

Statement against Rules and Criteria Blocks 6 and 7 Section 7 Fyshwick

Prepared for:

Ray White Commercial Canberra

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Introduction

This Statement has been prepared in response to the requirements of the *Planning and Development Act 2007* (**the Act**) and the Territory Plan.

It acts as supporting information for a Demolition, Signage and Design and Siting Development Application (**DA**) for the construction of three commercial buildings comprising two restaurant and one shop development in Building 3 on Blocks 6 and 7 Section 7 Fyshwick.

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Site Description

2.1 Location and surroundings

The proposed development is located on Block 6 Section 7 Fyshwick (**the site**) within the district of Fyshwick. The regional site location is depicted in Figure 1.

The site area for Block 6 Section 7 is 2,854m² and for Block 7 Section 7 is 4,981 m². The combined site area is 7,835m².

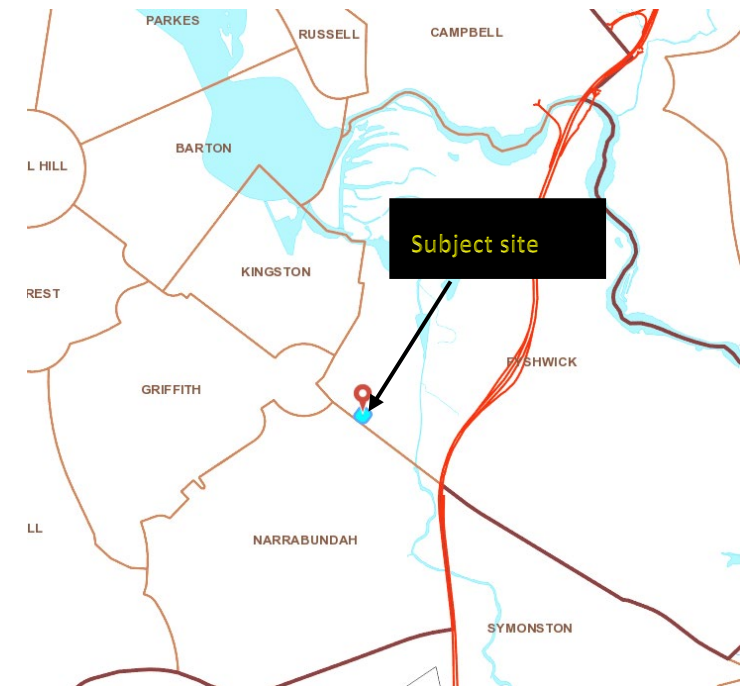


Figure 1 Regional Site location (ACTmapi 2023)

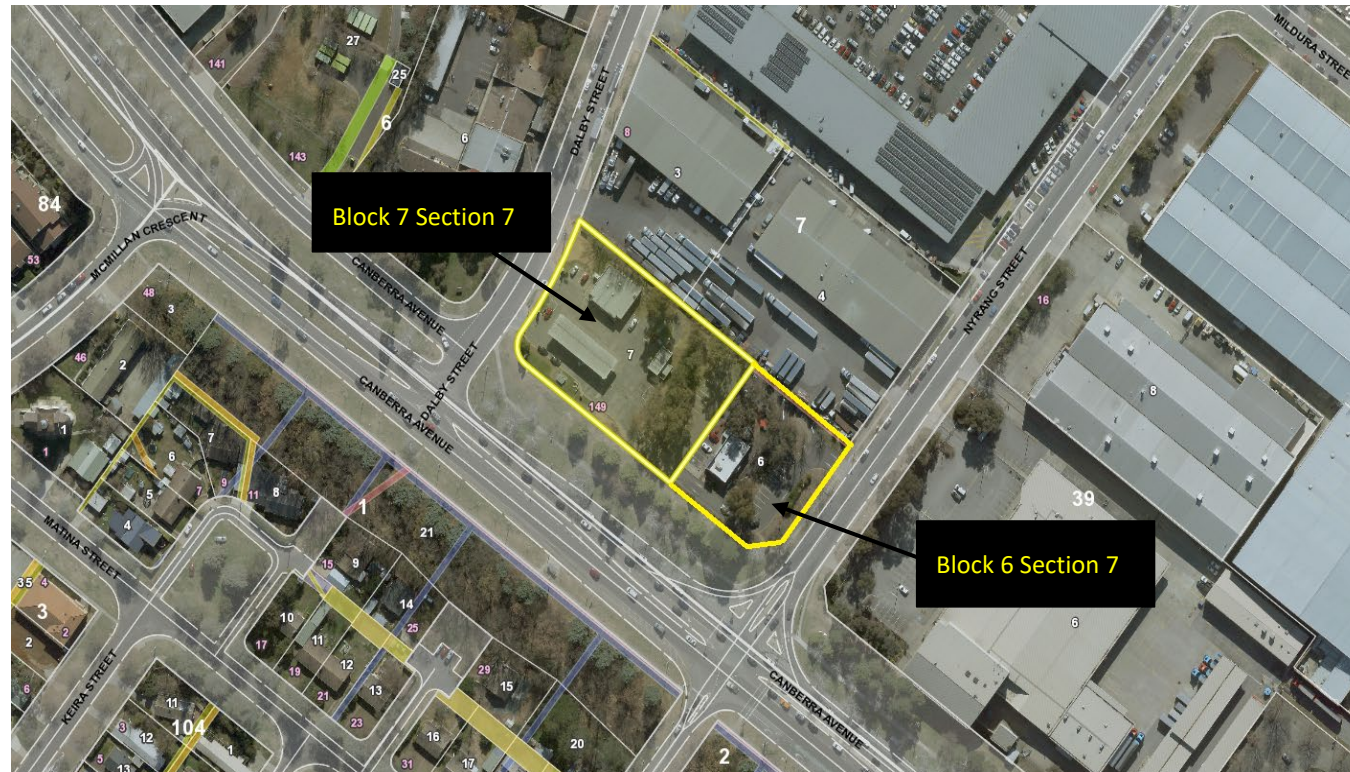


Figure 2: Aerial imagery of the site (ACTmapi 2023)

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Planning context

3.1 Territory Plan

The sites are zoned 'I22: Industrial Mixed Use' zone. The sites are shown in Figure 3 below.

The site is bounded by 'I22: Industrial Mixed Use' zone to west and east and 'Canberra Avenue to the south.

Detailed planning requirements for the site are identified in the Industrial Zones Development Code. As assessment of the proposed development against the requirements of these codes is provided in **Section 6-10** below.

3.2 National Capital Plan

As the site is located adjacent to Canberra Avenue which is a Main Avenue under the National Capital Plan, the Main Avenues and Approach Routes Precinct Code of the National Capital Plan applies to the proposed development and is detailed in **Section 5** below.



Figure 3: Territory Plan Zoning (ACTmapi, November 2023)

3.3 Crown Lease Provisions

Blocks 6 and 7 Section 7 Fyshwick is privately leased land subject to a Crown Lease. Relevant development clauses from the Crown Leases (including variations since the leases were originally granted) are included below:

Table 1: Crown Lease Provisions

Key Covenant	Block 6 Section 7	Block 7 Section 7
Current Registered Crown Lessee	Spunlock Pty Limited	Spunlock Pty Limited
Title Description	Block 6 Section 7 Fyshwick	Block 7 Section 7 Fyshwick
Site Area	2,854 m ² or thereabouts	4,981 m ² or thereabouts
Deposited Plan	5940	5940
Lease Commenced	08/02/2001	27/05/2002
Termination	07/02/2100	26/05/2101
Purpose Clause	Clause 3(a) To use the premises only for one or more of the following: <ul style="list-style-type: none"> (i) ancillary use; (ii) community use; (iii) defence installation; (iv) emergency services facility; (v) freight transport facility; (vi) indoor recreation facility; (vii) light industry uses; (viii) non-retail commercial use LIMITED TO office; (ix) plant and equipment hire establishment; (x) produce market; (xi) restaurant; (xii) shop RESTRICTED TO a maximum gross floor area of 200 square metres per shop; and (xiii) warehouse; 	Clause 3(a) To use the premises only for one or more of the following: <ul style="list-style-type: none"> (i) ancillary use; (ii) community use; (iii) defence installation; (iv) emergency services facility; (v) freight transport facility; (vi) indoor recreation facility; (vii) light industry uses; (viii) non-retail commercial use RESTRICTED TO office; (ix) plant and equipment hire establishment; (x) produce market; (xi) restaurant; (xii) shop RESTRICTED TO a maximum gross floor area of 200 square metres per shop; and (xiii) warehouse;

Car parking

3 (c) That the Lessee shall provide and maintain an approved drained and sealed carparking area on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

3 (c) That the Lessee shall provide and maintain an approved drained and sealed car parking area on the land:

- (i) sufficient to accommodate one car space for every 100 square metres of gross floor area used for service station; and
- (ii) for all other uses to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority

PROVIDED ALWAYS THAT prior to redevelopment all car parking is to be contained wholly within the site;

The proposed uses of shop and restaurant are consistent with both Crown lease purposes, including the size of each proposed tenancy. The provision of additional car parking is in accordance with the Block 7 car parking clause (c) and included in this submission for consideration by the authority.

3.4 Development Proposal

The proposed development is situated on a developed site which consists of a service station on Block 7 and a KFC restaurant on Block 6, with parking on site.

The proposed development includes the following works.

Block 6

- Demolition of the existing KFC building
- Removal of trees
- Construction of a new KFC building (Building 1 as per plans provided in this submission) with a total area of 352 square metres.
- Development signage
- Parking areas
- Landscaping and associated site works

The existing service station is to be retained as part of the proposed works and is not proposed to be altered.

Block 7

- Demolition of car wash buildings adjacent to the existing service station
- Construction of two new single level commercial buildings for shop use (Buildings 2 and 3 as per the plans provided in this submission)
 - 1) Building 2 will be designated for a separate restaurant, offering an area of 252 square metres.
 - 2) Building 3 is designated for three separate shops, with each shop occupying an area of 80 square metres.
- Development signage
- Parking areas
- Landscaping and associated site works

These shops will be strategically located near an existing service station, providing convenience to patrons.

Development on Block 7 will utilise additional parking to be constructed on Block 6 to accommodate parking requirements across the entire development on both sites.

Moreover, each restaurant within the complex on both Blocks 6 and 7 will have its own dedicated loading zone and drive-thru facility, ensuring efficient operations and smooth traffic flow for customers seeking dine-in or takeaway options.

3.5 Assessment Track Considerations

The proposed uses are permissible within the 'IZ2 – Industrial Mixed Use' zone, as identifies those activities, which are permissible within a IZ2 zone subject to the lodgement of a Development Application in the Merit Track.

As demonstrated in **Table 2**, Shop and Restaurant are permissible uses within this zone where these are not prohibited or impact track assessable.

