



PLANIT

Strategic + Transport
Town Planning



Block 9 Section 132 Casey

Development Application Report
& Statement Against Criteria
Prepared for Worth Street
November 2022

Document Control

Revision	Date	Description	Prepared by	Reviewed by	Approved by
1	02/05/22	Initial Draft for co-ordination and design	Hope Watson	Kip Tanner	
2	30/05/22	Draft for circulation	Kip Tanner		
3	25/10/22	For Final Review	Kip Tanner	Project Team	
4	20/11.22	For Development Application	Kip Tanner		

Contact Details

Kip Tanner

P L A N I T Strategic Pty Ltd

Email : kip@planitstrategic.com.au

Contents

1	Introduction	3	8	Multi Unit Housing Development Code	39
	1.1 Purpose	3		8.1 Part A – General Controls	39
	1.2 Development Proposal	3		8.2 Part B – Additional Controls for multi-unit housing with 4 or more storeys	80
	1.3 Location Details	4		8.3 Part C – Additional Controls for Multi-unit Housing in commercial zones	81
	1.4 Site	4		8.4 Part D – Endorsement by government agencies (entities)	82
	1.5 Land Tenure	4			
	1.6 Development Deed	4			
2	Planning Context	5	9	Parking and Vehicular Access	85
	2.1 National Capital Plan	5	10	Bicycle Parking	86
	2.2 Strategic Planning	5	11	Crime Prevention through Design	87
	2.3 Development Expectations	6		11.1 Part A – General Requirements	87
	2.4 Territory Plan	7	12	Community Facilities Location Code	94
	2.5 Assessment Track	8		12.1 General Location Guidelines	94
	2.6 Consultation	9		12.2 Detailed Location Guidelines for Possible Community and Recreation Facilities.	96
	2.7 Design Review	9			
3	Applicable Codes	10			
4	Document List	11	13	Signs	98
5	Zone Objectives – CZ1 Core Zone	14		13.1 Sign 01	98
6	Casey Precinct Map and Code	16		13.2 Sign 02	98
	6.1 RC6 – Commercial Group Centre	16	14	Conclusion	99
	6.2 OP4 Casey Residential Area 4	17			
7	Commercial Zones Development Code	18			
	7.1 Part A – General Controls	18			
	7.2 Part C – Controls for Group Centres	32			
	7.3 Part F – Residential Uses	35			
	7.4 Part G – Agency Endorsements	36			

1 Introduction

1.1 Purpose

This Planning Report provides:

- A description of the proposal
- An assessment of the planning context
- A Statement Against the relevant Rules and Criteria of the Territory Plan.

1.2 Development Proposal

The proposal is for the construction of a mixed use commercial and residential development at the Casey Group Centre.

The site is Block 9, Section 132 Casey, a block with an area of 5,478m².

Minor works are also proposed on the adjoining Block 10 to facilitate the proposed outcome.

The building consists of:

- Two levels of basement car parking
- A lower ground floor with some parking and some units fronting the open space to the north east (Casey Pond).
- An upper ground floor with commercial units facing the existing shopping precinct car park. This level also provides for most of the services for the building.
- Seven storeys of residential apartments.
- Two storey 'sky terraces' above the apartments.

YIELD CALCULATION		
UNIT TYPE	NO. UNITS	% OF UNITS
1BED	18	8.2%
2BED	133	60.7%
3BED	19	8.7%
3BED ST	20	9.1%
4BED ST	10	4.6%
ADAPTIVE COMMERCIAL	13	5.9%
STUDIO	6	2.7%
TOTAL NO. OF UNITS: 219	219	100.0%

Table 1: Development Summary

The proposal also includes all of the necessary associated services, amenity and landscaping.

The total gross floor area of the building is approximately 28,000 m² and it will contain 219 units.

At its highest point, the building is just over 34 metres tall.

This site has been identified as a suitable location for a development of this scale for the following reasons:

- It provides the opportunity for dwellings within the group centre to take advantage of the existing amenity.
- It provides for apartments with high levels of amenity fronting the green spaces and corridors around the group centre.
- It is in a location where it will not overshadow any existing or future dwellings.

The statement against relevant rules and criteria contained in this report provides additional discussion about the merits of the proposal.

1.3 Location Details

The Casey Group Centre is located approximately 3 kilometres to the west of the Gungahlin Town Centre. It is adjacent to the intersection of Clarrie Hermes, Horse Park and Gunghalin Drives. It is the main retail group centre servicing the adjoining suburbs of Casey, Nicholls and Ngunnawal.

Within the Group Centre, the main shopping precinct is on the north western side of Kingsland Parade, the carparking is on Block 10 to the south east of the shops.

Block 9 is to south east of the carpark and adjacent to urban open space and Casey Pond in Block 14.

Road access is provided to Block 9 via Bentley Place.

A 2.3m wide shared use path is located to the north west of Block 9, within Block 14.

1.4 Site

The site is currently undeveloped.

A concrete block retaining wall is currently constructed along the southern side of Block 10 to manage the level change between Blocks 9 & 10.

There are three easements identified on Block 9:

- a stormwater & sewer easement of variable width that runs along the southern boundary adjacent to Clarrie Hermes Drive.
- 2.5m wide Stormwater Easement connecting to Block 10.
- 2.5m wide Sewer Easement connecting between Clarrie Hermes Drive and Block 10.

Each of these easements are identified in the Deposited Plan.

It is understood that the stormwater works as constructed extend outside the easement for a short distance along the NE boundary of the block. It is proposed to modify the stormwater infrastructure to contain it within the easement.

The stormwater and sewer easements connecting to Block 10 will become redundant and will be removed.

1.5 Land Tenure

The Block is part of a holding lease issued to Worth Street for the development of the Casey Group Centre and adjoining housing. This is the last block to be developed other than Blocks 12 and 13 that were required to be handed back to the Territory for Community uses.

The Balance Holding Lease is held by WORTH STREET PTY. LIMITED A.C.N 144 701 566.

The Holding Lease is for Blocks 9 and 10, Section 132, containing an area of 1.847 hectares as depicted on Deposited Plan 15270.

The lease was issued on 19 October 2021 and terminates on 5 June 2027.

The lease purpose is:

2 (e) To use the premises only for the purpose of subdivision and constructing the works and building in accordance with the requirements of the deed.

1.6 Development Deed

The development deed required Worth Street to develop the Casey Group Centre and associated urban areas in accordance with the specified planning requirements.

The requirements included the sale of 100 affordable dwellings, 94 of which have been delivered, with the remaining 6 to be delivered as part of the proposed development on Block 9.

2 Planning Context

2.1 National Capital Plan

The subject land is not identified as Designated Land or National Land, so the ACT Planning Authority is the relevant planning authority and development is to be assessed against the requirements of the Planning and Development Act 2007.

The National Capital Authority has not identified Special Conditions for this land.

The National Capital Plan is not considered further.

2.2 Strategic Planning

The ACT Planning Strategy 2018, is intended to reflect and integrate the vision and directions of the community and other ACT Government strategies, particularly housing, transport and climate change.

“The Strategy was developed following extensive research, discussion with stakeholders and consultation with the community, including innovative engagement methods that reached across the city to hear from a wide cross-section of our residents with a wide range of views.”

The vision that is set out in the strategy is:

“to be a sustainable, competitive and equitable city that respects Canberra as a city in the landscape and the national capital, while being responsive to the future and resilient to change.”

There are five related themes identified that are:

- Compact and efficient
- Diverse
- Sustainable and resilient
- Liveable
- Accessible

The policy plan, that outlines the directions for the development of Canberra over the next 30 years, identifies Urban Intensification Localities in purple (Figure 1). In Gungahlin, it specifically identifies the Gungahlin Town Centre, Flemington Road corridor and the Casey Group Centre as areas for intensification.

The proposal at Casey is consistent with the strategic planning intent. It will help to deliver:

- A compact and efficient city, reducing the demand for outwards sprawl.
- Diversify the housing choices in the suburb of Casey and hence the demographic of people who live there.
- Provide a more sustainable living option with a lower global footprint.
- Provide living opportunities in a highly accessible location



Figure 1 – Strategic Policy Plan, 2018

2.3 Development Expectations

The development of Canberra is based on a hierarchy of commercial centres. There are three levels in the hierarchy, local, group and town centres as described below.

2.3.1 Local Centres

Canberra is planned based on a local centre in each suburb. They are intended to provide for the daily shopping needs of the local population and are within walking distance of their homes. They typically have a small supermarket (IGA) and a few specialty retail spaces such as a bakery, newsagent or hairdresser. Examples include Nichols or Crace local centres.

Historically, local centres have consisted of shops at the ground floor with possibly an upper floor of office or shop-top housing. More recently, with dwelling occupancy ratios dropping, there is a need to deliver higher dwelling density within the local catchment of these centres to maintain a viable population to serve.

Development of up to 4 storeys is now regularly occurring at local centres (for example Crace) and the ACT Government has flagged up to 6 storeys as being appropriate at the proposed Whitlam Local Centre in Molonglo Valley.



Figure 2 – ACT Government, SLA, Draft Whitlam Local Centre Design and Place Framework, June 2022.

2.3.2 Group Centres

Group Centres provide a larger retail centre that services three or four suburbs. They are intended to cater for weekly shopping trips (most likely car based) and typically have one or two full size supermarkets (Coles, Aldi, Supabarn, Woolworths).

Casey is slightly unusual because the planning that underpinned the development deed required sites for up to three supermarkets to be established, making it potentially larger than most group centres.

A group centre performs the role of a local centre for the immediate suburb, but then also provides services to nearby suburbs too.

Amaroo, Moncrieff and Casey are the three Group Centres planned to service north Gungahlin.

Other larger well known Group Centres in Canberra include Dickson, Kingston, Jamison Centre and Cooleman Court.

As a larger Group Centre, Casey would reasonably be expected to grow to a scale comparable to these larger centres.

There are examples of taller buildings at other group centres, such as the buildings on Jardine Street in Kingston, that are now considered part of the urban fabric.

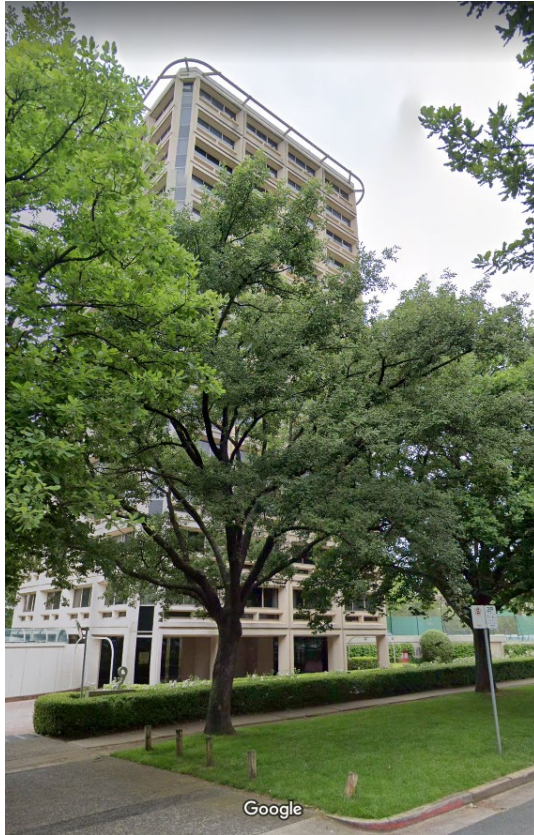


Figure 3 – 15 storey development at Giles Street in 'old' Kingston (google maps).

2.3.3 Town Centres

Town Centres provide the main employment, entertainment and retail centre for a district. Gunghalin Town Centre services the whole Gunghalin District.

Casey is not a town centre.

2.4 Territory Plan

2.4.1 Zones

Block 9 is subject to the CZ1 Core Zone. The objectives of this zone are addressed in Section 5 of this report.

The block is not subject to any overlay provisions.

2.4.2 Proposed Use

The proposal is for a mixed use development that will or may include:

- Car Park
- COMMERCIAL ACCOMMODATION USE (i.e. serviced apartments)
- COMMUNITY USE
- NON RETAIL COMMERCIAL USE
- RESIDENTIAL USE (Multi-unit housing; apartments)
- Restaurant
- SHOP and
- ancillary uses.

The residential component of the building will be apartments.

The non-residential components will be a mix of uses, but the mix is not yet determined. This flexibility will allow the building to provide for uses that are complementary to the existing Casey Group Centre, and can evolve over time to meet the needs of the community.

The definitions of the relevant uses are provided for reference.

Car park means the use of land specifically allocated for the parking of motor vehicles.

COMMERCIAL ACCOMMODATION USE is an umbrella term for several uses including Guest House, Hotel and Motel. Of most relevance to this proposal is Serviced Apartment.

Serviced apartment means an apartment that is used as a commercial accommodation unit.

COMMUNITY USE is an umbrella term for several uses including Child care, community centre, education establishment, health facility, place of worship etc.

Child care centre means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 or authorised pursuant to the Education and Care Services National Law (ACT) Act 2011 and which does not include residential care.

Educational establishment means the use of land for the purpose of tuition, training or research directed towards the discovery or application of knowledge, whether or not for the purposes of gain, and may include associated residential accommodation.

Health facility means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to out-patients only.

NON RETAIL COMMERCIAL USE is an umbrella term for business agency, financial establishment, office and public agency.

Business agency means the use of land for the purpose of providing a commercial service directly and regularly to the public.

Financial establishment means the use of land for the primary purpose of providing finance, investing money, and providing services to lenders, borrowers and investors on a direct and regular basis.

Office means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government office, which does not include dealing with members of the public on a direct and regular basis except where this is ancillary to the main purpose of the office.

Public agency means the use of land for the purpose of providing a public service directly and regularly to the public and includes a government agency, which provides a commercial service to the public.

RESIDENTIAL USE includes Multi-unit housing.

Multi-unit housing means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing.

Apartment means a dwelling located within a building containing two or more dwellings and which is not an attached house.

Restaurant means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the Liquor Act 2010 and whether or not entertainment is provided.

SHOP is an umbrella term which means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services.

Take-away food shop means a SHOP, which is predominantly for the preparation of food and refreshments for consumption elsewhere.

Ancillary means associated with and directly related to, but incidental and subordinate to the predominant use.

All of the above uses are merit track assessable uses in CZ1 zone.

2.5 Assessment Track

As the proposed uses are merit track assessable, the development application can be lodged in the Merit Track unless the impact track applies.

The impact track applies under the following circumstances (s123):

- a) The relevant zone development table identifies impact track (similar list of circumstances as b to e listed below)
- b) the proposal is of a kind in Schedule 4 (refer below – not considered applicable)
- c) the Planning Minister makes a declaration under s124 (that impact track applies) (not applicable)
- d) s125 (Health Minister makes a declaration) or s132 (innominate use) apply (not applicable)
- e) the Commonwealth Minister requires bilateral assessment for the EPBC Act. (not applicable)

Schedule 4 of the Act identifies types of development that are in impact track.

Part 4.1 provides relevant definitions.

Part 4.2 identifies activities that are in impact track such as building airports or waste facilities. (no applicable activities)

Part 4.3 identifies areas and processes including:

1. impacts on listed species or ecological communities (not applicable)
2. clearing more than 0.5ha of native vegetation (not applicable)
3. development in a reserve that is not minor public works (not applicable)
4. impacts on water supply catchment (not applicable)
5. significant water extraction (not applicable)
6. significant impact on heritage place or objects (not applicable)
7. work on contaminated sites (not applicable)
8. work on research sites (not applicable)
9. annual greenhouse emissions in excess of 1kT (not applicable)

As there are no triggers for impact track assessment, this proposal is to be assessed in the merit track.

2.6 Consultation

Pre DA consultation is required under Section 138AE for the following prescribed developments:

- a building for residential use with 3 or more storeys and 15 or more dwellings
- a building with a gross floor area of more than 5000m²
- if the development proposal is for more than 1 building—the buildings have a total gross floor area of more than 7000m²
- a building or structure more than 25m above finished ground level
- a variation of a lease to remove its concessional status
- the development of an estate
- a development proposal that is required to consult with the design review panel (DRP) under sections 138AL (1) and (2) of the Act.

The proposal is of a type that required Pre-DA consultation (3 or more storeys).

A program of community engagement has been undertaken and is described in the Consultation Report that is provided with this application.

2.7 Design Review

A development proposal for a building with 5 or more storeys or a proposal to increase the floorspace of a shop by more than 2000m² (and that is located within residential, commercial community facility or parks and recreation zone) is required to be presented to the National Capital Design Review Panel.

The project is a type that required review by the National Capital Design Review Panel.

The project was presented to the Design Review Panel in June 2022. The panel's advice, and the proponent's response to that advice is provided with this application.

