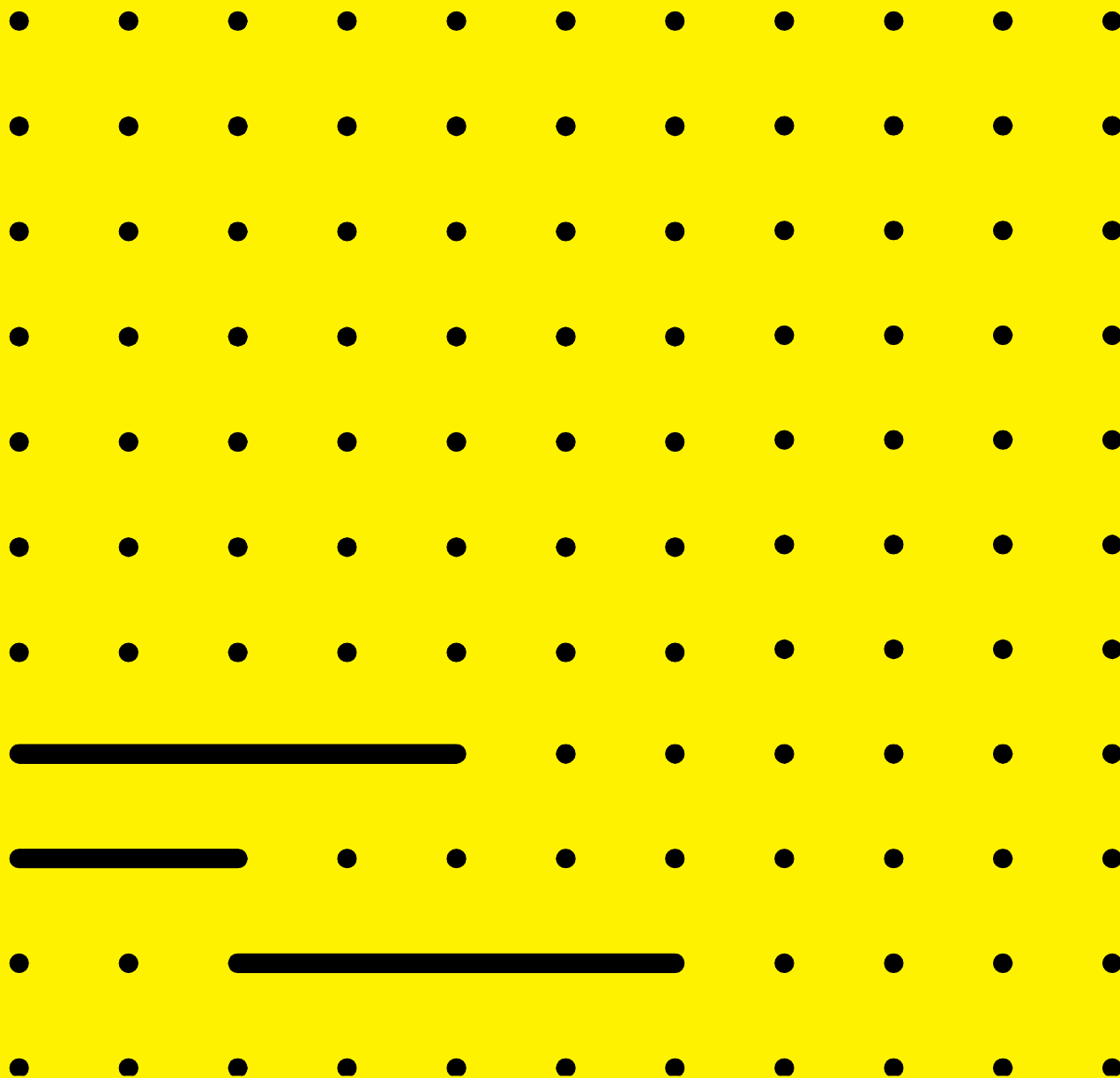




Statement Against Relevant Criteria for **Reconsideration** of DA202241098

Blocks 2, 7 and 8
Section 5
City

Prepared for:
N.B. Development No1. Trust

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Contents

1	Introduction	4
1.1	Background.....	4
1.2	Proposed Revisions.....	5
2	Description of Site and Revised Proposal.....	6
2.1	Location and Site Description	6
2.2	Description of Proposed Revisions	9
2.3	Territory Plan	11
2.4	Assessment Track	11
2.5	Pre-Lodgement Community Consultation	12
2.6	Pre-Lodgement Design Review Panel Consultation.....	12
3	List of Documents for Reconsideration Application	13
4	Applicable Codes	17
5	National Capital Plan	20
5.1	City Centre	20
5.2	Main Avenues and Approach Routes Precinct	25
6	City Precinct Map and Code.....	28
6.1	Introduction.....	28
6.2	RC1 City Centre Overlay	29
7	Multi-Unit Housing Development Code	38
7.1	Part A – General Controls	38
7.2	Part B – Additional Controls for Multi-Unit Housing with 4 or more Storeys	95

7.3	Part C – Additional Controls for Multi Unit Housing in Commercial Zones.....	97
7.4	Part D – Endorsement by Government Agencies (Entities)	98
8	Commercial Zones Development Code.....	103
8.1	Part A – General Controls	103
8.2	Part F – Residential Uses	120
8.3	Part G – Endorsement by Government Agencies (Entities)	121
9	General Codes.....	126
9.1	Parking and Vehicular Access General Code	126
9.2	End-of-Trip Facilities General Code	126
9.3	Access and Mobility General Code	126
9.4	Crime Prevention Through Environmental Design Code	127
9.5	Waterways: Water Sensitive Urban Design General Code	140
9.6	Lease Variation General Code	140
10	Conclusion.....	144

1

Introduction

1.1 Background

DA202241098 was submitted in the merit track by Purdon Planning Pty Ltd on behalf of the proponent, Bulum Group, on 4 December 2023. The proposal — concerning Blocks 2, 7 and 8 Section 5 City — encompassed:

- demolition of the existing buildings and structures;
- construction of—
 - one (1) 14- and one (1) 15-storey building, comprising ground and mezzanine level commercial units and upper level residential units;
 - a 5 level basement car park; and
 - new driveway verge crossings;
- site servicing;
- landscaping;
- associated works; and
- variation of the relevant Crown leases to—
 - add multi-unit housing as a permissible use of the land;
 - remove gross floor area restrictions; and
 - revise interpretation clauses.

Several Amendment Applications — in accordance with section 144 of the *Planning and Development Act 2007* (ACT) (**the Act**) — were made in relation to DA202241098, to address requests for further information, made by the Environment, Planning and Sustainable Development Directorate (**EPSDD**) pursuant to section 141 of the *Act*. The final of these was DA202241098-S144D, a submission primarily furnished principally to address:

- assessed inconsistencies with the Territory Plan 2008; and
- entity comments, including—
 - the ACT Conservator of Flora and Fauna;
 - the ACT Environmental Protection Authority;
 - the City Renewal Authority;
 - Evoenergy Electricity;
 - Icon Water;
 - the National Capital Authority; and
 - the Transport Canberra and City Services Directorate.

The development application (**DA**) was assessed according to the provisions relevant to merit track applications, under section 119 of the *Act*. DA202241098 was ultimately refused on 5 December 2024.

This Statement Against Relevant Criteria accompanies an application for Reconsideration, made in accordance with section 191 of the *Act*.

1.2 Proposed Revisions

Elements of the proposal have been reviewed and revised in response to the reasons of DA refusal. Summarily, the revisions proposed include:

01. UPPER LEVEL CHANGES

- Overall height of Building A reduced, and Building B increased to align with Authority discussions
- Common rooftop garden added to Building A addressing University Avenue
- Building facades design improvements
- Unit plans updated and unit mix amended
- Reconfiguration of building core throughout the upper levels
- Winter gardens removed and replaced with dedicated balcony spaces
- Upper level encroachments containing GFA removed from university avenue frontage
- Solar access to units maximised and demonstrated

02. GROUND FLOOR CHANGES

- Awning added to University Avenue
- Ground floor commercial levels adjusted to existing verge levels and reduce stairs
- Levels adjusted in the central landscape space for accessibility
- Service locations updated to suit service locations
- Increase to landscape areas
- Update to waste rooms waste collection strategy
- On grade parking along Darwin Place removed and relocated to the upper basement level

03. BASEMENT LEVEL CHANGES

- Extent of basement 5 reduced whilst meeting the carparking rates
- Reconfiguration of building core and rationalisation of basement ramps
- Reconfiguration of building services as per advice received
- Visitor parking added to basement levels, including relocation of existing carparking on Darwin Place proposed for removal

These revisions are detailed in the Reconsideration Report supporting the application. See also **Section 2.2**.

2

Description of Site and Revised Proposal

2.1 Location and Site Description

Blocks 2, 7 and 8 Section 5 City are contiguous parcels, located within the City Centre. The blocks are zoned 'CZ1 – Core' under the Territory Plan. Block 2 comprehends an area of circa 859 square metres; Block 7 comprises an area of circa 582 square metres; and Block 8 encompasses approximately 980 square metres, per ACTmapi. The sites front Marcus Clarke Street to the northwest and are further bound by University Avenue to the northeast; Darwin Place and other commercial development to the southeast; and further commercial development to the southwest.

The regional site location is depicted in Figure 1.

Figure 2 and **Figure 3**, overleaf, below show the site in its local and site-specific context.

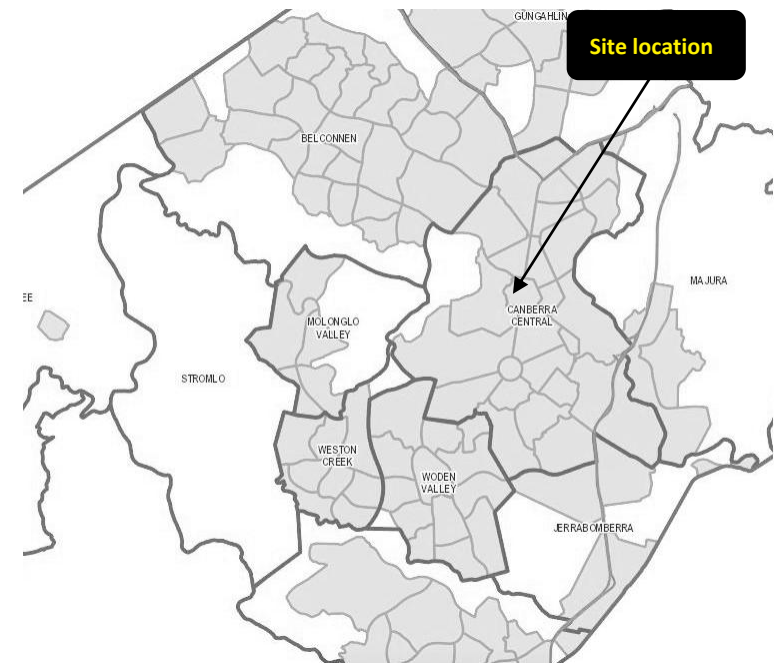


Figure 1: Regional site location (ACTmapi, September 2025)

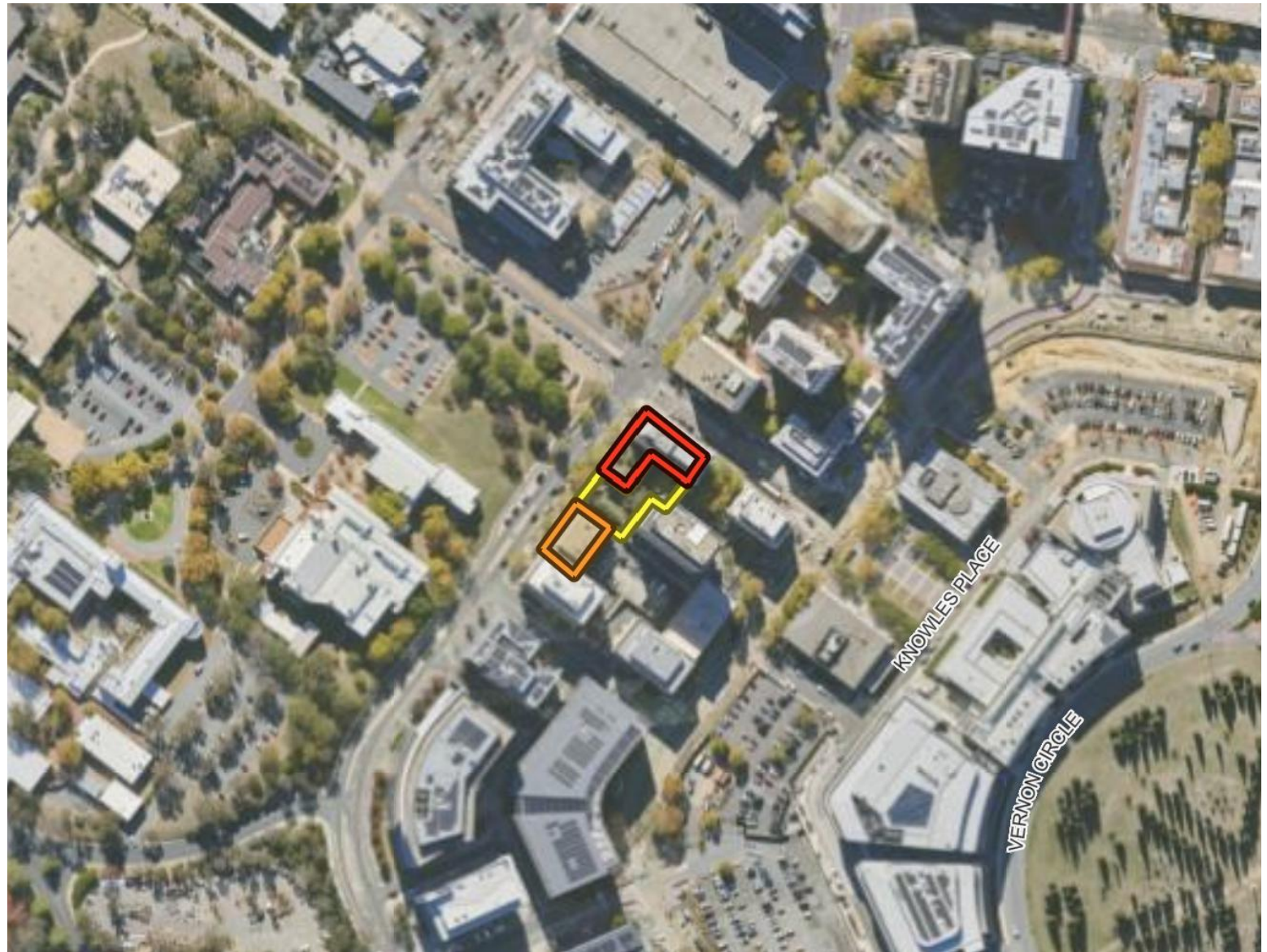


Figure 2: Site location — Block 2 identified in red; Block 7 identified in orange; and Block 8 identified in yellow (*ACTmap*, September 2025)