Table 2: 'IZ2 – Industrial Mixed Use' Zone Development Table

Development	
ancillary use	minor road
animal care facility	minor use
bulk landscape supplies	municipal depot
bulky goods retailing	NON RETAIL COMMERCIAL USE
car park	outdoor recreation facility
caretaker's residence	parkland
club	pedestrian plaza
communications facility	plant and equipment hire establishment
COMMUNITY USE	public transport facility
consolidation	recyclable materials collection
craft workshop	recycling facility
defence installation	restaurant
demolition	scientific research establishment
development in a location and of a type identified in a precinct map as additional merit track development	service station

drink establishment	SHOP
emergency services facility	sign
freight transport facility	store
funeral parlour	subdivision
general industry	temporary use
indoor entertainment facility	transport depot
indoor recreation facility	varying a lease (where not prohibited, code track or impact track assessable)
industrial trades	vehicle sales
light industry	veterinary hospital
liquid fuel depot	warehouse
major road	waste transfer station
MAJOR UTILITY INSTALLATION	

There are 5 types of development applications that are required to be assessed in the Impact Track. These 5 types are listed in the relevant zone development table and are discussed below. As the proposed is not of a development type that is required to be assessed in the Impact Track, it may be assessed in the Merit Track.

Table 3: Minimum Assessment Impact Track

Development Type	Commentary
Development that is not an exempt, code track or merit track development where the development is otherwise authorised	Not Applicable. The proposed use is merit track assessable.
Development specified in schedule 4 of the <i>Planning and Development Act 2007</i> and not listed as a prohibited use.	Applicable. Block 7 is listed as a contaminated site therefore identified in Schedule 4 of the Act. An ESO application has been prepared for the site and submitted prior to this development application for consideration.
Development that is authorised by a lease and listed as a prohibited use in this table.	Not Applicable. The proposed use is not a prohibited use.
Development declared under section 124 or section 125 of the <i>Planning and Development Act 2007</i> and not listed as a prohibited development.	Not Applicable. Declarations have not been made.
Varying a lease to add a use assessable under the impact track.	Not Applicable. Impact track uses are not being added.

3.6 Pre-Lodgement Consultation

The following types of development trigger the requirement for pre-lodgement community consultation:

- 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.

As the proposal is **does not** include any of the above-mentioned items, the proposal does not trigger the requirements for Pre-DA Community Consultation and no pre-DA consultation was undertaken for this application.

The proponent sought a pre-DA application meeting for the proposal in May 2022 and was provided with written advice.

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Document List

The ACT Government document [Minimum Documentation Requirements for Lodgement of a Development Application](#) provides an indication of the plans and documents that are required or may be expected to accompany a development application.

Table 3: Document list

Documentation	Community Facility Zone	Name of documents
Application form	Required.	eDevelopment Form
Letter of authorisation	Required.	Letter of Authorisation Lessee&Roads ACT
Statement against relevant criteria	Required	This report
Survey certificate	Required.	Survey Report
Site plan	Required.	A101 SITE PLAN
Demolition Plan	Required.	A102 SITE DEMOLITION PLAN
Floor plan	Required.	A201 FLOOR PLAN BUILDING 1 A202 FLOOR PLAN BUILDING 2
Area plan	Required.	A103 AREA PLAN
Sections	Required.	A401 SECTION A - BUILDING 1 A402 SECTION A - BUILDING 2
Elevations	Required.	A301 ELEVATIONS - BUILDING 1 A302 ELEVATIONS - BUILDING 2
Shadow diagram	Required.	A602 SHADOW DIAGRAMS
Composite streetscape elevation	Required.	A303 COMPOSITE STREETSCAPE ELEVATIONS
Perspectives	Required.	A801 PRESENTATION IMAGES A802 PRESENTATION IMAGES SIGNAGE
Colour sample schedule	Required.	601 EXTERIOR FINISHES SCHEDULE
Water sensitive urban design	Required.	20568-CIV-RPT_WSUD Statement (Block 6)-Rev_A 220568-CIV-RPT_WSUD Statement (Block 7)-Rev_A Water Reduction (Commercial) (Block 6)

		Water Reduction (Commercial) (Block 7)
Access and mobility Report	Required.	10723DA - Access and Mobility Report
Bill of quantities / summary of costs	Required	PR-020539 - Concept Estimate
Landscape plan	Required.	23021 DETAILS AND IMAGES 23_07_24-401 301 [C] 23021 LANDSCAPE PLAN SPUNLOCK 2023_09_11
Parking plan	Required.	A101 SITE PLAN
Turning templates	Required.	220568-drg-civ-2201-Vehicle turning paths Sheet 1 220568-drg-civ-2202-Vehicle turning paths Sheet 2 220568-drg-civ-2203-Vehicle turning paths Sheet 3
Traffic report	Required	22211TREP01D01- Traffic report
Tree management plan	Required.	2022 0204 8661 Preliminary Arboricultural Report 23021 TPP 23_07_24 -201 23021 TREE REMOVAL PLAN 23_07_24-202
Tree assessment plan	Required.	2022 0204 8661 Preliminary Arboricultural Report
Erosion and sediment control plan	Required.	220568-drg-civ-0910-Sediment Erosion Control Notes and Legend 220568-drg-civ-0911-Sediment Erosion Control Plan
Noise Management Plan	Required.	PS200968-WSP-Noise management Plan
On-site Stormwater Retention/Reuse Management Plan	Required.	220568-drg-civ-0401-Stormwater and Subsoil drainage plan
Waste and recycling management plan	Required.	220568-drg-civ-2301-Waste management Plan 220568-drg-civ-2311-Waste management details
Services/Utilities/General Arrangement Plan	Required.	220568-drg-civ-0101-General arrangement plan 220568-drg-civ-0501-Utilities plan 220568-DRG-HYD-000-2001-Drainage and Plumbing SITE PLAN
Landscape Management and Protection Plan	Required.	23021 LMPP 23_07_24 -203 23021 LMPP NOTES 23_07_24 -204
Pavement Plan and details	Required.	A701 VERGE 220568-drg-civ-0301-Pavement plan
Signage Plan	Required.	A603 SIGNAGE DETAILS A802 PRESENTATION IMAGES - SIGNAGE

Additional Drawings

Architectural

A001 COVER

A202 ROOF PLAN BUILDING 1

A203 ROOF PLAN BUILDING 2

Civil

220568-drg-civ-0001-Cover Sheet, drawing Index

220568-drg-civ-0002-General notes and Legend

Electrical

MD-B7S7- new Electrical supply requirements

AC230166-E90-000[A]_Cover Sheet Electrical services

MD-B6S7- External Lighting supply

AC230166-E92-000[A]_External Lighting Services

AC230166-E94-000[A]_External lighting Categories

PNA - BLOCK 6 SECTION 7 - Request for preliminary
electricity network advice

PNA - BLOCK 7 SECTION 7 - Request for preliminary
electricity network advice

Drainage and Plumbing Plan

220568-DRG-HYD-000-1001-Drainage and Plumbing
NOTES AND LEGEND

Environmental

S112376-AsbSurvey-Fyshwick-RayWhite-181023

Application for Environmental Impact Assessment

Processes – submission confirmation

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Applicable Codes of the Territory Plan

An assessment of the Territory Plan has identified the following relevant codes:

Code or Plan		Relevance
National Capital Plan		
-	National Capital Plan	Applicable. The site is not Designated land but subjected to Main avenues and approach routes precinct code under the National Capital Plan.
Precinct Codes		Relevance
10.1	Fyshwick Precinct Map and Code	Relevant, see Chapter 6
Development Codes		Relevance
5.1	IZ2 Mixed Use Industrial Zone Objectives	Relevant, see Chapter 7
5.2	Industrial Zones Development Code	Relevant, see Chapter 8
General Codes		Relevance
11.1	Parking and Vehicular Access General Code	Relevant, see Chapter 10
11.2	End-of-Trip Facilities General Code	Relevant, see Chapter 10
11.3	Access and Mobility General Code	Relevant, please refer to report prepared by Purely Access
11.4	CPTED General Code	Relevant, see Chapter 10
11.5	Community and Recreation Facilities Location Guidelines General Code	Not Relevant, no new community and recreation uses are proposed.
11.6	Communication Facilities and Associated Infrastructure General Code	Not Relevant, no communication facilities or associated infrastructure are proposed
11.7	Signs General Code	Relevant, see Chapter 10

11.8	Water use and Catchment General Code	Not Relevant , the site is located within an urban area
11.9	Home Business General Code	Not Relevant , the proposal is not for home business
11.10	Waterways: Water Sensitive Urban Design General Code	Relevant , see Chapter 10
11.11	Planning for Bushfire Risk Mitigation General Code	Not Relevant , the site is not located within a bushfire prone area
11.12	Residential Boundary Fences General Code	Not Relevant , no boundary fences are proposed as part of this application
11.13	Lease Variation General Code	Not Relevant , lease variation is not proposed as part of this application

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National Capital Plan

6.1 Main Avenues and Approach Routes Precinct Code

The site is located at Blocks 6 and 7 Section 7 Fyshwick along Canberra Avenue. The site is located on land within the Territory Plan and is not National Land or Designated Land. However, the Main Avenues and Approach Routes Overlay of the National Capital Plan applies to the site. The site is located along Canberra Avenue which is an Approach Route in terms of the National Capital Plan.

Canberra Avenue is an 'Approach Route' under the National Capital Plan. Territory Land located within 200m of the centreline of Canberra Avenue is subject to special requirements under the National Capital Plan. These special requirements require developments to conform to Development Control Plans (agreed by the National Capital Authority), which seek to secure the integrity of the main avenues and approach routes.

The Special Requirements for Approach Routes under Section 4.24 of the Plan applies to the subject site and states:

Development, except in relation to the Federal Highway, is to conform to Development Control Plans agreed by the National Capital Authority, which seek to enhance the surrounding predominantly rural character and landscape outside the urban areas. As the Approach Routes enter the built up areas, the emphasis will shift to a more formal character.

The provisions of a Development Control Plan (DCP) apply to Blocks 6 and 7 Section 7 Fyshwick. In the absence of a provision in the Plan to the contrary, all development should accord with the relevant provisions of the Territory Plan. Where an inconsistency arises between the Territory Plan and the National Capital Plan, the National Capital Plan prevails.

The subject site is located within the boundaries of the Approach Route: Canberra Avenue as defined by the National Capital Authority and as such will be subject to a Development Control Plan (DCP).

Objectives

Due to the proposed works being on a site fronting a Main Avenue (Canberra Avenue), the Precinct Code has been considered below. The objectives for the Main Avenues and Approach Routes, and how the proposed development addresses them, are shown below.

Table 4: Objectives of the Main Avenues and Approach Routes (MAAR) Precinct Code (NCP)

Number	Objective	Response
1	Establish and enhance the identity of the approaches to the Central National Area as roads of national significance and, where relevant, as frontage roads for buildings which enhance the National Capital function and as corridors for a possible future inter-town public transport system.	Promote and strengthen the identity of Central National Area roads as nationally significant routes, aligning with the vision of serving as frontage for capital-enhancing buildings and potential corridors for a future inter-town public transport system.
2	Ensure that works within the road reservations are carried out to the highest standards, by maintaining and enhancing landscaping, and by facilitating the flow of traffic as far as possible.	No works are proposed in road reservations.
3	Reinforce and, where possible, express the integrity of the Griffin Plan's visual structure by strengthening the geometry and form of main avenues, vistas and public spaces.	The proposed development retains the visual structure of the Griffin Plan and the geometry and form of main avenues, vistas and public spaces.
4	Improve the urban design and streetscape qualities of the Main Avenues as approaches to the Central National Area.	The proposed development gives a visual good streetscape and urban design to main avenues.