3 Applicable Codes

Type	Code	Applicability
Objectives and Development Tables	CZ1 Core Zone	Applicable, see discussion in Section 5
District Precinct Code	Gungahlin District Precinct Code	No Applicable Controls
Suburb Precinct Maps and Codes	Casey Precinct Map and Code	Applicable, see discussion in Section 6
Zone Codes	Commercial Zones Development Code	Applicable, see discussion in Section 7
	Multi Unit Housing Development Code	Applicable, see discussion in Section 8.
Overlays		No applicable overlays
General Codes	Parking and vehicular Access	Applicable, see discussion in Section 9
	Bicycle parking	Applicable, see discussion in Section 10
	Access and Mobility	Applicable, refer to Report by AMOEBA ACCESS
	Crime Prevention through Environmental Design	Applicable, see discussion in Section 11
	Community and Recreation Facilities Location Guidelines	May be applicable to some potential uses, see discussion in Section 12
	Communications Facilities and Associated Infrastructure	Not Applicable
	Signs	Applicable, see discussion in Section 13
	Water Use and Catchment	Not Applicable – as part of a newly urbanised area it will not have a material impact on the policies for this catchment.
	Home Business	Not Applicable
	Waterways: Water Sensitive Urban Design	Applicable, refer to WSUD Design Statement by Sellick Consultants
	Planning for Bushfire Risk Mitigation	Not Applicable – not a bushfire prone block
	Residential Boundary Fences	Not applicable – not a residential zone.
	Lease Variation	Not Applicable – lease variation is not proposed.

4 Document List

The following list is based on the Minimum Documentation Requirements for Lodgement of a Development Application, published by EPSDD. [Link](#).

Document	Reference
Application Form	Provided via eDevelopment
Letter of Authorisation	Form 4 – Signed by Worth St for Blocks 9 & 10 Form 4 – TCCS, Roads Act for verge works, works in Casey Pond area
Statement against relevant criteria	This document
Survey certificate	Refer to Survey Plan by Bereza Surveying.
Site plan	Refer to COX drawing DA-11-01
Floor plan	Refer to COX drawings: - DA-21-01 to DA-21-09
Public register floor plan	Refer to COX drawings: - DA-20-01 to DA-20-08
Area plan	Refer to COX drawings: - DA-65-01 and DA-65-02 Note that the summary of GFA figures is provided on the development statistics plan (DA-01-02) and on each floor plan.
Sections	Refer to COX drawings: - DA-40-01 to DA-40-03
Elevations	Refer to COX drawings: - DA-30-01 and DA-30-02
Shadow diagram	Refer to COX drawing: - DA-80-01
Composite streetscape elevation	Not relevant as there are no immediately adjoining properties. Development in context will be better illustrated by the perspectives (see below)
Perspectives	Refer to COX drawings: - DA-82-01 & DA-82-02

Document	Reference
Colour sample schedule	Refer to COX drawing: - DA-31-01
Water sensitive urban design	Refer to Water Sensitive Urban Design Statement provided by Sellick Consultants.
Pre DA community consultation form & report	Form Provided.
Unapproved existing development plan	Not Relevant
Access and mobility report	Refer to Access Report provided by Amoeba Access Pty Ltd. The report is prepared by Yolanda Wang, ACA Australia, Accredited Member No 600.
Access and mobility plan	Refer to COX drawings: - DA-51-10 to DA-51-12 for Adaptable Unit Plans, and - DA-66-01 to DA-66-03 for Accessible Paths.
Bill of quantities / summary of costs	Refer to Cost Schedule provided.
Landscape plan	Refer to Harris Hobbs Landscape drawings: - 301 to 305 (landscape plans), and - 401 (plant images)
Parking plan	Refer COX plans - DA-21-01 to DA-21-03 (basement and lower ground floor plans showing parking spaces) Refer to Traffic Impact Assessment Report for analysis of car parking utilisation and provision relative to the Parking and Vehicular Access Code.
Turning templates	Refer to Northrop drawings: - C046, C051 & C056 (movements for cars in on ramps and accessways in basement and lower ground floors) Refer to Sellick Consultant drawings: - 2201, 2202 & 2203 (access for waste collection, and cars in basement parking spaces)
Traffic report	Refer to Traffic Impact Assessment Report prepared by Northrop.
Tree management plan	Not Relevant – no regulated trees on site or immediately adjacent. Note that management of landscaping and trees in adjoining unleased land will be addressed in the LMPP.
Tree survey	Not Relevant – no regulated trees
Erosion and sediment control plan	Refer to Sellick drawings - 0910 & 0911
Contamination assessment/statement	Not Relevant – addressed at EDP stage, with no residual matters.

Document	Reference
Noise management plan	Refer to Noise Management Plan prepared by ACOR Consultants. The report was prepared by Helen Tuttle, Acoustics Engineer
Wind assessment	Refer to Pedestrian Wind Assessment prepared by RWDI. The report was submitted by Aman Choudhry, Senior Microclimate Engineer.
List of interested parties	Not Relevant – no lease variation
Valuation report	Not Relevant – no lease variation
Valuation certificate	Not Relevant – no lease variation
Subdivision plan	Not Applicable – subdivision is not proposed.
Social, cultural and economic impact report	Not Relevant – no de-concession
Hydraulics plan	Not Relevant – no subdivision Utilities Plans – refer to plans by Sellick Consultants <ul style="list-style-type: none"> - 0401 – Stormwater - 0501 & 0502 – Utilities Plans. Electrical/Lighting Plan – refer to outdoor lighting plan 200 & 400 by JRA.
Waste and recycling management plan	Refer to Waste Management Plans by Sellick Consulting, including: <ul style="list-style-type: none"> - Drawings 2301 & 2311, and - Waste Management Proforma
Demolition plan	Not Applicable – the site is not currently developed.
Hazardous materials survey	Not Relevant – no demolition of old buildings
Assessment of environmental effects	Not Relevant – not required by Commercial Zones Code
Solar Access Plan	Refer to COX drawing DA-81-01
Environmental significance opinion	Not Relevant – no relevant Schedule 4 triggers.
Environmental Impact Statement	Not Relevant – application is in Merit Track
Driveway plan	Refer to Sellick pavement drawing 0301
Landscape Management and Protection Plan	Refer to HHL drawing 201
National Capital Design Review Panel response	Refer to responses provided.
Greenhouse Gas Form	No gas appliances included in the proposal.

5 Zone Objectives – CZ1 Core Zone

The following zone objectives are applicable.

Zone Objectives	Commentary
a) Encourage a mix of predominantly commercial land uses that contribute to a diverse and active character	This project will provide a commercial frontage to the Block 10 car park as required by the precinct code. Multi use commercial units are also provided at ground floor on the north eastern side in accordance with the requirements for commercial use at ground floor in the zone. The residential component will provide much needed housing in the area and support the vibrancy of the group centre.
b) Provide for a range of conveniently located retail and service outlets	Casey is already well served by retail and service outlets within the main shopping precinct in Casey Market Town. There are considerable retail expansion opportunities in the longer term future available on Block 10. The proposal will add to the diversity of retail and service outlets offered.
c) Promote vibrant, interesting and lively street frontages including during evenings and weekends	The proposal presents a commercial frontage to Block 10, with upper level apartments overlooking the parking area and providing passive surveillance. The north eastern frontage of the development will enjoy great solar access and views over Casey Pond. The upper level apartments will also provide passive surveillance over the pond area. The introduction of additional residential development in the group centre will help to create lively streets and public spaces outside of normal business trading hours.
d) Encourage an attractive, safe and well-lit pedestrian environment with convenient access to public transport	<p>The proposal will provide for outdoor lighting and passive surveillance of the adjoining pedestrian environment making it safe and attractive to use.</p> <p>Casey Group Centre has been designed to be serviced by public transport, however the current bus service is relatively infrequent. It is expected that additional development in the centre would help to provide the impetus for improved public transport services.</p>
e) Maintain and enhance a high standard of urban design through use of sustainable design and materials and ensure that buildings retain a high level of design consistency and compatibility	<p>As described in response to the relevant rules and criteria, the building will feature numerous initiatives to reduce the environmental footprint of the occupants. These include solar access, ventilation and photovoltaic cells.</p> <p>The proposal is presented in the context of future development possibilities for the Casey Group Centre to illustrate how the overall urban design of the area can be complimentary.</p> <p>The owners and project team delivered the successful Casey Market Town and retain ownership of the Block 10 carpark area, so they have a vested interest in this development being compatible and complementary to the existing development in the group centre.</p>

f) Provide opportunities for business investment and employment	<p>Ground floor commercial spaces are provided, presenting further opportunities for business investment and employment in the group centre.</p> <p>During pre-DA consultation the project team have been approached by local businesses who are interested in occupying the building.</p>
g) Maintain and enhance environmental amenity	<p>The site is identified as a great opportunity for higher density development where residents can live, shop and work within the group centre. They will enjoy convenient living and views over adjoining open spaces. Depending on the direction, the nearest existing residential development is approximately 180 to 200 metres away.</p> <p>The proposal also includes green spaces within the central part of the building to increase the amenity of residents, and enhancements to the landscaping on the adjoining land for the benefit of the wider public.</p>
h) Promote the establishment of cultural and community identity that is representative of, and appropriate to, the place	<p>The proposed development provides the opportunity to make the Casey Group Centre a more identifiable location from the nearby arterial road network.</p> <p>Additional residential development will contribute to the mix of dwelling types and hence the diversity of the community in the area.</p> <p>The Casey community is already a strongly connected community in their advocacy for better sporting and other public or shared facilities.</p>
i) Promote active living and active travel	<p>The accessibility between Block 9 and the group centre means that residents will be able to walk for most of their shopping needs. It is also reasonable to expect that some of the future residents will work at Casey and be able to walk to work.</p> <p>The building is designed to encourage active living through the provision of highly visible and accessible stairways, the provision of high quality bicycle storage facilities, and the at-grade connection of the building to the adjoining recreational path network.</p> <p>It is possible to ride from this site into the Gunghalin Town Centre on cycle paths without riding on, or even crossing over any roads. There are 5 underpasses that make this possible. The ride time would be 15 to 20 minutes making it a very feasible commute or connection to the light rail station.</p>
j) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.	<p>As described above, the building includes commercial and multi-use space at ground floor to facilitate a variety of uses. The ground floor spaces connect to the adjoining public domain and will promote activity in the area.</p>

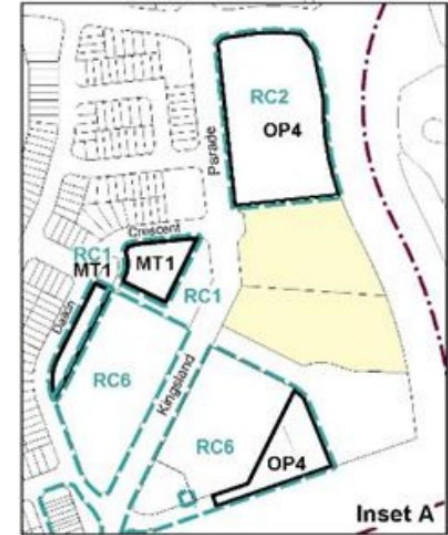
Based on the discussion above, it is considered that the proposal is consistent with the objectives of the zone both holistically and individually.

6 Casey Precinct Map and Code

The following Rules and Criteria are from the Casey Precinct code, Effective 17 December 2021

Only relevant parts have been reproduced.

The site is within the RC6 area where additional rules and criteria apply and within the OP4 area where ongoing provisions apply.



6.1 RC6 – Commercial Group Centre

Rule	Criteria	Response
Element 1: Building and site controls		
1.1 Waste		
<p>R22</p> <p>This rule applies to blocks or parcels in locations identified in Figure 4a.</p> <p>Waste storage and collection to be provided on site. Waste vehicles must enter and exit the site in a forward manner.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Refer to Sellick drawing 2201 – Turning Paths sheet 1.</p> <p>Waste vehicles are provided with the opportunity to turn around on site and will enter and leave via Bently Place in a forwards direction.</p>

Figure 4a Building controls

Rule	Criteria	Response
1.2 Direct and Level access		
R23		Rule Met
This rule applies to blocks or parcels in locations identified in Figure 4a.	This is a mandatory requirement. There is no applicable criterion.	Direct and level access is provided along the frontage to Block 10.
Commercial ground floor FFL to enable direct and level access to block 10 section 132 Casey.		Refer to Upper Ground Floor Plan DA-21-04

6.2 OP4 Casey Residential Area 4

Provision	Response
Section 132 is identified as potentially affected by noise from external sources.	Refer to R67 in MUHDC and Noise Management Plan provided by ACOR Consultants.

7 Commercial Zones Development Code

The following Rules and Criteria are from the Commercial Zones Development code, Effective 17 December 2021.

Only relevant parts have been reproduced.

7.1 Part A – General Controls

Rule	Criteria	Response
Element 1: Lease and Development Conditions		
1.1 Approved lease and development conditions		
<p>R1</p> <p>This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters:</p> <ul style="list-style-type: none"> a) plot ratio b) building envelope c) building height d) front street setback e) side setback f) rear setback g) building design h) materials and finish i) interface j) vehicle access k) parking l) solar access m) private open space n) landscaping o) water sensitive urban design. <p>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.</p>	<p>C1</p> <p>The development meets the intent of any current, relevant lease and development conditions.</p>	<p>Rule Met.</p> <p>The site is not subject to Lease and Development Conditions associated with the previous planning act.</p> <p>Blocks 9 & 10 are subject to a Holding Lease and Deed.</p> <p>The deed does not include specific requirements in relation to the matters identified in Rule 1.</p>

Rule	Criteria	Response
Element 2: Use		
2.1 Existing community and recreation sites		
<p>R2</p> <p>A development proposal does not reduce the range of community or recreation facilities available.</p>	<p>C2</p> <p>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.</p>	<p>Not applicable</p> <p>The site is currently undeveloped.</p>

Rule	Criteria	Response
Element 3: Buildings		
3.1 Building design and materials		
There is no applicable rule.	<p>C3</p> <p>Buildings achieve all of the following:</p> <p>a) a contribution to the amenity and character of adjacent public spaces</p> <p>b) interesting, functional and attractive facades that contribute positively to the streetscape, pedestrian and cycling experience</p> <p>c) minimal reflected sunlight</p> <p>d) articulated building forms</p> <p>e) a contribution to permeability by providing pedestrian access through or around buildings and connections to external path networks</p> <p>f) floor plans that encourage walking within the building, including the use of stairwells</p> <p>g) physically open or visually permeable stairwells to facilitate natural surveillance.</p>	<p>Criteria Met</p> <p>The design responds to the criteria by:</p> <p>a) providing passive surveillance, interesting built form, and offsite works to improve the adjacent public spaces. The provision of commercial ground floor will provide additional activity in the area.</p> <p>b) including variation in the façade treatment to reduce the apparent scale of the building, including awnings and variable setbacks. The awning will provide amenity along the commercial frontage.</p> <p>c) the proposed façade includes operable panels to help residents optimise the sunlight into their dwellings, this will also reduce the reflection of sunlight at critical times.</p> <p>d) the building is designed to present articulation through different layers and façade types, setbacks for upper levels and the triangular form will reduce the overall impression of bulk.</p> <p>e) the site is surrounded by public pathways providing connections around the building.</p> <p>f) walking is encouraged through the placement of stairwells in convenient locations and the proximity to destinations.</p> <p>g) the stairs are provided in each corner, encouraging their use. The stairs also have to meet the requirements for fire egress.</p>
There is no applicable rule.	<p>C4</p> <p>Buildings are of permanent construction.</p>	<p>Criteria met.</p> <p>The building would be permanent.</p>

Rule	Criteria	Response
3.2 Plant and Structures		
There is no applicable rule.	<p>C5</p> <p>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.</p>	<p>Criteria Met</p> <p>The building services are integrated with the building. Most of the services (waste, substation etc) are at the upper ground floor in the southern part of the block.</p> <p>Mechanical services and pump rooms are located in the basement.</p> <p>For adaptive commercial units condensers are in courtyard and the remainder in the balconies. For the Sky Terraces, most condenser units are located in level 9 balconies.</p>
3.3 Parking structures		
There is no applicable rule.	<p>C6</p> <p>Parking structures achieve all of the following:</p> <p>a) integrate with the built form of adjacent existing development</p> <p>b) avoid blank walls and provide interesting and attractive facades when facing public areas.</p>	<p>a) Parking is integrated into the development within the lower ground and basement levels.</p> <p>b) Blank walls are not proposed. Where the basement protrudes from the ground along the southern boundary the façade is a combination of building walls to match the adjoining façade and ventilation screening. This wall is setback from the boundary due to the sewer easement and landscape planting in the setback is proposed.</p>

Rule	Criteria	Response
3.4 Materials and Finishes		
There is no applicable rule.	<p>C7</p> <p>Building materials and finishes provide for visual expression and interest. Where extensive glass or solid wall facades are incorporated in buildings:</p> <p>a) transparency is maximized</p> <p>b) reflectivity is minimized</p> <p>c) shadow profiles or visible joint detailing are included</p> <p>d) visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows or deep framing profiles.</p>	<p>Criteria Met</p> <p>Refer to DA-31-01 for materials and finishes.</p> <p>a) The commercial frontage has transparent glazing. Residential frontages minimise transparency for privacy.</p> <p>b) The dwellings have moveable screens that will minimise reflectivity at critical times.</p> <p>c) Visible joint details are illustrated in the perspective drawings.</p> <p>d) The building includes curved walls, interesting angles, colour variation, variable setbacks and a number of other features to ensure that it is visually interesting.</p>
3.5 Storage		
<p>R8</p> <p>Outdoor storage areas comply with all of the following:</p> <p>a) are located behind the building line</p> <p>b) are screened from view from any road or other public area</p> <p>c) do not encroach on car-parking areas, driveways, or landscape areas.</p>	<p>C8</p> <p>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.</p>	<p>Not Applicable.</p> <p>Outdoor storage areas are not proposed.</p>

