rooftop plant. Refer elevations and sections for details.

2.4 Front boundary setbacks

There is no applicable rule.

C9 Buildings abut the front property boundary, unless alternative setbacks are established by existing adjacent development, in which case setbacks are consistent with the intended design themes of the area.

Complies with C9. The proposed building abuts the front property boundary. Refer to the ground floor plan for details.

2.5 Pedestrian shelters

R10 Buildings provide continuous awnings or colonnaded walkways at ground floor level within the site abutting the street frontage. Continuous shelters, in the form of awnings or colonnades, have a minimum clear width of 2.5m and minimum ceiling height of 3.6m.

C10 Sheltered and convenient pedestrian access is provided in the main retail and commercial areas at street level by incorporating colonnades or awnings, in a form that is consistent with the established/intended design themes for the area.

Complies with R10. The building provides colonnades to provide shelter and protection for pedestrians. Refer to sections and elevations for the details.

Element 3: Footpaths

3.1 Paving design

R11 Footpaths are constructed in accordance with the Canberra Central Paving Design Palette and Policy.

C11 Footpaths are designed and constructed to reinforce a consistent design policy and paving palette.

Complies with C11. The footpaths and pedestrian walkways are designed to a consistent materials palette used across the City precinct and master plan area. Refer to the landscape and architecture plans for details.

City Precinct Code (effective 29 July 2016)

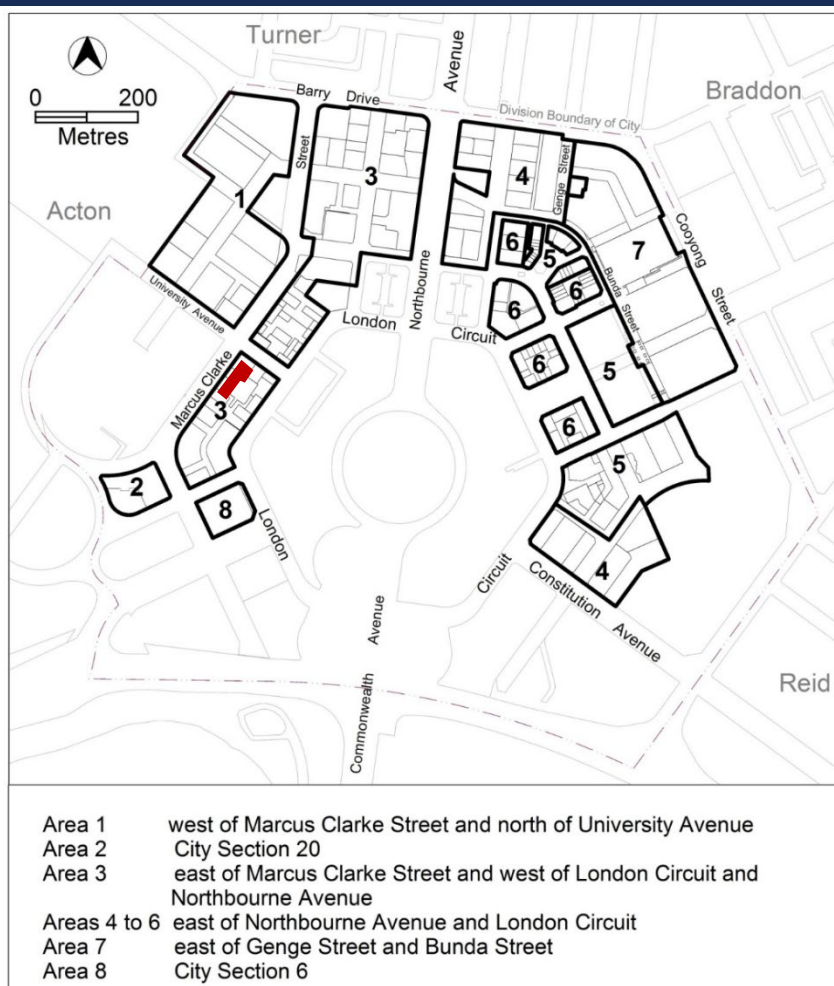


Figure 3 City Areas

Element 6: City area 3 (This element applies to City area 3 as shown on figure 3 of the code)

6.1 East of Marcus Clarke Street and West of London Circuit and Northbourne Avenue

There is no applicable rule.

C19 Maximum building heights are 9 storeys except that one or more taller buildings per section up to RL617m (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the Planning and Development Act 2007.

Complies with C19. Please refer to design report submitted with this DA for details.

6.2 Development adjacent to City section 1

Not applicable. The sites are not adjacent to Section 1 City.



City Precinct Code (effective 29 July 2016)	
Element 12: Redevelopment	
12.1 Garema Place	
Not applicable. The subject site is not located within Garema Place.	
12.2 City sections 2, 3, 5, 11, 12, 22, 23, 26, 32, 38, 51, 53 and 56	
There is no applicable rule	C38 Where comprehensive redevelopment is proposed to an intensive inner city scale, each new building is to be consistent with a comprehensive design for the whole section identified in a Planning Report under section 97 of the Planning and Development Act 2007. Existing low rise buildings or building elements that are integral to the comprehensive design may be required to retain their existing heights.
Complies with C38. Refer to submitted design report.	
Element 13: Development on nominated car parking areas	
13.1 Nominated car parking areas	
Not applicable. Development on nominated car parking areas is not proposed as part of this application.	



7.6 Statement Against the Commercial Zones Development Code

The site is zoned commercial hence the requirements of the Commercial Zones Development Code apply to the proposed development. The table below details how the proposal is assessed against the rules or criteria in the applicable sections of the Commercial Zones Development Code.

Commercial Zones Development Code (effective 3 June 2022)

Part A – General controls

Element 1: Lease and development conditions

1.1 Approved lease and development conditions

R1

This rule applies to blocks affected by approved *lease and development conditions* that provide for one or more of the following matters:

- a) plot ratio
- b) building envelope
- c) building height
- d) front street setback
- e) side setback
- f) rear setback
- g) building design
- h) materials and finish
- i) interface
- j) vehicle access
- k) parking
- l) solar access
- m) private open space
- n) landscaping
- o) water sensitive urban design.

Approved lease and development conditions for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.

C1

The development meets the intent of any current, relevant *lease and development conditions*.



Commercial Zones Development Code (effective 3 June 2022)

Not applicable. There are no lease and development conditions on the register applicable to the site. Design will be compliant with the relevant crown lease as varied.

Element 2: Use

2.1 Existing community and recreation sites

Not applicable. The proposed development does not remove or restrict any community or recreational facilities. The existing buildings are used as offices and retail only.

Element 3: Buildings

3.1 Building design and material

There is no applicable rule.

C3

Buildings achieve all of the following:

- a) a contribution to the amenity and character of adjacent public spaces
- b) interesting, functional and attractive facades that contribute positively to the *streetscape* and pedestrian experience
- c) minimal reflected sunlight
- d) articulated building forms
- e) a contribution to permeability by providing pedestrian access through or around buildings and connections to external path networks
- f) floor plans that encourage walking within the building, including the use of stairwells
- g) physically open or visually permeable stairwells to facilitate natural surveillance.



Commercial Zones Development Code (effective 3 June 2022)

Complies with C3.

- a) The design of the building is considered complementary to existing adjacent buildings and the retention of street trees and proposed landscape on Block 8 ensures the established green character of City Centre is maintained.
- b) Facades incorporate articulation and material variation to add interest and amenity. The building has been separated through inclusion of a ground floor open space which reduces the bulk and scale of the development and allows greenery from the open space to be visible from the Street.
- c) The reflective materials used are not expected to reflect substantial amounts of sunlight noting the dynamic use of non-reflective materials across the facades that will reduce direct lines of sight from and to the façade of each building.
- d) The proposed ground floor open space creates a separation of forms and articulation. The building facade presents articulation to the street by incorporating balconies and colonnades. Other articulation elements like colour, texture and greenery have been incorporated to generate visual interest, articulation and amenity.
- e) Existing paths provide connections around the perimeter of the block, this will be enhanced by the proposed outdoor space that will be open to the public and encourage movement through the section rather than encourage walking around the section, as is currently the case.
- f) Floor plans show a clear and walkable interior of the building. Stairwells have been placed in a prominent location within the foyer to encourage authorised use.
- g) Stairwells within the building will be secured and accessible to residents only, they are however connected to a lobby which allows natural surveillance.