Detailed conditions

The Code sets out several conditions of Planning, Design and Development. These conditions, and a design response to them, is detailed in **Table 5** below.

Table 5: Assessment Against Relevant Conditions in Main Avenues and Approach Routes Precinct Code (NCP)

Rule or Criteria	Canberra Town Planning Response
General	
Traffic is to be managed to ensure the continued effective function of the Main Avenues and Approach Routes. The Main Avenues will provide access to fronting buildings where practicable, and where traffic safety and flows are not adversely affected.	There are clear entry and exit points provided where traffic safety and flows are not adversely affected and continue effective function of the Main Avenues and Approach Routes.
Landscaping	
The Main Avenues and Approach Routes will be developed and maintained as high quality landscaped corridors. In built-up areas, the established design theme of verges and medians and formal tree plantings will be maintained. In areas of intensive pedestrian use, high quality paving is to be used.	The proposed development provides high quality landscaped corridors and maintains the established design theme of verges and median and formal tree planting. High quality pavements are used in intensive pedestrian use area.
Signs	
Signs will generally comprise traffic, directional and visitor information signs, and unnecessary repetition will be avoided. Commercial roadside signs are not permitted in road reservations, except on bus shelters. Non-commercial signs may be permitted where they comply with the requirements for signs set out in the Signs General Code.	The proposed signs compromise development and information signs and do not unnecessarily repeat messages. Commercial signs are proposed that comply with requirements under the Signs General Code as addressed in this report.
Streetscape Design	
A streetscape hierarchy, that complements the road hierarchy, should be established. This hierarchy should give primacy to main avenues, emphasise continuity along their length through avenues of appropriately scaled trees, consistent pedestrian pavement materials, street furniture and lighting.	The proposed development maintains a streetscape hierarchy that prioritises main avenues, ensuring continuity with appropriately scaled trees plantings. Other public realm elements are not proposed in this application.

Development should generally be constructed to the street boundary to define and enclose streets and create continuous street frontage while allowing variations in individual buildings and uses.	The function of development and previous nature of development on the sites (noting that some development is to be retained) is to include setbacks from the street to facilitate vehicle access for developments. These setbacks are appropriate to the intended use and consistent with the existing uses of the site.
A limited palette of high-quality pedestrian pavement materials, street furniture and lighting will be used. Pavement and landscape design should have an elegant, simple and bold design emphasising the geometry and formality of the main avenues.	The proposed development includes a selection of high-quality materials within circulation, parking and landscape areas proposed on the site. The proposed external works complement the character of the Main Avenue in this part of Fyshwick being consistent with the industrial/commercial character of this precinct.
Streetscapes are to be well lit for pedestrians and optimise security and safety for night time use.	The proposal does not include changes to the existing streetscape lighting. External site lighting is proposed to comply with relevant Australian Standards and is not excessive for the location or the intended use.

6.2 Development Control Plan

A Development Control Plan has been prepared for the site that is under review by the National Capital Authority. The requirements of the DCP are reproduced below together with a response against these requirements.

Table 5: Assessment Against Development Control Plan – Block 6 & 7 Section 7 Fyshwick

Requirement	Response
<ul style="list-style-type: none"> Allow for buildings with an appropriate scale relationship to Canberra Avenue. Ensure a high level of amenity is provided in site layout and urban design, and that noise impacts are mitigated through appropriate building design, materials and construction. Active uses (such as exhibition spaces, office reception areas, shopfronts and cafes) on Canberra Avenue frontages are encouraged at the ground floor level of new developments. Ensure that new developments exemplify sustainability principles and demonstrate excellence in urban design, landscape and architecture. 	<p>The proposed building reflect an appropriate scale relationship to Canberra Avenue being one storey in height.</p> <p>The site layout reflects a functional amenity to support the intended use which is predominantly vehicle based. The proposed developments are active in nature and allow surveillance of the site and adjoining areas.</p> <p>The proposed buildings are to be of high quality and are detailed to provide modulation and visual interest with human scale elements at the ground floor.</p>

- Encourage modulation, articulation, variety of materials and human scale elements at ground floor in relation to built form and streetscape design.

Land Use

- Land use on Block 6 and 7 Section 7 Fyshwick shall be consistent with the IZ2 – Mixed Use Industrial land use zone under the Territory Plan
- The proposed uses are consistent with the Crown lease purpose clauses and the IZ2 zone applicable to the site.

Building scale

- Building height for development on the site shall be a maximum of two storeys.
 - Lift overruns, roof plant and other building services should be setback and screened from view from Canberra Avenue.
 - The quality, scale, form and siting of buildings or structures shall contribute to and not detract from the surrounding character.
- The proposed developments are single storey in height. The scale of development does not detract from the surrounding character and is consistent with existing development on the site.

Building Setback

- Buildings or significant structures on the site may be built to boundary on Canberra Avenue, Nyrang Street and Dalby Street.
- The proposed developments are setback from street frontages to facilitate drive through access around the site.

Colours and Materials

- The external treatment of buildings including materials, colours and general standard of finish, must ensure that the buildings, walls, etc. are appropriate to and not discordant with the general development and amenity of the locality.
- The proposed developments are to include colour palettes that are complementary to the surrounding area and consistent with the proposed use.

Landscape Design

- A high standard of landscape design is required for the site, with particular attention given to the Canberra Avenue frontage. The existing 'landscaped corridor' character of Canberra Avenue shall be maintained and enhanced with native trees and shrubs planted in the areas forward of buildings, courtyard walls and security fences.
- The proposed development includes a landscaping design that incorporates new tree plantings and ground cover plantings to improve the amenity and environmental performance of the site.
- Some trees fronting Canberra Avenue to the corner of Nyrang Street are proposed to be removed to facilitate the development, with more formal tree plantings proposed in their place consistent with the intended landscape character of Canberra Avenue.

- | | |
|--|---|
| <ul style="list-style-type: none"> • All new developments must include a landscape plan that provides for planting of native trees of advanced species in an informal composition to establish a unified landscape character for Canberra Avenue. | <p>Existing mature trees on the site are proposed for removal to facilitate the development, with more regular and formalised tree plantings proposed across Block 6.</p> |
| <ul style="list-style-type: none"> • Mature trees in the verge along the Canberra Avenue frontage should be retained where practicable and integrated with new plantings proposed as part of development. | <p>Refer to arborist report and tree removal plan included in this submission.</p> |
| <ul style="list-style-type: none"> • Landscape and streetscape design should be of a high quality and use a coordinated palette of pavement materials, street furniture and lighting. | <p>The landscaping design utilises a range of plant species and hard landscaping treatments to create a high quality design outcome that complements the proposed developments.</p> |
| <ul style="list-style-type: none"> • Pedestrian entries should be clearly visible from the public domain. | |

Fencing

- | | |
|---|---|
| <ul style="list-style-type: none"> • Fencing which prevents filtered views into the site and detracts from the presentation of Canberra Avenue will not be permitted | <p>No site fencing is proposed to the perimeters of the site.</p> |
|---|---|

Vehicular Access and Parking

- | | |
|--|---|
| <ul style="list-style-type: none"> • Access point location(s) will be determined or agreed by the relevant approval authorities. | <p>Development on the site meets the parking and bicycle parking requirements of the Territory Plan as addressed in this report.</p> |
| <ul style="list-style-type: none"> • Vehicular access from Canberra Avenue is not permitted. Access to the site is to be provided from Nyrang and Mildura Streets. The actual locations of site access will be determined or agreed by the relevant approval authorities. | <p>No changes to existing site vehicle access points are proposed in this application and these accesses are to remain.</p> |
| <ul style="list-style-type: none"> • The visual impact of large car parking areas must be minimised through adequate screening and landscape treatment that appropriately considers view lines and safety. | <p>The development is intended to operate across both sites including the use of car parking such that users of the site can move freely between both blocks.</p> |
| <ul style="list-style-type: none"> • Careful consideration should be given to the access, internal circulation and parking of service and heavy goods vehicles within the area. These areas shall be screened from the Canberra Avenue. | |
| <ul style="list-style-type: none"> • Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code. | |
| <ul style="list-style-type: none"> • Bicycle parking shall be provided in accordance with the Territory requirements of the End-of-Trip Facilities General Code. | |

Signs

- All signs are to be contained within the sites. Design of all signs should enhance the character of the area and not detract from the overall character of the built environment and its landscape setting.
- Careful consideration should be given to the integration of signs with building design and landscaping to ensure they do not detract from the Canberra Avenue frontage. Any signage not affixed to a building must be within a landscape setting.
- Signage across the site should be designed in accordance with a cohesive and coordinated theme, and respond to the scale, proportion and detailing of the development.
- Changeable message signs, animated or flashing signs, and third party advertising signs are not permitted on building facades or roofs visible from, or within setback areas to, Canberra Avenue.

Mechanical plan and equipment, electrical substations, storage and service areas

- All mechanical plant and equipment should be contained within buildings or service yards and should be suitably screened from public view. Mechanical plant and equipment for the proposed developments is to be integrated into buildings or enclosed and screened service yards as shown on the plans provided.

Environmental Considerations

- Any adverse environmental impacts from on-site development or on adjacent land shall be identified and redressed to the extent practicable. Block 7 is identified on the ACT Register of Contaminated Sites due to the presence of a service station.
- Environmental protection measures shall be adopted to minimize possible adverse impacts of any new development or redevelopment on the physical environment, in terms of air quality, noise, waste water run-off, storm water run-off, dust, steam and smoke. The site is being managed in accordance with an existing Environmental Management Plan in relation to potential contamination risks, including ongoing auditing and monitoring. An Environmental Significance Opinion has been sought for this proposal as part of this application.

Lighting

- All outdoor lighting, including security and car park lighting shall be designed and sited to minimise light pollution. Outdoor lighting shall use full cut-off light fittings. No up-lighting will be permitted. Refer to External Lighting Plan included in this submission demonstrating the lighting performance for the development is in accordance with the relevant standards.

- 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.
- All external lighting provided is in accordance with AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
- Full cut-off light fittings allow no light to be directed upward. No light dispersion or direct glare is allowed to shine at or above a 90 degree horizontal plane from the base of the fixture. The lens/diffuser should not project beyond housing and minimal light should be emitted above 80 degrees as per Figure 1.

Sustainable Development

- Development must demonstrate a high level of performance in terms of environmental design, including energy efficiency, climate management and water sensitive urban design. The subject development has been designed to achieve WSUD and stormwater management outcomes. The construction is to incorporate sustainability features including energy and water conservation measures to be developed in detailed design.

Electrical Substation, Storage & Service Areas

- Careful consideration should be given to the siting of electrical substation, storage and service areas (including storage sheds) as viewed from Canberra Avenue and Dalby Street. Such structures or areas must be carefully sited and totally screened from view from Canberra Avenue. The siting of site utility infrastructure has been considered with reference to utility provider requirements and does not include significant items fronting directly onto Canberra Avenue that is not already existing (such as in relation to the service station development).

Rainwater Tanks

- Rainwater tanks are to be fully integrated into the building design or screened from view from Canberra Avenue. No external rainwater tanks are proposed.