Rule	Criteria	Response
3.6 Wind		
There is no applicable rule.	<p>C9</p> <p>This criterion applies to buildings with a <i>height of building</i> greater than 19m but less than 28m.</p> <p>The wind patterns associated with the proposed building will not unreasonably reduce the safety and comfort of people in the public realm or other open spaces associated with the development, compared with a similar building on the site with a <i>height of building</i> of 19m.</p> <p>Compliance with this criterion will be demonstrated by a wind assessment report prepared by a suitably qualified person.</p>	<p>Not Applicable.</p> <p>The proposed building is taller than 28 metres.</p>
<p>R10</p> <p>This rule applies to buildings with a <i>height of building</i> greater than 28m.</p> <p>As a consequence of the proposed development wind speeds do not exceed the following:</p> <p>a) adjacent main pedestrian areas and routes (as defined in the relevant precinct code) -10m/s</p> <p>b) all other adjacent streets and public places -16 m/s.</p> <p>Compliance with this rule is demonstrated by a wind assessment report prepared by a suitably qualified person</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>a) Not applicable. The Casey Precinct Code does not identify main pedestrian areas and routes.</p> <p>b) Refer to Pedestrian Wind Assessment prepared by RWDI, which includes recommendations to ameliorate potential negative wind conditions.</p>
3.7 Ventilation		
<p>R11</p> <p>This rule applies to buildings used or proposed to be used for one or more of the following:</p> <p>a) food retail</p> <p>b) restaurant.</p> <p>All exhaust and ventilation systems are installed and operated to comply with Australian Standard <i>AS1668.1 The Use of Ventilation and Airconditioning in Buildings</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>The ground floor commercial spaces will be capable of being used for food retail or restaurant uses.</p> <p>Exhaust and ventilation systems designed to meet AS 1668.1 would be included as part of future fit-outs.</p> <p>Sufficient floor to ceiling heights are provided to cater for these requirements.</p>

Rule	Criteria	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. The site is not in CZ3.
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 The proposal is not for supportive housing or residential care accommodation.
Element 4: Site		
4.1 Landscaping		
There is no applicable rule.	<p>C14 Landscaping associated with the development achieves all of the following:</p> <p>a) response to site attributes, including streetscapes and landscapes of documented heritage significance</p> <p>b) appropriate scale relative to the road reserve width and building bulk</p> <p>c) vegetation types and landscaping styles which complement the streetscape</p> <p>d) integration with parks, reserves and public transport corridors</p> <p>e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings</p>	<p>Criteria Met</p> <p>a) the proposed landscaping is appropriate for the site. It consists of a combination of deep root planting where available, and podium planting at various levels of the development to add to the overall amenity. Two thirds of the site boundary front public green spaces. Off site plantings to augment existing plantings are proposed to the east and south of the site, extending landscape into the public open space and integrating the development with the open space leading to the existing pond.</p> <p>b) the site fronts Clarrie Hermes Drive that includes a very wide street verge with mature tree plantings, shared paths and stormwater infrastructure. The trees will screen some of the building.</p> <p>c) refer to landscaping plans for vegetation types. The species have been selected for their suitability for the likely growing conditions.</p> <p>d) offsite landscaping is proposed to integrate the building with the landscape around the Casey Pond. This will encourage activity along this frontage.</p> <p>e) the landscaping species selected are known to have minimal impact on adjacent structures.</p>

Rule	Criteria	Response
	<p>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</p> <p>g) minimal overlooking between buildings</p> <p>h) satisfies utility maintenance requirements</p> <p>i) minimises the risk of damage to aboveground and underground utilities</p> <p>j) screens aboveground utilities</p> <p>k) provides adequate sight lines for pedestrians, cyclists and vehicles, especially near street corners and intersections</p> <p>l) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</p>	<p>f) the proposed trees are a combination of deciduous and evergreen to provide winter sun and summer shade where appropriate.</p> <p>g) the building is separated from other buildings a suitable distance to avoid overlooking privacy issues.</p> <p>h) the proposal is consistent with utility guidelines. The proposal is to be circulated to utilities for comment.</p> <p>i) as above.</p> <p>j) new above ground utilities are not proposed.</p> <p>k) the proposed landscaping is not adjacent to any roads, so sightlines are not a major consideration. The planting near paths will be setback sufficiently to enable safe recreation.</p> <p>l) the landscaping is clear of paths. Where shrubs are proposed they are not likely to create hiding places near paths.</p>
There is no applicable rule.	<p>C15</p> <p>Tree planting in and around car parks provides shade and softens the visual impact of parking areas.</p>	<p>Not Applicable</p> <p>No surface car parking is proposed as part of this development.</p>
4.2 Lighting		
<p>R16</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Refer to General Notes on COX Site Plan DA-11-01 and JRA electrical drawing register DA000</p> <p>For proposed outdoor lighting layout, refer to JRA Plans DA200 & DA400</p>
<p>R17</p> <p>All external lighting provided is in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.</p>	<p>C17</p> <p>Light spill is minimised.</p>	<p>Rule Met</p> <p>Refer to General Notes on COX Site Plan DA-11-01 and JRA electrical drawing register DA000</p> <p>For proposed outdoor lighting layout, refer to JRA Plans DA200 & DA400</p>

Rule	Criteria	Response
4.3 Easements		
R18 Buildings do not encroach over easements or rights of way.	This is a mandatory requirement. There is no applicable criterion.	<p>Rule Met</p> <p>There are currently three easements identified on the block.</p> <p>The building does not encroach over the sewer easement along the southern boundary.</p> <p>The other two easements that the cross Bently Place entry will become redundant as a result of utility services installed as part of this development.</p>
Element 5: Access		
5.1 Access		
There is no applicable rule.	<p>C19</p> <p>Pedestrian and cyclist entrances, and driveways to the site achieves all of the following:</p> <p>a) are clearly visible from the front boundary</p> <p>b) pedestrian and cycle access is provided through the site to increase permeability</p> <p>c) pedestrian and cycle access paths to commercial buildings feed into and provide connections to existing path networks</p> <p>d) priority is provided for pedestrian and cyclist access.</p>	<p>Criteria Met</p> <p>Access to the building meets the criteria.</p> <p>a) the main pedestrian entry is provided via the commercial frontage facing Block 10, which is the active frontage for this site. While cyclists may use various entries, an at-grade access is provided from the pond path into the basement level to improve access to bike storage facilities. Driveway access is from Bently Place.</p> <p>b) pedestrian and cycle access is provided around the perimeter of the site on public pathways.</p> <p>c) the building fronts existing public pathways.</p> <p>d) pedestrian and cycle access is separated from vehicular access.</p>
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.	<p>Rule Met</p> <p>Loading and waste collection functions have an allocated space on the upper ground floor that is away from the primary block frontage and separated from pedestrian areas. The vehicular entry to the basement is from the southern side of the building and is screened from the active frontage.</p>

Rule	Criteria	Response
5.2 Traffic generation		
There is no applicable rule.	<p>C21</p> <p>The existing road network can accommodate the amount of traffic that is likely to be generated by the development.</p>	<p>Criteria Met</p> <p>A Traffic Impact Assessment has been prepared by Northrop.</p>
5.3 Service access and delivery		
<p>R22</p> <p>Goods loading and unloading facilities comply with all of the following:</p> <p>a) are located within the site</p> <p>b) allow for service vehicles to enter and leave the site in a forward direction.</p> <p><small>Note: Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.</small></p>	<p>C22</p> <p>Facilities for the loading and unloading of goods achieve all of the following:</p> <p>a) safe and efficient manoeuvring of service vehicles</p> <p>b) does not unreasonably compromise the safety of pedestrians or cyclists</p> <p>c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway</p> <p>d) does not unreasonably affect on-street or off-street car parking</p> <p>e) adequate provision for the manoeuvring of vehicles.</p>	<p>Rule Met</p> <p>Note that R22 in the Precinct Code takes precedence and makes this a mandatory requirement.</p> <p>a) loading and waste facilities are contained within the site.</p> <p>b) turning space is provided so that vehicles can enter and leave in a forward direction.</p>

Rule	Criteria	Response
Element 6: Noise		
6.1 Potentially Noisy Uses		
<p>R23</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> 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. <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA).</p> <p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Noise Zone Standard as detailed in the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is in use.</p> <p><small>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Refer to Noise Management Plan prepared by ACOR Consulting.</p> <p>Implementation of the recommendations of the report will result in the proposal complying with the rule.</p>
Element 7: Environment		
7.2 Earthworks		
<p>There is no applicable rule.</p>	<p>C29</p> <p>The extent of earthworks is minimised.</p>	<p>Criteria Met</p> <p>Earthworks are minimised to the extent possible by utilising the topography of the site and through basements for parking and at grade frontage for retail to Block 10.</p>

Rule	Criteria	Response
7.3 Tree protection		
<p>R30</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <p>a) requires groundwork within the tree protection zone of a protected tree</p> <p>b) is likely to cause damage to or removal of any protected trees</p> <p>c) is a declared site.</p> <p>The authority shall refer the development application to the Conservator or Flora and Fauna.</p> <p><small>Note 1: The authority will consider any advice from the Conservator or Flora and Fauna before determining the application.</small></p> <p><small>Note 2: Protected tree and declared site are defined under the Tree Protection Act 2005.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable</p> <p>There are no trees on the site.</p> <p>Nearby trees that are on unleased land are not protected by the Tree Protection Act. Protection of trees on adjoining unleased land are addressed in the Landscape Management and Protection Plan.</p>
<p>R31</p> <p>Trees on development sites may be removed only with the prior agreement in writing of the Territory.</p>	<p>C31</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p>	<p>Not applicable</p> <p>There are no trees on the site.</p>
7.4 Heritage		
<p>R32</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>	<p>Not applicable.</p> <p>No registered Heritage places or objects on the site.</p>

Rule	Criteria	Response
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 Subdivision is not proposed.
Element 9: Demolition		
9.1 Statement of Endorsement		
R34 The development application for demolition is accompanied by a statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with section 148 of the Planning and Development Act 2007 confirming all of the following: a) all network infrastructure on or immediately adjacent the site has been identified on the plan b) all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) all required network disconnections have been identified and the disconnection works comply with utility requirements d) all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. The proposal does not include demolition. Plans providing information about utility services to the development are to be provided for agency endorsement.

Rule	Criteria	Response
9.2 Hazardous materials survey		
<p>R35</p> <p>This rule applies to one of the following:</p> <p>a) the demolition of multi-unit housing (including garages and carports) for which a certificate of occupancy was issued prior to 1985</p> <p>b) demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005.</p> <p>Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority.</p> <p>A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following:</p> <p>a) is a licensed disposal facility in the ACT</p> <p>b) another site outside the ACT.</p> <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site.</p> <p>An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p><small>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.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable.</p> <p>No demolition of old buildings.</p>
Element 10: Neighbourhood Plans		
<p>There is no applicable rule.</p>	<p>C36</p> <p>Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.</p>	<p>Not Applicable.</p> <p>Neighbourhood Plans were developed by ACTPLA during 2003 & 2004 for some exiting suburbs in Canberra.</p> <p>There is no Neighbourhood Plan for Casey.</p>

7.2 Part C – Controls for Group Centres

Rule	Criteria	Response
Element 13: Use		
13.1 Shops – floor area limit CZ2		
R41 This rule applies to CZ2. The maximum <i>gross floor area</i> for shops (including supermarkets) is: a) on land that is contiguous with CZ1 zone - 300m ² b) in all other cases - 100m ² .	This is a mandatory requirement. There is no applicable criterion.	Not applicable. The block is zoned CZ1.
13.2 Shops – floor area limit – CZ3		
R42 This rule applies to CZ3. The maximum gross floor area for a shop used or intended to be used as a supermarket is 300m ² .	This is a mandatory requirement. There is no applicable criterion.	Not applicable. The block is zoned CZ1.
13.3 Offices – Floor area Limit		
R43 The maximum gross floor area for offices on any lease is 2000m ² .	This is a mandatory requirement. There is no applicable criterion.	Rule Met. The proposal does not include office space more than 2000 m ² . Some of the adaptive commercial spaces may be used for office or similar uses, but the overall area will remain compliant with this rule.

Rule	Criteria	Response
13.4 Residential use – ground floor – CZ1		
<p>R44</p> <p>This rule applies to CZ1. Residential use at the ground floor is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Ground floor is not a defined term in the Territory Plan. For the purpose of responding to this rule, it is assumed to be the level that is at the same grade as the adjoining land.</p> <p>Uses at-grade fronting the surface carpark on Block 10 (to the west) are proposed as SHOP or other non-residential uses consistent with the rule. For the purpose of this development, this is identified as the Upper Ground level.</p> <p>On the north eastern façade, the ground level is approximately 1 storey lower (identified as the Lower Ground level). On this side of the development the units are identified as adaptive commercial spaces that can be used as either shop top housing with a commercial ground floor, or serviced apartments (a sub-set of commercial accommodation use). The ground floor of these units will have direct access to the path around the Casey Pond, potentially creating additional activity in this public space.</p> <p>On the southern side of the site, the ground level is used for services and waste vehicle access.</p> <p>No residential use is proposed at the ground floor.</p>
Element 14: Buildings		
14.1 Number of Storeys		
<p>R45</p> <p>The maximum number of storeys is 2.</p>	<p>C45</p> <p>Building comply with all of the following:</p>	<p>Criteria Met.</p> <p>The building is up to 11 storeys in height, considerably higher than the 2 storeys required for rule compliance, however the nature of this particular block provides an ideal opportunity to achieve a high amenity mixed use outcome in a taller building.</p> <p>As demonstrated below, the proposal is consistent with the required criteria.</p>

Rule	Criteria	Response
	a) are compatible with the desired character	<p>a) Desired character means “<i>the form of development in terms of siting, building bulk and scale, and the nature of the resulting streetscape that is consistent with the relevant zone objectives, and any statement of desired character in a relevant precinct code</i>”.</p> <p>There is no statement of desired character in the Casey Precinct Code, so the assessment of desired character for this site must refer to the objectives of the CZ1 Zone.</p> <p>An assessment against the zone objectives is provided in Section 5 of this report. The objectives for CZ1 don’t specifically address siting, bulk and scale or streetscapes, however it is concluded that overall the proposal is consistent with the objectives and hence with the desired character.</p>
	b) are appropriate to the scale and function of the use	<p>b) The land is zoned CZ1 at a Group Centre. The ACT Planning Strategy 2018 identifies the Casey Group Centre as a locality for urban intensification as part of the shift towards 70% of housing within the existing urban footprint.</p> <p>A high amenity mixed use development at Casey will assist with the delivery of this important strategic direction.</p> <p>Recent publications by the ACT Government give an indication of the expectations for height and density at future local and group centres, including opportunities for development of up to 16 storeys at the Molonglo Group Centre.</p>
	c) minimise detrimental impacts, including overshadowing and excessive scale.	<p>c) The location of the site inherently minimises detrimental impacts as there are no immediate neighbours. Refer to shadow diagrams and renders illustrating the appropriateness of the development in context.</p> <p>The development will be visible from various locations around Casey and adjoining suburbs, but being visible is not automatically detrimental. Additional discussion about the visual impact and overall scale of the development is provided in the community engagement report, as these were identified as main community concerns.</p>

Rule	Criteria	Response
14.2 Plot Ratio		
R46 The maximum plot ratio is 100%.	C46 Buildings comply with all of the following: a) are compatible with the desired character b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.	Criteria Met The plot ratio exceeds 100%, so the proposal is to be addressed against the criteria. As described in response to C45, the proposal is considered to be compatible with the desired character of the group centre, of an appropriate scale for mixed use development and to not result in undue detrimental impacts. This proposal can provide affordable housing and retail services to support the social and economic needs of the Casey centre. Overshadowing impacts will be limited to arterial road reserve areas.

7.3 Part F – Residential Uses

Rule	Criteria	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 Single dwelling housing is not proposed
19.2 Multi Unit Housing		
R60 Multi unit housing or residential components of commercial mixed use complies with the Residential Zones – Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.	Rule Met Refer to Section 8 below which addresses the MUHDC.
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 The proposal is not for residential care accommodation.