There is no applicable rule.

C4 Buildings are of permanent construction.

Complies with C4. Buildings are of permanent construction and will be constructed with durable materials such as steel, bricks and concrete.

3.2 Plant and structures

There is no applicable rule.

C5

Plant installations and service structures are integrated with the building design, so they are set back from the building facade and screened from public areas.

Complies with C5. Plant structures have been incorporated into the design and are not visible from adjacent public areas. Refer to the architectural plans for details.

3.3 Parking structures

There is no applicable rule.

C6

Parking structure achieve all of the following:
integrate with the built form of adjacent existing development avoid blank walls and provide interesting and attractive facades when facing public areas.



Commercial Zones Development Code (effective 3 June 2022)

Not applicable.

Only basement parking is proposed as part of this application.

3.4 Materials and finishes

There is no applicable rule.

C7

Building materials and finishes provide for visual expression and interest. Where extensive glass or solid wall facades are incorporated in buildings:

- transparency is maximised
- reflectivity is minimised
- shadow profiles or visible joint detailing are included
- visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows or deep framing profiles.

Complies with C7. Building materials and finishes provide for visual expression and interest. Materiality is used to further distinguish the two towers with copper and strong horizontal masonry balcony finishes employed in the façade for Tower A and green bricks and perforated metal for Tower B.

3.5 Storage

R8

Outdoor storage areas comply with all of the following:

are located behind the building line are screened from view from any road or other public area do not encroach on car-parking areas, driveways, or landscape areas.

C8

Where the proposed use requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site for these areas, and they do not encroach on car parking, driveways or landscaped areas.

Not applicable. No outdoor storage areas are proposed.

3.6 Wind

Not applicable. R10 applies. The proposed buildings have a height of building greater than 28m. Please refer to R10 below.



Commercial Zones Development Code (effective 3 June 2022)

R10 This is a mandatory requirement. There is no applicable criterion

This rule applies to buildings with a *height of building* greater than 28m. As a consequence of the proposed development wind speeds do not exceed the following:

adjacent main pedestrian areas and routes (as defined in the relevant precinct code) - 10m/s

all other adjacent streets and public places - 16 m/s.

Compliance with this rule is demonstrated by a wind assessment report prepared by a suitably qualified person.

Complies with R10. The proposed building height is greater than 28m. A Pedestrian Wind Study is included in this submission. As detailed in this study, wind speeds in the study area are predicted to meet the wind criteria used to assess pedestrian safety for both the existing and proposed configurations.

3.7 Ventilation

R11 This is a mandatory requirement. There is no applicable criterion.

This rule applies to buildings used or proposed to be used for one or more of the following:

food retail

restaurant.

All exhaust and ventilation systems are installed and operated to comply with Australian Standard *AS1668.1 The Use of Ventilation and Air-conditioning in Buildings*.

Complies with R11. All exhaust and ventilation systems will meet AS1668.1.

3.8 Shopping arcades and malls – CZ3

Not applicable. The site is located in CZ1.

3.9 Supportive housing and residential care accommodation

Not applicable. No supportive housing and/or residential care accommodation are proposed.

Element 4: Site

4.1 Landscaping

There is no applicable rule **C14**
Landscaping associated with the development achieves all of the following:



Commercial Zones Development Code (effective 3 June 2022)

- a) response 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 streetscape
 - d) integration with parks, reserves and public transport corridors
 - e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings
 - f) contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living areas
 - g) minimal overlooking between buildings
 - h) satisfies utility maintenance requirements
 - i) minimises the risk of damage to aboveground and underground utilities
 - j) screens aboveground utilities
 - k) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections
 - l) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.
-



Commercial Zones Development Code (effective 3 June 2022)

Refer to the Landscape report which details the landscape design response.

Complies with C14, as follows:

- a) All existing established street trees are retained on University Avenue and Markus Clarke Street to ensure key streetscape attributes are retained.
- b) The plantings proposed are of appropriate scale relative to the road reserve width and building bulk.
- c) The vegetation types and landscape style are compatible with the surrounding streets.
- d) The proposed planting species on site will complement existing greenery.
- e) Construction activities will occur in line with the Landscape Management and Protection Plan to ensure there are no lasting impacts on existing verge trees.
- f) Existing established trees will provide shade and amenities to the proposed amenities on the ground level. The proposed plantings within the ground floor open space will also offer shade and amenity (without reducing solar access) to units.
- g) The design of the building will reduce potential overlooking.
- h) New landscaping will not impact any utilities or infrastructure.
- i) New landscaping will not impact any utilities or infrastructure.
- j) All above-ground service infrastructures are screened from public view.
- k) Plantings will not impact sightlines or pedestrian and or vehicle safety.

There is no applicable rule.

C15

Tree planting in and around car parks provides shade and softens the visual impact of parking areas.

Not applicable. No at-grade parking is proposed.

4.2 Lighting

R16

External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard *AS1158.3.1 Pedestrian Lighting*.

This is a mandatory requirement. There is no applicable criterion.

Complies with R16. Lighting is to be provided in accordance with AS1158.3.1.

R17

All external lighting provided is in accordance with Australian Standard *AS4282 - Control of the Obtrusive Effects of Outdoor Lighting*.

C17

Light spill is minimised.

Complies with R17. All external lighting is to be provided in accordance with AS4282.

4.3 Easements

R18

Buildings do not encroach over easements or rights of way.

This is a mandatory requirement. There is no applicable criterion.

Complies with R18. No easements or rights of way are impacted by the proposed development.



Commercial Zones Development Code (effective 3 June 2022)

Element 5: Access

5.1 Access

There is no applicable rule.

C19

Pedestrian and cyclist entrances, and driveways to the site achieves all of the following:

- a) are clearly visible from the front boundary
- b) pedestrian and cycle access is provided through the site to increase permeability
- c) pedestrian and cycle access paths to commercial buildings feed into and provide connections to existing path networks
- d) priority is provided for pedestrian and cyclist access.

Complies with C19. Pedestrian entries to the site are clearly visible from the streets and all boundaries. Existing pedestrian paths surrounding the site are directly linked to entries. Pedestrian and cyclist access is prioritised by signposting and hardscape elements to delineate the pedestrian and cyclist access from vehicular access.

R20

Loading docks or vehicular entries to buildings are not located on frontages to the street.

C20

Loading docks and vehicular entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.

Complies with R20. The proposal does not include a loading dock or a vehicular entry off University Avenue or Marcus Clarke St.

5.2 Traffic generation

There is no applicable rule.

C21

The existing road network can accommodate the amount of traffic that is likely to be generated by the development.

Complies with C21. The existing road network can accommodate the amount of traffic that is likely to be generated by the development. Please refer to the Traffic Impact Assessment prepared by SALT³ included in this submission.



Commercial Zones Development Code (effective 3 June 2022)

5.3 Service access and delivery

R22

Goods loading and unloading facilities comply with all of the following:

- are located within the site
- allow for service vehicles to enter and leave the site in a forward direction.

Note: Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.

C22

Facilities for the loading and unloading of goods achieve all of the following:

- a) safe and efficient manoeuvring of service vehicles
- b) does not unreasonably compromise the safety of pedestrians
- c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway
- d) does not unreasonably effect on-street or off-street car parking
- e) adequate provision for the manoeuvring of vehicles.

Complies with C22. Residential waste will be stored on site within a designated waste enclosure along the internal laneway and the waste will be collected by a service vehicle from Darwin Place. Please refer to the Waste Management Report and Plan prepared by Salt³ and submitted as part of this application.



Commercial Zones Development Code (effective 3 June 2022)

Element 6: Noise

6.1 Potentially noisy uses

R23 This is a mandatory requirement. There is no applicable criterion.

This rule applies to any of the following:

club

drink establishment

emergency services facility

hotel

indoor recreation facility

industry (except light industry)

indoor entertainment facility

outdoor recreation facility

restaurant.

Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA).

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 *Environment Protection Regulation 2005*, based on the estimated noise levels when the facility is in use.

Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.