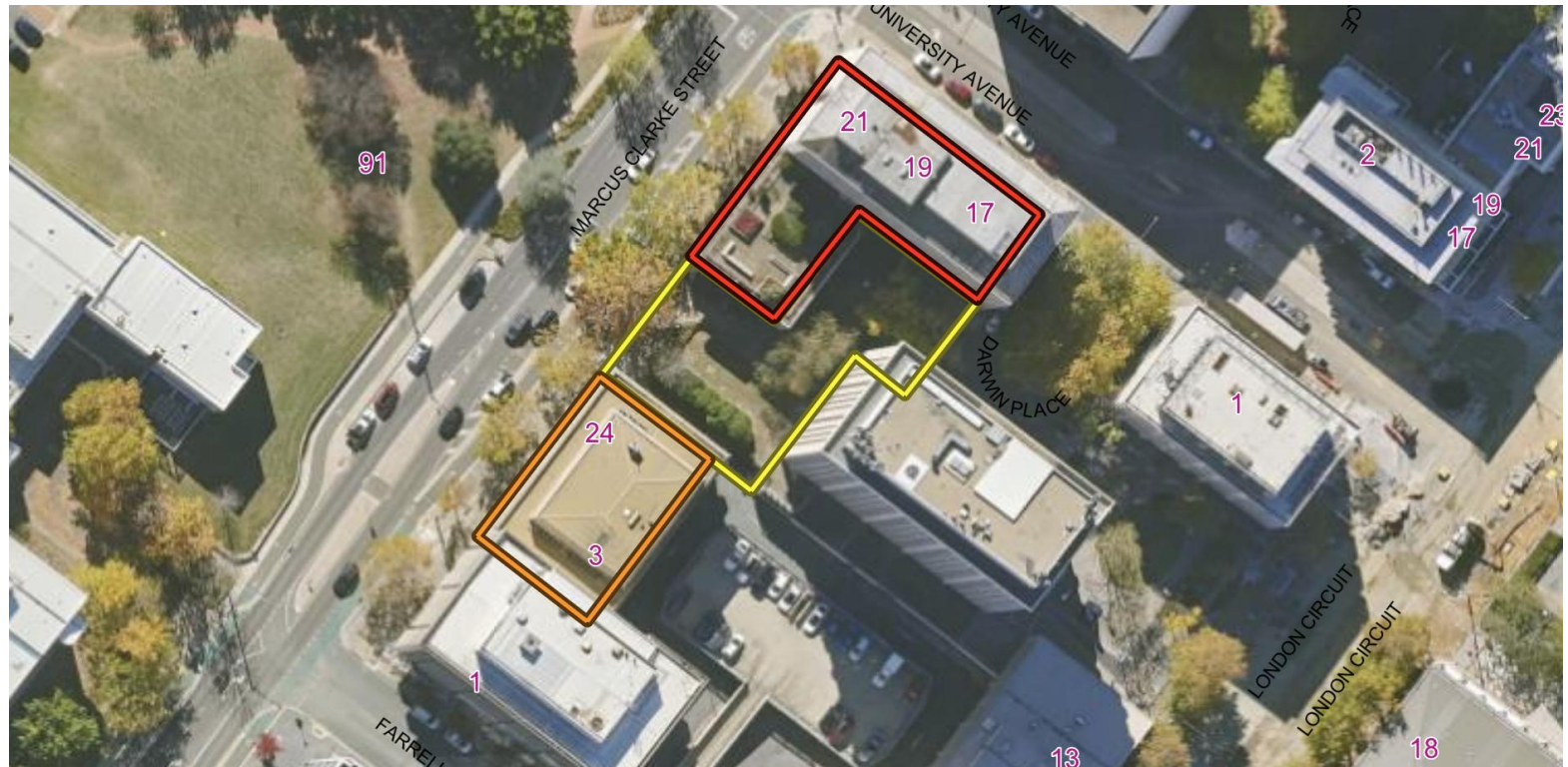


Figure 3: Site specific context — Block 2 identified in red; Block 7 identified in orange; and Block 8 identified in yellow (ACTmapi, September 2025)

2.2 Description of Proposed Revisions

The changes to the proposed development can be summarised as follows:

01. UPPER LEVEL CHANGES

- Overall height of Building A reduced, and Building B increased to align with Authority discussions by shifting the bulk of the development away from University Avenue and integrating with the existing and approved RL617 buildings in this area of the City. This shift in building massing is consistent with the advice and discussions held with the National Capital Authority (NCA) and the Territory Planning Authority (TPA) in developing the updated development proposal.
- Common rooftop garden added to Building A addressing University Avenue. The common rooftop garden space provides excellent amenity for the development and contributes to the greening and planting areas on a challenging City centre site.
- Building façades design improvements that address the NCDRP feedback and better integrate with the existing City context and surrounding character. The overall design quality is considered to be significantly improved and integrated.
- Unit plans updated and unit mix amended to maximise amenity and provide generous and liveable spaces for future residents.
- Reconfiguration of building core throughout the upper levels due to the redesign of structural elements and ground floor changes.
- Winter gardens removed and replaced with dedicated balcony spaces to improve amenity and offer improved passive surveillance around the entire development.

- Upper level encroachments containing GFA removed from University Avenue frontage in accordance with NCA feedback and an overall reduction in encroachments from the existing built form currently developed on-site.
- Solar access to units maximised and demonstrated with detailed solar diagrams to highlight a total of 88% of units achieving a minimum of 3 hours of sunlight between 9am – 3pm on the winter solstice.

02. GROUND FLOOR CHANGES

- Awning added to University Avenue frontage to celebrate the existing heritage character of the ANZ building across the street and tie into the colonnade along Marcus Clarke Street to provide continuous weather protection for pedestrians throughout the development while maintaining active frontages and continuous wall of building façades.
- Ground floor commercial levels adjusted to existing verge levels and reduce stairs creating a more accessible and easy-to-navigate ground plane that better integrates with the existing public realm around the site.
- Levels adjusted in the central landscape space for accessibility and resulting in the removal of the stairs and wheelchair lift previously required. The result is a more functional and accessible public space that offers direct connections to the development and between Marcus Clarke Street and the Darwin Place laneway for improved pedestrian connections through the Section.
- Service locations updated to suit servicing requirements by consolidating servicing to the rear laneway and providing adequate clearances and unified façades for ease of servicing and improved safety for the public users of the spaces.

- Increase to landscape areas across the development including green roof spaces, upgrades to the central landscape space and retention/replacement of more street trees where possible.
- Update to waste rooms waste collection strategy by appropriately sizing waste rooms to meet Code requirements in consultation with the Authority to ensure an appropriate and serviceable solution is proposed.
- On grade parking along Darwin Place removed and relocated to the upper basement level to provide safe publicly accessible parking that does not conflict with the servicing of the site. The proposal has been discussed and supported in-principle by the Authority.

03. BASEMENT LEVEL CHANGES

- Extent of basement 5 reduced whilst meeting the carparking rates required for the updated development by splitting basement levels and improving efficiency. This minimises excavation and improves the overall basement configuration.
 - Reconfiguration of building core and rationalisation of basement ramps in accordance with other design changes to coordinate appropriate access and servicing of the site.
 - Reconfiguration of building services as per advice received from discussions with various Entities during design development. The services have been consolidated primarily to the rear laneway along Darwin Place to ensure appropriate spatial allocation to meet requirements, improve safety for public users, and minimise servicing requirements along other active frontages of the buildings.
 - Visitor parking added to basement levels, including relocation of existing carparking on Darwin Place proposed for removal.
-

2.3 Territory Plan

Figure 4, below, shows zoning context of the site and surrounding areas.

Blocks 2, 7 and 8 Section 5 City are zoned 'CZ1 – Core'.

Detailed planning requirements for the site are identified in the City Precinct Code and Commercial Zones Development Code. An assessment of the proposed development against the relevant requirements of these Codes is provided at **Section 0** and **Section 7**.

The site is immediately bounded by other 'CZ1' zoned land to the southeast and southwest; a 'TZS1 – Transport Services' zone to the northwest; and 'DES – Designated Land' to the northeast.

Further from the site, other 'CZ1' and 'DES' lands are noted. 'CFZ – Community Facilities' zones exist to the northwest and southwest. A 'PRZ1 - Urban Open Space' is located to the northeast.



Figure 4: Zoning context (ACTmapi, September 2025)

2.4 Assessment Track

There are 5 types of development application that are required to be assessed in the impact track, as shown in **Table 1**.

Table 1: Impact track development

Development Type	Commentary
1. Development that is not an exempt, code track or merit track development where the development is otherwise authorised	Not Applicable. The proposed use is merit track assessable.
2. Development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use.	Not Applicable. The proposed use is not listed as a prohibited use.
3. Development that is authorised by a lease and listed as a prohibited use in this table.	Not Applicable. The proposed use is not a prohibited use.
4. Development declared under section 124 or section 125 of the Planning and Development Act 2007 and not listed as a prohibited development.	Not Applicable. Declarations have not been made
5. Varying a lease to add a use assessable under the impact track.	Not Applicable Uses are not being added for impact track assessment.

As the revised proposal is not of a development type that is required to be assessed in the impact track, it may be assessed in the merit track.

2.5 Pre-Lodgement Community Consultation

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

- (1) *A development proposal for 1 or more of the following is prescribed:*
 - a) *A building for residential use with 3 or more storeys and 15 or more dwellings;*
 - b) ***a building with a gross floor area of more than 5,000m²;***
 - c) *if the development proposal is for more than 1 building – the buildings have a total gross floor area of more than 7,000m²;*
 - d) ***a building or structure more than 25m above finished ground level;***
 - e) *a variation of a lease to remove its concessional status;*
 - f) *the development of an estate.*
- (2) ***Also, a development proposal on which the proponent is required to consult the design review panel under the Act, section 138AL (1) or (2) is prescribed.***

Pre-DA Community Consultation was addressed via the Statement Against Relevant Criteria submitted with DA202241098.

2.6 Pre-Lodgement Design Review Panel Consultation

Clause 20B of the *Regulation* states that development proposals that meet the criteria below will be subject to mandatory pre-DA design review panel consultation – as required by Section 138AL of the *Planning and Development Act 2007* (ACT).

- (a) ***a proposal for a building with 5 or more storeys;***
- (b) *a proposal—*
 - (i) *to increase the floorspace of a shop by more than 2 000m²; and*
 - (ii) *that is fully or partly located within 1 or more of the following:*
 - (A) *a residential zone;*
 - (B) *a commercial zone;*
 - (C) *a community facility zone;*
 - (D) *a parks and recreation zone.*

Feedback from the National Capital Design Review Panel is addressed, in relation the revised proposal, by way of the Proponent Response to Panel's Advice which is included with this application.

3

List of Documents for Reconsideration Application

The reports and plans identified in **Table 2** have been provided with to support this application.

Table 2: List of supporting documentation

Document	Reference
Reconsideration Report	CITY005008 Reconsideration Report
Statement Against Relevant Criteria	CITY005008 SARC (this report)
Architectural Plans	DA.00.00 COVER DA.00.11 DEVELOPMENT SUMMARY DA.00.50 SITE CONTEXT DA.00.51 DEMOLITON PLAN DA.00.52 SITE CONTEXT - AERIAL DA.02.00 PROPOSED DIRECT SALE PLAN - GROUND + SUB DA.02.01 PROPOSED DIRECT SALE PLAN - L 1-12 DA.02.12 KIOSK DETAILS DA.03.00 BASEMENT 05 DA.03.01 BASEMENT 04 DA.03.02 BASEMENT 03 DA.03.03 BASEMENT 02 DA.03.04 BASEMENT 01 DA.03.05 GA_LEVEL GROUND DA.03.06 GA_LEVEL 01 DA.05.00 LEVEL 01_PUBLIC REGISTER PLAN DA.05.01 LEVEL 02_PUBLIC REGISTER PLAN DA.05.010 LEVEL 03_PUBLIC REGISTER PLAN DA.05.011 LEVEL 04_PUBLIC REGISTER PLAN DA.05.012 LEVEL 05_PUBLIC REGISTER PLAN DA.05.013 LEVEL 06_PUBLIC REGISTER PLAN DA.05.014 LEVEL 07_PUBLIC REGISTER PLAN DA.05.015 LEVEL 08_PUBLIC REGISTER PLAN DA.05.016 LEVEL 09_PUBLIC REGISTER PLAN DA.05.017 LEVEL 10_PUBLIC REGISTER PLAN DA.05.018 LEVEL 11_PUBLIC REGISTER PLAN DA.05.019 LEVEL 12_PUBLIC REGISTER PLAN DA.05.020 LEVEL 13_PUBLIC REGISTER PLAN DA.05.021 LEVEL 14_PUBLIC REGISTER PLAN DA.05.022 LEVEL 15_PUBLIC REGISTER PLAN DA.06.00 LEVEL 01-10_SOLAR PLAN

Document	Reference	
	DA.03.07 GA_LEVEL 02	DA.06.04 LEVEL 11-15_SOLAR PLAN
	DA.03.08 GA_LEVEL 03	DA.06.07 SOLAR ACCESS 3D ANALYSIS NORTHERN
	DA.03.09 GA_LEVEL 04	CORNER 9AM, 10AM, 11AM, 12PM
	DA.03.10 GA_LEVEL 05	DA.06.08 SOLAR ACCESS 3D ANALYSIS NORTHERN
	DA.03.11 GA_LEVEL 06	CORNER 1PM, 2PM, 3PM
	DA.03.12 GA_LEVEL 07	DA.07.00 BUILDING A ADAPTABLE UNIT - 1 BED
	DA.03.13 GA_LEVEL 08	DA.07.01 BUILDING A ADAPTABLE UNIT - 2 BED
	DA.03.14 GA_LEVEL 09	DA.07.02 BUILDING B ADAPTABLE UNIT - 3 BED
	DA.03.15 GA_LEVEL 10	DA.08.00 BUILDING A NORTH & SOUTH ELEVATIONS
	DA.03.16 GA_LEVEL 11	DA.08.01 BUILDING A EAST & WEST ELEVATIONS
	DA.03.17 GA_LEVEL 12	DA.08.02 BUILDING B NORTH & SOUTH ELEVATIONS
	DA.03.18 GA_LEVEL 13	DA.08.03 BUILDING B EAST & WEST ELEVATIONS
	DA.03.19 GA_LEVEL 14 & ROOF-A	DA.08.04 STREETSCAPE ELEVATION
	DA.03.20 GA_LEVEL 15	DA.09.00 OVERALL LONG SECTION 1
	DA.03.21 GA_LEVEL ROOF-B	DA.09.01 BUILDING A SHORT SECTION 1,2 & 3
	DA.03.30 TYPICAL UNIT POS	DA.09.02 BUILDING B SHORT SECTION 1 & 2
	DA.04.00 21 MAR SHADOW DIAGRAM	DA.10.00 RENDER 1
	DA.04.01 21 JUN SHADOW DIAGRAM	DA.10.01 RENDER 2
	DA.04.02 21 SEPT SHADOW DIAGRAM	DA.10.02 RENDER 3
	DA.04.03 21 DEC SHADOW DIAGRAM	DA.10.03 RENDER 4
		DA.10.04 RENDER 5
Landscape Plans	TP-2.01 Moodboard - Kiosk	TP-5.05 Planting Palette - L00 Site
	TP-2.02 Moodboard - Pergola	TP-5.03 Planting Plan - L00 North
	TP-2.03 Moodboard - Green Roof	TP-5.04 Planting Plan - L00 South
	TP-2.04 Moodboard - Surfaces	TP-5.07 Planting Palette - L14 (A) Rooftop
	TP-2.05 Moodboard - Fixed Furniture	TP-5.06 Planting Plan - L14 (A) Rooftop