7.4 Part G – Agency Endorsements

Rule	Criteria	Response
Element 20: Loading and Unloading facilities		
20.1 Goods		
<p>R62</p> <p>Goods loading and unloading facilities are endorsed by TAMS.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be met</p> <p>The development application is to be referred to TCCS for endorsement.</p> <p>The proposal includes the provision of a commercial short stay parking space to facilitate goods loading and unloading on site.</p>
Element 21: Waste management		
21.1 Management of Construction waste		
<p>R63</p> <p>This rule applies to development that is likely to generate more than 20m3 of waste comprising one or more of the following:</p> <ul style="list-style-type: none"> a) demolition waste b) construction waste c) excavation material. <p>The management of construction waste is to be endorsed by TAMS.</p> <p>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</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be Met</p> <p>The development application is to be referred to TCCS for endorsement.</p> <p>The application includes a waste management plan and pro-forma prepared by Sellick Consultants.</p>
21.2 Post occupancy waste management		
<p>R64</p> <p>Post occupancy waste management facilities are to be endorsed by TAMS.</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be Met</p> <p>The development application is to be referred to TCCS for endorsement.</p> <p>The application includes a waste management plan and pro-forma prepared by Sellick Consultants.</p> <p>Refer to Sellick Drawings 2301 & 2311</p>

Rule	Criteria	Response
<p>R65</p> <p>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.</p>	<p>C65</p> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Criteria to be met.</p> <p>The development application is to be referred to the relevant agency for endorsement.</p>
<p>R67</p> <p>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.</p> <p>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</p> <p>2. Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions</p> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Criteria to be met.</p> <p>The development application is to be referred to the relevant agencies for endorsement.</p> <p>Refer to relevant utilities plans for details of the proposal.</p>
<p>R68</p> <p>All new permanent or long-term electricity supply lines are underground.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule met</p> <p>The electrical connection to the site is underground.</p>
<p>R69</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>All covered areas drain to sewer.</p>

Rule	Criteria	Response
Element 23: Environmental Management		
23.1 Erosion and sediment control		
<p>R70</p> <p>This rule applies to sites greater than 3000m². Development complies with a sediment and erosion control concept plan endorsed by the Environment Protection Authority.</p> <p>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.</p> <p><small>Note: A condition of development approval may be imposed to ensure compliance with this rule.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Refer to Erosion and Sediment Control Plans provided by Sellick Consultants. Drawings 0901 and 0911.</p>
23.2 Contamination		
<p>R71</p> <p>This rule applies where an assessment by the proponent in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Policy identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area. Development complies with an environmental site assessment report endorsed by Environment Protection Authority.</p> <p>Supporting document: Environmental site assessment report endorsed by Environment Protection Authority</p> <p><small>Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion</p>	<p>Rule to be Met</p> <p>The EPA have previously supported the Estate Development of the Casey Group Centre and endorsed the proposed zoning and land uses.</p> <p>This Development Application is to be referred to the EPA for endorsement.</p>

8 Multi Unit Housing Development Code

The following Rules and Criteria are from the Multi Unit Housing Development code, Effective 1 September 2022.

Only relevant parts have been reproduced.

8.1 Part A – General Controls

Rule	Criteria	Response
Element 1: Restrictions on use		
1.1 Dual occupancy housing – standard blocks – RZ1		
R1 In RZ1, the minimum area of standard blocks for dual occupancy housing is as follows: a) For a surrendered residential block - 700m2 b) For all other blocks - 800m2.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable The site is not zoned RZ1.
1.2 Dual occupancy housing – standard blocks – RZ2		
R2 In RZ2, the minimum area of standard blocks for dual occupancy housing is 700m2 .	This is a mandatory requirement. There is no applicable criterion.	Not Applicable Dual occupancy housing is not proposed.
1.3 Apartments - standard blocks – RZ1 and RZ2		
R3 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.	Not Applicable The site is not zoned RZ1 or RZ2

Rule	Criteria	Response
Element 2: Lease and development conditions		
2.1 Development proposals affected by approved lease and development conditions		
<p>R4</p> <p>This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters:</p> <ul style="list-style-type: none"> a) plot ratio b) building envelope c) building height d) front street setback e) side setback f) rear setback g) building design h) materials and finish i) interface j) vehicle access k) parking l) solar access m) private open space n) water sensitive urban design o) landscaping. <p>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.</p>	<p>C4</p> <p>The development meets the intent of any approved lease and development conditions.</p>	<p>Not Applicable.</p> <p>Refer to response to R/C1 in the Commercial Zones Development Code.</p>
Element 3: Building and site controls		
3.1 Dwelling replacement – standard blocks		
<p>R5</p> <p>This rule applies to standard blocks in all residential zones that are proposed to be redeveloped for multi unit housing, but...</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The proposal is not for redevelopment and is not a standard block.</p>

Rule	Criteria	Response
3.2 Plot ratio – dual occupancy – standard blocks – RZ1 – except for surrendered residential blocks		
<p>R6</p> <p>This rule applies to standard blocks in RZ1 unless the block is a surrendered residential block.</p> <p>The maximum plot ratio...</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is not a standard block nor is it in RZ1.</p>
3.3 Plot ratio – dual occupancy – standard blocks – RZ2 and surrendered residential blocks – RZ1		
<p>R7</p> <p>This rule applies to the following:</p> <p>a) standard blocks in RZ2</p> <p>b) blocks defined as a surrendered residential block in RZ1.</p> <p>The maximum plot ratio....</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is not a standard or surrendered block nor is it in RZ1 or RZ2.</p>
3.4 Plot ratio – large standard blocks – RZ2, RZ3 and RZ4		
<p>R8</p> <p>This rule applies to large blocks that are standard blocks in RZ2, RZ3 and RZ4.</p> <p>In RZ2 the maximum plot ratio is 50%.</p> <p>In RZ3 the maximum plot ratio is 65%.</p> <p>In RZ4 the maximum plot ratio is 80%.</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is not in RZ2, RZ3 or RZ4.</p>

Rule	Criteria	Response
3.5 Plot ratio – other than standard blocks – RZ1, RZ2, RZ3 and RZ4		
<p>R9</p> <p>This rule applies to blocks other than standard blocks in RZ1, RZ2, RZ3 and RZ4</p> <p>The maximum plot ratio is:</p> <p>a) in RZ1, RZ2 and RZ3 – 65%</p> <p>b) in RZ4 – 80%.</p> <p>This rule does not apply to:</p> <p>a) blocks subject to a residential B1 or B8 area specific policy under the Territory Plan at 30 March 2008 with any of the following characteristics:</p> <p>i) lawfully approved and constructed</p> <p>ii) held under a holding lease at 30 March 2008</p> <p>b) blocks in RZ1 approved before 5 July 2013</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is not in RZ2, RZ3 or RZ4.</p>
3.6 Additional dwellings – standard blocks – RZ1		
<p>R10</p> <p>This rule applies to standard blocks in RZ1 but not to blocks that are intended to be used for supportive housing.</p> <p>The maximum number of dwellings permitted on a standard block is 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.7 Residential density – supportive housing – standard blocks - RZ1		
<p>R11</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>

Rule	Criteria	Response
3.8 Residential density – standard blocks – RZ2		
<p>R12</p> <p>This rule applies to standard blocks in RZ2.</p> <p>The maximum number of dwellings is shown in table A2.</p> <p>Note 1: Refer to element 4 of the Residential Zones Development Code for provisions relating to supportive housing.</p> <p>Notes 2: Refer to element 3 for provisions relating to the number of dwellings permitted in each building.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.9 Additional dwellings – standard blocks – RZ2		
<p>R13</p> <p>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.</p> <p>Despite any other rule in this element, the maximum number of dwellings is 3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.10 Residential density – adaptable housing – standard blocks - RZ2		
<p>R14</p> <p>This rule applies to standard blocks in RZ2:</p> <p>All dwellings are to be shown as capable of being adapted. The additional dwelling/s permitted for adaptable housing above those shown in Table A2 shall be built to an adapted standard in compliance with Australian Standard AS4299 Adaptable Housing (Class C).</p> <p>Despite R2 and R12, the maximum number of dwellings is shown in table A3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.11 Number of dwellings in each building – standard blocks – RZ2		
<p>R15</p> <p>In RZ2 on standard blocks the maximum number of dwellings in any building is 4.</p> <p>For the purposes of this rule, basements are not part of a building.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.12 Number of storeys – standard blocks – RZ1		
<p>R16</p> <p>In RZ1 on standard blocks buildings comply with all of the following:.....</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>

Rule	Criteria	Response
<p>R17</p> <p>This rule applies to a dwelling with all of the following characteristics:</p> <p>i) located on a standard block</p> <p>ii) located in RZ1.....</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.13 Number of storeys – other than standard blocks – RZ1		
<p>R18</p> <p>In RZ1 on blocks other than standard blocks, the maximum number of storeys is 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.14 Number of storeys – RZ2		
<p>R19</p> <p>In RZ2 the number of storeys does not exceed 2.</p> <p>Rooftop plant that is set back from the building's facade and screened from the street is not included in the number of storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.15 Number of storeys – RZ3		
<p>R20</p> <p>In RZ3 the maximum number of storeys is 2.</p> <p>Rooftop plant that is set back from the building's facade and screened from the street is not included in the number of storeys.</p>	<p>C20</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the desired character</p> <p>b) the appearance from the street of not more than two storeys for that part of the building facing the street</p> <p>c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>

Rule	Criteria	Response
3.16 Number of storeys – RZ4		
<p>R21</p> <p>In RZ4 the maximum number of storeys is 3.</p> <p>Rooftop plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>C21</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.17 Number of storeys – RZ5		
<p>R22</p> <p>In RZ5, the maximum number of storeys is:</p> <ul style="list-style-type: none"> 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. <p>Roof top plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>C22</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the desired character b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space. 	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.18 Height of buildings – RZ1 and RZ2		
<p>R23</p> <p>In RZ1 and RZ2 the maximum height of building is 8.5m.</p> <p><small>Note: For the purposes of this rule all height measurements are taken from datum ground level.</small></p>	<p>C23</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the desired character b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space. 	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>

Rule	Criteria	Response
3.19 Height of buildings – RZ3, RZ4 and RZ5		
<p>R24</p> <p>Maximum height of building is:</p> <p>a) in RZ3 – 9.5m</p> <p>b) in RZ4 – 12.5m</p> <p>c) in RZ5 – 21.5m.</p> <p><small>Note: For the purposes of this rule all height measurements are taken from datum ground level.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is zoned CZ1.</p>
3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones		
<p>R25</p> <p>This does not apply to either of the following:</p> <p>a) buildings with more than 3 storeys in RZ5</p> <p>b) buildings with more than 3 storeys in commercial zones.</p> <p>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.</p> <p><small>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.</small></p>	<p>C25</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the desired character</p> <p>b) reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.</p>	<p>Not Applicable</p> <p>The building has more than 3 storeys and is in a commercial zone.</p>

Rule	Criteria	Response
<p>R26</p> <p>This does not apply to either of the following:</p> <p>a) buildings with more than 3 storeys in RZ5</p> <p>b) buildings with more than 3 storeys in commercial zones.</p> <p>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:</p> <p>For a block approved under an estate development plan on or after 5 July 2013:</p> <p>i) in the primary building zone – 3m</p> <p>ii) all other parts of the boundary – 2.3m</p> <p>For all other blocks:</p> <p>i) in the primary building zone – 2.4m</p> <p>ii) all other parts of the boundary – 1.8m</p> <p>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").</p> <p>The previous rule applies to this part of the boundary.</p> <p>An example of a typical building envelope is shown at Figure A1.</p> <p>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.</p> <p>Note 2: For the purposes of this rule all height measurements are taken from datum ground level.</p>	<p>C26</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the desired character</p> <p>b) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space</p> <p>c) reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space</p> <p>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</p>	<p>Not Applicable</p> <p>The building has more than 3 storeys and is in a commercial zone.</p>

Rule	Criteria	Response
3.22 Front boundary setbacks		
<p>R29</p> <p>Front boundary setbacks comply with Table A5.</p> <p>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.</p>	<p>C29</p> <p>Front boundary setbacks achieve all of the following:</p> <p>a) consistency with the desired character</p> <p>b) reasonable amenity for residents</p> <p>c) sufficient space for street trees to grow to maturity</p>	<p>Criteria Met.</p> <p>Due to the unusual shape and location of the block it has three front and two side boundaries.</p> <p>The 3 front boundaries are:</p> <ul style="list-style-type: none">- to Block 14 (the pond).- to Clarrie Hermes Road- to Bentley Place. <p>Rule compliance would require 4m Lower floor and 6m upper floor setback to Clarrie Hermes Drive and 4m lower and upper floor setbacks to Block 14.</p> <p>Given the nature of the adjoining land, there is no specific need for setbacks. The proposal is to build to boundary to Block 14 and provide a setback to Clarrie Hermes Road consistent with the sewer easement along that boundary.</p> <p>The building steps back at the upper floors to reduce the perception of bulk.</p> <p>The proposal is identified as being consistent with the criteria because:</p> <p>a) it is consistent with the desired character as identified in response to R45 of the Commercial Zones Code.</p> <p>b) The residents will enjoy reasonable amenity as the front boundaries effective front green space.</p> <p>c) The green spaces that the buildings front are of sufficient size for numerous trees to grow to maturity.</p>

Minimum front boundary setbacks					
floor level	blocks in subdivisions approved on or after 18 October 1993	blocks in subdivisions approved before 18 October 1993	exceptions		
			corner blocks		public open space or pedestrian paths wider than 6m
			secondary street frontage - mid-sized blocks	secondary street frontage-large blocks	
lower floor level	4m	6m	3m	4m	4m
upper floor levels	6m	6m	3m	6m	4m
garage	5.5 m with a minimum of 1.5 m behind the front building line	6m	5.5m	5.5m	4m

Rule	Criteria	Response																												
3.23 Side and rear boundary setbacks																														
<p>R30</p> <p>Side and rear boundary setbacks comply with the following:</p> <p>a) in RZ1 and RZ2 - Table A6</p> <p>b) in RZ3, RZ4, RZ5 and commercial zones - Table A7</p> <p>c) in all other zones – the relevant zone development code</p> <p>Table A7: RZ3, RZ4, RZ5 and commercial zones - Side and Rear Boundary Setbacks (explanatory diagram in Appendix 1)</p> <table><tr><th></th><th>Minimum side boundary setback within the <i>primary building zone</i></th><th>Minimum side boundary setback within the <i>rear zone</i></th><th>Minimum rear boundary setback</th></tr><tr><td><i>lower floor level – external wall</i></td><td>nil^a</td><td>3m</td><td>3m</td></tr><tr><td><i>lower floor level – unscreened element</i></td><td>1m</td><td>3m</td><td>3m</td></tr><tr><td><i>first upper floor level – external wall</i></td><td>nil^a</td><td>3m</td><td>6m</td></tr><tr><td><i>first upper floor level – unscreened element</i></td><td>6m</td><td>6m</td><td>6m</td></tr><tr><td><i>second upper floor level – external wall</i></td><td>nil^a</td><td>6m</td><td>6m</td></tr><tr><td><i>second upper floor level – unscreened element</i></td><td>6m</td><td>6m</td><td>6m</td></tr></table> <p>^a does not apply to that part of a wall with a window of any sort</p>		Minimum side boundary setback within the <i>primary building zone</i>	Minimum side boundary setback within the <i>rear zone</i>	Minimum rear boundary setback	<i>lower floor level – external wall</i>	nil ^a	3m	3m	<i>lower floor level – unscreened element</i>	1m	3m	3m	<i>first upper floor level – external wall</i>	nil ^a	3m	6m	<i>first upper floor level – unscreened element</i>	6m	6m	6m	<i>second upper floor level – external wall</i>	nil ^a	6m	6m	<i>second upper floor level – unscreened element</i>	6m	6m	6m	<p>C30</p> <p>Buildings and other structures are sited to achieve all of the following:</p> <p>a) consistency with the desired character</p> <p>b) reasonable separation between adjoining developments</p> <p>c) reasonable privacy for dwellings on adjoining residential blocks</p> <p>d) reasonable privacy for principal private open space on adjoining residential blocks</p> <p>e) reasonable solar access to dwellings on adjoining residential blocks and their associated principal private open space.</p>	<p>Criteria Met</p> <p>The rule provides for nil setback in the primary building zone, however this is difficult to define for a block of this shape. The boundary between Blocks 9 & 10 is a side boundary, but the precinct code requires the commercial ground floor on Block 9 to have direct and level access to Block 10.</p> <p>The proposal is to build to this boundary, fronting onto the existing car parking and making use of the available space for a footpath frontage to the building. This is considered to meet the criteria by:</p> <p>a) Being consistent with the desired character as identified in R45 in the Commercial Zones Code.</p> <p>b) The only adjoining developable site is Block 10, that will remain a car park for the medium term future. If Block 10 is ever developed, separation can be provided at that time.</p> <p>c) There are no other dwellings within 100 metres of Block 9.</p> <p>d) There are no other dwellings within 100 metres.</p> <p>e) There are no adjoining residential developments.</p>
	Minimum side boundary setback within the <i>primary building zone</i>	Minimum side boundary setback within the <i>rear zone</i>	Minimum rear boundary setback																											
<i>lower floor level – external wall</i>	nil ^a	3m	3m																											
<i>lower floor level – unscreened element</i>	1m	3m	3m																											
<i>first upper floor level – external wall</i>	nil ^a	3m	6m																											
<i>first upper floor level – unscreened element</i>	6m	6m	6m																											
<i>second upper floor level – external wall</i>	nil ^a	6m	6m																											
<i>second upper floor level – unscreened element</i>	6m	6m	6m																											