DCP drawing

- The above provisions should be read in conjunction with the DCP Drawing No. 001, which forms part of this DCP. The proposed development is consistent with the DCP drawing indicating circulation, access and landscape areas.

7

Fyshwick Precinct Code

The Fyshwick Precinct Code includes site-specific controls that apply to parts of the Division of Fyshwick. The relevant controls (rules and criteria) are reproduced below along with how they are addressed by the proposed application.

The rules and criteria are taken from the Fyshwick Precinct Map and Code, effective 30 April 2021.

Block 7 Section 7 Fyshwick falls within area MT2/PD1/RC1, and Block 6 Section 7 falls within MT6/PD1/RC1 As shown in the Precinct Map (Figure 3). The performance of this proposal against section RC1 of the Precinct Code is described in **Table 6** below.

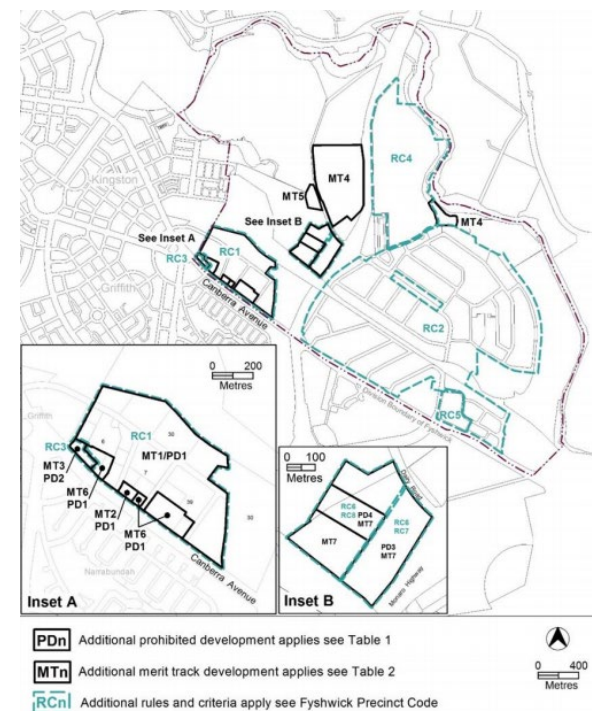


Figure 3: Fyshwick Precinct Map

The site is identified as MT2/MT6/PD1 which has additional prohibited development and additional merit tract development for the block.

Table 5: Additional prohibited development, Fyshwick Precinct Code

Precinct map label	Zone	Development
PD1	IZ2	bulk landscape supplies
		bulky goods retailing
		business agency
		club
		financial establishment
		funeral parlour
		general industry
		industrial trades
		liquid fuel depot
		MAJOR UTILITY INSTALLATION
		public agency
		recycling facility
		scientific research establishment
		service station
		store
		vehicle sales
		veterinary hospital
		waste transfer facility
MT1	IZ2	Product market
MT6	IZ2	Office, product market

Table 5: Rules and Criteria, Fyshwick Precinct Map and Code (effective 30 April 2021)

Rule	Criteria	Response
Element 1: Use		
2.1 SHOP – floor area limit		
R1 The maximum gross floor area of SHOP complies with all of the following: a) on Fyshwick section 30 block 18, for display and sale of alcohol beverages – 1200 m2 b) in all other locations – 200 m2	This is a mandatory requirement. There is no applicable criterion.	Applicable. The proposed shops are 80 m2 each.

8

IZ2 – Industrial Mixed Use Zone Objectives

The Zone Objectives for developments within IZ2-zoned land, and the project's performance against them, are detailed in 7 below.

Table 5: IZ2 Zone Objectives (effective 25 May 2018)

Objective	Response
a) Support the diversification and expansion of the ACT's industrial base and employment growth	This DA will support the employment growth of Fyshwick through providing local jobs during the construction of the facility.
b) Facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure	The proposed development will diversify activities in Fyshwick by utilising an existing asset and developing on existing land more effectively.
c) Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities, including by encouraging active travel and access to public transport.	The subject site is located in the established industrial precinct of Fyshwick with opportunities for active travel and access to public transport.
d) Ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise and air quality	The proposed additions to an existing development will continue to achieve environmental standards as required under the objective.
e) Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible	The proposed development is energy efficient and easily accessible, functional and flexible for public.
f) Ensure that development along major approach routes and major roads meets appropriate standards of urban design	The proposed development will be developed to a high standard of urban design that is consistent with the surrounding developments that the facility will be supporting.

g) Accommodate industry-associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land	The proposed development accommodates services without jeopardising an adequate supply of industrial land.
h) Provide for a range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development	The proposed development does not compromise the commercial centre hierarchy as the primary use of the premises for a restaurants and shops.
i) Meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry	The proposed development does not include lower rent bulky goods retailing, specialised industrial, commercial and service industry.
j) Preserve and promote viable industries that can coexist with more commercially oriented uses	The proposed development is for restaurant and shops. The proposed use is permitted under IZ2 and the Crown Lease and is a frequent use within the Fyshwick area.
k) Make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce	The proposed restaurants and shops meets the needs of the local workforce and industrial area.
l) The following Zone Objectives apply specifically to West Fyshwick: <ul style="list-style-type: none"> i) Encourage Canberra's regional role for food processing, wholesaling, distribution and marketing ii) Cluster uses which are compatible with and complementary to existing facilities, particularly with regard to food processing and warehousing and the markets, including some small scale food retailing iii) Protect the safety and amenity of food related enterprises iv) Promote buildings along Canberra Avenue that maintain and enhance a character appropriate for a major approach road to the Central National Area 	<p>The proposed development includes small scale food retailing consistent with this objective and does not compete with fresh food wholesale and distribution centres that operate within this part of Fyshwick.</p> <p>The development has been designed in consideration of the character to Canberra Avenue and proposes to improve the site's relationship with this frontage as part of the proposed building and landscaping works.</p>

9

Industrial Zones Development Code

The Industrial Zones Development Code includes both zone specific and general development controls. The following parts of the code are applicable to the subject development:

- Part A2 – Industrial Mixed Use Zone
- Part B – General Development Controls

All of the relevant controls (rules and criteria) are reproduced in table 8 and 9 below along with how they are addressed by the proposal.

These rules and criteria are taken from the Industrial Zones Development Code, effective 21 February 2020.

9.1 Part A2 - Industrial Mixed-Use Zone

Table 5: - Industrial Zones Development Code -Part A2 (Effective 30 November 2022)

Rules	Criteria	Response
Element 1: Restrictions on Use		
1.1 Gross Floor Area		
R2 The maximum gross floor area per shop is as follows: a) supermarket or shop selling food: 200 m ² b) other shops, except for bulky goods retailing: 3,000 m ²	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Each shop proposed has a gross floor area of less than 200 m ² .
Element 2: Building and site controls		
2.1 Bushfire		

Rules	Criteria	Response
<p>R2A</p> <p>This rule applies to blocks identified in a precinct code as having a specified Bushfire Attack Level.</p> <p>Buildings are constructed to Australian Standard AS3959 – Construction of buildings in bushfire prone areas for the specified Bushfire Attack Level.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>The proposed development is not within a bushfire prone zone.</p>

9.2 Part B - General Development Controls

Table 5: Industrial Zones Development Code - Part B

Rules	Criteria	Response
Element 1: Restrictions on Use		
1.1 Community Uses		
There is no applicable rule.	<p>C3</p> <p>Community uses are to be considered only where it is demonstrated that the proposed use does not jeopardise the use of surrounding land for industrial purposes.</p>	<p>Not Applicable</p> <p>No changes to community uses are proposed.</p>
There is no applicable rule.	<p>C4</p> <p>An application for community uses demonstrates that the proposed use:</p> <ul style="list-style-type: none"> a) services the needs of the local workforce, or b) requires a scale of building or level of amenity that is not compatible with other available land. 	<p>Not Applicable</p> <p>No changes to community uses are proposed.</p>

Rules	Criteria	Response
1.2 Non Retail Commercial Uses		
<p>R5</p> <p>The total GFA of any individual or combination of the following must not exceed 2000 m2 per lease:</p> <p>a) business agency</p> <p>b) financial establishment</p> <p>c) office</p> <p>d) public agency.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not relevant to this proposal</p> <p>These uses are not proposed.</p>
1.3 Caretaker's Residence		
<p>There is no applicable rule.</p>	<p>C6</p> <p>Residential amenity is provided, through solar access, privacy, noise attenuation and security measures.</p>	<p>Not Applicable</p> <p>No caretaker's residence is proposed.</p>
Element 2: Building and Site Controls		
2.1 Subdivision		
<p>R7</p> <p>Subdivision is only permitted where:</p> <p>a) it is part of a development application for another assessable development</p> <p>b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable</p> <p>No subdivision is proposed as part of this DA.</p>

Rules	Criteria	Response
R9 Urban infrastructure designs are in accordance with the Design Standards for Urban Infrastructure (ACT Department of Urban Services).	This is a mandatory requirement. There is no applicable criterion.	Not Applicable No subdivision is proposed as part of this DA.
2.2 Demolition		
R10 In accordance with section 148 of the <i>Planning and Development Act 2007</i> , the application is accompanied by a Statement of Endorsement from utility provider (including water, sewerage, stormwater, electricity and gas) stating that: 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.	C10 If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	Rule to be Met Please refer this application and supporting documentation to each entity for endorsement.
2.3 Height		
R11 The maximum height of any wall of the building is 12 metres above natural ground level.	C11 Development is of an appropriate scale compatible with an industrial area.	Rule met The proposed development does not exceed 12m.

Rules	Criteria	Response
2.4 Setbacks		
There is no applicable rule.	<p>C12</p> <p>Front and side boundary setbacks provide an acceptable design solution for the development of the site and are not detrimental to the visual relationship with adjoining buildings or the streetscape.</p>	<p>Criterion satisfied</p> <p>The proposed setbacks ensure that the structure will not encroach upon the existing building on the site.</p>
2.5 National Capital Plan		
There is no applicable rule.	<p>C13</p> <p>Where a development is subject to Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, the development is not inconsistent with the Special Requirements or Development Control Plan. Where any provision of this code is inconsistent with Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, that provision has no effect.</p>	<p>Criterion satisfied</p> <p>The site is subject to NCA special requirements, and a Development Control Plan (DCP) applies to the site. Refer to Chapter 6 of this report for an assessment against the NCP and DCP.</p>

Rules	Criteria	Response
Element 3: Built Form		
3.1 Building Design		
R14 External service equipment must be screened from public view.	C14 External service equipment must be integrated into the building design.	Rule Met All building services are screened from public view as demonstrated in the Finishes Schedule and Elevations submitted with the application.
There is no applicable rule.	C15 The elevations of all buildings facing roads should contribute to the quality of the streetscape through well-designed buildings that respect adjoining buildings and street landscaping.	Criterion satisfied The proposed development will adhere to well-designed structures that complement the streetscape, respecting the surrounding buildings and integrating seamlessly with street landscaping to enhance overall quality. Refer the streetscape elevation.
There is no applicable rule.	C16 The proposal identifies opportunities for retrofitting of existing buildings where appropriate.	Not Applicable No retrofitting of the existing buildings or structures are proposed in this application.
3.2 Materials and Finish		
There is no applicable rule.	C17 The roof and/or wall finish is of low reflectivity and not white or off-white or untreated metal.	Criterion satisfied The proposed buildings and structures will be finished with low reflectivity materials and are not white, off-white or untreated metal.