Complies with R23. Please refer to the Noise Management Plan submitted as part of this application.

Element 7: Environment

7.2 Earthworks

There is no applicable rule.

C29

The extent of earthworks is minimised.

The development proposes a large basement to accommodate statutorily required parking for the development. The earthworks are required in order to accommodate this parking.

7.3 Tree protection

Not applicable. No protected trees in or around the site.



Commercial Zones Development Code (effective 3 June 2022)

R31

Trees on development sites may be removed only with the prior agreement in writing of the Territory.

C31

Retained trees are protected and maintained during construction to the satisfaction of the Territory.

Complies with C31. Appropriate tree protection measures will be implemented during construction. Trees within Block 8 are proposed to be removed to allow for a basement, however will be replaced by high quality landscape elements as noted in the landscape plans. Please refer to the Landscape Management and Protection Plan included in this submission.

7.4 Heritage

Not applicable. The site does not have any registered heritage places or objects. It is understood a nomination has been submitted for Block 2, however this building is no longer fit for purpose and refit of this building will never be able to provide for residential or suitable office space commensurate to the site's prominent location.

Element 8: Subdivision

8.1 Subdivision

Not applicable. No subdivision is proposed as part of this application.

Element 9: Demolition

9.1 Statement of endorsement

R34

The *development application* for demolition 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* confirming all of the following:

- a) all network infrastructure on or immediately adjacent 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.

This is a mandatory requirement. There is no applicable criterion.

Demolition of the buildings on Block 2 & 7 is proposed as part of this application. To be referred to utility providers.



Commercial Zones Development Code (effective 3 June 2022)

9.2 Hazardous materials survey

To be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. Should a Hazardous Material Survey be required, it will be prepared by a suitably qualified person to the satisfaction of the EPA.

Element 10: Neighbourhood Plans

10.1 Consideration

There is no applicable rule.

C36

Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

Not applicable. A neighbourhood plan has not been developed by the ACT Government for City.

Part B – Additional controls for town centres

Not applicable. The sites are located in the City Centre and not the identified town centres.

Part C – Additional controls for group centres

Not applicable. The sites are not located in a group centre.

Note R47 and C47 are no longer in the Code.

Part D – Additional controls for local centres

Not applicable. The sites are not located in a local centre.

Part DA – Additional controls for CZ5

Not applicable. The site is located in CZ1.

Part E – Additional controls for CZ6

Not applicable. The site is located in CZ1.

Part F – Residential uses

Element 19: Residential development

19.1 Single dwelling housing

Not applicable. Single dwelling housing is not proposed.

19.2 Multi unit housing

R60

Multi unit housing or residential components of commercial mixed use complies with the Residential Zones – Multi Unit Housing Development Code.

This is a mandatory requirement. There is no applicable criterion.

Complies with R60. The proposed development is for multi-unit housing and complies with the Multi Unit Housing Development Code as demonstrated in section 7.7 below.



Commercial Zones Development Code (effective 3 June 2022)

19.3 Residential care accommodation (where permitted)

Not applicable. Residential care accommodation is not proposed.

Part G – Endorsement by government agencies (entities)

Element 20: Loading and unloading facilities

20.1 Goods

R62	This is a mandatory requirement. There is no applicable criterion.
Goods loading and unloading facilities are endorsed by TAMS.	

Referral to TCCS required.

Element 21: Waste management

21.1 Management of construction waste

R63	This is a mandatory requirement. There is no applicable criterion.
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This rule applies to development that is likely to generate more than 20m³ of waste comprising one or more of the following:

- a) demolition waste
- b) construction waste
- c) excavation material.

The management of construction waste is to be endorsed by TAMS.

Notes:

1. TAMS will endorse waste facilities and management associated with the development if they comply with the current version of the Development Control Code for Best Practice Waste Management in the ACT.

2. TAMSD may endorse departures.

Referral to TCCS required. Please refer to the Waste Management Plan prepared by Salt³ included in this submission.



Commercial Zones Development Code (effective 3 June 2022)

21.2 Post occupancy waste management

R64
Post occupancy waste management facilities are to be endorsed by TAMS.

This is a mandatory requirement. There is no applicable criterion.

Note:

TAMS will endorse post occupancy waste management facilities where they are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT.

TAMS may endorse departures.

Referral to TCCS required.

R65
A statement of compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or stormwater networks complies with utility standards and requirements.

C65
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*.

Referral to TCCS required.

Element 22: Utilities

22.1 Utilities

R66
This rule applies to any proposed encroachment into a registered easement.
The proposed encroachment is approved in writing by the relevant service provider.

This is a mandatory requirement. There is no applicable criterion.

Not applicable. The proposed buildings and structures do not encroach into/on/over a registered easement.



Commercial Zones Development Code (effective 3 June 2022)

R67 This is a mandatory requirement. There is no applicable criterion.

A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.

Notes:

1. If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMSD (Asset Acceptance) is not required to be obtained
2. Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions 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.

Referral to utility providers is required.

R68 This is a mandatory requirement. There is no applicable criterion.
All new permanent or long-term electricity supply lines are underground.

Complies with R68. All permanent electricity supply lines are underground.

R69 This is a mandatory requirement. There is no applicable criterion.
Subject to ACTEWAGL approval, all under cover areas drain to the sewer.

Complies with R69. All under cover areas drain to the sewer



Commercial Zones Development Code (effective 3 June 2022)

Element 23: Environmental management

23.1 Erosion and sediment control

R70

This is a mandatory requirement. There is no applicable criterion.

This rule applies to sites greater 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 the ACT EPA 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.

To be referred to the EPA for endorsement. Please refer to the Concept Sediment and Erosion Control Notes and Details Plan included in this submission.

23.2 Contamination

Not applicable. The subject sites are not registered on the ACT Contaminated Site Register.

7.7 Statement Against Multi-Unit Housing Development Code

Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

Rules

Criteria

Part A: General Controls

Rules/Criteria 1-28 are not applicable to this proposal.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

3.22 Front Boundary Setbacks

R29

Front boundary setbacks comply with Table A5. Minimum boundary setbacks for corner *blocks* apply only to the street frontage nominated as a *secondary street frontage*. If street frontages on corner blocks are of equal length, the minimum setbacks apply only to one *secondary street frontage*. Chamfers may be included in the *secondary street frontage*.

C29

Front boundary setbacks achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable amenity for residents
- c) sufficient space for street trees to grow to maturity.

Not applicable. Front setbacks are defined by the City Precinct code and are compliant with the requirements in the preceding sections of this report.

3.23 Side and Rear Boundary Setbacks

R30

Side and rear boundary setbacks comply with the following:

- a) in RZ1 and RZ2 - Table A6
- b) in RZ3, RZ4, RZ5 and commercial zones -Table A7 [of the Code]
- c) in all other zones – the relevant zone development code.

C30

Buildings and other structures are sited to achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable separation between 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*.

Complies with C30. The proposed development is similar to the existing building setbacks and considered to be consistent with the desired character of the city as detailed in the responses to the zone objectives and codes above. The development is designed to ensure reasonable separation between adjoining developments. No other residential blocks within the section and it therefore considered privacy is maintained due to the compatibility of uses. Refer to the solar plans submitted as part of this application.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

3.24 Allowable Encroachments – Setbacks

R31

Encroachments into one or more of the following:

- i) minimum side setback
- ii) minimum rear setback are permitted for one or more of the following building elements:
 - a) an eave or roof overhang with a horizontal width of not more than 600mm
 - b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds
 - c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.

C31

Buildings and other structures achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable levels of privacy on adjoining *residential blocks* for *dwellings* and their associated *private open space*
- c) reasonable solar access to *dwellings* on adjoining *residential blocks* and their associated *private open space*.

Complies with C31. The proposed development is similar to the existing building setbacks and considered to be consistent with the desired character of the city as detailed in the responses to the zone objectives and codes above. The development is designed to ensure reasonable separation between adjoining developments. No other residential blocks within the section and it therefore considered privacy is maintained due to the compatibility of uses. Refer to the solar plans submitted as part of this application.

R32

Encroachments into the front setback are permitted for one or more of the following building elements:

- a) an eave or roof overhang with a horizontal width of not more than 600mm
- b) fascia's, gutters, downpipes, light fittings, sun blinds
- c) landings, steps or ramps, none of which are more than 1m above finished ground level.