Rule	Criteria	Response
3.24 Allowable encroachments - setbacks		
<p>R31</p> <p>Encroachments into one or more of the following:</p> <ul style="list-style-type: none"> i) minimum side setback ii) minimum rear setback <p>are permitted for one or more of the following building elements:</p> <ul style="list-style-type: none"> a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level. 	<p>C31</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Criteria Met</p> <p>Refer to response to R/C30</p>
<p>R32</p> <p>Encroachments into the front setback are permitted for one or more of the following building elements:</p> <ul style="list-style-type: none"> 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. 	<p>C32</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Criteria Met</p> <p>Refer to response to R/C29</p>
3.25 Allowable encroachments – building envelopes		
<p>R33</p> <p>Encroachments outside the building envelope specified in this element are permitted for one or more of the following:</p> <ul style="list-style-type: none"> a) flues b) chimneys c) antennae d) aerials e) cooling appliances f) heating appliances. 	<p>C33</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Not Applicable</p> <p>The building envelope rules do not apply to developments over 3 storeys in height.</p>

Rule	Criteria	Response
3.27 Building separation – standard blocks – RZ2		
<p>R36</p> <p>This rule applies to standard blocks in RZ2.</p> <p>The minimum horizontal separation between a building containing 2 or more dwellings and any other building on the site is 4m.</p> <p>For the purposes of this rule, basements are not part of a building.</p>	<p>C36</p> <p>The siting of buildings on standard blocks in RZ2 achieves all of the following:</p> <ul style="list-style-type: none"> a) consistency with the desired character b) consistency with the separation of existing buildings in the immediate neighbourhood. 	<p>Not Applicable</p> <p>The site is not RZ2</p>
Element 4: Site design		
4.1 Site design		
<p>R37</p> <p>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:</p> <ul style="list-style-type: none"> a) public realm standards for on-street parking b) pedestrian paths c) verge landscaping. 	<p>C37</p> <p>Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Not Applicable</p> <p>The proposal is for apartments.</p>

Rule	Criteria	Response
4.2 Site open space – RZ1 and RZ2		
<p>R38</p> <p>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.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <p>a) communal open space</p>	<p>C38</p> <p>Open space on the site achieves all of the following:</p> <p>a) sufficient space for the recreation and relaxation of residents....</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>
<p>R38A</p> <p>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.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <p>c) communal open space...</p>	<p>C38A</p> <p>To reduce urban heat island effects, retain water and maintain ecosystem services, open space on the site achieves all of the following:</p> <p>d) adequate space....</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>
<p>R38B</p> <p>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.</p> <p>Site coverage is a maximum of 40% of the block area....</p>	<p>C38B</p> <p>To reduce urban heat island effects, retain water and maintain ecosystem services, development complies with all of the following:</p> <p>a) limits site coverage</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>
<p>R38C</p> <p>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.</p> <p>Planting area is a minimum of 35% of the block area....</p>	<p>C38C</p> <p>Planting area provided in the development achieves all of the following:</p> <p>a) landscaping to provide substantial shade in summer and admit....</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>
<p>R38D</p> <p>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.</p> <p>Existing and new trees on the block....</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>

Rule	Criteria	Response
There is no applicable rule.	<p>C38E</p> <p>This criterion 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.</p> <p>Planting area provided in the development achieves all of the following:</p> <p>a) Planting of suitably sized.....</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>
<p>R38F</p> <p>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.</p> <p>Development provides a minimum level of tree planting, with associated</p>	<p>C38F</p> <p>Tree planting in the development ensures:</p> <p>a) planting or retention of suitably sized canopy trees in deep soil zones</p>	<p>Not Applicable</p> <p>The site is not RZ1 or RZ2</p>

Rule	Criteria	Response
4.3 Site open space –commercial zones		
<p>R39</p> <p>This rule applies to:</p> <ul style="list-style-type: none"> a) all development in commercial zones b) all development in RZ3, RZ4 and RZ5 zones on <i>blocks</i> approved under an <i>estate development plan</i> for which the original Crown lease was granted on or after 1 January 2020. <p>Not less than 20% of the total site area is allocated to the following:</p> <ul style="list-style-type: none"> a) for developments with fewer than 20 dwellings, none of which are apartments, one or more of the following: <ul style="list-style-type: none"> i) communal open space that complies with the following: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a) a minimum dimension of 2.5m; and b) is associated with dwellings at the lower floor level; and/or b) in all other cases, communal open space that complies with the following: <ul style="list-style-type: none"> i) a minimum dimension of 2.5m; and ii) is directly accessible from common entries and pathways. <p>Not less than 10% of the total site area is planting area.</p>	<p>C39</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> a) sufficient useable space for a range of recreational activities for residents to support active living b) sufficient space for planting, particularly trees with deep root systems c) a contribution to on-site infiltration of stormwater run-off d) reasonable accessibility that is designed to be inclusive for all residents e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses. <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> 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 ii) whether any adjoining or adjacent public open space is readily available for the use of residents. 	<p>Rule Met</p> <p>Plans DA-21-04, DA-21-05 and DA-21-06 identify the communal open spaces. Aggregated area is in the schedule on DA-01-02. 20% of the site area needed is 1096 m², total area achieved is 1166 m².</p>

Rule	Criteria	Response
5.2 Site open space – RZ3, RZ4 and RZ5 zones		
<p>R39A</p> <p>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.</p> <p>Site coverage is a maximum of 45% of the block area.</p>	<p>C39A</p> <p>To reduce urban heat island effects, retain water and maintain ecosystem services, development complies with the following:</p> <ul style="list-style-type: none"> a) limits <i>site coverage of buildings</i> 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. 	<p>Not applicable.</p> <p>Not in RZ3, RZ4 or RZ5.</p>
<p>R39B</p> <p>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.</p> <p><i>Planting area</i> is a minimum of 25% of the <i>block</i> area.</p> <p>The minimum dimension of any area included in the planting area calculation is 2.5 metres.</p>	<p>C39B</p> <p>Planting area provided in the development achieves the following:</p> <ul style="list-style-type: none"> 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 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. 	<p>Not applicable.</p> <p>Not in RZ3, RZ4 or RZ5.</p>

Rule	Criteria	Response
<p>R39C</p> <p>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.</p> <p>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 <i>communal areas</i>.</p> <p><small>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.</small></p>	<p>C39C</p> <p>Planting area provided in the development achieves the following:</p> <ul style="list-style-type: none"> 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. 	<p>Not applicable.</p> <p>Not in RZ3, RZ4 or RZ5.</p>

Rule	Criteria	Response
<p>R39D</p> <p>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.</p> <p>Not less than 20% of the total site area is allocated to the following:</p> <p>a) for developments with fewer than 20 dwellings, none of which are apartments, one or more of the following:</p> <p>i) communal open space that complies with the following:</p> <p>a) a minimum dimension of 2.5m</p> <p>b) is directly accessible from common entries and pathways; and/or</p> <p>ii) private open space that complies with the following:</p> <p>a) a minimum dimension of 2.5m</p> <p>b) is associated with dwellings at the lower floor level</p> <p>b) in all other cases, communal open space that complies with the following:</p> <p>i) a minimum dimension of 2.5m</p> <p>ii) is directly accessible from common entries and pathways.</p>	<p>C39D</p> <p>To reduce urban heat island effects, retain water and maintain ecosystem services, open space on the site achieves the following:</p> <p>a) adequate useable space for a range of recreational activities for residents to support active living</p> <p>b) a contribution to on-site infiltration of stormwater run-off</p> <p>c) reasonable accessibility that is designed to be inclusive for all residents</p> <p>d) utilise planting on structures where planting area, canopy trees cannot be achieved on site</p> <p>e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses</p> <p>f) if the minimum required planting area can't be provided on site, an equivalent area should be achieved through planting on structures.</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <p>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</p> <p>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</p>	<p>Not applicable.</p> <p>Not in RZ3, RZ4 or RZ5.</p>

Rule	Criteria	Response
4.4 Landscape design		
There is no applicable rule.	<p>C40</p> <p>This criterion applies to all development on blocks approved under an <i>estate development plan</i> for which the original Crown lease was granted on or after 1 January 2020.</p> <p>Landscape and site design achieves all of the following:</p> <ul style="list-style-type: none"> 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 	<p>Criteria Met</p> <p>Block was part of an EPD approved in 2018 however the current lease (Holding Lease, which is a form of Crown Lease) was granted in 2021.</p> <p>The proposed landscaping meets the requirements as follows:</p> <ul style="list-style-type: none"> a) Landscape plans for each level include planting schedule and stock sizes. b) Refer to landscape plans. The proposal includes 24 trees with a height over 4.0 metres. c) The proposed trees are a combination of deciduous and evergreen planted in locations to contribute to amenity and energy efficiency. d) Residents will have access to landscaped communal space, plus the site fronts onto the Casey Pond public green space. e) Landscaping will not reduce visibility along paths. f) Pavement materials are specified on the architectural floor plans. g) Refer to landscape species details.

Rule	Criteria	Response																												
<p>R40A</p> <p>This rule applies to all development on blocks approved under an <i>estate development plan</i> before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020.</p> <p>Development provides a minimum level of tree planting, with associated planting requirements as described in table A7b, consistent with the following:</p> <p>a) for large blocks less than or equal to 800m2, one small tree and one medium tree</p> <p>b) for large blocks more than 800m2:</p> <p>i) one medium tree and one large tree, and</p> <p>ii) one additional large tree or two additional medium trees for each additional 800m2 block area.</p> <p>Table A7b*: Tree sizes and associated planting requirements</p> <table><tr><th>Tree size</th><th>Mature height</th><th>Minimum canopy diameter</th><th>Minimum soil depth (deep soil zone)</th><th>Minimum soil surface area dimension</th><th>Minimum pot size (litres)</th><th>Minimum soil volume</th></tr><tr><td>Small Tree</td><td>5-8m</td><td>4m</td><td>0.8m</td><td>3m</td><td>45**</td><td>18m³</td></tr><tr><td>Medium Tree</td><td>8-12m</td><td>6m</td><td>1m</td><td>5m</td><td>75**</td><td>42m³</td></tr><tr><td>Large Tree</td><td>>12m</td><td>8m</td><td>1.2m</td><td>7m</td><td>75**</td><td>85m³</td></tr></table> <div><div></div><div><p>Notes:</p><p>For the purposes of this table, a tree is defined as a woody perennial plant suitable for the Canberra climate. It does not include any plant described in schedule 1 of the Pest Plants and Animals (Pest Plants) Declaration 2015 (No 1) or any subsequent declaration made under section 7 of the Pest Plants and Animals Act 2005, unless the tree is included on the ACT tree register.</p><p>*This table applies to new trees only, not existing trees that are to be retained as part of the development.</p><p>** The maximum pot size for small, medium and large <i>eucalyptus sp.</i> trees if selected is 45 litres, with maximum height at planting of 2.5m and maximum trunk caliper of 3cm.</p></div></div>	Tree size	Mature height	Minimum canopy diameter	Minimum soil depth (deep soil zone)	Minimum soil surface area dimension	Minimum pot size (litres)	Minimum soil volume	Small Tree	5-8m	4m	0.8m	3m	45**	18m³	Medium Tree	8-12m	6m	1m	5m	75**	42m³	Large Tree	>12m	8m	1.2m	7m	75**	85m³	<p>C40A</p> <p>Tree planting provided in the development ensures:</p> <p>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</p> <p>b) planting of canopy trees with appropriate species and with a semi-advanced stock and minimum heights at maturity</p> <p>c) landscaping to provide substantial shade in summer and admit winter sunlight to outdoor and indoor living areas.</p>	<p>Criteria Met</p> <p>This rule applies because the estate development plan was approved in 2018.</p> <p>The Block area is 5478m2, this means for Rule compliance 1 large and 1 medium tree plus 5 additional large trees (or 10 medium trees, or combination thereof) are required.</p> <p>Rule compliance could be achieved with just 7 trees (or 12 using medium trees). The proposal does not meet the rule because the tree plantings do not all meet the identified minimum soil volumes, however a total of 24 trees are proposed.</p> <p>The Criteria is met through combination of onsite and offsite plantings:</p> <p>A total of 24 trees are proposed.</p> <p>These comprise:</p> <p>3 medium deep root trees within the block (height 10 x 9m) Unrestricted root zones</p> <p>6 small deep root trees within block (height 6m x 4m) partially constrained root zones)</p> <p>3 medium trees as off site plantings beside the pond (10 x 8m) Unrestricted root zones</p> <p>12 medium trees to podium planters with soil depths of 450-650mm and areas of 20-40m2 planter area per tree. Trees range from 10 x 6 to 8 x 6 m trees</p>
Tree size	Mature height	Minimum canopy diameter	Minimum soil depth (deep soil zone)	Minimum soil surface area dimension	Minimum pot size (litres)	Minimum soil volume																								
Small Tree	5-8m	4m	0.8m	3m	45**	18m³																								
Medium Tree	8-12m	6m	1m	5m	75**	42m³																								
Large Tree	>12m	8m	1.2m	7m	75**	85m³																								

Rule	Criteria	Response
There is no applicable rule	<p>C40B</p> <p>This criterion applies to all development on blocks approved under an <i>estate development plan</i> before 1 January 2020 or land for which the original Crown lease was granted before 1 January 2020.</p> <p>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 the following:</p> <ul style="list-style-type: none"> 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. 	<p>Not applicable</p> <p>No existing trees.</p>
4.5 Fences		
<p>R41</p> <p>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:</p> <ul style="list-style-type: none"> a) it is a gate to a maximum height of 1.8m and 1m width in an established hedge b) exempt under the Planning and Development Act 2007 c) permitted under the Common Boundaries Act 1981. 	<p>C41</p> <p>Fences may be permitted where the proposal meets the requirements contained in the Residential Boundary Fences General Code.</p>	<p>Not Applicable</p> <p>No front fences are proposed forward of the building line.</p> <p>The fences to the lower ground units are set back slightly from the building line.</p>

Rule	Criteria	Response
4.6 Courtyard walls – RZ1 and RZ2		
<p>R42</p> <p>Courtyard walls are permitted forward of the building line where they comply with all of the following:....</p>	<p>C42</p> <p>Courtyard walls achieve all of the following:</p> <ul style="list-style-type: none"> a) consistent with the desired character b) the dominance of the building..... 	<p>Not Applicable</p> <p>Site is CZ1.</p>
4.6A Courtyard walls – other than RZ1 and RZ2		
<p>R42A</p> <p>Courtyard walls are permitted forward of the building line where they comply with all of the following:</p> <ul style="list-style-type: none"> a) maximum height of 1.8m above datum ground level b) a minimum setback to the front boundary complying with the following: <ul style="list-style-type: none"> 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 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 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. 	<p>C42A</p> <p>Courtyard walls achieve all of the following:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 ix) tree and shrub planting forward of the wall 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 	<p>Not Applicable</p> <p>Courtyard walls are not proposed.</p>

Rule	Criteria	Response
4.7 External facilities		
There is no applicable rule.	<p>C43</p> <p>The following external facilities or equipment are screened or adequately separated from public areas:</p> <ul style="list-style-type: none"> 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. 	<p>Responds to criteria</p> <ul style="list-style-type: none"> a) External storage areas are not proposed. b) Water tanks are under the building c) Waste storage area is integrated with the building at the upper ground level. d) Services are all within private areas e) Clothes drying areas are shown on internal balconies
There is no applicable rule.	<p>C44</p> <p>Mailboxes are located for convenient access by residents and deliverers with passive surveillance from the street or from active uses.</p> <p>To demonstrate compliance with this criterion a site plan is submitted with the application showing the location and design of mail boxes.</p>	<p>Criteria Met</p> <p>Mail Boxes are located in the main building entry area as shown on the upper ground level plan DA-21-04.</p> <p>Details of the mail boxes are provided on signage plan DA-94-02</p>
4.8 Electrical and telecommunication facilities		
<p>R45</p> <p>Electrical and telecommunication reticulation within existing residential areas or streets with residential access complies with all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>C45</p> <p>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.</p>	<p>Rule Met</p> <p>There is no overhead cabling.</p>

Rule	Criteria	Response
There is no applicable rule.	<p>C46</p> <p>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.</p>	<p>Criteria Met</p> <p>Services, including the sub-station are provided at upper ground level with access via the main services driveway.</p>
Element 5: Building design		
5.1 Surveillance		
<p>R47</p> <p>This rule applies to building facades facing a public street or public open space.</p> <p>Building facades have all of the following:</p> <p>a) at least one window to a habitable room that is not screened by a courtyard wall</p> <p>b) at least one door with roofed element such as a verandah or balcony.</p>	<p>C47</p> <p>Buildings achieve passive surveillance of all of the following:</p> <p>a) adjoining streets</p> <p>b) adjoining public open space.</p>	<p>Criteria Met</p> <p>The building provides habitable rooms that will provide passive surveillance of the adjoining public open spaces.</p>
5.2 Building entries		
<p>R48</p> <p>Common entries to dwellings have all of the following features:</p> <p>a) an external sheltered area outside the entrance</p> <p>b) a direct line of sight between the front door and the public footpath or road</p> <p>c) separate access to any non-residential uses, which are clearly distinguishable and secured after hours.</p>	<p>C48</p> <p>Common entries to dwellings achieve all of the following:</p> <p>a) a transitional area from the street</p> <p>b) secure, all-weather access</p> <p>c) surveillance of public areas (including between buildings and open space areas, paths, dwelling entries, car parking areas and driveways)</p> <p>d) safety, security and convenience for residents and visitors</p> <p>e) the separation of residential entries and commercial entries.</p>	<p>Rule Met</p> <p>There is a common lobby that serves as the primary entry to the residential dwellings. This entry faces Block 10 and meets the requirements of the rule. It is:</p> <p>a) Sheltered by the awning along that frontage of the building</p> <p>b) Directly visible from the publicly available path along the frontage.</p> <p>c) Separate from the commercial entries that are direct from the same path. The residential entry is distinguished by a feature in the awning.</p> <p>The commercially adaptable units have individual entries from the public path to the east, in addition to access from the central courtyard.</p>