Rules	Criteria	Response
R18 External walls are clad with durable materials, such as masonry, fibre cement sheeting or prefinished metal.	C18 Where practicable, materials are chosen to increase the sustainability of the building and the built environment.	Rule Met External walls are made of Precast Concrete and Trimdek Cladding.
There is no applicable rule.	C19 Materials colours and textures are compatible within any development and should contribute to the built character of the adjoining development.	Rule Met The proposed building materiality is typically associated with restaurant and Shops construction and the architectural design of the facility contributes to the character of Fyshwick.
3.3 Interface		
There is no applicable rule.	C20 Public access to shops and offices ancillary to industrial buildings provide legible and safe entries, located to the front of buildings.	Criterion satisfied On-site parking for visitors and staff provides for pedestrian access to the building and entries other than the main vehicle access points.
There is no applicable rule.	C21 Fencing visible from the public domain is compatible with the predominant building on the site and is at least 50% transparent.	Not Applicable No fences are proposed.
3.4 Crime Prevention Through Environmental Design		
There is no applicable rule.	C22 The development meets the requirements of the Crime Prevention Through Environmental Design General Code.	Criterion satisfied Refer to Section 10.4 of this report addressing code requirements.
3.5 Access and Mobility		

Rules	Criteria	Response
There is no applicable rule.	C23 The development meets the requirements of the Access and Mobility General Code.	Criterion Met The development meets the requirements of the Access and Mobility General Code. Refer to Access and Mobility report submitted with the application.
3.6 Location Requirements for Community and Recreation Facilities		
There is no applicable rule.	C23A The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.	Not Applicable No community or recreation facility is proposed as part of this application.
Element 4: Parking and Site Access		
4.1 Access and Parking		
There is no applicable rule.	C24 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary.	Criterion satisfied. Driveways and pedestrian entries to the site are clearly visible from the site boundary.
R26 Loading docks or vehicular entries to buildings are not provided on the street frontages of buildings.	C26 Loading docks and building entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.	Applicable. Loading/unloading docks are located next to Building 1 and Building 2.
There is no applicable rule.	C27 Parking and vehicular access must comply with the requirements of the Parking and Vehicular Access General Code.	Criterion satisfied This proposal complies with the Parking and Vehicular Access General Code.

Rules	Criteria	Response
R28 Parking facilities are located behind the minimum front setback but forward of any onsite activity.	C28 The location of car-parking areas maximises opportunities for passive surveillance from areas within and adjacent to the site.	Criterion satisfied The location of car parking maximises the opportunity for passive surveillance from the surrounding areas.
There is no applicable rule.	C29 Where applicable, bicycle parking complies with the requirements of the End of Trip Facility General Code.	Criterion satisfied This proposal complies with the End of Trip Facility General Code.
4.2 Service Access and Delivery		
R30 Provision is made onsite for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction. Note: Loading/unloading and associated manoeuvring areas is in addition to minimum parking requirements.	C30 Provision is made for associated loading and unloading of goods which complies with all of the following: a) demonstrates adequate justification for the proposed arrangements when not entering and exiting in a forward direction b) does not unreasonably compromise the safety of pedestrian and traffic movement and operation of any adjoining facilities such as road, cycleway or pedestrian pathway, and on-street and off-street parking c) provides adequate space for the manoeuvring of vehicles d) is endorsed by the Department of Territory and Municipal Services.	Applicable. Loading bays are provided with adequate manoeuvring space so that the vehicle can enter and leave the site traveling in forward direction.
Element 5: Amenity		
5.1 Landscape		

Rules	Criteria	Response
There is no applicable rule.	<p>C31</p> <p>The minimum setback area includes landscaping, comprising advanced trees and shrubs, in order to minimise the visual impacts of buildings, carparking areas, and plant and materials stored on site.</p>	<p>Criterion satisfied.</p> <p>Refer to the landscape plan submitted with application.</p>
There is no applicable rule.	<p>C32</p> <p>Tree planting to parking areas are positioned to provide shade to such areas and to soften the visual impact of such areas.</p>	<p>Criterion satisfied.</p> <p>Refer to the landscape plan submitted with application.</p>
There is no applicable rule.	<p>C33</p> <p>Where the proposed use is adjacent to, or is, a noise producing activity, noise attenuation measures are utilised to protect the amenity of the area and promote compatibility of uses.</p>	<p>Criterion satisfied.</p> <p>Refer to the noise management plan submitted with the application.</p>
<p>R34</p> <p>A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses:</p> <ul style="list-style-type: none"> -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility 	<p>C34</p> <p>If an endorsed Noise Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Rule met.</p> <p>This control applies to the development as restaurant use is proposed.</p> <p>Refer to the noise management plan submitted with the application prepared by WSP.</p>

Rules	Criteria	Response
-restaurant The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours.		
R34A A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an animal care facility.	This is a mandatory requirement. There is no applicable criterion.	Not applicable.
5.3 Lighting		
R35 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting.	C35 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code.	Rule to be Met External lighting is designed in accordance with the relevant Australian Standards.
R36 All external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.	C36 All lighting, including security and car park lighting, is designed to minimise light spill	Rule to be Met External lighting is designed in accordance with the relevant Australian Standards.
5.4 Signs		
There is no applicable rule	C37 Signs must comply with the Signs General Code.	Criterion satisfied Signs comply with the Signs General Code. Refer to section 10.6 for response addressing the requirements of the Code.
5.4 Emergency Management Plan		

Rules	Criteria	Response
R37A An Emergency Management Plan is provided for an animal care facility, prepared by a suitably qualified professional, and includes details of a risk assessment and evacuation plan for the facility, and is endorsed by the Emergency Services Authority (ESA).	C37A If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not applicable. Animal care facility is not proposed as part of this DA.
Element 6: Environment		
6.4 Heritage		
R42 In accordance with section 148 of the Planning and Development Act 2007, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.	C42 If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable The site is not on the ACT Heritage Register.
6.5 Contamination		
R43 A statement is provided that the potential for land contamination has been assessed in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000, and it is demonstrated that the land is suitable for the proposed development.	C43 If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not applicable. The site is not considered to be contaminated and is not on or bordering a site listed in the ACT's Contaminated Sites Register.
6.6 Trees		

Rules	Criteria	Response
<p>R44</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 The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p>Notes: 1. Under the Planning and Development Regulation 2008 a development application for a declared site under the Tree Protection Act 2005, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the Planning and Development Act 2007. 3. Protected tree and declared site are defined under the Tree Protection Act 2005.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule met.</p> <p>The proposed development includes the removal of protected trees on the site.</p> <p>Refer to the tree removal plan and arboricultural report prepared by Canopy tree experts.</p>
<p>R45</p> <p>Trees on development sites are removed only with the prior agreement in writing of the Territory.</p>	<p>C45</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p>	<p>Applicable.</p> <p>Refer to the Arborist report submitted with the application.</p>

Rules	Criteria	Response
6.7 Hazardous Material		
<p>R46</p> <p>For the demolition of multi-unit housing (including garages and carports) constructed* prior to 1985, and Commercial / Industrial premises constructed prior to 2005, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person and is endorsed by Environment Protection. The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <p>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</p> <p>b) If hazardous materials are to be transported for disposal interstate, approval from the Environment Protection Authority is obtained prior to removal of material from the site</p> <p>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site. * construction date means the date when the Certificate of Occupancy was issued</p>	<p>C46</p> <p>If an endorsed hazardous material survey is required however evidence of an endorsed hazardous materials survey is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Rule met.</p> <p>Buildings on Block 6 to be demolished were constructed prior to 2005 and a Hazardous material survey has been prepared and provided with this submission.</p>
6.8 Excavation		
<p>There is no applicable rule</p>	<p>C47</p> <p>Onsite cut and fill is minimised and managed to ameliorate negative off site impacts.</p>	<p>Criterion Satisfied</p> <p>All cut and fill activities are to be minimised to facilitate the construction works proposed.</p>
6.9 Erosion and Sediment Control		

Rules	Criteria	Response
<p>R48</p> <p>For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007.</p>	<p>C48</p> <p>If a plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Not Applicable</p> <p>Blocks 6 & 7 have an area greater than 0.3 of a hectare.</p>
<p>R49</p> <p>For development on a site greater than 0.3 of a hectare, the application is accompanied by an Erosion and Sediment Control Plan endorsed by ACT Environment Protection.</p>	<p>C49</p> <p>If an endorsed Sediment and Erosion Control Plan is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Rule Met</p> <p>Refer to the Erosion and Sediment Erosion Control Plan submitted in support of this application.</p>
Element 7: Services		
7.1 Waste Management		
<p>R50</p> <p>In accordance with section 148 of the Planning and Development Act 2007, applications are to be accompanied by a statement of compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT.</p>	<p>C50</p> <p>If a statement of compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>Rule Met</p> <p>Adequate waste storage areas have been provided and nominated on-site.</p> <p>All waste will be managed and collected by a private commercial operator.</p> <p>Refer to the waste management plan submitted with the application.</p>
7.2 Utilities		

Rules	Criteria	Response
<p>R51</p> <p>A Statement of Compliance from each relevant utility provider 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>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</p>	<p>C51</p> <p>If a statement of endorsement 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>Rule to be met</p> <p>Please refer the utility plan and utility design documentation to the relevant Territory Agencies for consideration and their endorsement.</p>
7.3 Liquid Trade Waste		
<p>R52</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>C52</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>Rule to be met</p> <p>The development will be delivered in a manner that minimises the likelihood that non-domestic trade waste will be discharged to the sewer and stormwater networks.</p>
7.4 Waste Water		
<p>R53</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>C53</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule to be met</p> <p>All undercover areas are to be designed to drain to the sewer.</p>
7.5 Storage		

Rules	Criteria	Response
<p>R54</p> <p>Outdoor storage areas are located behind the building line and screened from view from any road or other public area.</p>	<p>C54</p> <p>Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site.</p>	<p>Not applicable</p> <p>No outdoor storage areas are proposed as part of this DA.</p>
<p>R55</p> <p>Outdoor storage areas do not encroach on required car-parking spaces, driveways exclusively required for vehicular circulation or landscape areas.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable.</p> <p>No outdoor storage areas are proposed as part of this DA.</p>
7.6 Servicing and Site Management		
<p>R56</p> <p>In accordance with section 148 of the Planning and Development Act 2007, applications is accompanied by a statement of endorsement from the relevant agency stating that the waste facilities and management associated with the development are in accordance with the Design Standards for Urban Infrastructure.</p>	<p>C56</p> <p>If a statement of endorsement 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>Rule to be met</p> <p>Please refer the utility plan and utility design documentation to the relevant Territory Agencies for consideration and their endorsement.</p>

10

General Codes

10.1 Parking and Vehicular Access General Code

This Code (effective 17 June 2022) specifies the vehicular access and parking requirements for development, refer to Site Plan.

The table below indicates the number of parking spaces that are required for this development.