C32

Buildings and other structures achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable levels of privacy on adjoining *residential blocks* for *dwellings* and their associated *private open space*
- c) reasonable solar access to *dwellings* on adjoining *residential blocks* and their associated *private open space*.

Not applicable. The front boundaries are in accordance with the City Precinct Code.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

3.25 Allowable Encroachments – Building Envelopes

R33	C33
Encroachments outside the building envelope specified in this element are permitted for one or more of the following: a) flues b) chimneys c) antennae d) aerials e) cooling appliances f) heating appliances.	Buildings and other structures achieve all of the following: a) consistency with the desired character b) reasonable levels of privacy on adjoining residential blocks for dwellings and their associated private open space c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.

Complies with R33. No elements listed in R33 encroach outside of the building envelope

Element 4: Site Design

4.1 Site Design

R37	C37
For developments (other than <i>apartments</i>) of 40 <i>dwellings</i> or more, the design of the common areas, pedestrian and vehicle access areas comply with all of the following provisions of the Estate Development Code: a) public realm standards for on-street parking b) pedestrian paths c) verge landscaping d) water sensitive urban design.	Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following: a) reasonable safety and lighting b) reasonable functionality and space to support active living c) reasonable accessibility and inclusion for all residents d) reasonable residential amenity e) landscaping beside internal driveways f) provision for pedestrians and cyclists g) sufficient off-street parking h) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.



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Rule met.

Publicly accessible common areas proposed as part of this application will comply with the requirements of the code, noting the intention is give assets back to the territory, they will need to comply with TCCS MIS and all other applicable legislation (including the estate development code).

4.3 Site Open Space – RZ3, RZ4, RZ5 and Commercial Zones

R39

This rule applies to RZ3, RZ4, RZ5 and commercial zones.

Not less than 20% of the total site area is allocated to the following:

a) for developments with fewer than 20 dwellings, none of which are apartments, one or more of the following:

i) communal open space that complies with all of the following:

a) a minimum dimension of 2.5m

b) is directly accessible from common entries and pathways

ii) private open space that complies with all of the following:

a) a minimum dimension of 2.5m

b) is associated with dwellings at the lower floor level

b) in all other cases, communal open space that complies with all of the following:

i) a minimum dimension of 2.5m

ii) is directly accessible from common entries and pathways.

Not less than 10% of the total site area is planting area.

C39

Open space on the site achieves all of the following:

a) sufficient space for a range of recreational activities for residents

b) sufficient space for planting, particularly trees with deep root systems

c) a contribution to on-site infiltration of stormwater run-off

d) reasonable accessibility to all residents.

One or more of the following matters may be considered when determining compliance with this criterion:

i) whether the total area of upper floor level private open space contributes to the function of other open space on the site

ii) whether any adjoining or adjacent public open space is readily available for the use of residents.

Complies with C39. The communal open space on the ground level (located on Block 8) is accessible from common entries, allows for passive surveillance, prevents views into adjacent units, and is accessible to the public.



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4.4 Landscape Design

There is no applicable rule

C40

Landscape and site design achieves all of the following:

- a) planting of trees of semi-mature stock
- b) planting of trees with a minimum mature height of 4m
- c) a contribution to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car-parking areas, and admitting winter sunlight to outdoor and indoor living areas, especially to the north
- d) reasonable residential amenity
- e) reasonable visibility along paths and driveways
- f) visual interest in pavement materials and finishes
- g) species with appropriate growth habits and mature height in relation to site conditions.

Complies with C40. Please refer to the Landscape report prepared by Acre which is submitted as part of this application for details as to how the landscaping proposed is compliant with all the requirements of the site.

4.7 External Facilities

There is no applicable rule.

C43

The following external facilities or equipment are screened or adequately separated from public areas:

- a) external storage areas
- b) water tanks
- c) waste storage enclosures
- d) mechanical services (including air conditioners and hot water storage units)
- e) clothes drying areas.



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Complies with C43. All external facilities will be screened or adequately separated from public areas, concealed behind landscape zones or located in basements.

There is no applicable rule.

C44

Mailboxes are located for convenient access by residents and deliverers with passive surveillance from the street or from active uses.

To demonstrate compliance with this criterion a site plan is submitted with the application showing the location and design of mail boxes.

Complies with C44. All the Mailboxes are located within the lobbies for convenient access by residents and deliverers with passive surveillance from the street or from active uses.

Element 5: Building Design

5.1 Surveillance

R47

This rule applies to building facades facing a public street or public open space.

Building facades have all of the following:

a) at least one window to a habitable room that is not screened by a courtyard wall

b) at least one door with roofed element such as a veranda or *balcony*.

C47

Buildings achieve passive surveillance of all of the following:

a) adjoining streets

b) adjoining public open space.

Rule met. Building facades facing open space and streets have windows and roofed door elements.

5.2 Building Entries

R48

Common entries to *dwelling*s have all of the following features:

a) an external sheltered area outside the entrance

b) a direct line of sight between the front door and the public footpath or road

c) separate access to any non-residential uses, which are clearly distinguishable and secured after hours.

C48

Common entries to *dwelling*s achieve all of the following:

a) a transitional area from the street

b) secure, all-weather access

c) surveillance of public areas (including between *buildings* and open space areas, paths, *dwelling* entries, car parking areas and driveways)



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

d) safety, security and convenience for residents and visitors

e) the separation of residential entries and commercial entries.

Complies with C487. Common entries to the residential parts of the proposal are transitional from the street. They are located in clearly defined places and are all-weather access points.

5.3 Building Design

R49

This rule applies to buildings containing more than 2 dwellings.

Maximum length of unarticulated walls in buildings is 15m.

Wall articulation is provided by at least one of the following:

a) changes in wall planes of a minimum 1m in depth and 4m in length

b) inclusion of balconies, bay windows, verandas, fin walls, etc.

c) horizontally stepping facades by at least 1m.

C49

Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between *dwellings* when viewed from adjoining public spaces and adjoining *residential blocks*.

Complies with C49. Adequate articulation elements are proposed for all frontages of the building including colonnade ground level with setback retail frontages, and articulated façades on higher levels. The proposed façade design and material selection provides an interesting visual addition to the area, respecting the previous designs of the site, whilst honouring uniquely Canberra designs.

R50

This rule applies to buildings containing more than 2 *dwellings*.

Maximum length of an unarticulated roof is 15m.

C50

Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between *dwellings* when viewed from adjoining public spaces and adjoining *residential blocks*.

Complies with C50. Adequate articulation elements are proposed for all frontages of the building including colonnade ground level with setback retail frontages, and articulated façades on higher levels. The proposed façade design and material selection provides an interesting visual addition to the area, respecting the previous designs of the site, whilst honouring uniquely Canberra designs.



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R51

Garages and carports within 15m of the front boundary are constructed with the same material as the corresponding elements of the *dwelling*.

C51

The exterior colours and finishes of garages and carports achieve all of the following:

- a) compatibility with the *dwelling* design when viewed from public spaces
- b) integration with the overall design
- c) a contribution to the articulation of the building.

Not applicable. Garages and carports are not proposed as part of this application. Only basement parking is proposed as part of this application.

5.5 Basements and Undercroft Parking

R53

This rule applies to all of the following:

- i) basements
- ii) undercroft parking.

Exposed *external walls* comply with all of the following:

- a) except for ventilation openings, are finished in the same manner as the building
- b) where ventilation openings are provided, they are treated as part of the façade with grilles and screens.

C53

Basements and undercroft parking structures achieve all of the following:

- a) visual interest through architectural elements, features or modulation
- b) visual softening by landscaping
- c) avoidance of prominent ventilation openings.

Complies with R53. The basement walls are underground and not visible.

5.6 Adaptable housing – *multi-unit housing comprising 10 or more dwellings*

R54

This rule applies to *multi-unit housing* comprising 10 or more *dwellings*.

The minimum number of *dwellings* designed to meet Australian Standard AS4299 – *Adaptable Housing* (Class C) is shown in table A8.

This is a mandatory requirement. There is no applicable criterion.