Rule	Criteria	Response
5.3 Building design		
<p>R49</p> <p>This rule applies to buildings containing more than 2 dwellings.</p> <p>Maximum length of unarticulated walls in buildings is 15m.</p> <p>Wall articulation is provided by at least one of the following:</p> <ul style="list-style-type: none"> 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. 	<p>C49</p> <p>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.</p>	<p>Rule Met</p> <p>Building facades are articulated with balconies and blade walls.</p>
<p>R50</p> <p>This rule applies to buildings containing more than 2 dwellings.</p> <p>Maximum length of an unarticulated roof is 15m.</p>	<p>C50</p> <p>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.</p>	<p>Criteria Met</p> <p>The sky terraces on the upper floors are separated into groups with spaces in between to provide articulation and interest to the building profile.</p>
<p>R51</p> <p>Garages and carports within 15m of the front boundary are constructed with the same material as the corresponding elements of the dwelling.</p>	<p>C51</p> <p>The exterior colours and finishes of garages and carports achieve all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Rule met.</p> <p>Parking is integrated into the building in basement.</p>
5.4 Building design – RZ2		
<p>R52</p> <p>This rule applies to standard blocks in RZ2 containing 2 or more dwellings.</p> <p>All dwellings adjacent to a public street (other than a rear lane) have at least one of the following facing the street:</p> <ul style="list-style-type: none"> a) front door b) living room window c) living room glass sliding door. 	<p>C52</p> <p>Dwellings address the street wherever practicable.</p>	<p>Not Applicable</p> <p>Site is not RZ2.</p>

Rule	Criteria	Response
5.5 Basements and undercroft parking		
<p>R53</p> <p>This rule applies to all of the following:</p> <p>i) basements</p> <p>ii) undercroft parking.</p> <p>Exposed external walls comply with all of the following:</p> <p>a) except for ventilation openings, are finished in the same manner as the building</p> <p>b) where ventilation openings are provided, they are treated as part of the façade with grilles and screens.</p>	<p>C53</p> <p>Basements and undercroft parking structures achieve all of the following:</p> <p>a) visual interest through architectural elements, features or modulation</p> <p>b) visual softening by landscaping</p> <p>c) avoidance of prominent ventilation openings.</p>	<p>Rule Met,</p> <p>The basement/undercroft parking has walls that extend above ground level on the south side of the building. These walls are of the same material as the building. There is a section of the wall that provides ventilation. This section is provided with a grill that is complementary to the building finishes.</p>

5.6 Adaptable housing – multi-unit housing comprising 10 or more dwellings		
<p>R54</p> <p>This rule applies to multi-unit housing comprising 10 or more dwellings.</p> <p>The minimum number of dwellings designed to meet Australian Standard AS4299 – Adaptable Housing (Class C) is shown in table A8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>The proposal includes 219 units of which 22 are identifies as adaptable.</p>

Table A8 – Minimum number of dwellings designed to meet Australian Standard AS4299 – Adaptable Housing (Class C)

total number of dwellings	minimum number of dwellings designed to meet Australian Standard AS4299 – Adaptable Housing (Class C)
less than 10	nil
10	1
11 to 20	2
21 to 30	3
31 to 40	4
41 or more	5 + 1 for every 10 additional dwellings over 41

Rule	Criteria	Response
5.7 Minimum dwelling size		
<p>R55</p> <p>Minimum dwelling floor areas are as follows:</p> <p>a) studio dwellings - 40 m²</p> <p>b) one-bedroom dwellings - 50 m²</p> <p>c) 2-bedroom dwellings - 70 m²</p> <p>d) dwellings with 3 or more bedrooms - 95 m²</p> <p>The minimum dwelling floor area excludes balconies and car parking facilities. Storage within dwellings is included in the area calculations.</p>	<p>C55</p> <p>Dwelling sizes and layouts provide functional living spaces, flexibility in furniture layout, and adequate storage and service areas.</p> <p>The provision of shared facilities (eg. open space, laundry, lounge and storage) may be considered when determining compliance with the criterion.</p>	<p>Rule Met.</p> <p>All of the proposed dwellings exceed the minimum dwelling sizes.</p> <p>The studio apartments are 47 m²</p> <p>The 1 bedroom units range from 59 to 61 m²</p> <p>The 2 bedroom units range from 80 to 87 m²</p> <p>The 3 bedroom units range from 111 to 124 m²</p> <p>The Sky Terraces are larger again.</p>
5.8 Housing diversity		
<p>R56</p> <p>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.</p>	<p>C56</p> <p>Housing developments comprising multiple dwellings are required to achieve all of the following:</p> <p>a) a range of housing types</p> <p>b) increased diversity of dwelling types within a neighbourhood.</p>	<p>Rule met</p> <p>A range of dwelling types is proposed including:</p> <ul style="list-style-type: none"> - 6 studio apartments - 18 x 1 bedroom apartments - 133 x 2 bedroom apartments - 19 x 3 bedroom apartments - 20 x 3 bedroom sky terraces - 10 x 4 bedroom sky terraces
5.9 Building design – dual occupancy on surrendered residential blocks in RZ1		
<p>There is no applicable rule.</p>	<p>C56A</p> <p>This criterion applies to dual occupancy development on surrendered residential blocks.</p> <p>The design of buildings encourages</p>	<p>Not Applicable</p> <p>The site is not RZ1.</p>
Element 6: Amenity		
6.1 Solar access –other than apartments		
<p>R57</p> <p>This rule applies to all multi unit housing on blocks with the exception of blocks subject to R57A.</p> <p>This rule does not apply to apartments.</p> <p>The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight...</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>This rule does not apply to apartments.</p>

Rule	Criteria	Response
<p>R57A</p> <p>This rule applies to multi unit housing on blocks approved under an estate development plan on or after 5 July 2013.</p> <p>This rule does not apply to apartments.</p> <p>A daytime living area of each new dwelling is provided with a minimum of 4m² of transparent vertical glazing that:</p> <p>a) is oriented between 45° east of north and 45° west of north; and</p> <p>b) is not overshadowed at noon on the winter solstice (21 June) by:</p> <p>i) buildings and structures on the subject block</p> <p>ii) the solar fence on the northern boundary of the subject block</p> <p>For this rule:</p> <p>Daytime living area means a habitable room other than a bedroom</p> <p>The height of the 'solar fence' is:</p> <p>i) in the primary building zone – 3m</p> <p>ii) all other parts of the boundary – 2.3m</p> <p>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.</p> <p>Compliance with this rule may be demonstrated through plans, elevations and supporting documentation (e.g. shadow diagrams) showing that the required minimum area of glazing is not overshadowed.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p> <p>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.</p>	<p>C57A</p> <p>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).</p> <p>For this criterion: Daytime living area means a habitable room other than a bedroom</p>	<p>Not Applicable.</p> <p>Not applicable to apartments -Rule 58 applies.</p>
6.2 Solar access - apartments		
<p>R58</p> <p>This rule applies to apartments.</p> <p>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).</p> <p>Note: Where a development comprises a mixture of apartments and other multi unit housing, this rule will apply to the apartments.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>C58</p> <p>Daytime living areas have reasonable access to sunlight.</p>	<p>Rule Met</p> <p>Solar Access plan DA-81-01 identifies that 80% of apartments receive at least 3 hours of direct sunlight between 9 am and 3 pm at the winter solstice.</p>

Rule	Criteria	Response
6.3 Privacy		
<p>R59</p> <p>This rule applies to dwellings on the same block.</p> <p>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.</p> <p>The direct line of sight is a minimum distance of 12m.</p>	<p>C59</p> <p>Evidence is provided demonstrating that reasonable privacy between dwellings on the same block is achieved through design solution.</p> <p><small>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</small></p>	<p>Rule Met</p> <p>All of the primary windows face outwards from the site avoiding internal privacy issues.</p>
<p>R60</p> <p>This rule applies to principal private open space on the same block and on adjacent blocks.</p> <p>A person with an eye height of 1.5m standing at any point on the extremity of an <i>unscreened element</i> of one dwelling shall not have a direct line of sight to more than 50% of the minimum principal private open space of any other dwelling.</p> <p>The direct line of sight is a minimum distance of 12m.</p>	<p>C60</p> <p>Evidence is provided demonstrating that reasonable privacy of principal private open space of each dwelling is achieved through design solution.</p> <p><small>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</small></p>	<p>Rule Met</p> <p>All of the principal private open spaces face outwards from the building avoiding inward looking privacy issues.</p>
6.4 Principal private open space		
<p>R61</p> <p>Each <i>dwelling</i> has at least one area of <i>principal private open space</i> that complies with all of the following:</p> <ul style="list-style-type: none"> a) located on the site b) has minimum area and dimensions specified in table A9 c) is screened from adjoining public streets and public open space d) is directly accessible from, and adjacent to, a habitable room other than a bedroom e) is not located to the south, south-east or south-west of the dwelling, unless it achieves one or more of the following - <ul style="list-style-type: none"> i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June) ii) located at an upper floor level and overlooks a public street or public open space. <p><small>Note: Overshadowing from vegetation is not considered when assessing solar access.</small></p>	<p>C61</p> <p>Principal private open space for each dwelling achieves all of the following:</p> <ul style="list-style-type: none"> a) an area proportionate to the size of the dwelling b) an extension of the function of the dwelling for relaxation, dining, entertainment, recreation c) directly accessible from the dwelling d) service functions such as clothes drying and mechanical services e) reasonable privacy f) reasonable solar access. 	<p>Rule Met</p> <p>Each dwelling has principal private open space that meets the requirements of the rule.</p> <ul style="list-style-type: none"> a) PPOS is located on site (balconies) b) The minimum area is 8m² including service space. The smallest balcony is associated with the studio apartments and is 8m² c) All of the PPOS is at upper floor levels affording suitable privacy from public spaces d) All are directly accessible from a living area e) Most of the PPOS is oriented appropriately except for the PPOS associated with the apartments along the southern boundary. These balconies meet the requirements of the rule as they overlook a public street/open space area.

Rule	Criteria	Response
6.5 Separation between external walls		
<p>R62</p> <p>The minimum separation between an unscreened element and an external wall on the same block or an adjoining block, is 3m.</p>	<p>C62</p> <p>The outlook from an unscreened element is not unreasonably impeded by external walls on the same or adjoining blocks.</p>	<p>Rule Met</p> <p>The apartments are all outward looking so there are no unscreened elements looking inwards towards other walls.</p>
<p>R63</p> <p>The separation between external walls at the lower floor level on the same block or an adjoining block is not less than 1m.</p>	<p>C63</p> <p>The separation between blank walls on the same or adjoining blocks at ground level achieves both of the following:</p> <p>a) reasonable access for maintenance</p> <p>b) reasonable management of rodents.</p>	<p>Rule met</p> <p>External walls are not within 1m of any other external walls on this block or any adjacent blocks.</p>
6.6 Balustrades		
<p>R64</p> <p>This rule applies to balconies with both of the following characteristics:</p> <p>i) located on the third upper floor level or lower (ie the first four storeys)</p> <p>ii) facing public streets or public open space.</p> <p>Balustrades are constructed of one or more of the following:</p> <p>a) obscure glass panels</p> <p>b) solid panels</p> <p>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.</p>	<p>C64</p> <p>Balustrades achieve reasonable privacy for residents and screen household items from adjoining public streets and public open space.</p>	<p>Criteria Met</p> <p>Balustrades on level 3 and lower floors have privacy screens provided. They are operable and hence if needed could be closed to achieve privacy.</p>

Rule	Criteria	Response
6.7 Storage		
<p>R65</p> <p>This rule applies to dwellings without an associated garage.</p> <p>An enclosed storage area complying with all of the following is provided for each dwelling:</p> <p>a) at least 2m in height and 0.6m internal dimension</p> <p>b) an area of not less than -</p> <p>i) in RZ1 and RZ2 - 4m²</p> <p>ii) in all other zones -1.5m²</p> <p>c) one of the following -</p> <p>i) accessible externally from the dwelling</p> <p>ii) adjacent to a dedicated car space.</p>	<p>C65</p> <p>All dwellings are provided with adequate and secure storage areas for all of the following:</p> <p>a) equipment such as gardening, sporting, leisure and fitness equipment</p> <p>b) accommodate bicycles as per Bicycle Parking Code.</p>	<p>Rule Met</p> <p>Storage areas to meet this requirement are provided in the basement adjacent to the allocated parking spaces.</p>
6.8 Natural Ventilation		
<p>There is not applicable rule</p>	<p>C66</p> <p>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.</p>	<p>Criteria Met</p> <p>The design of the building allows for all apartments to have access to natural ventilation in a least two directions.</p> <p>Refer to COX drawing DA-83-01.</p>

Rule	Criteria	Response
6.9 Noise attenuation – external sources		
<p>R67</p> <p>Where a block has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than 12,000 vehicles per day iii) located in a commercial zone iv) adjacent to a commercial or industrial zone <p>dwelling shall be constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005.</p> <p>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 ACT Government entity responsible for Transport Planning.</p> <p><small>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>Refer to Noise Management Plan prepared by ACOR Consulting.</p> <p>Implementation of the recommendations of the report will result in the proposal complying with the rule.</p>

Rule	Criteria	Response
Element 7: Parking and vehicular access		
7.1 Ramps to basement car parking – RZ1 and RZ2		
<p>R68</p> <p>This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none"> a) zoned RZ1 or RZ2 b) standard blocks c) less than 30 m wide at the street frontage. <p>Ramps accessing basement car parking are not permitted forward of the building line.</p>	<p>C68</p> <p>Ramps accessing basement car parking forward of the building line may be allowed where all of the following are achieved:</p> <ul style="list-style-type: none"> i) compatibility with the streetscape ii) retention of existing street trees iii) safe and convenient pedestrian and bicycle crossings iv) adequate line of sight for cars entering and/or leaving the car parking area 	<p>Not Applicable</p> <p>Site is CZ1.</p>
7.2 Driveway verge crossings		
<p>R69</p> <p>This rule applies to previously undeveloped blocks.</p> <p>No more than one driveway verge crossing is provided to each block.</p>	<p>C69</p> <p>More than one driveway verge crossing to each block may be allowed in one of the following circumstances:</p> <ul style="list-style-type: none"> a) where forward entry to roads carrying more than 3000 vehicles per day is desirable b) where all of the following are achieved: <ul style="list-style-type: none"> i) compatibility with the streetscape ii) priority for pedestrians and cyclists iii) retention of existing street trees iv) protection of existing landscape features v) public safety c) where the block is a corner block. 	<p>Rule met.</p> <p>Only one driveway entry point is proposed. This entry point is from the end of Bently Place.</p>
<p>R70</p> <p>This rule applies to previously developed blocks or the consolidation of previously developed blocks.</p> <p>No additional driveway verge crossings are permitted.</p>	<p>C70</p> <p>Additional driveway verge crossings may be allowed in one of the following circumstances....</p>	<p>Not Applicable</p> <p>The block has not been previously developed.</p>

Rule	Criteria	Response
<p>R71</p> <p>This rule applies to previously developed blocks or the consolidation of previously developed blocks.</p> <p>Redundant driveway verge crossings are removed, and the verge and kerb restored.</p> <p>Note: a condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block has not been previously developed.</p>
<p>R72</p> <p>Driveway verge crossings comply with all of the following:</p> <p>a) 1.2m horizontally clear of stormwater sumps and other services</p> <p>b) 1.5m horizontally clear of transformers, bus stops, public light poles</p> <p>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)</p> <p>d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb</p> <p>e) at a right angle to the kerb line with a maximum 10% deviation</p> <p>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</p> <p>g) except for blocks 250m² or less, 3m wide at the front street boundary</p>	<p>C72</p> <p>Driveway verge crossings are endorsed by the Territory and Municipal Services Directorate.</p>	<p>Criteria Met</p> <p>The driveway meets the relevant requirements of the rule with the exception of a), f), g).</p> <p>This is an unusual access arrangement being located at the end of Bently Place. TCCS to endorse.</p> <p>a) As the driveway comes off the end of Bentley Place the existing lower point and vehicular crossing is retained to prevent overland flow being directed into the proposed development. There are stormwater sumps at the low point of the roadway however due to the vehicular crossing coming off the end of Bentley Place this does not impact on the transitions.</p> <p>b) There are no transformers, bus stops, or light poles within 1.5 metres of the driveway.</p> <p>c) The driveway is located at the end of Bently Place, it is not near a curve in the road.</p> <p>d) AL-0141 and AL-0142 reflect the long sections of the proposed driveway which are approximately 1 - 2%.</p> <p>e) The driveway is located at the end of Bently Place. It is at a right angle to the property boundary.</p> <p>f) The driveway is 6.8 metres wide, reflecting the geometry of Bently Place and allowing for private vehicle and waste truck movements to service the site.</p> <p>g) Refer to response f)</p>