Document	Reference	
	TP-2.06 Moodboard - Loose Furniture	TP-6.00 Soil Volume
	TP-2.07 Moodboard - Tree Canopies	TP-6.01 Soil Volume Plan - L00 North
	TP-2.08 Moodboard - Garden Beds	TP-6.02 Soil Volume Plan - L00 South
	TP-2.09 Moodboard - Garden Beds	TP-6.03 Soil Volume Plan - L14 (A) Rooftop
	TP-2.10 Moodboard - Raised Planters	TP-7.00 Canopy Coverage
	TP-2.11 Moodboard - Rooftop	TP-7.01 Canopy Coverage Plan - L00 Site
	TP-3.00 Landscape Plans	TP-8.00 Irrigation
	TP-3.01 General Management and Install Specification	TP-8.01 Irrigation Plan - L00 North
	TP-3.02 Landscape Plan - L00 Site	TP-8.03 Irrigation Plan - L00 South
	TP-3.03 Landscape Plan - L00 North	TP-8.02 Irrigation Plan - L14 (A) Rooftop
	TP-3.04 Landscape Plan - L00 South	TP-9.00 Contour Plans
	TP-3.05 Landscape Plan - L14 (A) Rooftop	TP-9.01 Existing Contour Plan - L00 Site
	TP-4.00 Sections and Elevations	TP-9.02 Proposed Contour Plan - L00 Site
	TP-4.01 Sections and Elevations - AA	TP-10.00 Tree Assessment Plans
	TP-4.02 Sections and Elevations - BB	TP-10.01 Tree and Landscape Management Specifications
	TP-4.03 Sections and Elevations - CC	TP-10.02 Tree Assessment Plan
	TP-4.04 Sections and Elevations - DD	TP-10.03 Tree Management Plan
	TP-5.00 Planting	TP-11.01 Typical Details
	TP-5.01 Planting Plan - L00 Site	TP-11.02 Typical Details
Civil Plans	C01 GENERAL ARRANGEMENTS PLAN	C04-03 SEDIMENT AND EROSION CONTROL PLAN
	C07 GENERAL CONSTRUCTION NOTES AND DETAILS	C05 EXTERNAL SERVICES PLAN
	C03 LANDSCAPE MANAGEMENT & PROTECTION PLAN	C06 CIVIL WORKS PLAN
		C07 CIVIL WORKS DETAILS
	C04-01 SEDIMENT AND EROSION CONTROL NOTES 1	C08 STORMWATER MANAGEMENT PLAN
	C04-07 SEDIMENT AND EROSION CONTROL NOTES 2	C20 TRAFFIC CONTROL DEVICES

Document	Reference
Access Report	CA230037-DA-B Canberra 17-21 University Ave DA Report - Rev B
Hazardous Material Survey	LDJ03333_HMSR & MP_24 Marcus Clarke Street_20240731 LDJ03334_HMSR & MP_17-21 University Ave, Canberra_20240809
Noise Management Plan	PS227600-WSP-CBR-ACO-NMP-001
Survey	2022-379_DETAIL SURVEY_221213
Traffic	Traffic Impact Assessment 22304TREP001F06
Valuation	FINAL_LVC Valuation Report B2 & B7_S5City_29_08_2025 FINAL_LVC Certificate_B2 S5 City_29_08_2025 FINAL_LVC Certificate_B7 S5 City_29_08_2025
Waste Management Report	Waste and Recycling Management Plan 22304WREP02F01
Wind Assessment	30N-25-0331-TRP-115636-1 - Desktop Wind Impact Study

4

Applicable Codes

An assessment of the Territory Plan has identified the relevant Codes shown in **Table 3**.

Table 3: Assessment of applicable Codes

National Capital Plan		Relevance
—	National Capital Plan	Relevant. Refer to Section 5 of this report.
Precinct Codes		Relevance
10.1	Canberra Central District Precinct Code/Map	Relevant. There are no specific controls that are applicable to the site. No further assessment is required nor provided.
10.2	City Precinct Code/Map	Relevant. Refer to Section 0 of this report.
Development Codes		Relevance
3.4	Multi-Unit Housing Development Code	Relevant. Refer to Section 7 of this report.
4.2	Commercial Zones Development Code	Relevant. Refer to Section 8 of this report.
General Codes		Relevance
11.1	Parking and Vehicular Access General Code	Relevant. Refer to Section 9.1 of this report. See also the Traffic Impact and Parking Assessment included with this submission.

General Codes		Relevance
11.2	End-of-Trip Facilities General Code	Relevant. Refer to Section 9.2 of this report. See also the Traffic Impact and Parking Assessment included with this submission.
11.3	Access and Mobility General Code	Relevant. Refer to Section 9.3 of this report. See also the Access Report included with this submission.
11.4	Crime Prevention through Environmental Design General Code	Relevant. Refer to Section 9.4 of this report.
11.5	Community and Recreation Facilities Location Guidelines General Code	Not Applicable. The development proposal, as revised, does not involve community and recreation facilities.
11.6	Communications Facilities and Associated Infrastructure General Code	Not Applicable. The development proposal, as revised, does not involve communication facilities and/or associated infrastructure.
11.7	Signs General Code	Not Applicable. The development proposal, as revised, does not involve signage.
11.8	Water Use and Catchment General Code	Not Applicable. The development proposal, as revised, does not involve the Territory's water resources.
11.9	Home Business General Code	Not Applicable. The development proposal, as revised, does not involve home business use.
11.10	Waterways: Water Sensitive Urban Design General Code	Relevant. Refer to Section 9.5 of this report. See also relevant reports and drawings included with this submission.
11.11	Planning for Bushfire Risk Mitigation General Code	Not Applicable. The site is not identified as being within a bushfire prone area.

General Codes		Relevance
11.12	Residential Boundary Fences General Code	Not Applicable. The development proposal, as revised, does not involve boundary fences within a residential zone.
11.13	Lease Variation General Code	Relevant. Refer to Section 9.6 of this report.

5

National Capital Plan

5.1 City Centre

As shown in Figure 5, the site is subject to special requirements under the National Capital Plan (**NCP**) for Territory land within the City Centre.

The following commentary addresses the special requirements applicable to Territory land in the City Centre.

5.1.1 Principles for City Centre

The following principles apply for development in the City Centre:

- Future development and re-development in the City Centre should aim both to reinforce the City Centre's role as the prime metropolitan centre, and contribute to a diverse, lively, and attractive character.
- The design of buildings and the amenity and environmental quality of the main public spaces should result in an accessible, attractive, high quality and distinctive centre consistent with the City Centre's role as the major metropolitan centre and its location at one point of the National Triangle, Griffin's major organising element of the Central National Area.

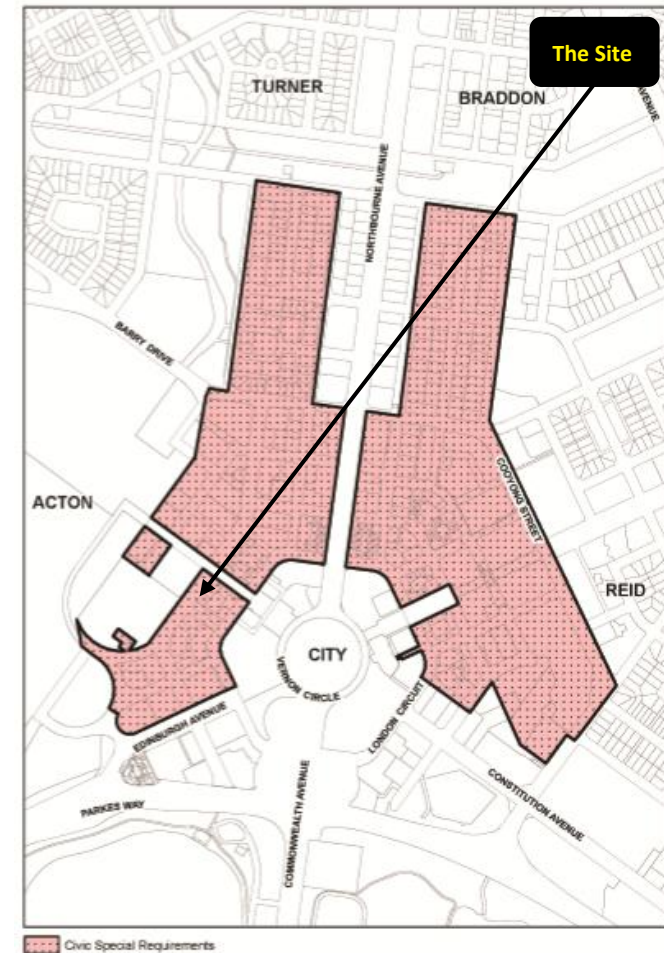


Figure 5: City Centre subject to NCP Special Requirements

5.1.2 Policies for City Centre

Table 4: City Centre Policies assessment

Policy	Design Response
Transport and Movement	
Long term impacts of development must be taken into account. Measures for discouraging through traffic from using the City Centre road network in peak periods must be considered. Future demand for car parking should be met by the construction of structured car parks in locations that service needs throughout the City Centre while aiming to minimise congestion, and/or by on-site provision of parking spaces. Vehicle access and traffic management throughout the area should seek to maintain the ease and comfort of moving around the City, catering to a diversity of pedestrian, cycle, vehicular and public transport modes.	Policy Satisfied. Please refer to the Traffic Impact Assessment accompanying this application.
Urban Design	
i. The symbolic importance of the Main Avenues radiating from City Hill (Northbourne, Ainslie, Constitution, Edinburgh, and University Avenues) and their role as the main public transport corridors should be complemented through the landscape and architectural treatment on abutting blocks.	Policy Satisfied. The development proposal, as revised, demonstrates compatibility with existing and desired future character through the stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function, with residential towers above ground floor commercial uses. The stepped configuration minimises detrimental impacts by reducing visual bulk at the University Avenue interface, while maintaining development objectives that support housing delivery and commercial activation in a key node in the City Centre. A continuous awning along University Avenue is proposed, which connects with the colonnade system along Marcus Clarke Street. The awning treatment specifically references and connects with the existing heritage-listed ANZ Building awning, demonstrating consistency with established design themes.

Policy	Design Response
ii. The design and development of City Centre should continue to reflect the geometry and fine grain pattern of streets and blocks of the Griffin Plan.	The palette and materials reflect those surrounding the site to deliver a complementary design, which emphasises the formality and importance of the Main Avenues. Policy Satisfied. The development proposal, as revised, demonstrates compatibility with existing and desired future character through the stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function, with residential towers above ground floor commercial uses. The stepped configuration minimizes detrimental impacts by reducing visual bulk at the University Avenue interface, while maintaining development objectives that support housing delivery and commercial activation in a key node in the City Centre. A continuous awning along University Avenue is proposed, which connects with the colonnade system along Marcus Clarke Street. The awning treatment specifically references and connects with the existing heritage-listed ANZ Building awning, demonstrating consistency with established design themes. The palette and materials reflect those surrounding the site to deliver a complementary design, which emphasises the geometry and formality of the Main Avenues.
iii. The design and development of streets should provide a continuous planting of large-scale street trees and high-quality landscape character that fosters a compact, connective, and pedestrian-friendly environment for central city living.	Policy Satisfied. The development proposal, as revised, incorporates a palette and materials reflecting those surrounding the site to deliver a complementary design. A continuous awning along University Avenue is proposed, which connects with the colonnade system along Marcus Clarke Street to deliver uninterrupted pedestrian shelter.

Policy	Design Response
iv. The massing, height, colours, and materials used for buildings in City Centre should result in a harmonious and high-quality urban design outcome with a recognisable city edge.	Policy Satisfied. The development proposal, as revised, demonstrates compatibility with existing and desired future character through the stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function, with residential towers above ground floor commercial uses. The stepped configuration minimizes detrimental impacts by reducing visual bulk at the University Avenue interface, while maintaining development objectives that support housing delivery and commercial activation in a key node in the City Centre. It is noted that the revised bulk and height of buildings has been broadly supported by the National Capital Authority and the Environment, Planning and City Services Directorate via engagements prior to the submission of this application. Please refer to the Reconsideration Report accompanying this application for further details. The palette and materials reflect those surrounding the site to deliver a complementary design, which emphasises the geometry and formality of the Main Avenues.
v. Buildings in City Centre must be of permanent construction.	Policy Satisfied. The development proposal, as revised, involves permanent buildings.

Policy	Design Response
vi. The height of buildings in City Centre may be less than but not more than nine storeys provided that: • plant rooms and other service elements may be allowed above this height subject to being set back from the building edges and screened from street level view. • one or more taller building(s) per section up to a maximum height of RL617 will be considered only in accordance with an approved comprehensive design for the whole section. Comprehensive section designs should seek to use building height to emphasise and reinforce the geometry of the Griffin Plan and the symbolic Main Avenues radiating out from City Hill. • where an existing building exceeds the height limitations set out above it will be permissible to consider re-building to the same height as the existing building or lower.	Policy Satisfied. The development proposal, as revised, incorporates a stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function, with residential towers above ground floor commercial uses. The stepped configuration minimizes detrimental impacts by reducing visual bulk at the University Avenue interface, while maintaining development objectives that support housing delivery and commercial activation in a key node in the City Centre. It is noted that the revised bulk and height of buildings has been broadly supported by the National Capital Authority and the Environment, Planning and City Services Directorate via engagements prior to the submission of this application. Please refer to the Reconsideration Report accompanying this application for further details.