Complies with R54. The proposal contains 17 adaptable units out of a total of 155. Refer to the plans submitted as part of this application for further details.



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5.7 Minimum Dwelling Size

R55

Minimum *dwelling* floor areas are as follows:

- a) studio *dwelling*s - 40m²
- b) one-bedroom *dwelling*s - 50m²
- c) 2-bedroom *dwelling*s - 70m²
- d) *dwelling*s with 3 or more bedrooms - 95 m².

The minimum *dwelling* floor area excludes balconies and car parking facilities. Storage within *dwelling*s is included in the area calculations.

C55

Dwelling sizes and layouts provide functional living spaces, flexibility in furniture layout, and adequate storage and service areas.

The provision of shared facilities (e.g., open space, laundry, lounge and storage) may be considered when determining compliance with the criterion.

Complies with C55. While the GFA of most units is compliant with the rule, some units are smaller than required, the plans submitted with the application demonstrate that the layouts provide functional living spaces. The units are designed to meet market demand for affordable housing. Most smaller units are provided with large balconies which extend the living areas of the units.

5.8 Housing Diversity

R56

For developments containing 40 or more *dwelling*s, a combination of *dwelling* types, including studio or 1-bedroom *dwelling*s, 2-bedroom *dwelling*s, and *dwelling*s with 3 or more bedrooms are provided.

C56

Housing developments comprising multiple *dwelling*s are required to achieve all of the following:

- a) a range of housing types
- b) increased diversity of *dwelling* types within a neighbourhood.

Complies with R56. The proposed development offers a mix of studio, 1 bedroom, 2 bedroom and 3 bedroom units.

Element 6: Amenity

6.1 Solar Access – Other Than Apartments

Not Applicable. The proposed development is for apartments.



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6.2 Solar Access – Apartments

R58

This rule applies to apartments.

The floor or internal wall of a daytime living area of not fewer than 70% of apartments on a site is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).

Note: Where a development comprises a mixture of apartments and other multi unit housing, this rule will apply to the apartments.

Note: Overshadowing from vegetation is not considered when assessing solar access.

C58

Daytime living areas have reasonable access to sunlight.

Rule met. Refer to plans which show 81.4% of units receive the required sunlight on 21st June.

6.3 Privacy

R59

This rule applies to *dwelling*s on the same *block*.

A person with an eye height of 1.5m standing at any point on the extremity of an *unscreened element* of one *dwelling* shall not have a direct line of sight into the *primary window* of any other *dwelling*.

The direct line of sight is a minimum distance of 12m.

C59

Evidence is provided demonstrating that reasonable privacy between *dwelling*s on the same *block* is achieved through design solution.

Note: this does not include installing high sill windows, obscured glass, and/or angled louvres

Rule met. Refer to plans which show the use of fin walls/façade elements, unit/building orientation and distance are all used to ensure outlooks from all units do not have a direct line of sight into the primary window of any other dwelling.



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R60

This rule applies to principal private open space on the same block and on adjacent blocks.

A person with an eye height of 1.5m standing at any point on the extremity of an *unscreened element* of one *dwelling* shall not have a direct line of sight to more than 50% of the minimum *principal private open space* of any other *dwelling*.

The direct line of sight is a minimum distance of 12m.

C60

Evidence is provided demonstrating that reasonable privacy of *principal private open space* of each *dwelling* is achieved through design solution.

Note: this does not include installing high sill windows, obscured glass, and/or angled louvres

Rule met. Refer to plans which show the use of fin walls/façade elements, unit/building orientation and distance are all used to ensure outlooks from all units do not have a direct line of sight to more than 50% of the minimum principal private open space of any other dwelling.



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6.4 Principal Private Open Space

R61

Each dwelling has at least one area of principal private open space that complies with all of the following:

- a) located on the site
- b) has minimum area and dimensions specified in table A9 [of the Code].
- c) is screened from adjoining public streets and public open space
- d) is directly accessible from, and adjacent to, a *habitable room* other than a bedroom
- e) is not located to the south, south-east or south-west of the *dwelling*, unless it achieves one or more of the following:
 - i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June)
 - ii) located at an *upper floor level* and overlooks a public street or public open space.

Note: Overshadowing from vegetation is not considered when assessing solar access.

C61

Principal private open space for each *dwelling* achieves all of the following:

- a) an area proportionate to the size of the *dwelling*
- b) an extension of the function of the *dwelling* for relaxation, dining, entertainment, recreation
- c) directly accessible from the *dwelling*
- d) service functions such as clothes drying and mechanical services
- e) reasonable privacy
- f) reasonable solar access.

Complies with C61.

- a) all dwellings are provided with private open spaces of varied sizes dependent on the apartment type.
- b) The balconies/ private open spaces are designed to be an extension of the living or the dining room for relaxation, dining, entertainment and recreation
- c) All private open spaces are directly accessible from the dwellings.
- d) the size of the private open spaces allows for service functions such as clothes drying and mechanical services.
- e) The recessed balconies provide reasonable privacy
- f) All units get solar access. Refer to the attached plans for details.



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6.5 Separation Between External Walls

R62

The minimum separation between an unscreened element and an external wall on the same block or an adjoining block, is 3m.

C62

The outlook from an *unscreened element* is not unreasonably impeded by *external walls* on the same or adjoining *blocks*.

Complies with R62. All unscreened elements and external walls are separated by more than 3m.

R63

The separation between external walls at the lower floor level on the same block or an adjoining block is not less than 1m.

C63

The separation between blank walls on the same or adjoining blocks at ground level achieves both of the following:

- a) reasonable access for maintenance
- b) reasonable management of rodents.

Complies with R63. All external walls at the lower level are accessible from ground level.

6.6 Balustrades

R64

This rule applies to balconies with both of the following characteristics:

- i) located on the third *upper floor level* or lower (i.e., the first four storeys)
- ii) facing public streets or public open space.

Balustrades are constructed of one or more of the following:

- a) obscure glass panels
- b) solid panels

with a total of all openings or clear glass panels not more than 25% of the surface area of the balustrade. For this rule *obscure glass* prevents printed text of 10mm high characters from being read through the glass when positioned 1m from the glass.

C64

Balustrades achieve reasonable privacy for residents and screen household items from adjoining public streets and public open space.

Complies with C64. All proposed balconies are designed to provide a visually pleasing external façade and will maintain privacy for residents and screening for their household items.



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6.7 Storage

R65

This rule applies to *dwelling*s without an associated *garage*.

An enclosed storage area complying with all of the following is provided for each *dwelling*:

a) at least 2m in height and 0.6m internal dimension

b) an area of not less than:

i) in RZ1 and RZ2 - 4m²

ii) in all other zones -1.5m²

c) one of the following:

i) accessible externally from the dwelling

ii) adjacent to a dedicated car space.

C65

All dwellings are provided with adequate and secure storage areas for all of the following:

a) equipment such as gardening, sporting, leisure and fitness equipment

b) accommodate bicycles as per Bicycle Parking Code.

Complies with R65. All dwellings are provided with storage areas in the basement along the parking.

6.8 Natural Ventilation

There is no applicable rule.

C66

For buildings containing 3 or more *dwelling*s, dwelling layouts are to ensure natural ventilation is provided to *habitable rooms* by cross or stack effect ventilation by maximising separation between opening windows.

Complies with C66. The design facilitates natural ventilation by providing deep niche and corner units with multiple facades wherever possible. Where this is not possible, units are provided with windows as far apart as possible. Refer to the plans submitted with this application for further details.

6.9 Noise Attenuation – External Sources

R67

Where a *block* has one or more of the following characteristics:

This is a mandatory requirement. There is no applicable criterion.



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- i) identified in a precinct code as being potentially affected by noise from external sources
- ii) adjacent to a road carrying or forecast to carry traffic volumes greater than 12,000 vehicles per day
- iii) located in a commercial zone
- iv) adjacent to a commercial or industrial zone

dwellings shall be constructed to comply with the relevant sections of all of the following:

- a) AS/NZS 2107:2000 - Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level)
- b) AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design. For other than road traffic noise, compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005. For road traffic noise, compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD.

Note: A condition of development approval may be imposed to ensure compliance with the endorsed Noise Management Plan.

Complies with R67. A noise assessment report is submitted as a part of this application.