Parking required for Commercial Zones:

Type	Parking spaces required	Parking spaces provided
Service Station 1 space/100m ² (as per Crown lease)	230m ² / 100 = 3 spaces	3 spaces are retained on the site adjoining the service station building and towards the Canberra Avenue boundary along the driveways.
Shops 4 spaces/100m ²	240 m ² x 4 / 100 = 10 spaces	10 spaces are provided on Block 6 to meet this requirement.
Restaurant 15 SPACES/100m ² (MINUS 4 SPACES FOR DRIVE-THROUGH)	Restaurant - Building 1 (352m²) Parking Required 53 - 8 = 45 Spaces Restaurant Building 2 (255m²) Parking Required 38 - 4 = 34 Spaces	72 spaces are provided on Block 6 to meet this requirement.
TOTAL	92 spaces required	85 parking spaces are provided. The remaining 7 parking spaces can be parked off-site within 100m.

The parking provision rate for the proposed development meets the requirements for this proposal.

10.2 End of Trip Facilities General Code

As per the ETFGC (effective 30 November 2022), the table below details the relevant car parking provision rates that apply to the uses listed in the Crown Lease.

Details of the proposed development's compliance with this Code can be found in the Traffic Impact Assessment submitted as part of this development application.

Table 10: End of Trip Facilities general Code

Rule	Criteria	Response
Part A - Provision of End-of-Trip Facilities		
Element 1: End-of-Trip Facilities Provision		
1.1 Bicycle Parking Facilities for Long-Stay Users		
<p>R1</p> <p>Development listed in table 2 provides on-site secure bicycle parking spaces for long-stay users in accordance with the relevant rates shown in table 4.</p> <p>Net lettable area is calculated in one of the following ways:</p> <ul style="list-style-type: none"> a. in accordance with the NLA definition b. 85% of a building's gross floor area. <p>Note: Wall-mounted bicycle parking devices located above the bonnet of car parking spaces must not be counted toward the provision of bicycle parking required to meet this rule.</p>	<p>C1</p> <p>The required amount of on-site bicycle parking spaces for long-stay users may be varied to the satisfaction of the planning and land authority and the government entity responsible for bicycle parking facilities, after consideration of a proposal to construct secure off-site end-of-trip facilities at a nearby location.</p>	<p>Rule Met.</p> <p>The proposed developments are of a type required to meet this Code. The development provides on-site bicycle parking for long stay users in accordance with the requirements of the Code.</p> <p>Refer to the site plan for bicycle parking provision.</p>
1.2 Bicycle Parking Facilities for Short-Stay Users		
<p>R2</p> <p>Development listed in table 2 provides publicly accessible bicycle parking spaces for short-stay</p>	<p>C2</p> <p>For development listed in table 2, short-stay bicycle parking must be provided to meet the</p>	<p>Rule Met.</p> <p>The proposed developments are of a type required to meet this Code. The development</p>

users in accordance with the relevant rates shown in table 4.	anticipated demand of users, to the satisfaction of the planning authority and the government entity responsible for bicycle parking facilities.	provides on-site bicycle parking for long stay users in accordance with the requirements of the Code.
Net lettable area is calculated in one of the following ways:		Refer to the site plan for bicycle parking provision.
a. in accordance with the NLA definition		
b. 85% of a building's gross floor area.		
Note: Wall-mounted bicycle parking devices located above the bonnet of car parking spaces must not be counted toward the provision of bicycle parking required to meet this rule.		

1.3 Bicycle Parking Facilities Subject to Individual Assessment

	C3	Not applicable.
There is no applicable rule.	For development listed in table 3, long-stay and short-stay bicycle parking must be provided to meet the anticipated demand of users, to the satisfaction of the planning authority and the government entity responsible for bicycle parking facilities.	The proposed development is not listed in Table 3.

Part B – Design Requirements of End-of-Trip Facilities

Element 2: Access and Location

2.1 Bicycle Parking Spaces

R4	C4	Criterion Satisfied.
Bicycle parking facility security levels for long stay users must be Security Level A or B, as set out in AS2890.3, and be:	Bicycle parking for long-stay users must be:	Long stay spaces are provided within the developments which are securely enclosed and weather protected.
a. securely enclosed and separated from publicly accessible areas, including car parking areas	a. securely enclosed and separated from publicly accessible areas, including car parking areas	
b. protected from the weather	b. protected from the weather	
	c. provided on a hard floor surface such as concrete or paving.	

c. provided on a hard floor surface such as concrete or paving.

R5	C5	Criterion Satisfied.
Bicycle parking facilities security levels for short-stay users must be Security Level C, as set out in AS2890.3.	Short-stay bicycle parking is located in a publicly accessible location that provides an appropriate level of security, surveillance, safety and shelter.	Short stay spaces are provided within the developments which are accessible and weather protected.
There is no applicable rule.	C6	Criterion Satisfied.
	The bicycle parking location and its access route(s) must provide an appropriate level of security, surveillance, shelter and lighting, in accordance with the Crime Prevention through Environmental Design General Code and AS1158.3.1.	Bicycle parking is located with appropriate lighting, surveillance and security. Refer to assessment against the Crime Prevention through Environmental Design General Code included in this report.
R7	C7	Criterion Satisfied.
Off-site bicycle parking must be located so that there is a minimum clearance of 0.5m between a parked bicycle and the edge of a motor vehicle traffic lane, parking lane or roadway, except where exempt under AS2890.3.	The location of bicycle parking facilities is designed to reasonably prevent motor vehicles encroaching into bicycle parking areas.	Bicycle parking facilities have been carefully designed to provide clearance from moving and parked vehicles.

2.2 Access

R8		Rule to be Met.
The access path to end-of-trip facilities provides a minimum unobstructed width of:	This is a mandatory requirement. There is no applicable criterion.	Paths of travel to all end-of-trip facilities are in excess of 1.5 metres wide. These are to be designed in accordance with Australian Standard 2890.3.
a. 1.5m where the number of bicycle movements is less than 30 per hour in peak periods		
b. 2.5m where the number of bicycle movements is 30 or more per hour in peak periods.		
The access path to end-of-trip facilities must also be in accordance with AS2890.3		

R9		Rule Met.
Ramp gradients must not exceed 1:12 where they are to be ridden by a bicycle rider accessing end-of-trip facilities, in accordance with AS2890.3.	This is a mandatory requirement. There is no applicable criterion.	End-of-trip facilities can be accessed by cycling or walking, as the gradient allows.

2.3 Location

R10	C10	Rule Met.
<p>Bicycle parking facilities for all development listed in Table 1, except major alterations and/or extensions to existing buildings, must comply with the following:</p> <p>a. for long-stay users: located within one level of the building entrance and no more than 30m from this entrance</p> <p>b. for short-stay users: located at-grade and on the main access route to the entrance, is clearly visible and not more than 30m from a major entrance or destination.</p> <p>Bicycle parking facilities are located to allow a bicycle to be ridden within 30m of the end-of-trip facilities. The pedestrian and bicycle access paths associated with these bicycle parking facilities must feed into and provide connections to existing path networks.</p>	<p>The location of access points to the bicycle parking facility must facilitate a convenient, safe, legible and contiguous link between the site and the surrounding network.</p>	<p>Short and long stay bicycle parking complies with the requirements of the rule being located on the same level as building entrances and within 30m of entrances.</p>
R11	C11	Not Applicable.
<p>Bicycle parking facilities for major alterations and/or extensions to existing buildings must comply with the following:</p> <p>a)for long-stay users –</p> <p>i. If located within the main building, it is easily accessible and able to be located from the building entrance, is well-lit, secure, safe and well ventilated</p>	<p>The location of access points to the bicycle parking facility must facilitate a convenient, safe, legible and contiguous link between the site and the surrounding network</p>	<p>The proposed development is not an alteration or addition to an existing building.</p>

- ii. if located outside the main building, it is located no more than 30m from the main building, is well-lit, secure, safe and easy to access and find, and is located where there is an appropriate level of surveillance

b)for short-stay users –

- i. If located within the main building, it should be near the entrance of the main building, be well-lit, secure, safe, easy to find, and well ventilated
- ii. if located near the main building, it is not more than 15m from the main building and is clearly visible and easily accessible with an appropriate level of surveillance, safety and is sheltered.

The pedestrian and bicycle access paths associated with these bicycle parking facilities must feed into and provide connections to existing path networks.

R12

Bicycle parking facility users must not be required to walk up or down vehicular ramps to access bicycle parking.

This is a mandatory requirement. There is no applicable criterion

Rule Met.

Bicycle parking is accessible from the proposed internal driveways.

C13

There is no applicable rule.

Stairs are only permitted as the primary access route from a building entrance to bicycle parking facilities in constrained circumstances, including:

- a. in a change of lease application for an existing building where a stair cannot be avoided
- b. for new developments or major alterations and/or extensions to existing buildings where the site area is exceptionally constrained such

Criterion Satisfied.

Use of stairs is not required to access long- or short-stay bicycle parking.

	that level differences cannot be met by use of ramp(s).	
	In such instances, a solution must be provided, such as a wheeling ramp and/or bicycle channel.	
Element 3: Signage		
3.1 Wayfinding Signage		
R14	C14	Not Applicable.
Bicycle parking wayfinding signage is provided in accordance with AS2890.3	Directional wayfinding signage must be clearly displayed adjacent to entrances to the parking area to promote awareness, visibility and maximum use of facilities by prospective users.	Bicycle wayfinding signage is not proposed.
Element 4: Bicycle Parking Devices		
4.1 Bicycle Parking Facilities Design		
There is no applicable rule.	C19 General storage areas in residential development may be counted as bicycle parking subject to achieving all of the following: a. any provision is provided in addition to other planning requirements for storage areas, such as within development codes b. meet the minimum dimensions and access requirements of AS2890.3, including internal storage and access aisle dimensions c. provide a minimum Security Level C bicycle parking facility, as set out in AS2890.3.	Not applicable. The development is not residential in nature.
Element 5: Shower and Change Facilities		
5.1 Shower and Change Facilities		
R20	C20	Rule met.
Shower and change facilities must be provided for long-stay users in non-residential	For development requiring multiple showers,	A minimum of one shower is provided for first 5 long-stay spaces.

development. A minimum of one shower is provided for the first 5 long-stay spaces or part thereof, plus an additional shower for each 10 bicycle parking spaces thereafter.	<p>up to 25% less than the total required number of showers may be considered where it can demonstrate to meet one or more of the following:</p> <ul style="list-style-type: none"> a) for on-site shower facilities, shower facilities are safe, secure and are provided in one of the following locations: <ul style="list-style-type: none"> i. next to main bicycle parking area ii. close to key entry points b) for off-site shower facilities, shower facilities are safe, secure, easy to find and are provided in one of the following locations: <ul style="list-style-type: none"> i. reasonably close to main bicycle parking area of the development ii. ii) reasonably close to key entry points of the development c) shared or off-site facilities in developments where less than 5 long-stay bicycle parking spaces area required d) facilities that are specifically designed for use by a single sex, such as women's and men's refuges. 	
<p>R21</p> <p>Shower and change facilities must be rounded up such that an equal number of male and female facilities are provided. Separate male and female shower and change facilities must be provided.</p>	<p>C21</p> <p>Where only one shower and change facility is required under other parts of this code, the facility is to be designed as a unisex facility.</p>	<p>Criterion satisfied</p> <p>There is only one shower and change facility required and is designed as a unisex facility.</p>
<p>R22</p> <p>A minimum of one toilet, wash basin and drying area is provided to shower and change facilities.</p>	<p>C22</p> <p>Where toilet, wash basin and drying area are conveniently located near shower and change facilities, no extra toilet, wash basin and drying area are required.</p>	<p>Rule met</p> <p>A minimum of one toilet, wash basin and drying area is provided to shower and change facilities</p>