5.2 Main Avenues and Approach Routes Precinct

As shown in **Figure 6**, the site is adjacent to University Avenue, which forms a part of the Main Avenues and Approach Routes Precinct.

The revised proposal incorporates awning and minor upper level architectural articulation elements which encroach over the University Avenue verge.

The following commentary addresses the requirements applicable to the Main Avenues and Approach Routes Precinct.

5.2.1 Objectives for Main Avenues and Approach Routes Precinct

The following objectives are stated for development within the Precinct:

- 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.

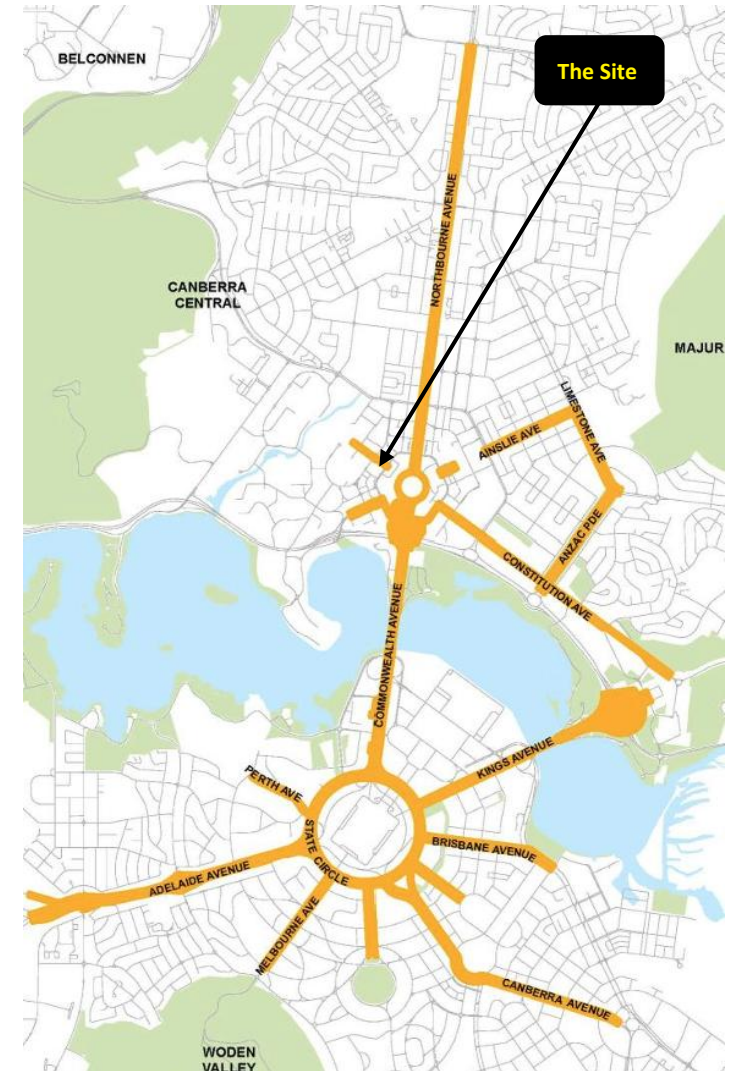


Figure 6: Main Avenues and Approach Routes Precinct

5.2.2 Detailed Conditions of Planning, Design and Development for Main Avenues and Approach Routes Precinct

Table 5: Main Avenues and Approach Routes Precinct Conditions assessment

Condition	Design Response
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.	Condition Satisfied. Please refer to the Traffic Impact Assessment accompanying this application.
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	Condition Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Signs	
Signs will generally comprise traffic, directional and visitor information signs, and unnecessary repetition will be avoided. Commercial roadside signs are not permitted in road reservations, except on bus shelters. Non-commercial signs may be permitted where they comply with the requirements for signs set out in the Signs General Code.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. The development proposal, as revised, now includes continuous awnings along University Avenue which connect with the colonnade system along Marcus Clarke Street, providing the required pedestrian shelter.

Condition	Design Response
	The colonnade provides a minimum clear width of 2.5 metres and minimum ceiling height of 3.6 metres as required, creating sheltered pedestrian access throughout the development frontages. The awning treatment specifically references and connects with the existing heritage-listed ANZ Building awning, demonstrating consistency with established design themes. Please refer to the Architectural Plans accompanying this application.
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.	Condition Satisfied. The development proposal, as revised, maintains consistency with the intended design themes of the area by providing continuous colonnade treatment along Marcus Clarke Street which aligns with the established pedestrian network. The ground floor built form abuts the front boundary as required, while the colonnade provides appropriate pedestrian amenity consistent with the character of the locality, to ensure continuity in pedestrian movement while also offering amenity and visual interest along all the front boundary interfaces. Please refer to the Architectural Plans accompanying this application.
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.	Condition Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Streetscapes are to be well lit for pedestrians and optimise security and safety for night time use.	Condition Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

6

City Precinct Map and Code

6.1 Introduction

The City Precinct Map and Code includes controls that apply to the whole of the City Precinct (including the Town Centre) in addition to site specific controls. The relevant controls are reproduced below, along with how they are addressed by the revised proposal.

These rules and criteria are taken from the City Precinct Map and Code, effective 29 July 2016.

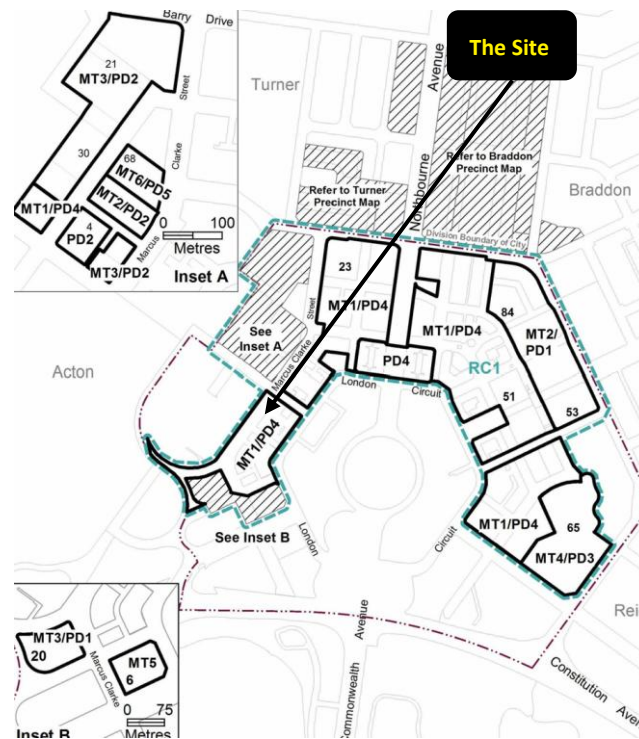


Figure 7: Extract from City Precinct Map

6.2 RC1 City Centre Overlay

As shown in **Figure 7**, above, the site is subject to the 'RC1 – City Centre' overlay.

The site is located within City Area 3 under the Precinct Code. Specific planning controls apply to sites within Area 3, and these have been considered below.

Table 6: RC1 City Centre Overlay assessment

Rule	Criteria	Design Response
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
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 2pm on the winter solstice (21 June).	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no applicable rule.	C5 The form and scale of development is consistent with existing adjacent development.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
2.3 Building Height		
There is no applicable rule.	C6 Building heights comply with all 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.	Criterion Satisfied. The development proposal, as revised, demonstrates compatibility with existing and desired future character through the stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function, with residential towers above ground floor commercial uses. The stepped configuration minimizes detrimental impacts by reducing visual bulk at the University Avenue interface, while maintaining development objectives that support housing delivery and commercial activation in a key node in the City Centre. It is noted that the revised bulk and height of buildings has been broadly supported by the National Capital Authority and the Environment, Planning and City Services Directorate via engagements prior to the submission of this application. Please refer to the Reconsideration Report accompanying this application for further details.

Rule	Criteria	Design Response
		Shadow analysis provided in the architectural drawings demonstrates that the development does not create excessive overshadowing impacts on surrounding public spaces. Please refer to the Architectural Plans accompanying this application.
R7 Buildings do not exceed RL617m.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
2.4 Front Boundary Setbacks		
There is no applicable rule.	C9 Buildings abut to 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.	Criterion Satisfied. The development proposal, as revised, maintains consistency with the intended design themes of the area by providing continuous colonnade treatment along Marcus Clarke Street which aligns with the established pedestrian network. The ground floor built form abuts the front boundary as required, while the colonnade provides appropriate pedestrian amenity consistent with the character of the locality, to ensure continuity in pedestrian movement while also offering amenity and visual interest along all the front boundary interfaces. The upper level encroachments have been significantly reduced from the previous proposal, with Building B now having no encroachments and Building A limiting encroachments to minimal architectural articulation elements and minor extensions to the Marcus Clarke and Darwin Place frontages only, as well as Block 8. Please refer to the Architectural Plans accompanying this application.

Rule	Criteria	Design Response
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.	Criterion Satisfied. The development proposal, as revised, now includes continuous awnings along University Avenue which connect with the colonnade system along Marcus Clarke Street, providing the required pedestrian shelter. The colonnade provides a minimum clear width of 2.5 metres and minimum ceiling height of 3.6 metres as required, creating sheltered pedestrian access throughout the development frontages. The awning treatment specifically references and connects with the existing heritage-listed ANZ Building awning, demonstrating consistency with established design themes. Please refer to the Architectural Plans accompanying this application.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
Element 6: City Area 3		
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
6.2 Development adjacent to City Section 1		
There is no applicable rule.	C20 Development in areas adjacent to section 1 is compatible with the built form and historic character of the Melbourne building.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 12: Re-development		
12.1 Garema Place		
There is no applicable rule.	C37 Redevelopment within Garema Place is consistent with a comprehensive design for the whole area identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
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 <i>Planning and Development Act 2007</i>. Existing low-rise buildings or building elements that are integral to the comprehensive design may be required to retain their existing heights.	Criterion Satisfied. The development proposal, as revised, demonstrates consistency with a comprehensive design approach for the whole section, through the coordinated treatment of both buildings and the landscape plaza on Block 8. The stepped height configuration respects the existing low-rise building elements, while providing appropriate intensification. The integration of services, landscape and built form across the multiple blocks shows consideration of the section as a cohesive whole, supported by the consolidated access and servicing arrangements. Please refer to the Section 97 Planning Report Addendum accompanying this application. See also the Architectural Plans accompanying this application.

Rule	Criteria	Design Response
Element 13: Development on Nominated Car Parking Areas		
13.1 Nominated Car Parking Areas		
R39	C39	Not Applicable.
Development on existing car parks complies with all of the following:	Development on existing car parks may be considered where it meets all of the following:	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
a) retains the existing level of car parking b) accommodates onsite any additional demand for car parking that is generated by the development c) ensures that car parking remains available for public access d) complies with the Parking and Vehicular Access General Code.	a) in accordance with the Parking and Vehicular Access General Code, there is enough car parking for the needs of the centre as a whole b) the development does not adversely affect the overall function of the centre in terms of economic, social, traffic and parking and urban design impacts.	

7

Multi-Unit Housing Development Code

The proposed development integrates a residential component of multi-unit dwellings that is subject to the Multi Unit Housing Development Code.

The relevant parts of the Code that apply to this development are:

- Part A;
- Part B;
- Part C; and
- Part D.

Described below is the performance of the revised proposal against the relevant rules and criteria of the Multi Unit Housing Development Code, effective as of 10 June 2023.

7.1 Part A – General Controls

Table 7: Part A assessment

Rule	Criteria	Response
Element 1: Restrictions on Use		
1.1 Dual occupancy housing- standard blocks- RZ1		
R1		Not Applicable.
In RZ1, the minimum area of standard blocks for dual occupancy housing is as follows:	This is a mandatory requirement. There is no applicable criterion.	The development proposal, as revised, does not involve dual occupancy housing.
a) For a surrendered residential block - 700m ²		
b) For all other blocks - 800m ²		

Rule	Criteria	Response
1.2 Dual occupancy housing- standard blocks RZ2		
R2		Not Applicable.
In RZ2, the minimum area of standard blocks for dual occupancy housing is 700m ² .	This is a mandatory requirement. There is no applicable criterion.	The development proposal, as revised, does not involve dual occupancy housing.
1.3 Apartments- standard blocks RZ1 and RZ2		
R3		Not Applicable.
This rule applies to standard blocks in RZ1 and RZ2. No new apartments are permitted.	This is a mandatory requirement. There is no applicable criterion.	Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' or 'RZ2' under the Territory Plan 2008.
Element 2: Lease and Development Conditions		
2.1 Development proposals affected by approved lease and development conditions		
R4		Not Applicable.
This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters:	The development meets the intent of any approved lease and development conditions	There are no approved lease and development conditions applying to Blocks 2, 7 and 8 Section 5 City.
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		

Rule	Criteria	Response
l) solar access m) private open space n) water sensitive urban design o) landscaping 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.		
Element 3: Building and site controls		
3.1 Dwelling replacement - blocks		
R5 This rule applies to standard blocks in all residential zones that are proposed to be redeveloped for multi-unit housing but does not apply to supportive housing. a) Where there has been no consolidation of blocks – 1 replacement dwelling b) In all other cases – a number equal to the total number of blocks originally leased or used for the purpose of single dwelling housing that have been consolidated or proposed to be consolidated. For this rule the following number of bedrooms pre replacement dwelling are provided: i) Where the original dwelling is one or two bedrooms -2 ii) Where the original dwelling is three or more bedrooms – 3 or more	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not residentially zoned under the Territory Plan 2008.

Rule	Criteria	Response
3.2 Plot ratio – dual occupancy – standard blocks – RZ1 – except for surrendered residential blocks		
R6 This rule applies to standard blocks in RZ1 unless the block is a surrendered residential block.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.
3.3 Plot ratio – dual occupancy – standard blocks – RZ2 and surrendered residential blocks – RZ1		
R7 This rule applies to the following: a) standard blocks in RZ2 b) blocks defined as a surrendered residential block in RZ1	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' or 'RZ2' under the Territory Plan 2008.
3.4 Plot ratio – large standard blocks – RZ2, RZ3 and RZ4		
R8 This rule applies to large blocks that are <i>standard blocks</i> in RZ2, RZ3 and RZ4.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', 'RZ2' or 'RZ3' under the Territory Plan 2008.
3.5 Plot ratio – other than standard blocks – RZ1, RZ2, RZ3 and RZ4		
R9 This rule applies to blocks other than standard blocks in RZ1, RZ2, RZ3 and RZ4 The maximum plot ratio is: a) in RZ1, RZ2 and RZ3 – 65% b) in RZ4 – 80% This rule does not apply to:	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', 'RZ2', 'RZ3' or 'RZ4' under the Territory Plan 2008.