Rule	Criteria	Response
<p>h) outside of the drip line of mature street trees</p> <p>i) a minimum of 3m clear of small and new street trees</p> <p>j) compliant with Australian Standard AS2890.1 – Off Street Parking, having particular regard for sightlines and cross fall of the site</p> <p>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence)</p> <p>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.</p> <p><small>Note: a condition of development approval may be imposed to ensure compliance with this rule.</small></p>		<p>h) It is outside the dripline of mature street trees.</p> <p>i) There are no small or new street trees adjacent to the driveway.</p> <p>j) The driveway does not interact with on or off street parking</p> <p>k) There is no footpath across the driveway.</p> <p>l) There is no footpath across the driveway.</p>
7.3 Internal driveways		
<p>R73</p> <p>This rule applies to internal driveways that are used by residents of more than one dwelling.</p> <p>Internal driveways comply with all of the following:</p> <p>a) are set back from external block boundaries by not less than 1m</p> <p>b) are set back from the external walls of buildings on the site by not less than 1m</p> <p>c) the setbacks referred to in items a) and b) are planted to a width of not less than 1m</p> <p>d) windows to habitable rooms and exterior doors within 1.5 of an internal driveway have at least one of the following -</p> <p>i) an intervening fence or wall not less than 1.5m high</p> <p>ii) for windows, a sill height not less than 1.5m above the driveway</p> <p>e) the relevant requirements in Australian Standard AS2890.1 - Off Street Parking for sightlines and gradients</p> <p>f) provide internal radius of at least 4m at changes in direction and intersections</p> <p>g) have a surface treatment that is distinct from car parking spaces.</p>	<p>C73</p> <p>Internal driveways achieve all of the following:</p> <p>a) sufficient space for planting along property boundaries</p> <p>b) sufficient space for planting between internal driveways and buildings</p> <p>c) reasonable residential amenity, particularly in relation to the intrusion of light and noise into habitable rooms</p> <p>d) clear differentiation between the driveway and parking spaces.</p>	<p>Rule Met</p> <p>The proposed driveway minimises the impact on the amenity of the site by entering the lower levels at the closest point of the building.</p> <p>a) The driveway is set back from the Block 10 boundary by more than 1 metre.</p> <p>b) Is not adjacent to any building walls.</p> <p>c) Includes planting areas in the setbacks</p> <p>d) There are no habitable rooms next to the driveway.</p> <p>e) Is designed in accordance with the relevant Australian Standards</p> <p>f) Has a radius of 4 metres at the change in direction.</p> <p>g) Does not directly connect to car parking spaces until it enters the basement.</p> <p>Refer PV-0301 and PV-0321 for driveway detail drawings.</p>

Rule	Criteria	Response
<p>R74</p> <p>This rule applies to internal driveways with both of the following characteristics:</p> <p>a) serve 4 or more car parking spaces</p> <p>b) connect to a major road.</p> <p>Turning spaces are provided on the block to allow vehicles to leave in a forward direction.</p>	<p>C74</p> <p>Internal driveways achieve reasonable levels of public safety.</p>	<p>Not applicable.</p> <p>Site does not connect to a major road.</p>
<p>R75</p> <p>This rule applies to internal driveways with both of the following characteristics:</p> <p>a) serve more than 10 car parking spaces</p> <p>b) connect to a public road.</p> <p>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.</p>	<p>C75</p> <p>Internal driveways avoid unreasonable levels of queuing and congestion at vehicular entrances.</p>	<p>Rule Met</p> <p>The driveway is 6.8 metres wide where it is an extension of Bently Place.</p> <p>Refer to Sellick Plan 0101 for dimension.</p>
<p>There is no applicable rule.</p>	<p>C76</p> <p>Internal driveways are designed to be safely used by both pedestrians and vehicles, including emergency vehicles.</p> <p>Measures to reduce vehicle speed on internal driveways will be considered when determining compliance with this criterion, including one or more of the following:</p> <p>a) changes in pavement materials</p> <p>b) the lack of kerb and gutters</p> <p>c) difference in height to adjacent streets</p> <p>d) avoiding long lengths of driveway</p> <p>e) suitable planting</p> <p>f) signage.</p>	<p>Criteria Met</p> <p>The driveway provides direct vehicular connection to the basement and service areas of the building, it will not be a high pedestrian area as higher amenity pedestrian access opportunities are provided elsewhere.</p> <p>The vehicle speeds in the driveway will be managed through a change in material at the entry, signage and the change in direction.</p>

Rule	Criteria	Response
7.4 Residents' car parking		
<p>R77</p> <p>Car-parking spaces on the site for residents comply with all of the following:</p> <ul style="list-style-type: none"> a) located behind the front zone (except for apartment car parking) b) can be in tandem where they belong to the same dwelling c) do not encroach any property boundaries d) one car space per dwelling is roofed and located behind the front zone e) are separated by not less than 1.5m from windows or doors to habitable rooms of dwellings that are not associated with the parking space. 	<p>C77</p> <p>Car parking for residents achieves all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>Rule met</p> <p>Car parking is provided in the basement.</p> <ul style="list-style-type: none"> a) It is not in the front zone of the block b) A small number of tandem spaces are provided and will be allocated to the same dwelling. c) Parking does not encroach property boundaries. d) All provided car parking is roofed (basement) e) Parking is separated from habitable rooms because it is in the basement.
<p>R78</p> <p>This rule applies to resident car parking spaces with both of the following characteristics:</p> <ul style="list-style-type: none"> a) not allocated to a particular dwelling b) shared between 2 or more dwellings. <p>Parking spaces are located within 50m walking distance of any dwelling that is sharing the space.</p>	<p>C78</p> <p>Car parking spaces are located close to, and with convenient access to dwellings.</p>	<p>Criteria Met</p> <p>Residential car parking is located on site, within the basement. It is readily accessible from any dwelling.</p>
<p>R79</p> <p>The maximum total width of garage door openings and external width of carports facing a street complies with the following:</p> <ul style="list-style-type: none"> a) for up to 3 dwellings, the lesser of the following <ul style="list-style-type: none"> 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. 	<p>C79</p> <p>Garages and car parking structures are consistent with the desired character.</p>	<p>Not applicable.</p> <p>No garage doors directly face the street.</p>
<p>R80</p> <p>The maximum total width of an entry and/or exit to basement car parking facing the street is 8m.</p>	<p>C80</p> <p>Entries to basements do not dominate the streetscape.</p>	<p>Not applicable</p> <p>The basement entry does not face the street.</p>

Rule	Criteria	Response
<p>R81</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> i) developments containing 10 dwellings or more ii) development with a combined entry and exit to apartment car parking less than 6m wide. <p>Approaches to basements containing car parking comply with one of the following:</p> <ul style="list-style-type: none"> 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. 	<p>C81</p> <p>Approaches to basements achieve all of the following:</p> <ul style="list-style-type: none"> a) public safety b) convenience for all users. 	<p>Not Applicable</p> <p>The combined entry/exit to the car parking is wider than 6 metres (it is 6.8 metres wide).</p>
7.5 Visitor parking		
<p>R82</p> <p>Visitor car-parking spaces on the site comply with all of the following:</p> <ul style="list-style-type: none"> 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. 	<p>C82</p> <p>Visitor parking achieves all of the following:</p> <ul style="list-style-type: none"> a) accessible for all visitors b) safe and direct visitor entry to common building entries. 	<p>Criteria Met</p> <p>There is ample short stay visitor parking in the commercial car park at the front of the building.</p>
<p>R83</p> <p>Visitor car parking complies with one of the following:</p> <ul style="list-style-type: none"> 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. 	<p>C83</p> <p>Visitor parking is accessible to all visitors.</p>	<p>Rule Met</p> <p>Visitors car park in the commercial car park at the front of the building.</p>

Rule	Criteria	Response
7.6 Number of co-located parking spaces – RZ2		
<p>R84</p> <p>In RZ2 on standard blocks, co-located car parking spaces on the site comply with all of the following:</p> <p>a) the maximum number of car parking spaces (including spaces in garages but excluding those in basements) is 4</p> <p>b) the minimum separation between groups of co-located car parking spaces (including spaces in garages but excluding those in basements) is 4m.</p>	<p>C84</p> <p>Car parking spaces on the site (including garages but excluding basement car parking) achieves all of the following:</p> <p>a) do not dominate site landscaping</p> <p>b) are consistent with the desired character</p>	<p>Not Applicable</p> <p>Site is CZ1.</p>
7.7 Delivery and removalist vans		
<p>R85</p> <p>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.</p>	<p>C85</p> <p>Reasonable provision is made for short stay parking for delivery trucks.</p>	<p>Rule Met</p> <p>A short stay parking bay suitable for loading is provided next to the waste collection area</p>
Element 8: Environment		
8.2 Heritage		
<p>R90</p> <p>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.</p> <p><small>Note: The authority will consider any advice from the Heritage Council before determining the application.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The site does not contain heritage listed places or objects.</p>
8.3 Tree protection		
<p>R91</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <p>a) requires groundwork within the tree protection zone of a protected tree</p> <p>b) is likely to cause damage to or removal of any protected trees.</p> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p><small>Note: The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. Protected tree and declared site are defined under the Tree Protection Act 2005.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The site does not include any protected trees.</p>

Rule	Criteria	Response
8.4 Bushfire		
<p>R92</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>The block is not identified in the precinct code or lease and development conditions as being within a bushfire prone area.</p>
8.5 Erosion and sediment control		
<p>R93</p> <p>For sites less than 3,000m², the development complies with the Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT.</p> <p><small>Note 1: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</small></p> <p><small>Note 2: see part D for sites over 3000m².</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable.</p> <p>Site is larger than 3000m².</p>
Element 9: Services		
9.1 Post occupancy waste management		
<p>There is no applicable rule</p>	<p>C94</p> <p>Post occupancy waste management achieves all of the following:</p> <ul style="list-style-type: none"> a) consistency with the desired character b) reasonable levels of residential amenity for dwellings and their associated private open space on the subject site c) reasonable levels of amenity for dwellings on adjoining residential blocks and their associated private open space. 	<p>Criteria Met</p> <p>The waste management is addressed in the waste management plans provided by Sellick.</p> <ul style="list-style-type: none"> a) The project is assessed as being consistent with the desired character as per Rule 45 of the Commercial Zones Code. b) Waste chutes are provided at each level of the building to allow residents a convenient way to dispose of waste and recycling. Waste storage is contained within the waste room at the upper ground floor, where it links directly to the waste collection location. These waste management activities are beneath the central communal spaces, providing separation from the nearest dwellings and their associated private open space. c) There are no dwellings on adjoining blocks.

8.2 Part B – Additional Controls for multi-unit housing with 4 or more storeys

Element 10: Building and site design – buildings with 4 or more storeys		
10.1 Side and rear boundary setbacks		
R95 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. Not in RZ5.
10.2 Access to lifts or stairs		
R96 No more than 9 apartments on each floor are accessible from a single common lift or stair lobby	C96 Convenient access to apartments is achieved. One or more of the following matters may be considered when determining compliance with this criterion: a) whether there is a high level of public amenity and safety in common lobbies b) whether spaces are well-proportioned with clear sightlines c) whether there is a high proportion of dual aspect apartments d) whether there is a high proportion of apartments with northern orientation.	Rule Met Each floor is serviced by a central lift core of three lifts plus three stairwells, all of which are linked by the elevated walkways within the building atrium. The consolidation of the three lifts into a central core offers improved service times as it allows people to catch the closet lift. It also increases the social interaction in the lift lobby. The disaggregation of the stairwells provides opportunities for stairs closer to people's apartments and also meets the fire egress requirements. Floors 2 to 7 have 28 dwellings serviced by these six options (lifts and stairs). Levels 8 & 9 feature 30 'sky terraces' serviced by the same six options.

10.3 Stairwell features

There is no applicable rule.	<p>C96A</p> <p>Stairwells achieve all of the following:</p> <ul style="list-style-type: none"> a) are open or visually permeable to facilitate natural surveillance b) are accessible and encourage physical activity by providing an attractive alternative to lifts c) are located in a position more prominent than lifts. <p><small>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.</small></p>	<p>Criteria Met</p> <p>The stairwells are located in the three corners of the building where they are convenient for residents to access.</p> <p>They are prominent, but due to the requirements for them to be suitable for fire egress, they cannot be open to the air.</p> <p>An open staircase is provided between the upper ground and first floor to provide access to the communal space.</p>
------------------------------	---	--

8.3 Part C – Additional Controls for Multi-unit Housing in commercial zones

Rule	Criteria	Response
Element 11: Ground Floor commercial use		
11.1 Ground Floor Commercial use in commercial zones		
<p>R97</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> a) commercial zones b) <i>blocks</i> nominated in a precinct code for ground floor commercial use c) buildings containing one or more dwellings d) the <i>building line</i> for any ground floor dwelling is less than 6m <p>The ground floor finished floor level to finished ceiling level height is not less than 3.6m.</p> <p><small>Note: Noise attenuation provisions in part A may also apply.</small></p>	<p>C97</p> <p>In commercial zones, buildings afford the opportunity to accommodate non-residential uses, including office and retail, at the ground floor.</p>	<p>Criteria Met</p> <p>The ground floor facing Block 10 has a floor to floor height of 3.9 metres that will facilitate a ceiling height in excess of the 3.6 metres required by the rule. Refer to Section A on drawing DA-40-01.</p> <p>The adaptive commercial spaces at ground level facing Casey Pond have a floor to ceiling height of 3.35 metres which is considered suitable for these adaptable spaces. Refer to Section B on drawing DA-40-01.</p>

8.4 Part D – Endorsement by government agencies (entities)

Rule	Criteria	Response
Element 12: Waste management		
12.1 Construction waste management		
<p>R98</p> <p>This rule applies to residential development that is likely to generate more than 20m³ of construction waste comprising one or more of the following:</p> <ul style="list-style-type: none"> a) demolition waste b) construction waste c) excavation material. <p>The management of construction waste is to be endorsed by TCCS.</p> <p>TCCS 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.</p> <p>TAMS may endorse departures.</p> <p><small>Note: a condition of approval may be imposed to ensure compliance.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be met.</p> <p>Waste Management Plans prepared by Sellick Consultants to be referred to TCCS for endorsement.</p>
12.2 Post occupancy waste management		
<p>R99</p> <p>Post occupancy waste management facilities are to be endorsed by TCCS.</p> <p>TCCS 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.</p> <p>TCCS may endorse departures.</p> <p><small>Note: a condition of approval may be imposed to ensure compliance.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be met.</p> <p>Domestic waste facilities to be endorsed by TCCS as part of this DA.</p>

Rule	Criteria	Response
13.1 Utilities		
<p>R100</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The proposed encroachment is to be approved in writing by the relevant service provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>The building does not encroach into the sewer easement along the southern side of the block.</p> <p>There are two other easements that cross the driveway that become redundant as a result of the proposed works and are to be extinguished.</p>
<p>R101</p> <p>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.</p> <p>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</p> <p>Note 2: Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions</p> <p>Note 3: If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be Met</p> <p>Utility service plans are provided.</p> <p>DA to be circulated to other agencies for endorsement during assessment.</p>

Rule	Criteria	Response
Element 14: Environmental management		
14.1 Contamination		
<p>R102</p> <p>This rule applies to any site located adjacent to a potentially polluting source (including a site used or formerly used as a petrol station).</p> <p>The site is assessed for the potential for land contamination in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the Contaminated Sites Environment Protection Policy 2000.</p> <p>If land contamination is identified, the development complies with the requirements of Environment Protection Authority.</p> <p><small>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 Planning and Development Act 2007.</small></p> <p><small>Note 2: a condition of approval may be imposed to ensure compliance.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>Site is part of a new development area. Contamination was assessed at the time of the Estate Development.</p>
14.2 Erosion and sediment control		
<p>R103</p> <p>This rule applies to sites 3,000m² or larger.</p> <p>The development complies with an erosion and sediment control plan endorsed by the ACT Environment Protection Authority.</p> <p><small>Note 1: If no evidence of assessment of the site for erosion and sediment control is provided, the application may be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</small></p> <p><small>Note 2: a condition of approval may be imposed to ensure compliance.</small></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be Met</p> <p>A draft erosion and sediment control plan is provided, refer to engineering drawings 0910 and 0911.</p> <p>DA to be approved conditional on EPA endorsement of final plans.</p>

9 Parking and Vehicular Access

This code sets out the provisions for vehicular access and parking. Importantly, the code notes:

“In cases where the physical constraints of a site make on-site provision impracticable, or the Territory may consider it undesirable for efficiency, traffic operation, pedestrian amenity or other reasons for the specified parking to be provided totally on-site, special arrangements may be negotiated or requirements may be waived at the discretion of the Territory. In such situations the ability to consolidate parking in publicly accessible off-site locations provides a superior outcome. Costs can be reduced by eliminating the need for costly on-site basement car parking, and greater efficiency can be achieved through the increased potential for shared and complementary use.” “...the performance approach adopted in these codes provides the flexibility to enable a proposal to be supported where the proponent can demonstrate to the satisfaction of the Territory that the objectives can be met either by provision of a lesser on-site rate or by utilising spare capacity in publicly available on-street or off-site parking.”

Locational Requirements for parking in Group centres as identified in the General Code.