<p>R23 A minimum of one change room is provided per shower as one of the following:</p> <ul style="list-style-type: none"> a) a combined shower/change room b) direct access to a communal change room. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Rule met.</p> <p>There is a combined shower and change room provided.</p>
<p>There is no applicable rule.</p>	<p>C24 For development requiring multiple change rooms, up to 25% less than the total required number of change rooms may be considered where it can demonstrate to meet one or more of the following:</p> <ul style="list-style-type: none"> a) change rooms are safe, secure and are provided in one of the following locations: <ul style="list-style-type: none"> i) next to main bicycle parking area ii) close to key entry points b) more than one toilet, wash basin and drying area are provided with shower and change facilities Change rooms are provided with showers as one of the following: <ul style="list-style-type: none"> a) a combined shower/change room b) direct access to a communal change room. 	<p>Not Applicable.</p> <p>Multiple change rooms are not required.</p>
<p>R25</p> <p>Where a communal change room is provided, direct access is provided via the shower facility, without passing through a publicly accessible area.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not Applicable.</p> <p>Communal change rooms are not provided.</p>

There is no applicable rule.	C26	Not Applicable.
	Separate gender-neutral shower and change facilities are provided where possible.	There is only one shower and change facility required and is designed as a unisex facility.

5.2 Personal Storage Facilities

R27 Personal storage facilities must be provided for long-stay users in non-residential development. Personal storage facilities (lockers) must be:	C27	Criterion satisfied.
<ul style="list-style-type: none"> a) provided at a rate of 2 for each bicycle parking space provided (lockers may b) be used by a variety of active travel, recreational and sport user groups) c) of suitable volume and dimensions to allow adequate storage of clothing, towels, helmets, footwear and other personal items d) well ventilated, secure and lockable, and e) located in one or both of the following locations: i) close to shower and change facilities to provide for the safety, privacy and convenience of the user ii) within communal change rooms. 	<p>Personal storage facilities (lockers) must be provided to meet the reasonable needs of active travel, recreational and sport user groups within a place of work or study. Lockers must provide adequate,</p> <p>secure and lockable storage for clothes, footwear, towels and other personal items and where possible be located close to shower and change facilities.</p>	<p>Lockers are provided with adequate, secure and lockable storage for clothes, footwear, towels and other personal items and where possible be located close to shower and change facilities.</p>

10.3 Access and Mobility General Code

Details of how the proposed development complies with this Code effective from 4 October 2013 can be found in the Access and Mobility report submitted as part of this development application.

10.4 Crime Prevention Through Environmental Design

The following is an assessment against the Crime Prevention Through Environmental Design General Code (effective 16 December 2011) rules and criteria as per the statutory requirements for Development Assessment. The table below includes the Code requirements as well as a statement of performance against the criteria listed as applicable.

Table 11: Assessment of the Crime Prevention Through Environmental Design General Code

Rule	Criteria	Response
Element 1: Neighbourhood Design		
1.1 Neighbourhood Design		
There is no applicable rule.	C1 Design is in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resource Manual.	Criterion satisfied. The design meets the specific CPTED requirements.
Element 2: Use		
2.1 General Code		
There is no applicable rule.	C2 The development described in Table 1 meet the Crime Prevention Through Environmental Design General Code.	Criterion satisfied. The development meets the Crime Prevention Through Environmental Design General Code.
Element 3: Public Realm		
3.1 Open Space and Community (Shared) Areas		
There is no rule applicable.	C3 Natural surveillance of open space and community areas is provided by: a. locating adjacent to activity centres; b. encouraging pedestrian (or cyclist) movement through the space; c. ensuring clear site lines from,	Criterion satisfied. a) The driveway allows for vehicular access to the site without impacting on pedestrian safety and access. b) The driveways allow for pedestrian or cyclist movement through the development to access the dwellings,

	and between, buildings and open space areas: community areas; and d. Designing out any entrapment spaces.	c) the proposed building allows clear sight lines to and from combined front entrance. d) The design has been created to minimise entrapment spaces.
There is no rule applicable.	C4 Natural access is considered, providing clear entry and exit points and a legible, accessible route through the space.	Criterion satisfied. Clear entry and exit points with natural access is provided.
There is no rule applicable.	C5 Planting in public spaces do not obscure views along paths and streets, or to entrances and should not create secluded, hiding areas.	Criterion satisfied. Planting in public spaces has been considered to reduce the likelihood of obscuring views and creating hiding areas.
There is no rule applicable.	C6 Selection of plant material are sturdy and in areas of high crime, to make it difficult to snap main growing stems, heavy standard (140-160mm girth) or semi-mature trees (200-270mm girth) should be used to increase their chance of survival.	Criterion satisfied. A selection of plant material will be included in the landscaping design for this project.
There is no rule applicable.	C7 Plant material, such as creepers or low hedges may be used to deter access and limit the opportunity for graffiti on fences and walls.	Criterion satisfied. A variety of plant material has been selected and taken into consideration this criterion to consider crime prevention
There is no rule applicable.	C8 Hard landscape features such as low walls, bollards are used to delineate movement areas from semi-private areas.	Not applicable. No additional hard landscape features are proposed with this application
3.2 Children's Play Areas		
There is no rule applicable.	C9	Not Applicable. No children's play areas are proposed.

	<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 	
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: b. 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>Criterion satisfied.</p> <p>Please refer to lighting plans.</p> <p>Lighting will be provided to meet the relevant Australian 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 	<p>Criterion satisfied.</p> <p>Please refer to lighting plans.</p> <p>Lighting will be provided to meet the relevant Australian Standards.</p>

	f. exterior to interior spaces evenly to allow for surveillance	
There is no rule applicable.	C12 Areas that are not intended for night time are not lit and are closed off to pedestrians.	Criterion satisfied. Where areas are identified that are not intended for night time use, will not be lit.
There is no rule applicable.	C13 Damage to light fixtures are minimised by selecting vandal-resistant, high mounted light fixtures. All light bulbs are protected with a suitable lantern bowl.	Criterion satisfied. Lighting fixtures will be selected and positioned to prevent vandalism of the fixtures.
3.4 Signs		
R14 A statement is provided that all directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection	This is a mandatory requirement. There is no applicable criterion.	Rule met. Directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic control devices-pedestrian control and protection.
There is no rule applicable	C15 Locate signs so that they comply with each of the following: a. they are clearly visible from a distance at all times b. they are not likely to be obscured by growing vegetation c. they are strategically placed at entrances and near activity centres including bus stops, taxi rank and public facilities	Criterion satisfied. Signs will be clearly visible from a distance all the times and not being obstructed by the vegetation.

There is no rule applicable.	<p>C16</p> <p>Provide legible signs for all users:</p> <p>a. specify signs of high contrast, with light lettering on dark backgrounds with non-reflective surfaces;</p> <p>b. signs should be developed as a system with a consistent pattern, based on a hierarchy of most important messages.</p>	<p>Criterion satisfied.</p> <p>The signage proposed:</p> <p>a) utilises contrasting colours, non-reflective finishes and illumination to ensure the legibility of signs.</p> <p>b) are consistent throughout the site. Signage is sized in relation to message importance and the location of the intended observer.</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>Criterion satisfied.</p> <p>These entrances are strategically positioned to ensure visibility from both the street and the building's interior. This not only enhances the aesthetic appeal of the building but also serves to maximize safety and security by minimizing potential hiding spots.</p>
There is no rule applicable.	<p>C18</p> <p>Provide clear sightlines from the building foyer so that occupants can see the nearest pedestrian area/car park before leaving the building.</p>	<p>Criterion satisfied.</p> <p>The proposed development will provide clear sightlines from building foyer so the occupants can see the nearest pedestrian area/car park.</p>
There is no rule applicable.	<p>C19</p> <p>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.</p>	<p>Criterion satisfied.</p> <p>The proposed building facades provide opportunities for natural surveillance and minimise hiding spots.</p>
	C20	Not applicable.

There is no rule applicable.	Buildings are detailed in a manner that deters scaling (climbing) the building to access balconies from the ground and/or access between individual balconies.	The proposed development does not incorporate any balconies
There is no rule applicable.	C21 Where buildings are set back from the street and/or pedestrian path, the area is developed to minimise hiding and entrapment spots.	Criterion satisfied. Pedestrian paths are designed to minimise hiding spots.

4.2 Materials and Finish

There is no rule applicable.	C22 Building materials and finishes are of an appropriate quality and detailed in a manner to: a. reduce opportunities for graffiti and vandalism b. facilitate cleaning and replacement c. avoid facilitating illegal access to the building and to services	Criterion satisfied. Building finishes are detailed to reduce vandalism opportunities, are durable in nature to facilitate cleaning and of a high quality to minimise opportunities for vandalism.
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Element 6: Travel and Access

6.1 Pedestrian Routes, Bicycle Paths and Lanes

There is no rule applicable.	C23 Pedestrian Routes, Bicycle Paths and Lanes are designed to maximise opportunities for natural surveillance by: a. maintaining sightlines along paths b. between destination points allowing overlooking from adjacent areas	Criterion satisfied. The design of pedestrian routes maximises natural surveillance opportunities by: a. maintaining sightlines between destinations by virtue of its configuration and careful placement of design elements along these routes. b. ample overlooking opportunities are afforded from adjacent areas.
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There is no rule applicable.	C24 Provide direct access routes to buildings, streets, car parks and public transport. Signs should be used to assist pedestrians where it is not possible to establish clear sightlines between destinations.	Criterion satisfied. Direct access to buildings, streets and public transport is enhanced through the proposed building and associated open space areas.
There is no rule applicable.	C25 Security of pedestrian routes, bicycle paths and lanes are provided by: a. selecting and lighting 'safe routes' to the standard required for pedestrian areas so that these become the focus of legitimate movement after dark; b. ensuring that laneways have more than one entrance to avoid "dead-ends" and c. entrapment spots, where possible.	Criterion Satisfied. Pedestrian pathways: a) Are to be lit throughout the site to the relevant Australian Standards to promote safety. b) Are carefully designed to minimise dead ends and areas for entrapment.
There is no rule applicable.	C26 When planting adjacent to pedestrian /bicycle routes: a. ensuring there are open sightlines. Low planting (maximum height 600mm) and high-branching trees (two metres) should be used; b. avoiding tall bushes, dense shrubbery and dense clusters of trees, especially immediately adjacent to routes and at predictable stopping points such as road crossings.	Criterion satisfied. The proposed landscaping will not adversely impact on the site safety or surrounding area safety.
R27 A Statement is provided that pedestrian paths are designed in accordance with AUSTROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians	This is a mandatory requirement. There is no applicable criterion.	Rule Met. Engineering drawings and documentation will be provided to the requirement AS specifications.