Rule	Criteria	Response
a) blocks subject to a residential B1 or B8 area specific policy under the Territory Plan on 30 March 2008 with any of the following characteristics: i) lawfully approved and constructed ii) held under a holding lease on 30 March 2008 b) blocks in RZ1 approved before 5 July 2013 For the purpose of calculating plot ratio for this rule, the gross floor area includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking but does not include basement car parking.		
3.6 Additional dwellings – standard blocks – RZ1		
R10 This rule applies to <i>standard blocks</i> in RZ1 but not to blocks that are intended to be used for supportive housing. The maximum number of dwellings permitted on a standard block is 2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.

Rule	Criteria	Response
3.6A Additional dwellings – blocks other than standard blocks – RZ1		
R10A This rule applies to blocks other than standard blocks in RZ1 for which the crown lease explicitly permits 2 dwellings, but not to blocks that are intended to be used only for supportive housing. The maximum number of dwellings permitted on a block is 2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.
3.7 Residential density – supportive housing – standard blocks - RZ1		
R11 This rule applies to standard blocks in RZ1 that are intended to be used for supportive housing. Despite any other rule in this element, the maximum number of dwellings is shown in table A1.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.
3.8 Residential density – standard blocks – RZ2		
R12 This rule applies to standard blocks in RZ2. The maximum number of dwellings is shown in table A2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
3.9 Additional dwellings – standard blocks – RZ2		
R13 This rule applies to standard blocks in RZ2 where the length of the front boundary facing a public road that allows vehicular access is 20m or less. Despite any other rule in this element, the maximum number of dwellings is 3.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.
3.10 Residential density – adaptable housing – standard blocks - RZ2		
R14 This rule applies to standard blocks in RZ2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.
3.11 Number of dwellings in each building – standard blocks – RZ2		
R15 In RZ2 on standard blocks the maximum number of dwellings in any building is 4. For the purposes of this rule, basements are not part of a building.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
3.12 Number of storeys – standard blocks – RZ1		
R16		Not Applicable.
In RZ1 on standard blocks buildings comply with all of the following:	This is a mandatory requirement. There is no applicable criterion.	Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.
a) The number of storeys does not exceed: i) 1 storey for dual occupancies (both dwellings) on surrendered residential blocks 700m² and larger to which the 35% plot ratio applies (refer to Rule R7) ii) 2 storeys for all other standard blocks. b) attics or basement car parking are not permitted where they are located directly above or below any 2-storey element of the dwelling.		
R17		Not Applicable.
This rule applies to a dwelling with all of the following characteristics: i. located on a standard block ii. located in RZ1 iii. is part of a dual occupancy housing iv. does not directly front a public road Despite the previous rule the dwelling complies with all of the following: a) contains no more than 1 storey b) has no basement car parking.	This is a mandatory requirement. There is no applicable criterion.	Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.

Rule	Criteria	Response
3.13 Number of storeys – other than standard blocks – RZ1		
R18 In RZ1 on blocks other than standard blocks, the maximum number of storeys is 2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.
3.14 Number of storeys – RZ2		
R19 In RZ2 the number of storeys does not exceed 2. Rooftop plant that is set back from the building's facade and screened from the street is not included in the number of storeys.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.
3.15 Number of storeys – RZ3		
R20 In RZ3 the maximum number of storeys is 2. Rooftop plant that is set back from the building's facade and screened from the street is not included in the number of storeys.	C20 Buildings achieve all of the following: a) consistency with the desired character b) the appearance from the street of not more than two storeys for that part of the building facing the street c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3' under the Territory Plan 2008.

Rule	Criteria	Response
3.16 Number of storeys – RZ4		
R21 In RZ4 the maximum number of storeys is 3. Rooftop plant that is set back and screened from the street is not included in the number of storeys.	C21 Buildings achieve all of the following: a) consistency with the desired character b) the appearance from the street of not more than three storeys for that part of the building facing the street c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ4' under the Territory Plan 2008.
3.17 Number of Storeys- RZ5		
R22 In RZ5, the maximum number of storeys is: a) for that part of the building within 50m of the boundaries of blocks in RZ1, RZ2 or RZ3 - 3 b) for that part of the building within 40m of the boundaries of blocks in CFZ, PRZ1 or PRZ2 - 3 c) for that part of the building within 30m of the boundaries of blocks in RZ4 - 4 d) in all other cases – 6. Roof top plant that is set back and screened from the street is not included in the number of storeys.	C22 Buildings achieve all of the following: a) consistency with the desired character b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ5' under the Territory Plan 2008.

Rule	Criteria	Response
3.18 Height of buildings – RZ1 and RZ2		
R23 In RZ1 and RZ2 the maximum height of building is 8.5m	C23 Buildings achieve all of the following: a) consistency with the desired character b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.
3.19 Height of buildings- RZ3, RZ4 and RZ5		
R24 Maximum height of building is: a) in RZ3 – 9.5m b) in RZ4 – 12.5m c) in RZ5 – 21.5m	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3', 'RZ4' or 'RZ5' under the Territory Plan 2008.
3.20 Building Envelope- all blocks except building over 3 storeys in RZ5 and commercial zones		
R25 This does not apply to either of the following: a) buildings with more than 3 storeys in RZ5 b) buildings with more than 3 storeys in commercial zones. Buildings are sited wholly within the building envelope formed by planes projected over the subject block at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. Refer figure A1.	C25 Buildings achieve all of the following: a) consistency with the desired character b) reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', 'RZ2', 'RZ3' or 'RZ4' under the Territory Plan 2008.

Rule	Criteria	Response
Note 1: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys. Note 2: For the purposes of this rule all height measurements are taken from datum ground level.		
R26 This rule does not apply to either of the following: a) buildings with more than 3 storeys in RZ5 b) buildings with more than 3 storeys in commercial zones Buildings are sited wholly within the solar building envelope formed by planes projected over the subject block at X° to the horizontal from the height of the solar fence on any northern boundary of an adjoining residential block. X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table A4. The height of the solar fence is: For a block approved before 5 July 2013: i) in the primary building zone – 2.4m ii) all other parts of the boundary – 1.8m For a block approved under an estate development plan on or before 5 July 2013:	C26 Buildings achieve all of the following: a) consistency with the desired character b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space c) reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space d) where an adjoining block is not yet developed, the potential for reasonable solar access and privacy on the adjoining residential block(s) is maintained	Not Applicable. The development proposal, as revised, involves a building in excess of three (3) storeys in a 'CZ1' zone.

Rule	Criteria	Response
i) in the primary building zone – 3m ii) all other parts of the boundary – 2.3m This rule does not apply to those parts of a boundary where the adjacent part of the adjoining residential block comprises only an access driveway (i.e., a “battleaxe handle”). The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure A1. Note 1: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys. Note 2: For the purposes of this rule all height measurements are taken from datum ground level.		
3.22 Front Boundary Setback		
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.	Criterion Satisfied The development proposal, as revised, significantly reduces upper floor encroachments, with Building B having no encroachments and Building A limiting encroachments to minimal architectural elements and amenity improvements. Overall, encroachments have been reduced in the updated proposal from what currently exist on site and are considered to deliver a far better design outcome and amenity for residents and the public realm.

Rule	Criteria	Response
		The setback design provides sufficient space for street trees to grow to maturity — by limiting encroachments to upper levels in these areas — and maintains consistency with the desired character of the area. The ground floor colonnade treatment provides reasonable amenity for residents and visitors, while respecting the streetscape character. Noting the existing encroachments along all sides of the existing buildings on the site, the revised proposal is considered to significantly improve the interfaces with adjoining areas, offering passive surveillance and added amenity to future residents without significantly impacting the public amenity or the ability for street trees to grow to maturity. Please refer to the Architectural and Landscape Plans accompanying this application.
3.23 Side and rear boundary setback		
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 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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	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.	
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, aerals, 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	Criterion Satisfied. The development proposal, as revised, reduces the overall extent of encroachments. Please refer to the Architectural Plans accompanying this application. See also the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
R32 Encroachments into the front setback are permitted for one or more of the following building elements:	C32 Buildings and other structures achieve all of the following: a) consistency with the desired character	Criterion Satisfied. The development proposal, as revised, reduces the overall extent of encroachments.

Rule	Criteria	Response
a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, light fittings, sun blinds c) landings, steps, or ramps, none of which are more than 1m above finished ground level	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	The encroachments are considered to be consistent with the desired character and do not impact upon privacy or solar access. Please refer to the Architectural Plans accompanying this application.
3.25 Allowable encroachments- building envelopes		
R33 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	C33 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	Criterion Satisfied. The development proposal, as revised, reduces the overall extent of encroachments. The encroachments are considered to be consistent with the desired character and do not impact upon privacy or solar access. Please refer to the Architectural Plans accompanying this application.
3.27 Building separation - standard blocks - RZ2		
R36 This rule applies to standard blocks in RZ2. The minimum horizontal separation between a building containing 2 or more dwellings and any other building on the site is 4m. For the purposes of this rule, basements are not part of a building.	C36 The siting of buildings on standard blocks in RZ2 achieves all of the following: a) consistency with the desired character b) consistency with the separation of existing buildings in the immediate neighbourhood.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
Element 4: Site design		
4.1 Site Design		
R37 For developments (other than apartments) of 40 dwellings 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.	C37 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.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
4.2 Site open space- RZ1 and RZ2		
R38 This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan for which the original Crown lease was granted on or after 1 January 2020. Not less than 40% of the total site area is allocated to one or more of the following:	C38 Open space on the site achieves all of the following: a) sufficient space for the recreation and relaxation of residents b) sufficient space for planting, particularly trees with deep root systems	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
a) communal open space with a minimum dimension of 2.5m; and/or b) private open space that complies with all of the following: i) a minimum dimension of 2.5m; and ii) is associated with dwellings at the lower floor level. Not less than 20% of the total site area is planting area.	c) provision of outdoor areas that are readily accessible by residents for a range of uses and activities. One or more of the following matters may be considered when determining compliance with this criterion: whether the total area of upper floor level private open space contributes to the function of other open space on the site whether any adjoining or adjacent public open space is readily available for the use of residents. for the use of residents.	
R38A This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Not less than 40% of the total site area is allocated to one or more of the following: a) communal open space with a minimum dimension of 2.5m; and/or b) private open space that complies with the following: i) a minimum dimension of 2.5m; ii) is associated with dwellings at the lower floor level	C38A To reduce urban heat island effects, retain water and maintain ecosystem services, open space on the site achieves all of the following: a) adequate space for the recreation and relaxation of residents b) adequate space for planting, particularly trees with deep root systems, to accommodate on-site infiltration of stormwater run-off c) outdoor areas that are readily accessible by residents for a range of uses and activities. One or more of the following matters may be considered when determining compliance with this criterion:	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
	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.	
R38B This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Site coverage is a maximum of 40% of the block area	C38B To reduce urban heat island effects, retain water and maintain ecosystem services, development complies with all of the following: a) limits site coverage and vehicle parking and manoeuvring areas b) provides outdoor areas that are readily accessible by residents for a range of uses and activities c) provides space for service functions such as clothes drying and domestic storage.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.
R38C This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Planting area is a minimum of 35% of the block area. The minimum dimension of any area included in the planting area calculation is 2.5 metres.	C38C Planting area provided in the development achieves all of the following: a) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas b) enhance living infrastructure through water sensitive urban design, providing deep soil zone areas for ground water recharge, canopy trees and vegetation	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
	c) infiltration of stormwater run-off and allow a greater ability to plant.	
R38D This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Existing and new trees on the block are to provide at least 15% canopy cover to the block at maturity. Trees are to be planted in deep soil zones.	This is a mandatory rule. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.
There is no applicable rule	C38E This criterion applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020 Planting area provided in the development achieves all of the following: a) Planting of suitably sized plants in deep soil zones, including adequate dimensions for deep soil zones to support healthy canopy tree growth, and provide adequate room for canopy trees b) deep soil zones should allow subsoil drainage to support groundwater infiltration	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
	c) planting of canopy trees with semi-advanced stock and suitable heights at maturity d) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas	
R38F This rule applies to all development in RZ1 and RZ2 zones on blocks approved under an estate development plan before 1 January 2020, or land for which the original Crown lease was granted before 1 January 2020. Development provides a minimum level of tree planting, with associated planting requirements as described in table A7a, consistent with the following: a) for large blocks less than or equal to 800m², at least one small tree and one medium tree b) for large blocks more than 800m², at least: i) one medium tree and one large tree, and ii) one additional large tree or two additional medium trees for each additional 800m² block area. Note: Existing canopy trees being retained as part of development may be considered to meet these requirements.	C38F Tree planting in the development ensures: a) planting or retention of suitably sized canopy trees in deep soil zones, including adequate dimensions for deep soil zones to support healthy tree growth, and provide adequate room for canopy trees b) planting canopy trees of semi-advanced stock and reasonable heights at maturity	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.

Rule	Criteria	Response
4.3 Site open space- RZ3, RZ4, RZ5 and commercial zones		
R39	C39	Criterion Satisfied.
This rule applies to:	Open space on the site achieves all of the following:	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
a) all development in commercial zones	a) sufficient useable space for a range of recreational activities for residents to support active living	
b) all development in RZ3, RZ4 and RZ5 zones on blocks approved under an estate development plan for which the original Crown lease was granted on or after 1 January 2020	b) sufficient space for planting, particularly trees with deep root systems	
Not less than 20% of the total site area is allocated to the following:	c) a contribution to on-site infiltration of stormwater run-off	
a) for developments with fewer than 20 dwellings, none of which are apartments, one or more of the following -	d) reasonable accessibility that is designed to be inclusive for all residents	
i) communal open space that complies with all of the following:	e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.	
a. a minimum dimension of 2.5m	One or more of the following matters may be considered when determining compliance with this criterion:	
b. is directly accessible from common entries and pathways	i) whether the total area of upper floor level private open space contributes to the function of other open space on the site	
ii) private open space that complies with all of the following:	ii) whether any adjoining or adjacent public open space is readily available for the use of residents.	
a. a minimum dimension of 2.5m		
b. is associated with dwellings at the lower floor level		

Rule	Criteria	Response
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.		
4.4 Site open space – RZ3, RZ4 and RZ5 zones		
R39A This rule applies to all development in RZ3, RZ4 and RZ5 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Site coverage is a maximum of 45% of the block area.	C39A To reduce urban heat island effects, retain water and maintain ecosystem services, development complies with all of the following: a) limits site coverage of buildings and vehicle parking and manoeuvring areas b) provides outdoor areas that are readily accessible by residents for a range of uses and activities c) provides space for service functions such as clothes drying and domestic storage.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3', 'RZ4' or 'RZ5' under the Territory Plan 2008.
R39B This rule applies to all development in RZ3, RZ4 and RZ5 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Planting area is a minimum of 25% of the block area.	C39B Planting area provided in the development achieves all of the following: a) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3', 'RZ4' or 'RZ5' under the Territory Plan 2008.