Long stay parking	Short stay parking	Operational parking	Visitor parking
(i) On-site or within 400m except for residential use where parking is to be on-site	(i) On site or within 200m	(i) On-site or within 100m	i) On site or within 200m

The code provides the opportunity for short stay, visitor and operational parking to be off site. Short stay parking means parking provision for generally up to 4 hours.

The parking supply and demand is addressed in the Traffic Report by Northrop.

The project includes initiatives to minimise the demand for private vehicle ownership and use.

10 Bicycle Parking

Apartment is a type of development that is required to provide end of trip cycling facilities. Specific requirements for bicycle parking spaces for Apartments are identified in the Bicycle Parking General Code.

Residents	Required Class 1 or 2 Spaces	Visitors & Guests	Required Class 3 spaces
1 per apartment	219 spaces	1 per 12 apartments after first 12	17 spaces

There are two relevant further considerations.

Allowance – 3.2 Storage Space (residents' parking)

An apartment or independent living unit does not contribute to the requirement for Residents' Bicycle Parking Spaces where:

- a) it includes secure storage space accessible only to residents of that apartment or independent living unit; and
- b) the secure storage space contains an unobstructed envelope with minimum dimensions of 1.8 m long, 0.7 m wide and 1.1 m high; and
- c) the storage space with that envelope meets the design requirements specified at Part 4 of the Code.

This allows the storage spaces in the basement to be used for bicycle storage if they meet the requirements above.

Allowance – 3.4 Pre-existing bicycle parking

When calculating the required provision of Bicycle Parking Spaces, pre-existing Bicycle Parking Spaces may be counted towards meeting the requirements provided that:

- a) the pre-existing Bicycle Parking Spaces are of the same Class as the required Bicycle Parking Spaces; and
- b) the pre-existing Bicycle Parking Spaces and the Bicycle Parking Facility they are contained in is fully compliant with the requirements of the Code; and
- c) the pre-existing Bicycle Parking Spaces are within the development, or where located off-site, meet the requirements for off-site provision of Bicycle Parking Spaces; and
- d) the pre-existing Bicycle Parking Facility can be demonstrated to have spare capacity equal to the number of Bicycle Parking Spaces to be counted towards the requirements.

This allows visitor parking to be consolidated or to be off site (on street) if the location is appropriate.

Response

Storage cages are provided for secure bike storage for the units, storage cages are 2.4m long, 1m wide and 2.2m high.

Visitor bike parking located in the Lower Ground. Total 18 spaces provided.

11 Crime Prevention through Design

Multi unit housing is a type of development that is required to meet the requirements of the Crime Prevention through Environmental Design General Code.

The following Rules and Criteria are from the code, Effective 16 December 2011.

Only relevant parts have been reproduced.

11.1 Part A – General Requirements

Rule	Criteria	Response
Element 1: Neighbourhood Design		
1.1 Neighbourhood Design		
There is no rule applicable.	C1 Design is in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resource Manual.	Criteria Met Demonstration of compliance is through the responses to the rules and criteria below.
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.	Criteria Met Multi unit housing is identified in Table 1 of the Code. Refer to responses to rules and criteria below.

Rule	Criteria	Response
Element 3: Public Realm		
3.1 Open Space and Community (Shared) Areas		
There is no rule applicable.	<p>C3</p> <p>Natural surveillance of open space and community areas is provided by:</p> <p>a) locating to adjacent activity centres;</p> <p>b) encouraging pedestrian (or cyclist) movement through the space;</p> <p>c) ensuring clear site lines from, and between, buildings and open space areas: community areas; and</p> <p>d) designing out any entrapment spaces.</p>	<p>Criteria Met</p> <p>Natural surveillance of the internal and surrounding areas is provided by the development.</p> <p>a) The commercial uses will encourage activity during a broader range of times. Resident amenity is provided in the atrium area to ensure activity in this space.</p> <p>b) This area is open to movement through the space by pedestrians. Paths are provided around the perimeter.</p> <p>c) clear site lines are provided along and around the buildings.</p> <p>d) all areas have multiple entry and exit opportunities.</p>
There is no rule applicable.	<p>C4</p> <p>Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.</p>	<p>Criteria Met</p> <p>The common spaces are accessible from multiple entry and exit points.</p>
There is no rule applicable.	<p>C5</p> <p>Planting in public spaces do not obscure views along paths and streets, or to entrances and should not create secluded, hiding areas.</p>	<p>Criteria Met</p> <p>The proposed landscaping includes mostly trees and ground covers. Where shrubs are proposed they will avoid the creation of hiding spaces.</p>
There is no rule applicable.	<p>C6</p> <p>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.</p>	<p>Criteria Met</p> <p>The proposed plantings are specified in the landscape details and include plans of suitable size for the location.</p>
There is no rule applicable.	<p>C7</p> <p>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.</p>	<p>Criteria met.</p> <p>Low plants are proposed as part of the landscaping scheme, these include climbers and creepers to provide green space within the atrium.</p>
There is no rule applicable.	<p>C8</p> <p>Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas.</p>	<p>Criteria Met</p> <p>The landscaping will provide separation between the driveway and the pedestrian areas.</p>

Rule	Criteria	Response
3.2 Children's Play Areas		
There is no rule applicable.	<p>C9</p> <p>Children's play areas are located and designed to comply with each of the following:</p> <ul style="list-style-type: none"> a) there is natural surveillance from adjoining areas b) adjacent areas are used by compatible groups c) there are multiple entry/exits 	<p>Not applicable.</p> <p>A children's play area is not proposed.</p> <p>The proponent is working with TCCS to permit a playground to be developed on Block 5, near Casey Jones, but it will be subject to separate approvals.</p>
3.3 Lighting		
There is no rule applicable.	<p>C10</p> <p>Provide a schedule of lighting showing that lighting complies with each of the following:</p> <ul style="list-style-type: none"> a) Australian Standard AS1158 Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements b) Australian Standard AS1158: Lighting for Roads and Public Spaces Part 2: Computer Procedures for the Calculations of Light Technical Parameters for Category V and Category P Lighting c) Australian Standard AS4282: The Control of Obtrusive Effects of Outdoor Lighting, in the case of security lighting 	<p>Criteria Met</p> <p>The Outdoor lighting plans provided address these standards.</p>
There is no rule applicable.	<p>C11</p> <p>Legitimate users and activities at night are encouraged by lighting:</p> <ul style="list-style-type: none"> 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 	<p>Criteria Met</p> <p>The outdoor lighting plans provided indicate the location of lighting fixtures to address these criteria.</p> <p>The site is adjacent to public spaces that are already lit to some extent and are open to the public at all times.</p>
There is no rule applicable.	<p>C12</p> <p>Areas that are not intended for night time are not lit and are closed off to pedestrians.</p>	<p>Criteria Met</p> <p>Refer to details on outdoor lighting plans.</p> <p>Building security will also restrict access to some locations.</p>

Rule	Criteria	Response
There is no rule applicable.	<p>C13</p> <p>Damage to light fixtures are minimised by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl.</p>	<p>Criteria Met</p> <p>Refer to details of light fixtures on outdoor lighting plans</p>
3.4 Signs		
<p>R14</p> <p>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</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule Met</p> <p>All directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection. Noted on Site Plan DA11-01</p>
There is no rule applicable.	<p>C15</p> <p>Locate signs so that they comply with each of the following:</p> <ul style="list-style-type: none"> 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 	<p>Not Applicable</p> <p>Signage is not addressed as part of this DA.</p>
There is no rule applicable.	<p>C16</p> <p>Provide legible signs for all users:</p> <ul style="list-style-type: none"> a) specify signs of high contrast, with light lettering on dark backgrounds with nonreflective surfaces; b) signs should be developed as a system with a consistent pattern, based on a hierarchy of most important messages. 	<p>Not Applicable</p> <p>Signage is not addressed as part of this DA.</p>
Element 4: Built Form		
4.1 Interface between buildings and public realm		
There is no rule applicable.	<p>C17</p> <p>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.</p>	<p>Criteria Met</p> <p>The main building entry addresses the Block 10 car park. The entry is highlighted with an architectural feature in the awning. Hiding spots are minimised by the simple entry geometry that allows people to look through into the central courtyard.</p>

Rule	Criteria	Response
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.	Criteria Met Building entries are directly visible from public spaces.
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.	Criteria met The ground floor and lower ground floor have been designed to avoid recessed areas.
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.	Criteria Met The building does not include horizontal elements close to the ground that would facilitate climbing.
There is no rule applicable.	C21 Where buildings are set back from the street and/or pedestrian path, the area is developed to minimise hiding and entrapment spots.	Criteria Met The building is build close to the boundary and this will minimise the risk of hiding or entrapment spaces.
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	Criteria Met Refer to building materials information provided. All materials are high quality but readily serviceable.
Element 6: Travel and Access		
6.1 Pedestrian Routes, Bicycle Paths and Lanes		
Rule/Criteria 23 to 28		Not Applicable. The proposal does not include specific pedestrian routes, bicycle paths or cycle lanes.

Rule	Criteria	Response
6.2 Pedestrian Underpasses and Overpasses		
Criteria 29 & 30		Not Applicable. No new underpasses or overpasses are proposed.
6.3 Bus Interchange, Bus Stops and Taxi Ranks		
Criteria 31 to 34		Not Applicable. No bus interchanges, bus stops or taxi ranks are proposed.
Element 7: Services		
7.1 Automatic Teller Machines (ATMs)		
Criteria 35 to 38		Not Applicable No ATM's are proposed.
7.2 Local Waste Storage Facilities		
There is no rule applicable.	C39 Screening does not provide entrapment or hiding spots and safe access and adequate lighting is provided near the waste storage areas.	Criteria Met Residents only have to access the waste chutes on their level of the building rather than going into the waste room to deposit rubbish.
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.	Criteria Met Services are integrated into the building, or housed in secure enclosures where they are required to be at the boundary of Bentley Place.
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	Criteria Met A commercial short stay car space is provided to facilitate deliveries for the commercial spaces. Storage spaces for shop owners will be within their tenancies.

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

12 Community Facilities Location Code

This Code is for use in making decisions about where to locate community and recreational facilities. It documents sound town planning practice for agencies providing facilities and includes detailed guidelines which reflect the key location objectives. They are not rigid standards, but a guide intended for ACT planning and facility providers in determining suitable sites and locations for facilities.

A response to this code is provided because the permissible uses within the commercial spaces include a range of community uses. The response to this code demonstrates that the site is suitable for a range of community uses.

12.1 General Location Guidelines

Guidelines	Commentary
3.1 Public Transport Routes	
All community and recreation facilities which are directly used by the public should be located on or near public transport routes which provide services which are appropriate to the user group of the facility.	Kingsland Parade is a public transport route that is current serviced by relatively infrequent buses. It is reasonable to expect that, as North Gunghalin is further developed the public transport services will improve.
3.3 Retail Facilities	
Community facilities generally should be located near retail centres in a position that is relatively central to their long-term catchment and at a level of the urban hierarchy that is appropriate to their size and scale.	The site is within the Casey Group Centre, so is well located at the centroid of several suburbs.
3.4 Co-location/ Mixed Use opportunities	
Compatible facilities should be clustered at every opportunity, and facilities shared wherever possible to increase participation opportunities and a range of amenities to meet community needs. Flexible designs to meet changing needs are also encouraged. By mixing compatible industrial, institutional, retail, entertainment, business and residential use areas, greater community safety can also be achieved by increasing after-hours activity levels.	The building is designed as a mixed use building with the opportunity for a range of commercial and other uses at the ground floor(s). This provides the opportunity for co-location of uses within the building. The proximity to the shopping centre, and the sites that are reserved for larger community facilities (Blocks 12 & 13) provides further opportunity for colocation.

3.8 Pedestrian Access

Safe access is a key location criteria for all community and recreation facilities. Facilities which are used by pedestrians should avoid locations on arterial roads and other roads with high traffic volumes. Walking distances to bus stops, shops and associated facilities should not involve crossing such roads except where safe crossing are provided. Permeability should be maximised around community and recreation facilities by providing pedestrian access through or around buildings and connections to appropriate path networks. Pathways should be easily identifiable, follow logical desire lines and have clear and safe entry and exit points.

The site is readily accessible using the existing Casey Path network or existing surface car parking.

There is an underpass under Clarrie Hermes Drive that provides safe connectivity to the playing fields and schools to the south.

3.9 Lighting/ Surveillance

All facilities likely to be used at night should provide well-lit pedestrian and cycling routes to parking areas on and off the site, and good artificial lighting to parking areas and external access points to enhance the safety and security of users. Parking to be used at night should be visible, preferably by users of the facility, to ensure safety and security. Landscaping of areas likely to be used after dark should avoid plantings that screen areas and make them unsafe. After-hours uses should be located together to enhance safety through increased activity.

Lighting and landscaping designs respond to the CPTED code and relevant Australian Standards.

12.2 Detailed Location Guidelines for Possible Community and Recreation Facilities.

Community Activity Centre	Community Theatre	Cultural Facility	Education Establishment	Health Facility	Commentary
Common Terms					
Adjunct child care, child minding	Auditorium (community)	Art gallery/ public art gallery	Adult education centre	Baby/Child health clinic	The possible community uses cover a very broad range of sub-uses and common terms. As with all potential community use sites, some of the common term uses would be more suitable than others. The site would be well suited to many of the possible uses.
Community centre	Cinema (community)		College, secondary college	Consulting rooms	
Community group space	Concert hall (communit)	Community arts space	High School	Day activity centre (elderly or mental health)	
Community house	Major theatre	Community theatre	Institute of Technology	Dental clinic/surgery	
Multi agency accommodation for NGO's	Recital hall	Craft gallery	Kindergarten / preschool	District health centre	
Community services	Theatre (community)	Culture and heritage centre	Primary school	Doctors surgery	
Guide/Scout hall	Theatre studio	Library	Road safety education centre	Family care centre	
Meals on wheels centre	Theatrette (community)	Museum	Sports institute	Family planning clinic	
Meeting rooms			Technical or further education	First Aid station	
Neighbourhood centre			University	Health Centre (outreach)	
Senior citizens centre				Medial clinic	
Welfare services				Pathology centre	
Youth centre				Veterinary hospital	
				X-ray centre	
Relationship to Shops					
Typically 400 metres from retail centre where possible	Typically near retail centre	Typically near retail centre	Varies for different types	Typically near retail centre	The site is within the Casey Group Centre, so provides ready access to the shops.
Relationship to other uses – Close to...					
Close to parking. Close to other facilities	Public transport & active travel options	Public transport & active travel options	Recreation opportunities Target catchment	Parking Quiet location	The site is well serviced by parking, public transport and active travel options.

Community Activity Centre	Community Theatre	Cultural Facility	Education Establishment	Health Facility	Commentary
Separated from					
Noise separation from residential for some uses Some requirements for social separation	Residential areas to preserve amenity	Residential areas to preserve amenity	Busy roads, Licenced premises (except for tertiary or adult education)	Noisy uses, high volume traffic	The need for separation from residential uses stems from potential noise issues that are addressed in the noise management plan.
Co-location Opportunity					
Other community facilities, health facilities etc.	Other cultural facilities	Other cultural facilities	Recreation, community theatre etc.	Other health facilities Education	In most cases, colocation with other community facilities is encouraged.
Other Issues					
Consider safe drop off zone.	Ground floor access, Loading facilities	Ground floor access, Loading facilities	Northerly aspect for outdoor spaces	Provision for emergency vehicles for some uses.	Responses to these issues would need to be addressed relative to a specific use proposal

Overall, it is considered that the site would be suitable for a wide range of community facilities.

Actual uses within the non-residential spaces within the building will be the subject of separate leasing agreements.

13 Signs

The proposal includes two signs, both intended to identify the building.

The proposed signs are indicated on COX drawings DA-94-01 and DA-94-02

The content of the signs is not yet known as the development is yet to be formally named.

Both signs constitute Principal Signage and are permissible in the zone (consistent with Rules 1 & 2 of the Signs Code).

13.1 Sign 01

Sign 01 is a ground sign, mounted near the vehicular entry. It is consistent with the relevant rules for a Ground Sign (Rules 43 to 50), with the exception of R47 because it is not set back 3 metres from the block boundary. This setback is not practical in this location.

Sign 01 is not exempt because it is not consistent with all the applicable rules.

Sign 01 is suitable to be approved because it is consistent with most of the rules, and Criteria C4 of the signage Code.

13.2 Sign 02

Sign 02 is a wall sign mounted next to the main entry. It is consistent with the relevant rules for a Wall Sign (Rules 126 to 129).

Sign 02 is not exempt because Wall Signs are not a type of exempt sign in the CZ1 zone (as per the Table of Exempt Signs as part 1.5 of the Planning and Development Regulation).

Sign 02 is suitable to be approved because it is consistent with the rules for a wall sign.

14 Conclusion

This report has reviewed the proposed development against the requirements of the Territory Plan.

The conclusion drawn is that the proposal is suitable for planning approval because it is consistent with the objectives of the zone, supports the achievement of the objectives of the Planning Strategy, and appropriately responds to the relevant rules and criteria of the Territory Plan.

The proponents acknowledge that the scale of the development may be more than many people in the local community would have been expecting for this site, but note that the delivery of increased density of development around our Town and Group Centres is the best way to provide high amenity, low impact housing to support Canberra's growing population. The project team behind this proposal have a track record of delivering high quality, innovative development.