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Element 7: Parking and Vehicular Access

7.2 Driveway Verge Crossings

Not applicable. The subject site previously developed. No new driveway crossing the verge is proposed as part of this application.

R70

This rule applies to previously developed blocks or the consolidation of previously developed blocks.

No additional driveway verge crossings are permitted.

C70

Additional driveway verge crossings may be allowed in one of the following circumstances:

- a) where forward entry to roads carrying more than 3000 vehicles per day is desirable
- b) where all of the following are achieved -
 - i) compatibility with the streetscape
 - ii) priority for pedestrians and cyclists
 - iii) retention of existing street trees
 - iv) protection of existing landscape features
 - v) public safety
- c) where the block is a corner block.

Complies with R70. One new driveway crossing is proposed as part of this application as the site previously had no vehicle access. Please refer to driveway plans and the Traffic Impact Assessment Report submitted as part of this application.

R71

This rule applies to previously developed *blocks*, or the consolidation of previously developed *blocks*.

Redundant driveway verge crossings are removed, and the verge and kerb restored.

Note: a condition of development approval may be imposed to ensure compliance with this rule.

This is a mandatory requirement. There is no applicable criterion.

Not applicable. There are no redundant driveway verge crossings existed within the subject area.

R72

Driveway verge crossings comply with all of the following:

...

C72

Driveway verge crossings are endorsed by the Territory and Municipal Services Directorate.



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Note: a condition of development approval may be imposed to ensure compliance with this rule.

Please refer the submitted driveway plans to TCCS for review.

7.3 Internal Driveways

The proposal complies with the requirements of the code and the Australian Standard. Internal driveway to the basement provides for the safe movement of both pedestrians and vehicles.

7.4 Residents' Car Parking

R77

Car-parking spaces on the site for residents comply with all of the following:

- a) located behind the *front zone* (except for *apartment* car parking)
- b) can be in tandem where they belong to the same *dwelling*
- c) do not encroach any property boundaries
- d) one car space per *dwelling* is roofed and located behind the front zone
- e) are separated by not less than 1.5m from windows or doors to *habitable rooms* of *dwellings* that are not associated with the parking space.

C77

Car parking for residents achieves all of the following:

- a) reasonable residential amenity
- b) consistency with the desired character
- c) public safety
- d) reasonable opportunities for surveillance
- e) the reasonable requirements of residents for car parking
- f) reasonable privacy.

Complies with R77. All residents Car parking spaces are located in basements.

R78

This rule applies to resident car parking spaces with both of the following characteristics:

- a) not allocated to a particular *dwelling*
- b) shared between 2 or more *dwellings*.

Parking spaces are located within 50m walking distance of any *dwelling* that is sharing the space.

C78

Car parking spaces are located close to, and with convenient access to *dwellings*.

Not applicable. No shared car parking spaces provided.



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R79

The maximum total width of garage door openings and external width of *carports* facing a street complies with the following:

a) for up to 3 *dwellings*, the lesser of the following

i) 6m

ii) 50% of the total length of the building façade facing that street

for more than 3 *dwellings*, 50% of the total length of the building façade facing that street.

C79

Garages and car parking structures are consistent with the desired character.

Not applicable. No garages are proposed as part of this application.

R80

The maximum total width of an entry and/or exit to basement car parking facing the street is 8m.

C80

Entries to *basements* do not dominate the *streetscape*.

Complies with C80. The basement entry is located and design to ensure clean visibility but does not dominate the streetscape from Darwin Place.

R81

This rule applies to all of the following:

i) developments containing 10 *dwellings* or more

ii) development with a combined entry and exit to *apartment* car parking less than 6m wide.

Approaches to *basements* containing car parking comply with one of the following:

a) include sufficient areas for vehicles to wait to allow for an entering or leaving vehicle to pass

b) at least one waiting area and traffic signals.

C81

Approaches to basements achieve all of the following:

a) public safety

b) convenience for all users.

Complies with C81. Sufficient space is provided to allow for passing vehicles into/out of the basement. Refer to the traffic report submitted as part of this application.



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7.5 Visitor Parking

R82	C82
Visitor car-parking spaces on the site comply with all of the following:	Visitor parking achieves all of the following:
a) located behind the <i>front zone</i> (except for <i>apartment</i> car parking)	a) accessible for all visitors
b) do not encroach any property boundaries	b) safe and direct visitor entry to common building entries.
c) are separated by not less than 1.5m from windows and doors to <i>habitable rooms</i> of <i>dwellings</i>	
d) are not more than 50m walking distance from any common building entry	
e) clearly identified and visible from driveways.	

Not applicable. No visitor parking is proposed as part of this application.

R83	C83
Visitor car parking complies with one of the following:	Visitor parking is accessible to all visitors.
a) is located outside of any security barriers	
b) an intercom and remote barrier release system allows access to visitor parking located behind security barriers.	

Not applicable. No visitor parking is proposed as part of this application.

7.7 Delivery and Removalist Vans

R85	C85
For developments with 40 or more dwellings, at least one short stay parking space and associated access is provided for delivery trucks such as furniture delivery and removalist vans.	Reasonable provision is made for short stay parking for delivery trucks.

Complies with C85. Removal vans and trucks can utilize the loading areas and/or shared pathways when necessary to access the common lobbies.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

Element 8: Environment

8.2 Heritage

Not applicable. The sites do not contain any places or objects protected under the ACT Heritage Act 2004, nor the Commonwealth Heritage register. It is understood a nomination has been submitted for Block 2, however this building is no longer fit for purpose and refit of this building will never be able to provide for residential or suitable office space commensurate to the site's prominent location.

8.3 Tree Protection

Not applicable. No protected trees are located in or around the development.

8.4 Bushfire

Not applicable. The sites are not located within any bushfire-prone area overlays on the ACTmap register.

8.5 Erosion and Sediment Control

R93

This is a mandatory requirement. There is no applicable criterion.

For sites less than 3,000m², the development complies with the Environment Protection Authority, *Environment Protection Guidelines for Construction and Land Development in the ACT*.

Note 1: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the *Planning and Development Act 2007*.

Note 2: see part D [of the Code] for sites over 3000m².

Rule met. Please refer submitted erosion and sediment control plan to the EPA.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

Element 9: Services

9.1 Post-Occupancy Waste Management

There is no applicable rule.

C94

Post occupancy waste management achieves all of the following:

- a) consistency with the *desired character*
- b) reasonable levels of residential amenity for *dwellings* and their associated *private open space* on the subject site
- c) reasonable levels of amenity for *dwellings* on adjoining *residential blocks* and their associated *private open space*.

Complies with C94. A waste enclosure is provided for all buildings within the ground level of the development. The waste enclosure is separated from dwellings to ensure amenity and appropriate private open space. Refer to the waste management report submitted as part of this application.

Part B: Additional Controls for Multi-Unit Housing with 4 or more storeys

Element 10: Building and Site Design – Buildings with 4 or more storeys

10.1 Side and Rear Boundary Setbacks

R95

C95

In RZ5 side and rear boundary setbacks comply with table B1 [of the Code].

Buildings and other structures are sited to achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable separation between 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 subject area is located within CZ1 Zone.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

10.2 Access to Lifts or Stairs

R96

No more than 9 *apartments* on each floor are accessible from a single common lift or stair lobby.

C96

Convenient access to *apartments* is achieved. One or more of the following matters may be considered when determining compliance with this criterion:

- a) whether there is a high level of public amenity and safety in common lobbies
- b) whether spaces are well-proportioned with clear sightlines
- c) whether there is a high proportion of dual aspect *apartments*
- d) whether there is a high proportion of *apartments* with northern orientation.

Rule met. Refer to floor plans which detail each floor has less than 9 apartments per floor and feature one lift core per building.

10.3 Stairwell features

There is no applicable rule.

C96A

Stairwells achieve all of the following:

- a) are open or visually permeable to facilitate natural surveillance
- b) are accessible and encourage physical activity by providing an attractive alternative to lifts
- c) are located in a position more prominent than lifts.

Note: This criterion applies to all new developments, major alterations and/or extensions to existing buildings but does not apply to extensions of a size 50% or less of existing floor area.