Rule	Criteria	Response
The minimum dimension of any area included in the planting area calculation is 2.5 metres	b) enhance living infrastructure through water-sensitive urban design, providing areas for deep soil zones for ground water recharge, large canopy trees and vegetation c) If the minimum required planting area can't be provided on site, an equivalent area should be achieved through planting on structures.	
R39C This rule applies to all development in RZ3, RZ4 and RZ5 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Existing and new trees on the block are to provide at least 20% canopy cover of the block at maturity. Trees are to be planted in deep soil zones in communal areas. Note: for the purposes of this rule deep soil zones are areas of natural or structured soil medium with a minimum unobstructed depth of 1.2m, minimum surface area of 64m² and minimum volume of 85m³.	C39C Planting area provided in the development achieves all of the following: a) planting in deep soil zones, including minimum dimensions for deep soil zones, to support healthy tree growth, and provide adequate room for canopy trees b) planting of canopy trees with appropriate species and with a semi-advanced stock and minimum heights at maturity c) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas d) if the minimum required canopy trees cannot be provided on site, an equivalent area should be achieved through planting on structures.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3', 'RZ4' or 'RZ5' under the Territory Plan 2008.

Rule	Criteria	Response
R39D This rule applies to all development in RZ3, RZ4 and RZ5 zones on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was originally granted before 1 January 2020. 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 the following: a) a minimum dimension of 2.5m b) is directly accessible from common entries and pathways; and/or ii) private open space that complies with 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 the following: i) a minimum dimension of 2.5m ii) is directly accessible from common entries and pathways.	C39D To reduce urban heat island effects, retain water and maintain ecosystem services, open space on the site achieves all of the following: a) adequate useable space for a range of recreational activities for residents to support active living b) a contribution to on-site infiltration of stormwater run-off c) reasonable accessibility that is designed to be inclusive for all residents d) utilise planting on structures where planting area, canopy trees cannot be achieved on site e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses f) if the minimum required planting area can't be provided on site, an equivalent area should be achieved through planting on structures. g) 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; and/or	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ3', 'RZ4' or 'RZ5' under the Territory Plan 2008.

Rule	Criteria	Response
	ii) whether any adjoining or adjacent public open space is readily available for the use of residents.	
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
R40A This rule applies to all development on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Development provides a minimum level of tree planting, with associated planting requirements as described in table A7b, consistent with the following: a) for large blocks less than or equal to 800m², one small tree and one medium tree b) for large blocks more than 800m²: i) one medium tree and one large tree, and ii) one additional large tree or two additional medium trees for each additional 800m² block area.	C40A Tree planting provided in the development ensures: a) planting in deep soil zones, including minimum dimensions for deep soil zones, to support healthy canopy tree growth, and provide adequate room for canopy trees b) planting of canopy trees with appropriate species and with a semi-advanced stock and minimum heights at maturity c) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas.	Criterion Satisfied. The development proposal, as revised, delivers a total of 35 tree plantings in a variety of species. Plantings range from 45 litre to 150 litre in size, with a height at maturity between 5 metres and 20 metres; and a canopy coverage at maturity between 3 metres and 15 metres. At maturity, canopy coverage is expected to total 350 square meters. Please refer to the Canopy Coverage Plan accompanying this application.

Rule	Criteria	Response
There is no applicable rule.	C40B This criterion applies to all development on blocks approved under an estate development plan before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020. Where one or more existing canopy trees located within the subject block are to be retained as part of development to count towards canopy tree coverage requirements as described elsewhere in this code, development applications are supported by a report prepared by a suitably qualified person demonstrating how the development complies with all of the following: a) shows the tree(s) are in good health and likely to actively grow at the completion of works b) details how the tree(s) will be suitably protected during construction works c) provides adequate deep soil area to ensure the tree(s) will remain viable d) confirms that the tree(s) to be retained are sited appropriately and will not detrimentally impact the development in the future	Criterion Satisfied. Where trees are to be retained, appropriate tree protection measures will be implemented during construction. A further 35 tree plantings in a variety of species are also proposed. Plantings range from 45 litre to 150 litre in size, with a height at maturity between 5 metres and 20 metres; and a canopy coverage at maturity between 3 metres and 15 metres. At maturity, canopy coverage is expected to total 350 square meters. Please refer to the Landscape Plans accompanying this application.

Rule	Criteria	Response
4.5 Fences		
R41	C41	Not Applicable.
Fences are permitted forward of the building line in the front zone or on the front boundary only where they comply with any of the following:	Fences may be permitted where the proposal meets the requirements contained in the Residential Boundary Fences General Code.	The development proposal, as revised, does not involve fencing.
a) it is a gate to a maximum height of 1.8m and 1m width in an established hedge		
b) exempt under the <i>Planning and Development Act 2007</i>		
c) permitted under the <i>Common Boundaries Act 1981</i> .		
4.6 Courtyard walls – RZ1 and RZ2		
R42	C42	Not Applicable.
Courtyard walls are permitted forward of the building line where they comply with all of the following:	Courtyard walls achieve all of the following:	Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.
a) a total length not exceeding 60% of the width of the block at the line of the wall	a) consistent with the desired character	
b) a minimum setback from the front boundary of not less than 2m	b) the dominance of the building's facade in the streetscape taking all of the following aspects of the proposed courtyard wall into account:	
c) trees and/or shrubs between the wall and the front boundary, in accordance with an approved landscape plan	c) height	
d) a maximum height not exceeding 1.8m above datum ground level	d) relationship to verge footpath	
	e) total proportion relative to the building	
	f) width	
	g) colour and design features	
	h) transparency	
	i) articulation	

Rule	Criteria	Response
e) constructed of brick, block or stonework, any of which may be combined with timber or metal panels that include openings not less than 25% of the surface area of the panel f) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- Off-Street Parking.	j) protection of existing desirable landscape features k) tree and shrub planting forward of the wall l) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- Off-Street Parking.	
4.6A Courtyard walls – other than RZ1 and RZ2		
R42A Courtyard walls are permitted forward of the building line where they comply with all of the following: a) maximum height of 1.8m above datum ground level b) a minimum setback to the front boundary complying with the following: i) where the wall encloses the principal private open space at ground floor level that is located to the west, north-west, north, north-east, or east of the dwelling – 0.7m ii) in all other cases - half the front boundary setback nominated elsewhere in this code c) trees and/or shrubs between the wall and the front boundary, in accordance with an approved landscape plan	C42A Courtyard walls achieve all of the following: a) consistent with the desired character b) the dominance of the building's facade in the streetscape taking all of the following aspects of the proposed courtyard wall into account: i) height ii) relationship to verge footpath iii) total proportion relative to the building iv) width v) colour and design features vi) transparency vii) articulation viii) protection of existing desirable landscape features	Not Applicable. The development proposal, as revised, does not involve courtyard walls.

Rule	Criteria	Response
d) a variety of materials or indentations not less than 15m apart where the indents are not less than 1m in depth and 4m in length	ix) tree and shrub planting forward of the wall	
e) constructed of brick, block, or stonework, any of which may be combined with timber or metal panels that include openings not less than 25% of the surface area of the panel	c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- Off-Street Parking.	
f) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- Off-Street Parking.		

4.7 External facilities

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.	Criterion Satisfied. The development proposal, as revised, ensures mechanical services are appropriately screened or separated from public areas. Air conditioning units and other mechanical equipment are integrated into the building design and located to minimize visual impact from public spaces. Waste storage areas are enclosed within the building structure and screened from public view. Please refer to the Architectural Plans accompanying this application.
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Rule	Criteria	Response
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 mailboxes.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

4.8 Electrical and telecommunication facilities

R45 Electrical and telecommunication reticulation within existing residential areas or streets with residential access complies with all of the following: a) do not result in continuous rows of supply poles erected on residential streets b) for developments involving up to 2 blocks or 2 dwellings, are underground or along the rear spine or side of blocks c) for developments involving more than 2 blocks or 2 dwellings, are underground d) there is no overhead cabling to dwellings within the site	C45 Electrical and telecommunication reticulation within existing residential areas or streets with residential access limits the amount of visual clutter in the streetscape, particularly from supply poles and overhead cabling.	Not Applicable. Blocks 2, 7 and 8 Section 5 City and surrounding lands are not residentially zoned under the Territory Plan 2008.
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Rule	Criteria	Response
No applicable Rule	C46 Ground level electrical and telecommunication facilities (such as electrical substations, switching stations, telecommunications nodes) within existing residential areas or streets with residential access are screened from public view whilst allowing for reasonable access for service providers.	Not Applicable. Blocks 2, 7 and 8 Section 5 City and surrounding lands are not residentially zoned under the Territory Plan 2008.
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
5.2 Building Entries		
R48 Common entries to dwellings 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	C48 Common entries to dwellings achieve all of the following: a) a transitional area from the street b) secure, all-weather access	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
c) separate access to any non-residential uses, which are clearly distinguishable and secured after hours.	c) surveillance of public areas (including between buildings and open space areas, paths, dwelling entries, car parking areas and driveways) d) safety, security and convenience for residents and visitors e) the separation of residential entries and commercial entries.	
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
5.4 Building Design- RZ2		
R52 This rule applies to standard blocks in RZ2 containing 2 or more dwellings. All dwellings adjacent to a public street (other than a rear lane) have at least one of the following facing the street: a) front door b) living room window c) living room glass sliding door	C52 Dwellings address the street wherever practicable.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ2' under the Territory Plan 2008.
5.5 Basements and under croft parking		
R53 This rule applies to all of the following: i. basements ii. under croft parking. Exposed external walls comply with all of the following:	C53 Basements and under croft 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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.		
5.6 Adaptability 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.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
5.7 Minimum Dwelling Size		
R55 Minimum dwelling floor areas are as follows: a) studio dwellings - 40 m² b) one-bedroom dwellings - 50 m² c) 2-bedroom dwellings - 70 m² d) dwellings with 3 or more bedrooms - 95 m² The minimum dwelling floor area excludes balconies and car parking facilities. Storage within dwellings 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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
5.8 Housing Diversity		
R56 For developments containing 40 or more dwellings, a combination of dwelling types, including studio or 1-bedroom dwellings, 2-bedroom dwellings, and dwellings with 3 or more bedrooms are provided	C56 Housing developments comprising multiple dwellings are required to achieve all of the following: a) a range of housing types b) increased diversity of dwelling types within a neighbourhood	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
5.9 Building design – dual occupancy on surrendered residential blocks in RZ1		
No applicable rule	C56A This criterion applies to dual occupancy development on surrendered residential blocks. The design of buildings encourages high quality architectural standards that contribute to a visually harmonious streetscape character with variety and interest, whilst not detrimental to, or overtly detracting from the existing streetscape character.	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1' under the Territory Plan 2008.

Rule	Criteria	Response
Element 6: Amenity		
6.1 Solar access- other than apartments		
R57 This rule applies to all multi-unit housing on <i>blocks</i> with the exception of blocks subject to R57A. This rule does not apply to <i>apartments</i>. The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June). For this rule: Daytime living area means a <i>habitable room</i> other than a bedroom Note: Where a development comprises a mixture of <i>apartments</i> and other multi-unit housing, this rule applies to the other multi-unit housing but does not apply to the <i>apartments</i>. Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwelling does not currently comply, the development must not increase the level of non-compliance for that other dwelling.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. The development proposal, as revised, does not involve dwellings other than apartments.

Rule	Criteria	Response
R57A This rule applies to multi-unit housing on <i>blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013. This rule does not apply to apartments. A daytime living area of each new <i>dwelling</i> is provided with a minimum of 4m² of transparent vertical glazing that: a) is oriented between 45° east of north and 45° west of north; and b) is not overshadowed at noon on the winter solstice (21 June) by: i) buildings and structures on the subject block ii) the solar fence on the <i>northern boundary</i> of the subject block <u>For this rule:</u> Daytime living area means a <i>habitable room</i> other than a bedroom The height of the ‘solar fence’ is: i) in the <i>primary building zone</i> – 3m ii) all other parts of the boundary – 2.3m Note: where a development comprises a mixture of apartments and other multi-unit housing, this rule applies to the other multi-unit housing but does not apply to the apartments.	C57A One or more daytime living areas in each dwelling is provided with reasonable access to direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June). For this criterion: Daytime living area means a <i>habitable room</i> other than a bedroom	Not Applicable. The development proposal, as revised, does not involve dwellings other than apartments.

Rule	Criteria	Response
Compliance with this rule may be demonstrated through plan, elevations and supporting documentation (e.g., shadow diagrams) showing that the required minimum area of glazing is not overshadowed Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwellings does not currently comply, then the development must increase the level of non-compliance for that other dwelling		
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.	C58 Daytime living areas have reasonable access to sunlight.	Rule Met. The development proposal, as revised, achieves the minimum required 3 hours of direct sunlight between 9:00am and 3:00pm on the winter solstice for 88% of apartments (136 units out of 154), exceeding the 70% requirement. Building A achieves 90% compliance (80 units) and Building B achieves 85% compliance (56 units), with sunlight penetration to internal living areas rather than just balconies or winter gardens. Please refer to the Solar Plans and Solar Access 3D Analyses accompanying this application.

Rule	Criteria	Response
6.3 Privacy		
R59 This rule applies to dwellings 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 dwellings 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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
R60 This rule applies to <i>principal private open space</i> on the same <i>block</i> and on adjacent <i>blocks</i> . A person with an eye height of 1.5m standing at any point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight to more than 50% of the minimum <i>principal private open space</i> of any other <i>dwelling</i> . 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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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	C61 Principal private open space for each dwelling achieves all of the following: a) an area proportionate to the size of the dwelling	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
b) has minimum area and dimensions specified in table A9	b) an extension of the function of the dwelling for relaxation, dining, entertainment, recreation	
c) is screened from adjoining public streets and public open space	c) directly accessible from the dwelling	
d) is directly accessible from, and adjacent to, a habitable room other than a bedroom	d) service functions such as clothes drying and mechanical services	
e) is not located to the south, south-east or south-west of the dwelling, unless it achieves one or more of the following –	e) reasonable privacy	
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)	f) reasonable solar access.	
ii) located at an upper floor level and overlooks a public street or public open space.		