Complies with C96A. Stairwells are located in a prominent location opposite the lifts. Stairwells are open and permeable.



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

Part C: Additional Controls for Multi-Unit Housing in Commercial Zones

Element 11: Ground Floor Commercial Use

11.1 Ground Floor Commercial Use in Commercial Zones

R97

This rule applies to all of the following:

- a) commercial zones
- b) *blocks* nominated in a precinct code for ground floor commercial use
- c) buildings containing one or more *dwellings*
- d) the *building line* for any ground floor *dwelling* is less than 6m

The ground floor finished floor level to finished ceiling level height is not less than 3.6m.

Note: Noise attenuation provisions in Part A may also apply.

C97

In commercial zones, buildings afford the opportunity to accommodate non-residential uses, including office and retail, at the ground floor.

Complies with C97. Seven commercial units are proposed. The proposed ceiling heights will be able to accommodate non-residential uses.

Part D: Endorsement by Government Agencies (Entities)

Element 12: Waste Management

12.1 Construction Waste Management

R98

This rule applies to residential development that is likely to generate more than 20m³ of construction waste comprising one or more of the following:

- a) demolition waste
- b) construction waste
- c) excavation material.

The management of construction waste is to be endorsed by TAMS. TAMS will endorse waste facilities and management associated with the development if they comply with the current

This is a mandatory requirement. There is no applicable criterion.



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version of the *Development Control Code for Best Practice Waste Management in the ACT*.

TAMS may endorse departures.

Note: a condition of approval may be imposed to ensure compliance.

Please refer to the relevant entity.

12.2 Post-Occupancy Waste Management

R99

This is a mandatory requirement. There is no applicable criterion.

Post occupancy waste management facilities are to be endorsed by TAMS.

TAMS will endorse post occupancy waste management facilities where they are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT. TAMS may endorse departures.

Note: a condition of approval may be imposed to ensure compliance.

Please refer to relevant entity.

Element 13: Utilities

13.1 Utilities

R100

This is a mandatory requirement. There is no applicable criterion.

This rule applies to any proposed encroachment into a registered easement.

The proposed encroachment is to be approved in writing by the relevant service provider.

Not applicable. Encroachment into a registered easement is not proposed as part of this application.

R101

This is a mandatory requirement. There is no applicable criterion.

A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features



Statement Against Multi-Unit Housing Development Code (effective 17 June 2022)

comply with utility standards, access provisions and asset clearance zones.

Note 1: If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMS (Asset Acceptance) is not required to be obtained.

Note 2: Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions.

Note 3: 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*.

Please refer to relevant entity.

Element 14: Environmental Management

14.1 Contamination

Not applicable. The sites are not recorded on the Environment Protection Authority Contaminated Land Register

14.2 Erosion and Sediment Control

R103

This is a mandatory requirement. There is no applicable criterion.

This rule applies to sites 3,000m² or larger.

The development complies with an erosion and sediment control plan endorsed by the ACT Environment Protection Authority.

Note 1: If no evidence of assessment of the site for erosion and sediment control is provided, the application may be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.

Note 2: a condition of approval may be imposed to ensure compliance.

Not applicable. The subject site area is 2.421 m².



7.8 Statement Against Parking and Vehicular Access General Code

Please refer to the Traffic Impact Assessment prepared by SALT³ included in this submission, which details compliance with the statutory requirements.

7.9 Statement against End-of-Trip Facilities General Code

Please refer to the Traffic Impact Assessment prepared by SALT³ included in this submission. In this it is noted that long stay bicycle parking is provided in lockers within the basement, adjacent the proposed End of Trip facilities at the first basement level in Building A.

7.10 Statement Against Access and Mobility General Code

Please refer to the submitted Access report for details on compliance with the code and Australian Standards.

7.11 Statement Against Crime Prevention Through Environmental Design General Code

Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

Element 1: Neighbourhood Design

1.1 Neighbourhood Design

There is no rule applicable.

C1

Design is in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resource Manual.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

Complies with C1. The design of the proposal has considered the ACT Crime Prevention and Urban Design Resource Manual, and the responses to this code provide evidence of this.

Element 2: Use

2.1 General Code

There is no applicable rule.

C2

The development described in Table 1 (attached at conclusion) meets the Crime Prevention Through Environmental Design General Code.

Complies with C2. Multi-unit housing is identified within Table 1 of the code, as being Development required to meet the Crime Prevention Through Environmental Design General Code. The responses throughout this code demonstrate compliance with this criterion.

Element 3: Public Realm

3.1 Open Space and Community (Shared) Areas

There is no rule applicable.

C3

Natural surveillance of open space and community areas is provided by:

- a) locating adjacent to activity centres;
- b) encouraging pedestrian (or cyclist) movement through the space;
- c) ensuring clear site lines from, and between, buildings and open space areas: community areas; and
- d) designing out any entrapment spaces.

Complies with C3. Open space areas are located at ground level and:

- are located adjacent activity generating uses both at the ground floor and in the public domain;
- are provided with clear entry/exit points to encourage pedestrian movement through the space;
- the entries of the buildings incorporate a suitable amount of glazing that allows clear sightlines between the buildings and open space;
- are provided with multiple entry/exit points to avoid entrapment.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

There is no rule applicable.

C4

Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.

Complies with C4. Open and shared spaces are provided with natural access that informs logical and accessible routes identifiable on approach to and when within the spaces.

There is no rule applicable.

C5

Planting in public spaces do not obscure views along paths and streets, or to entrances and should not create secluded, hiding areas.

Complies with C5. Plantings are located in positions to allow for clear sightlines around the site and to deter hiding areas.

There is no rule applicable.

C6

Selection of plant material that is sturdy in areas of high crime, to make it difficult to snap main growing stems – heavy standard (140-160mm girth) or semi-mature trees (200-270mm girth) should be used to increase their chance of survival.

Complies with C6. A variety of plantings are proposed. Please refer to the landscape plans prepared by Acre.

There is no rule applicable.

C7

Plant material, such as creepers or low hedges may be used to deter access and limit the opportunity for graffiti on fences and walls.

Complies with C7. Plantings are proposed to deter access and limit opportunities for graffiti.

There is no rule applicable.

C8

Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas.

Complies with C8. Hard landscape features are proposed to delineate movement areas from the semi-private area. Please refer to Landscape Plan prepared by Acre submitted with DA.

3.2 Children's Play Areas

Not applicable. Children's Play Areas are not proposed as part of this application.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

3.3 Lighting

There is no rule applicable.

C10

Provide a schedule of lighting showing that lighting complies with each of the following:

- a) Australian Standard AS1158 Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements
- b) Australian Standard AS1158: Lighting for Roads and Public Spaces Part 2: Computer Procedures for the Calculations of Light Technical Parameters for Category V and Category P Lighting
- c) Australian Standard AS4282: The Control of Obtrusive Effects of Outdoor Lighting, in the case of security lighting

Complies with C10. Lighting will comply with the relevant Australian Standards. Please refer to External Lighting Plans for details.

There is no rule applicable.

C11

Legitimate users and activities at night are encouraged by lighting:

- a) spaces evenly and consistently (except where accent/feature lighting is necessary)
- b) inset spaces, entries/exits and paths
- c) to reduce the casting of shadows that could hide intruders
- d) directional signage
- e) building entries
- f) exterior to interior spaces evenly to allow for surveillance

Complies with C11. Please refer to the lighting details shown on the External Lighting Plans.

There is no rule applicable.

C12

Areas that are not intended for night time are not lit and are closed off to pedestrians.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

Complies with C12. Areas that are not intended for night-time use will not be lit. Block 8 is proposed to be publicly accessible and will be lit accordingly.

There is no rule applicable.

C13

Damage to light fixtures are minimized by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl.

Complies with C13. Light fixtures have been considered to minimise damage.

3.4 Signs

Not Applicable. Signage is not proposed as part of this application.

Element 4: Built Form

4.1 Interface between buildings and public realm

There is no rule applicable.

C17

Building entrances are easily identified, providing easy access to all users, affording visibility to and from the street and minimising the potential for hiding spots.

Complies with C17. The building entrances are accessible and visible from public streets, Markus Clark Street and University Avenue, and also directly accessible from the internal accessible pedestrian path.

There is no rule applicable.