6.5 Separation between external walls

R62	C62	Rule Met.
The minimum separation between an unscreened element and an external wall on the same block or an adjoining block, is 3m.	The outlook from an unscreened element is not unreasonably impeded by external walls on the same or adjoining blocks	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
R63	C63	Rule Met
The separation between external walls at the lower floor level on the same block or an adjoining block is not less than 1m.	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	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
6.7 Storage		
R65 This rule applies to dwellings 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 –	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.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.		
6.8 Natural Ventilation		
No applicable rule	C66 For buildings containing 3 or more dwellings, dwelling layouts are to ensure natural ventilation is provided to habitable rooms by cross or stack effect ventilation by maximising separation between opening windows	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
6.9 Noise attenuation – external sources		
R67 Where a block has one or more of the following characteristics: 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 12000 vehicles per day iii. located in a commercial zone iv. adjacent to a commercial or industrial zone	This is a mandatory requirement. There is no applicable criterion.	Rule Met Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
dwelling 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 <i>ACT Environment Protection Regulation 2005</i>. 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.		

Rule	Criteria	Response
Element 7: Parking and Vehicular Access		
7.1 Ramps to Basement car parking- RZ1 and RZ2		
R68 This rule applies to blocks with all of the following characteristics: a) zoned RZ1 or RZ2 b) standard blocks c) less than 30 m wide at the street frontage Ramps accessing basement car parking are not permitted forward of the building line.	C68 Ramps accessing basement car parking forward of the building line may be allowed where all of the following are achieved: i) compatibility with the streetscape ii) retention of existing street trees iii) safe and convenient pedestrian and bicycle crossings adequate line of sight for cars entering and/or leaving the car parking area	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned 'RZ1', or 'RZ2' under the Territory Plan 2008.
7.2 Driveway Verge Crossings		
R69 This rule applies to previously undeveloped blocks. No more than one driveway verge crossing is provided to each block.	C69 More than one driveway verge crossing to each block 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	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	iv) protection of existing landscape features v) public safety c) where the block is a corner block.	
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 tress iv) protection of existing landscape features v) public safety c) where the block is a corner block.	Rule Met Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
R72	C72	Criterion Satisfied.
Driveway verge crossings comply with all of the following:	Driveway verge crossings are endorsed by the Territory and Municipal Services Directorate.	Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.
a) 1.2m horizontally clear of stormwater sumps and other services		
b) 1.5m horizontally clear of transformers, bus stops, public light poles		
c) 6m horizontally clear of the tangent point of the radius of the curve on a corner block (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance)		
d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb		
e) at a right angle to the kerb line with a maximum 10% deviation		
f) a maximum of 5.5m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb		
g) except for blocks 250m ² or less, 3m wide at the front street boundary		
h) outside of the drip line of mature street trees		
i) a minimum of 3m clear of small and new street trees		

Rule	Criteria	Response
j) compliant with Australian Standard AS2890.1 – Off Street Parking, having particular regard for sightlines and cross fall of the site k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e., the footpath is to have precedence) l) if the existing footpath is replaced, it is to be constructed at the same level in the same material and colour as the original. Note: a condition of development approval may be imposed to ensure compliance with this rule.		
7.3 Internal Driveways		
R73 This rule applies to internal driveways that are used by residents of more than one dwelling. Internal driveways comply with all of the following: a) are set back from external block boundaries by not less than 1m b) are set back from the external walls of buildings on the site by not less than 1m c) the setbacks referred to in items a) and b) are planted to a width of not less than 1m d) windows to habitable rooms and exterior doors within 1.5 of an internal driveway have at least one of the following -	C73 Internal driveways achieve all of the following: a) sufficient space for planting along property boundaries b) sufficient space for planting between internal driveways and buildings c) reasonable residential amenity, particularly in relation to the intrusion of light and noise into habitable rooms d) clear differentiation between the driveway and parking spaces.	Not Applicable. No internal driveways are proposed, with the basement access ramp being directly from Darwin Place.

Rule	Criteria	Response
e) an intervening fence or wall not less than 1.5m high f) for windows, a sill height not less than 1.5m above the driveway g) the relevant requirements in Australian Standard AS2890.1 - Off Street Parking for sightlines and gradients h) provide internal radius of at least 4m at changes in direction and intersections i) have a surface treatment that is distinct from car parking spaces.		
R74 This rule applies to internal driveways with both of the following characteristics: a) serve 4 or more car parking spaces. b) connect to a major road. Turning spaces are provided on the block to allow vehicles to leave in a forward direction.	C74 Internal driveways achieve reasonable levels of public safety	Not Applicable. No internal driveways are proposed, with the basement access ramp being directly from Darwin Place.
R75 This rule applies to internal driveways with both of the following characteristics: a) serve more than 10 car parking spaces. b) connect to a public road. The internal driveway is not less than 5m wide for not less than the first 7m of its length measured from the relevant block boundary.	C75 Internal driveways avoid unreasonable levels of queuing and congestion at vehicular entrances	Not Applicable. No internal driveways are proposed, with the basement access ramp being directly from Darwin Place.

Rule	Criteria	Response
There is no applicable rule	C76 Internal driveways are designed to be safely used by both pedestrians and vehicles, including emergency vehicles. Measures to reduce vehicle speed on internal driveways will be considered when determining compliance with this criterion, including one or more of the following: a) changes in pavement materials b) the lack of kerb and gutters c) difference in height to adjacent streets d) avoiding long lengths of driveway e) suitable planting f) signage	Not Applicable. No internal driveways are proposed, with the basement access ramp being directly from Darwin Place.
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	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	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.		
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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 b) 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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
7.5 Visitor parking		
R82 Visitor car-parking spaces on the site comply with all of the following: a) located behind the front zone (except for apartment car parking) b) do not encroach any property boundaries c) are separated by not less than 1.5m from windows and doors to habitable rooms of dwellings d) are not more than 50m walking distance from any common building entry e) clearly identified and visible from driveways	C82 Visitor parking achieves all of the following: a) accessible for all visitors b) safe and direct visitor entry to common building entries.	Criterion Satisfied. Please refer to the Traffic Impact Assessment accompanying this application.

Rule	Criteria	Response
R83 Visitor car parking complies with one of the following: 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.	C83 Visitor parking is accessible to all visitors.	Criterion Satisfied. Please refer to the Traffic Impact Assessment accompanying this application.
7.6 Number of co-located parking spaces – RZ2		
R84 In RZ2 on standard blocks, co-located car parking spaces on the site comply with all of the following: a) the maximum number of car parking spaces (including spaces in garages but excluding those in basements) is 4m. b) the minimum separation between groups of co-located car parking spaces (including spaces in garages but excluding those in basements) is 4m.	C84 Car parking spaces on the site (including garages but excluding basement car parking) achieves all of the following: a) do not dominate site landscaping b) are consistent with the desired character	Not Applicable. Blocks 2, 7 and 8 Section 5 City are not zoned RZ2' under the Territory Plan 2008.
7.7 Delivery and removalist vans		
R85 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.	C85 Reasonable provision is made for short stay parking for delivery trucks.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
Element 8: Environment		
8.2 Heritage		
R90		Not Applicable.
This rule applies to land containing places or objects registered or provisionally registered under section 41 of the <i>Heritage Act 2004</i> . The authority shall refer a development application to the Heritage Council.	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Note: The authority will consider any advice from the Heritage Council before determining the application		
8.3 Tree protection		
R91		Not Applicable.
This rule applies to a development that has one or more of the following characteristics:	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
a) requires groundwork within the tree protection zone of a protected tree		
b) is likely to cause damage to or removal of any protected trees. The authority shall refer the development application to the Conservator of Flora and Fauna.		
Note: The authority will consider any advice from the Conservator or Flora and Fauna before determining the application in accordance with the <i>Planning and Development Act 2007</i> . Protected tree and declared site are defined under the <i>Tree Protection Act 2005</i> .		

Rule	Criteria	Response
8.4 Bushfire		
R92 Where identified in a precinct code or lease and development conditions as being within a bushfire prone area, buildings are to be constructed in accordance with the relevant Building Code of Australia bushfire provisions.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
8.5 Erosion and Sediment Control		
R93 For sites less than 3000m ² , 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 <i>Planning and Development Act 2007</i> . Note 2: see part D for sites over 3000m ² .	This is a mandatory requirement. There is no applicable criterion.	Rule to be Met. Please refer the Pollution Control and Management Plans accompanying this application to the ACT Environment Protection Authority for endorsement.
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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	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.	

7.2 Part B – Additional Controls for Multi-Unit Housing with 4 or more Storeys

Part B contains rules and criteria additional to those in Part A. They apply to multi-unit housing with 4 or more storeys. The provisions of this part apply to the building as they are more than 3 storeys. Where there is an inconsistency between Part A and Part B, the latter shall prevail to the extent of that inconsistency.

Table 8: Part B assessment

Rule	Criteria	Response
Element 10: Building and site design – buildings with 4 or more storeys		
10.1 Side and rear boundary setbacks		
R95 In RZ5 side and rear boundary setbacks comply with table B1.	C95 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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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:	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	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.	
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 a practical 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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

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

Part C contains additional rules and criteria applying to multi-unit housing within a commercial zone.

Rule	Criteria	Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

7.4 Part D – Endorsement by Government Agencies (Entities)

Table 9: Part D assessment

Rule	Criteria	Response
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 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.	Rule to be Met. Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.

Rule	Criteria	Response
12.2 Post occupancy waste management		
R99		Rule to be Met.
Post occupancy waste management facilities are to be endorsed by TAMS.	This is a mandatory requirement. There is no applicable criterion.	Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.
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		
Element 13: Utilities		
13.1 Utilities		
R100		Not Applicable.
This rule applies to any proposed encroachment into a registered easement.	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
The proposed encroachment is to be approved in writing by the relevant service provider.		

Rule	Criteria	Response
R101		Rule to be Met.
A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater, and gas) 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. 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 <i>Planning and Development Act 2007</i>.	This is a mandatory requirement. There is no applicable criterion.	Please refer this application and relevant supporting documentation to utility entities for endorsement.

Rule	Criteria	Response
Element 14: Environmental Management		
14.1 Contamination		
R102		Not Applicable.
This rule applies to any site located adjacent to a potentially polluting source (including a site used or formerly used as a petrol station). The site is assessed for the potential for land contamination in accordance with the ACT Government Strategic Plan – <i>Contaminated Sites Management 1995</i> and the <i>Contaminated Sites Environment Protection Policy 2000</i>. If land contamination is identified, the development complies with the requirements of Environment Protection Authority. Note 1: If no evidence of assessment of the site for land contamination is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>. Note 2: A condition of approval may be imposed to ensure compliance.	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
14.2 Erosion and Sediment Control		
R103		Not Applicable.
This rule applies to sites 3000m² 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 plan is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>. Note 2: a condition of approval may be imposed to ensure compliance.	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

8

Commercial Zones Development Code

The relevant parts of the Code that apply to this development include:

- Part A;
- Part F; and
- Part G.

Described below is the performance of the revised proposal against the rules and criteria of the Commercial Zones Development Code, effective 30 November 2022.

8.1 Part A – General Controls

Table 10: Part A assessment

Rule	Criteria	Design Response
Element 1: Lease and Development Conditions		
1.1 Approved Lease and Development Condition		
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	C1 The development meets the intent of any current relevant approved lease and development conditions	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
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.		
Element 2: Use		
2.1 Existing Community and Recreation Sites		
R2 A development proposal does not reduce the range of community or recreation facilities available.	C2 A proposal that reduces the range of community or recreation facilities available demonstrates through a social impact assessment that there is enough land or sufficient other facilities in the locality to meet anticipated demand	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
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, pedestrian and cycling 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.	Criterion Satisfied. The development proposal, as revised, contributes to the amenity and character of adjacent public spaces through active ground floor commercial uses, continuous colonnade treatment, and landscape plaza integration. The facades provide functional and attractive streetscape interfaces, with appropriate articulation and materials that respond to the modernist context. The design promotes permeability through multiple pedestrian connections and the cross-block plaza link. The buildings include physically open stairwells, visible in the architectural sections, which facilitate natural surveillance. Floor plans encourage walking within the buildings through efficient circulation arrangements. Please refer to the Architectural Plans accompanying this application.
There is no applicable rule.	C4 Buildings are of permanent construction.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
3.3 Car Parking Structures		
There is no applicable rule.	C6 Parking structures achieve all of the following: a) integrate with the built form of adjacent existing development b) avoid blank walls and provide interesting and attractive facades when facing public areas.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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: a) transparency is maximized b) reflectivity is minimized c) shadow profiles or visible joint detailing are included	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
	d) visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows, or deep framing profiles	
3.5 Storage		
R8 Outdoor storage areas comply with all of the following: a) are located behind the building line b) are screened from view from any road or other public area c) 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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
3.6 Wind		
There is no applicable rule.	C9 This criterion applies to buildings with a height of building greater than 19m but less than 28m. The wind patterns associated with the proposed building will not unreasonably reduce the safety and comfort of people in the public realm or other open spaces associated with the development, compared with a similar building on the site with a height of building of 19m.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
	Compliance with this criterion will be demonstrated by a wind assessment report prepared by a suitably qualified person.	
R10 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: a) adjacent main pedestrian areas and routes (as defined in the relevant precinct code) - 10m/s b) 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	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the Desktop Wind Impact Study accompanying this application.
3.7 Ventilation		
R11 This rule applies to buildings used or proposed to be used for one or more of the following: a) food retail b) 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.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
3.8 Shopping Arcades and Malls – CZ3		
R12 This rule applies to CZ3. Internal shopping arcades or malls are not permitted	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
3.9 Supportive Housing and Residential Care Accommodation		
R13 All dwellings for the purposes of supportive housing and/or residential care accommodation are designed to comply with the relevant parts of the Residential Zones – Multi Unit Housing Development Code and the relevant Australian Standard for Adaptable Housing.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 4: Site		
4.1 Landscaping		
There is no applicable rule.	C14 Landscaping associated with the development achieves all of the following: 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	Criterion Satisfied. The development proposal, as revised, includes substantial tree planting and green roof areas that provide deep root planting opportunities. The species selection and landscape areas are thoughtfully designed to complement the streetscape, while providing adequate shade and energy efficiency benefits. The landscape plaza on Block 8 integrates with the broader public space network and transport corridors, while the green roof

Rule	Criteria	Design Response
	d) integration with parks, reserves, and public transport corridors	systems minimise adverse effects on building structure and provide amenity benefits for residents. Please refer to the Architectural and Landscape Plans accompanying this application.
	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 pedestrians, cyclists, and vehicles, 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.	

Rule	Criteria	Design Response
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
4.3 Easements		
R18 Buildings do not encroach over easements or rights of way.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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:	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
	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.	
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.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the Traffic Impact Assessment accompanying this application.

Rule	Criteria	Design Response
5.3 Service Access and Delivery		
R22 Goods loading and unloading facilities comply with all of the following: a) are located within the site b) 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 or cyclists c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway, or pedestrian pathway d) does not unreasonably affect on-street or off-street car parking e) adequate provision for the manoeuvring of vehicles	Criterion Satisfied. Please refer to the Waste and Recycling Management Plan accompanying this application.

Rule	Criteria	Design Response
Element 6: Noise		
6.1 Potentially Noisy Uses		
R23 This rule applies to any of the following: a) club b) drink establishment c) emergency services facility d) hotel e) indoor recreation facility f) industry (except light industry) g) indoor entertainment facility h) outdoor recreation facility i) 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.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the Noise Management Plan accompanying this application.

Rule	Criteria	Design Response
Element 7: Environment		
7.2 Earthworks		
There is no applicable rule.	C29	Criterion Satisfied.
	The extent of earthworks is minimised.	Proposed layout changes and car parking efficiencies have enabled a reduction of basement levels, thereby reducing the extent of earthworks required.
7.3 Tree Protection		
R30		Not Applicable.
This rule applies to a development that has one or more of the following characteristics: a) requires groundwork within the tree protection zone of a protected tree b) is likely to cause damage to or removal of any protected trees c) is a declared site.	This is a mandatory requirement. There is no applicable criterion.	Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
The authority shall refer the development application to the Conservator or Flora and Fauna. Note 1: The authority will consider any advice from the Conservator or Flora and Fauna before determining the application. Note 2: Protected tree and declared site are defined under the Tree Protection Act 2007		

Rule	Criteria	Design Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
7.4 Heritage		
R32 This rule applies to land containing places or objects registered or provisionally registered under section 41 of the Heritage Act 2004. The authority shall refer a development application to the Heritage Council. Note: The authority will consider any advice from the Heritage Council before determining the application.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 8: Subdivision		
8.1 Subdivision		
R33 Subdivision is only permitted where all of the following are met: a) the subdivision is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant sections of this code.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
Element 9: Demolition		
9.1 Statement of Endorsement		
R34		Rule to be Met.
The development application for demolition is accompanied by a statement of endorsement for utilities (including water, sewerage, storm water, 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 requirement	This is a mandatory requirement. There is no applicable criterion.	Please refer this application and relevant supporting documentation to utility entities for endorsement.

Rule	Criteria	Design Response
9.2 Hazardous Materials Survey		
R35 This rule applies to one of the following: a) the demolition of multi-unit housing (including garages and carports) for which a certificate of occupancy was issued prior to 1985 b) demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005. Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority. A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following: a) is a licensed disposal facility in the ACT b) another site outside the ACT. If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site.	This is a mandatory requirement. There is no applicable criterion.	Rule to be Met. Please refer the Hazardous Materials Survey Reports and Management Plans accompanying this application to the ACT Environment Protection Authority for endorsement.

Rule	Criteria	Design Response
An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site. Note: If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.		
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

8.2 Part F – Residential Uses

Part F applies to residential development in commercial zones.

Table 11: Part F assessment

Rule	Criteria	Design Response
Element 19: Residential development		
19.1 Single dwelling housing		
R59 Single dwelling housing complies with the Residential Zones - Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Rule Met. The development proposal, as revised, is considered to comply with the Multi Unit Housing Development Code. Please refer to Section 7 of this report.
19.3 Residential care accommodation (where permitted)		
R61 Residential care accommodation complies with the relevant parts of the Residential Zones Development Code.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

8.3 Part G – Endorsement by Government Agencies (Entities)

Table 12: Part G assessment

Rule	Criteria	Design Response
Element 20: Loading and Unloading Facilities		
20.1 Goods		
R62		Rule to be Met.
Goods loading and unloading facilities are endorsed by TAMS.	This is a mandatory requirement. There is no applicable criterion.	Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.
Element 21: Waste management		
21.1 Management of construction waste		
R63		Rule to be Met.
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.	This is a mandatory requirement. There is no applicable criterion.	Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.

Rule	Criteria	Design Response
21.2 Post Occupancy Waste Management		
R64 Post occupancy waste management facilities are to be endorsed by TAMS. 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.	This is a mandatory requirement. There is no applicable criterion.	Rule to be Met. Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.
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.	Rule to be Met. Please refer this application and relevant supporting documentation to Transport Canberra and City Services for endorsement.
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
R67 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	This is a mandatory requirement. There is no applicable criterion.	Rule to be Met. Please refer this application and relevant supporting documentation to utility entities for endorsement.
R68 All new permanent or long-term electricity supply lines are underground.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
R69 Subject to ACTEWAGL approval, all under cover areas drain to the sewer.	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
Element 23: Environmental Management		
23.1 Erosion and Sediment Control		
R70 This rule applies to sites greater than 3,000m ² . 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	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Blocks 2, 7 and 8 Section 5 City do not exceed an area of 3,000 square metres.

Rule	Criteria	Design Response
23.2 Contamination		
R71 This rule applies where an assessment by the proponent in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Policy identifies contamination within or adjacent to the development area but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area. Development complies with an environmental site assessment report endorsed by Environment Protection Authority. Supporting document: Environmental site assessment report endorsed by Environment Protection Authority Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

9

General Codes

The Territory Plan General Codes of relevance to this development are the:

- Parking and Vehicular Access General Code;
- End-of-Trip Facilities General Code;
- Access and Mobility General Code;
- Crime Prevention Through Environmental Design General Code.
- Waterways: Water Sensitive Urban Design General Code; and
- Lease Variation General Code

These codes are addressed below.

9.1 Parking and Vehicular Access General Code

Details of the compliance of the revised proposal with this Code, effective 17 June 2022, can be found in the Traffic Impact Assessment submitted as part of this Reconsideration Application.

9.2 End-of-Trip Facilities General Code

Details of the compliance of the revised proposal with this Code, effective 30 November 2022, can be found in the Traffic Impact Assessment submitted as part of this Reconsideration Application.

9.3 Access and Mobility General Code

Details of the compliance of the revised proposal with this Code, effective 4 October 2013, can be found in the Access Report submitted as part of this Reconsideration Application.

9.4 Crime Prevention Through Environmental Design Code

Provided below is an assessment against the requirements of the Crime Prevention Through Environmental Design Code, effective 16 December 2011.

Table 13: Crime Prevention Through Environmental Design General Code assessment

Rule	Criteria	Response
Element 1: Neighbourhood Design		
1.1 Neighbourhood Design		
There is no applicable rule.	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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 2: Use		
2.1 General Code		
There is no applicable rule.	C2 The development described in Table 1 meet the Crime Prevention Through Environmental Design General Code.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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;	Criterion Satisfied. The revised proposal includes significant improvements to the public open spaces and pedestrian movement networks across the subject site. Surveillance is promoted to these areas by the design of the building including balconies and windows facing these areas.

Rule	Criteria	Response
	c) ensuring clear site lines from, and between, buildings and open space areas: community areas; and d) Designing out any entrapment spaces.	
There is no rule applicable.	C4 Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C6 Selection of plant material are sturdy and 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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C7 Plant material, such as creepers or low hedges may be used to deter to access and limit the opportunity for graffiti on fences and walls.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
There is no rule applicable.	C8 Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
3.2 Children's Play Areas		
There is no rule applicable.	C9 Children's play areas are located and designed to comply with each of the following: a) there is natural surveillance from adjoining areas b) adjacent areas are used by compatible groups c) there are multiple entry/exits	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	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	
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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C12 Areas that are not intended for night time are not lit and are closed off to pedestrians.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
There is no rule applicable.	C13 Damage to light fixtures is minimised by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
3.4 Signs		
R14 A statement is provided that all directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable	C15 Locate signs so that they comply with each of the following: a) they are clearly visible from a distance at all times b) they are not likely to be obscured by growing vegetation c) they are strategically placed at entrances and near activity centres including bus stops, taxi rank and public facilities	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C16 Provide legible signs for all users: a) specify signs of high contrast, with light lettering on dark backgrounds with non-reflective surfaces;	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	b) signs should be developed as a system with a consistent pattern, based on a hierarchy of most important messages.	
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C18 Provide clear sightlines from the building foyer so that occupants can see the nearest pedestrian area/car park before leaving the building.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C19 Recessed sections in the building elevation/façade are detailed and located so as that there is opportunity for natural surveillance, for spill lighting and the potential for hiding is minimised.	Criterion Satisfied. The updated proposal includes unified façades and service areas in the rear laneway that have clear connections and sightlines to pedestrian areas and minimise opportunities for hiding spots to ensure safety.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 6: Travel and Access		
6.1 Pedestrian Routes, Bicycle Paths, and Lanes		
There is no rule applicable.	C23 Pedestrian Routes, Bicycle Paths and Lanes are designed to maximise opportunities for natural surveillance by: a) maintaining sightlines along paths between destination points b) allowing overlooking from adjacent areas	Criterion Satisfied. The revised proposal improves on the natural surveillance and pedestrian/cyclist access throughout the site with reduced opportunities for entrapment zones, overlooking from apartments and adjacent spaces, and unified building façades that improve safety.

Rule	Criteria	Response
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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;	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	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.	
R27 A Statement is provided that pedestrian paths are designed in accordance with AUSTROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
R28 A Statement is provided that Bicycle Paths are designed in accordance with AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
6.2 Pedestrian Underpasses and Overpasses		
There is no rule applicable.	C29 The use of pedestrian underpasses is to be avoided. Where there are no practical or feasible alternative underpasses are designed: a) wide enough to accommodate both pedestrian and cycle traffic b) straight and without recesses c) with mirrors so pedestrians can see around corners if there is a turn of 60 degrees or more	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
	d) with entrances and exits that are visible from shops, homes, or other areas of frequent pedestrian traffic e) to ensure there is no screening of entries/exits e) with signs at each end indicating where it leads and an alternative route to use at night	
There is no rule applicable.	C30 Overpasses are designed to reduce opportunities to throw missiles at cars or pedestrians.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
6.3 Bus Interchange, Bus Stops and Taxi Ranks		
There is no rule applicable.	C31 Locate bus stops and taxi ranks so that: a) natural surveillance is possible b) there are no walls, landscaping, fences, or other structures which block sightlines to bus stops and taxi ranks c) they are not located adjacent to vacant land, alleys, car parks or near possible entrapment spots c) there are short, safe routes to bus stops and taxi ranks from night-time venues such as cinemas, theatres etc.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
There is no rule applicable.	C32 Major bus stops and taxi ranks are well lit and protected from the weather, or adjacent to areas which are well lit or that provide protection from the weather.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C33 Directional signage makes it easy to find bus stops or taxi ranks and provides up-to-date passenger information.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C34 Interchanges are located on the same level as significant activity generators to avoid entrapment, increase natural surveillance, and provide direct routes of access.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
Element 7: Services		
7.1 Automatic Teller Machines (ATMs)		
No Applicable Rules	C35 Approaches and entrances to ATMs are highly visible and adequately lit so that people cannot loiter, or enter, without being seen.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C36 Locations near licensed premises, and bus stops should be avoided to discourage loitering by potential offenders.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
There is no rule applicable.	C37 Where ATMs are enclosed in a vestibule or similar, the vestibule should be securely glazed, adequately and secure from non-legitimate users	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
There is no rule applicable.	C38 Use bollards, or other landscaping, to restrict the potential for vehicle incursions.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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.	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
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	Criterion Satisfied. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Response
7.5 Public Toilets		
There is no rule applicable.	C42 Ensure that: a) Public toilets are located in obvious locations, but not in isolated areas of activity centres b) Entrances are highly visible so that people cannot loiter or enter without being seen, particularly for toilets close to Children's' playgrounds c) Public seating and telephones are located away from public toilets to avoid opportunities for loitering.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
7.6 Public Telephones		
There is no rule applicable.	C43 Public telephones are located in obvious locations, are well lit and well signposted, e.g., near bus stops or taxi ranks.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

9.5 Waterways: Water Sensitive Urban Design General Code

Details of the compliance of the revised proposal with this Code, effective 21 February 2020, can be found in the Stormwater Management Plan submitted as part of this Reconsideration Application.

9.6 Lease Variation General Code

This Code applies to the varying of Crown leases.

Part A of the Code applies to lease variations in the merit or impact track. Described below is the performance of the revised proposal against the relevant rules and criteria of the Lease Variation General Code, effective 25 May 2018.

Table 14: Lease Variation General Code assessment

Rule	Criteria	Design Response
Element 1: Variation - General		
1.1 Varying Leases - General		
There is no applicable rule.	C1 A lease is varied only where all of the following are achieved: i) The varied lease is consistent with the Territory Plan including all relevant codes ii) The land to which the lease applies is suitable for the development or use authorised by the varied lease	Criterion Considered Satisfied. This report seeks to demonstrate the suitability of the land and compliance with the Territory Plan requirements.
Element 2: Variations to Increase 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 achieved:	Criterion Satisfied. With reference to the Traffic Impact Assessment supporting this submission:

Rule	Criteria	Design Response
	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.	- the car parking requirements for the development proposal, as revised, is met via a combination of on-site and publicly available car parking spaces nearby the site. - the additional traffic generated by the development proposal, as revised, is considered low in the context of existing peak hour traffic volumes. - it is understood that the revised waste management strategy was verbally supported by the City and Environment Directorate in July 2025.

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 achieved: i) Sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code	Criterion Satisfied. With reference to the Traffic Impact Assessment supporting this submission: the car parking requirements for the development proposal, as revised, is met via a combination of on-site and publicly available car parking spaces nearby the site.
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Rule	Criteria	Design Response
	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	• the additional traffic generated by the development proposal, as revised, is considered low in the context of existing peak hour traffic volumes. • it is understood that the revised waste management strategy was verbally supported by the City and Environment Directorate in July 2025. Moreover: • there will be no unreasonable level of noise, odour or light emission to occupants of dwellings on the site or adjoining parcels. • the site and surrounding parcels are not identified by the ACT Register of Contaminated Sites.
Element 4: Variations to Add Particular Uses		
4.1 Community and Recreational Facilities		
There is no applicable rule.	C4 Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Location Guidelines General Code	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

Rule	Criteria	Design Response
4.3 Secondary Residence		
R6 A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m ² or larger	This is a mandatory requirement. There is no applicable criterion	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
4.4 Emergency Management Plan		
R6A A variation to a lease to authorise an animal care facility in the industrial zones is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA)	C6A If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.
4.5 Noise		
R6B A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an animal care facility. The Noise Management Plan details the design, siting, and construction methods, which will be used to minimise the impact of noise on neighbouring uses and reduce the intrusion of noise from industrial uses into the facility.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Please refer to the response provided in the Statement Against Relevant Criteria submitted in support of DA202241098.

10

Conclusion

This Statement accompanies a Reconsideration Application.

As detailed in this report, the application comprehensively addresses each reason for refusal in the Notice of Decision; and, therefore, all relevant provisions of the *Planning and Development Act 2007* (ACT), the *Planning and Development Regulations 2008* (ACT) and the Territory Plan 2008.

In meeting or exceeding these requirements, the proposed development is considered acceptable and warrants approval.