C18

Provide clear sightlines from the building foyer so that occupants can see the nearest pedestrian area/surface car park before leaving the building.

Complies with C18. The proposed lobbies provide clear sightlines through the extensive use of glazing on the ground floor toward the pedestrian path, communal areas and public streets. Occupants would be able to see the nearest pedestrian area before leaving the buildings.

There is no rule applicable.

C19

Recessed sections in the building elevation/façade are detailed and located so that there is opportunity for natural surveillance, for spill lighting, and the potential for hiding is minimised.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

Complies with C19. Recessed sections are minimised and where the elevation/façade is recessed, appropriate external lighting and the use of low shrubs are incorporated into the building design to minimise the potential for hiding.

There is no rule applicable.

C20

Buildings are detailed in a manner that deters scaling (climbing) the building to access balconies from the ground and/or access between individual balconies.

Complies with C20. The buildings have been designed to avoid structures that would encourage climbing.

There is no rule applicable.

C21

Where buildings are set back from the street and/or pedestrian path, the area is developed to minimise hiding and entrapment spots.

Complies with C21. Recessed sections are minimised within the setback areas, along with appropriate external lighting and the use of low shrubs are incorporated into the building design to minimise the potential for hiding.

4.2 Materials and Finish

There is no rule applicable.

C22

Building materials and finishes are of an appropriate quality and detailed in a manner to:

- a) reduce opportunities for graffiti and vandalism
- b) facilitate cleaning and replacement
- c) avoid facilitating illegal access to the building and to services

Complies with C22. Building materials have been selected to reduce the potential for graffiti as well as having the opportunity to be cleaned and/or replaced. Windows are provided in locations to allow for passive surveillance around the site to limit the opportunities for graffiti.

Element 6: Travel and Access

6.1 Pedestrian Routes, Bicycle Paths and Lanes

Not Applicable. Pedestrian paths are provided throughout the site with sightlines provided from adjoining windows and private open spaces of apartments, as well as along the paths themselves

Bicycle paths and lanes are not proposed as part of this application.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

There is no rule applicable.

C24

Provide direct access routes to buildings streets, car parks and public transport. Signs should be used to assist pedestrians where it is not possible to establish clear sightlines between destinations.

Complies with C24. Direct access is provided between buildings and streets. Public transport is accessible through the internal pedestrian pathway connecting to the existing footpath.

There is no rule applicable.

C25

Security of pedestrian routes, bicycle paths and lanes are provided by:

- a) selecting and lighting 'safe routes' to the standard required for pedestrian areas so that these become the focus of legitimate movement after dark;
- b) ensuring that laneways have more than one entrance to avoid "dead-ends" and entrapment spots, where possible.

Not Applicable. Designated pedestrian routes, bicycle paths and lanes are not proposed as part of this application.

There is no rule applicable.

C26

When planting adjacent to pedestrian /bicycle routes:

- a) ensuring there are open sightlines. Low planting (maximum height 600mm) and high-branching trees (two metres) should be used;
- b) avoiding tall bushes, dense shrubbery and dense clusters of trees, especially immediately adjacent to routes and at predictable stopping points such as road crossings.

Not Applicable. Designated pedestrian/bicycle routes are not proposed as part of this application.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

R27 This is a mandatory requirement. There is no applicable criterion.

A Statement is provided that pedestrian paths are designed in accordance with AUSTROADS

Guide to Traffic Engineering Practice Part 13. – Pedestrians

Not Applicable. Designated pedestrian paths are not proposed as part of this application.

R28 This is a mandatory requirement. There is no applicable criterion.

A Statement is provided that Bicycle Paths are designed in accordance with AUSTROADS

Guide to Traffic Engineering Practice Part 14. – Bicycles.

Not Applicable. Designated pedestrian paths are not proposed as part of this application.

6.2 Pedestrian Underpasses and Overpasses

Not Applicable. No pedestrian underpasses or overpasses are proposed.

6.3 Bus Interchange, Bus Stops and Taxi Ranks

Not Applicable. Interchanges, Bus stop or taxi ranks are not proposed.

Element 7: Services

7.1 Automatic Teller Machines (ATMs)

Not Applicable. ATM's are not proposed.

7.2 Local Waste Storage Facilities

There is no rule applicable.

C39

Screening does not provide entrapment or hiding spots and safe access and adequate lighting is provided near the waste storage areas.

Complies with C39. The waste collection room is incorporated as part of the building design and safe access and adequate lighting will be provided.



Crime Prevention Through Environmental Design General Code (effective 16 December 2011)

7.3 Local Utility Facilities

There is no rule applicable.

C40

Air conditioning plants, meter boxes and other service points are mounted within a secure building / enclosure for protection.

Complies with C40. All service rooms and meters are located within the building/enclosure.

7.4 Delivery and Storage Facilities

There is no rule applicable.

C41

Ensure that:

- a) Delivery and storage areas are not isolated from the main building
- b) Secure storage areas are provided for shop owners

Complies with C41. A designated short stay parking area is provided on the ground floor level. Shop is not proposed as part of this application.

7.5 Public Toilets

Not Applicable. Public toilets are not proposed.

7.6 Public Telephones

Not Applicable. Public telephones are not proposed.

7.12 Statement Against Waterways: Water Sensitive Urban Design General Code

Please refer to the submitted Water Sensitive Urban Design Notes and Details Plan for compliance with the code.



7.13 Statement Against Lease Variation General Code

Lease Variation General Code (effective 25 May 2018)

Part A – Lease Variations in the merit or impact track

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.

Complies with C1. The proposed Lease Variation seeks to include residential use as a permitted use in the purpose clause. The proposed use is consistent with the Territory Plan and the CZ1 zoning objectives, as highlighted in Section 7.3 of this report.



Lease Variation General Code (effective 25 May 2018)

Element 2: Increasing rights

2.1 Increasing rights

There is no applicable rule.

C2

A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated:

- 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.

Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.

Complies with C2. As detailed within the submitted traffic report:

There is sufficient car parking provided on site under the proposal in accordance with the Parking and Vehicular Access General Code and any additional traffic generated by the site is considered relatively low in traffic engineering terms and is within the capacity of the surrounding road network.

As detailed in the submitted waste management plan, adequate post occupancy waste management and disposal is provided.



Lease Variation General Code (effective 25 May 2018)

Element 3: Variations to add uses - general

3.1 Adding uses generally

There is no applicable rule.

C3

An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:

- 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
- 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.

Complies with C3. The proposal seeks to amend the crown lease to allow for a residential use as a permitted use.

- a) Under the Design and Siting proposal, sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code.
- b) The proposed residential use may increase the traffic flow, however, as detailed within the traffic report, this increase is within the capacity of the surrounding road network.
- c) Adequate post occupancy waste management and disposal will be provided to the relevant Territory standard, as detailed in the waste management report submitted as part of this DA.
- d) Neither the subject site nor the surrounding blocks are listed on the ACT Register of contaminated sites.



Lease Variation General Code (effective 25 May 2018)	
e)	There will be no unreasonable level of odour or light emission for the occupants of dwellings on site or adjoining land.
Element 4: Variations to add particular uses	
4.1 Community and Recreational Facilities	
Not applicable. Community and Recreational Facilities are not proposed as part of this Lease variation.	
Note Element 4 no long contains section 4.2, R5 and C5	
4.3 Secondary residence	
Not applicable. Secondary residence is not proposed as part of this Lease variation.	
4.4 Emergency management plan	
Not applicable. Animal care facility is not proposed as part of this Lease variation.	
4.5 Noise	
Not applicable. Animal care facility is not proposed as part of this Lease variation.	



8.0 Conclusion

This report is submitted as part of a DA for mixed-use development on Block 2, 7 & 8 Section 5 City. It is proposed to demolish the existing office buildings upon Blocks 2 and 7, to allow for the construction of new mixed-use buildings with activated land uses at ground level. Also, a basement car park is proposed to be constructed across the wider site beneath the three land parcels, and the landscaped Territory land reinstated at ground level.

The Planning Report & Statement Against Criteria describes the proposal, outlines the planning context, and addresses all issues in the relevant Codes.

It is recommended that EPSDD **approve** this Development Application.

Purdon
October 2023

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