R28		
A Statement is provided that Bicycle Paths are designed in accordance with AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles.	This is a mandatory requirement. There is no applicable criterion.	Rule met. Engineering drawings and documentation have been provided to the requirement AS specifications.
6.2 Pedestrian Underpasses and Overpasses		
There is no rule applicable.	C29 The use of pedestrian underpasses is to be avoided. Where there is no practical or feasible alternative underpasses are designed: a. wide enough to accommodate both pedestrian and cycle traffic b. straight and without recesses c. with mirrors so pedestrians can see around corners if there is a turn of 60 degrees or more d. with entrances and exits that are visible from shops, homes or other areas of frequent pedestrian traffic e) to ensure there is no screening of entries/exits e. with signs at each end indicating where it leads and an alternative route to use at night	Not Applicable. No underpass is proposed.
There is no rule applicable.	C30 Overpasses are designed to reduce opportunities to throw missiles at cars or pedestrians.	Not Applicable. No overpass is proposed.
6.3 Bus Interchange, Bus Stops and Taxi Ranks		
There is no rule applicable.	C31 Locate bus stops and taxi ranks so that: a. natural surveillance is possible b. there are no walls, landscaping, fences or other structures which block sightlines to bus stops and taxi ranks c) they are not located	Not Applicable. No bus interchange, bus stops or taxi ranks are proposed.

	adjacent to vacant land, alleys, car parks or near possible entrapment spots c. there are short, safe routes to bus stops and taxi ranks from night-time venues such as cinemas, theatres etc	
There is no rule applicable.	C32 Major bus stops and taxi ranks are well lit and protected from the weather, or adjacent to areas which are well lit or that provide protection from the weather.	Not Applicable. No bus interchange, bus stops or taxi ranks are proposed.
There is no rule applicable.	C33 Directional signage makes it easy to find bus stops or taxi ranks and provides up-to-date passenger information.	Not Applicable. No bus interchange, bus stops or taxi ranks are proposed.
There is no rule applicable.	C34 Interchanges are located on the same level as significant activity generators to avoid entrapment, increase natural surveillance and provide direct routes of access.	Not Applicable. No bus interchange, bus stops or taxi ranks are proposed.
Element 7: Services		
7.1 Automatic Teller Machines (ATMs)		
There is no rule applicable.	C35 Approaches and entrances to ATMs are highly visible and adequately lit so that people cannot loiter, or enter, without being seen.	Not Applicable. No ATM proposed.
There is no rule applicable.	C36 Locations near licensed premises, and bus stops should be avoided to discourage loitering by potential offenders.	Not Applicable. Refer to the comments at C35 above
	C37	Not Applicable.

There is no rule applicable.	Where ATMs are enclosed in a vestibule or similar, the vestibule should be securely glazed, adequately and secure from non-legitimate users	Refer to the comments at C35 above
There is no rule applicable.	C38 Use bollards, or other landscaping, to restrict the potential for vehicle incursions.	Not Applicable. Refer to the comments at C35 above
7.2 Local Waste Storage Facilities		
There is no rule applicable.	C39 Screening does not provide entrapment or hiding spots and safe access and adequate lighting is provided near the waste storage areas.	Criterion satisfied. The proposed waste management areas are designed to minimise hiding spots.
7.3 Local Utility Facilities		
There is no rule applicable.	C40 Air conditioning plants, meter boxes and other service points are mounted within a secure building / enclosure for protection.	Criterion satisfied. Plant and services are located within the dedicated rooms or enclosures.
7.4 Delivery and Storage Facilities		
There is no rule applicable.	C41 Ensure that: a. Delivery and storage areas are not isolated from the main building b. Secure storage areas are provided for shop owners	Criterion satisfied. Delivery and storage areas are incorporated into the proposed structures. Deliveries likely to occur via the drive-thru area outside of core trading hours or from the loading zone.
7.5 Public Toilets		
There is no rule applicable.	C42 Ensure that:	Not relevant to this proposal.

	<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>	No public toilets are proposed other than for the use of restaurant patrons.
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>Criterion satisfied.</p> <p>No Public telephones are proposed.</p>

10.5 Signs General Code

The proposed signage comprises information and pylon signage containing the name of the development which is detailed in the plans provided in this submission. An assessment of the proposed signs against the Code (effective 31 March 2008) is provided below.

Rule	Criteria	Response
Element 1: Use		
1.1 Permissible Signs		
R1 The sign type and location comply with Table 1. Signs Permissible in Zones.	C1 The Sign meets the requirements of C4	Rule met. Sign type and location is permitted in the IZ2 zone.
1.2 Content of Signs		
R2 The sign content and sign location comply with Table 2. Allowable Signage Content and Location.	C2 The Sign meets the requirements of C4	Rule met. Sign content and location is permitted in the IZ2 zone.
1.3 Licencing		
R3 A fixed Sign that is designed or located so that it encroaches on, over, or into unleased Territory land, has a valid licence agreement with the Territory for the sign that has been issued under Part 9.11 of the Planning and Development Act 2007.	C3 If development approval is granted for a fixed Sign that is designed or located so that it encroaches on, over, or into unleased Territory Land a condition of approval will be imposed requiring the applicant to enter into a licence agreement with the Territory prior to the approval of the encroaching signage taking effect.	Not Applicable. Proposed sign does not encroach onto Territory land.

Rule	Criteria	Response
Planning Response to Criterion 4		
Signs must:		
<i>a) Not create a hazard to traffic or pedestrians</i>		
All signs are located away from the road kerb and will be designed so as to be easily distinguished from street signs. As such, signage will not be a hazard or impediment to traffic, pedestrians, or cyclists.		
<i>b) Be of a character and design standard consistent with the objectives and controls for the relevant zone and locality</i>		
Signage is considered to be consistent with the IZ2 Zone Objectives, as identified in Section 5 of this report.		
<i>c) Recognise the heritage values of sites</i>		
Heritage elements have not been identified on the site or adjacent lands, per the ACT Heritage Register.		
<i>d) Not compromise the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth</i>		
The proposed signage will not impact upon the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth.		
<i>e) Complement the streetscape and amenity of the locality by virtue of its size, location, illumination, utilisation of complementary shapes, forms, colours, durable quality materials and design concepts</i>		
The proposed signage will be designed to support the visual interest and vibrancy of the streetscape.		
<i>f) If affixed to a building, complement the architectural style of the building by virtue of its size, location, illumination, utilisation of complementary shapes, forms, colours, durable quality materials and design concepts</i>		
All signage will be designed to complement the built form of the existing structure.		
<i>g) Not unnecessarily repeat or duplicate similar signs</i>		
The context of the proposed signs is exclusive and signage will not be unnecessarily repeated		

Rule	Criteria	Response
Element 2: Built Form		
2.15 Information Sign		
R59 Maximum surface area: 0.6 m2 .	C59 The Sign meets the requirements of C4	Applicable. The maximum surface area is less than 0.6 m2.
R60 Maximum Height: 2 metres	C60 The Sign meets the requirements of C4	Applicable. Maximum height is less than 2 m.
R61 Illumination: Not illuminated.	C61 The Sign meets the requirements of C4 and the illumination of the sign; a) minimises the spill effects or escape of light into the night sky; and b) eliminates shadows and promotes the safety of adjoining public areas; and c) the intensity of lighting and hours of illumination do not unreasonable impact on any residential properties.	Criteria met. Signs meet the requirements of C4 and the illumination of the sign; a) a Minimises the spill effects or escape of light into the night sky; b) The illumination does not create any shadows which promote safety to adjoining public areas; and c) The intensity of light is low that it does not impact on adjoining blocks.
2.20 Pylon/Column Sign		
R87 There is no rule applicable.	C87 Aspect: Not to be erected to expose an unsightly back view of the sign	
R88 Maximum surface area: 6 m2 per side, for a maximum of two sides if back-to-back or four sides if a column design.	C88 The Sign meets the requirements of C4	Criterion satisfied. The signs meet the requirement of C4.

Rule	Criteria	Response
R89 Maximum height above the ground: 6 metres.	C89 The sign is the height of a building in close proximity, but does not exceed 8 metres.	Applicable. The maximum height above ground level is less than 6.
R90 There is no rule applicable.	C90 Setting: Erected within a landscaped environment.	Criterion satisfied. The signs are erected within a landscape environment.
R91 Maximum number: Not more than one Pylon sign per frontage to be erected on a site unless the frontage exceeds 100 metres and such signs are not closer than 60 metres	C91 The Sign meets the requirements of C4.	Criterion satisfied. The sign meets the requirement of C4.
R92 Content: Name signs of development estates must include the suburb name.	C92 The Sign meets the requirements of C4	Criterion satisfied. The signs meet the requirement of C4.
R93 Minimum setback from side boundary: 3 metres.	C93 The Sign meets the requirements of C4.	Criterion satisfied. The signs meet the requirement of C4.
R94 Minimum setback of 1200mm from the sign to the road kerb/shoulder.	This is a mandatory requirement. There is no applicable criterion.	Applicable. The setback is more than 1200mm from the sign to the road kerb.

Rule	Criteria	Response
R95 Illumination: Not illuminated.	C95 The Sign meets the requirements of C4 and the illumination of the sign; a) minimises the spill effects or escape of light into the night sky; and b) eliminates shadows and promotes the safety of adjoining public areas; and c) the intensity of lighting and hours of illumination do not unreasonable impact on any residential properties.	Criterion satisfied. The sign meets the requirement of C4. The proposed signs are illuminated and: a) Minimises the spill effects or escape of light into the night sky; b) The illumination does not create any shadows which promote safety to adjoining public areas; and c) The intensity of light is low that it does not impact on adjoining blocks.
Element 3: Sign Construction		
3.1 Traffic Safety		
R132 A sign must not: a) Obstruct pedestrians' view of traffic, or vehicle drivers' view of pedestrians, other traffic, or the road ahead; or b) Create confusion for drivers at critical locations, (such as intersections, traffic signals, or merging and weaving situations), due to the design, message/pictures, colours and location of the sign.	This is a mandatory requirement. There is no applicable criterion.	Rule met. Signage has been sited so as not to obstruct pedestrian and drivers' view lines.

Rule	Criteria	Response
3.2 Installation fixings		
R133 No support, fixing, suspension or other systems required for the installation of a sign are exposed, unless designed as an integral feature of the sign.	C133 Conduits, wiring, switches or the mounting of other apparatus are discreetly placed and out of general view.	Rule met. Sign fixtures are to be concealed as per the plan provided.
R134 A sign must not be nailed or similarly fixed to a tree.	This is a mandatory requirement. There is no applicable criterion.	Not applicable. Signage is not proposed to be affixed to a tree.
3.3 Animated or flashing signs		
R135 Signs do not contain animated or flashing elements.	C135 The sign meets the requirements of C4	Rule met. No flashing elements are proposed for the signage.
Element 4: Environment		
4.1 National Capital Plan		
R136 There are no National Capital Plan requirements that apply to the development.	C136 Where a development is subject to Special Requirements under the National Capital Plan (including any relevant Development Control Plan) the development is not inconsistent with the Special Requirements.	Not applicable to this proposal.
4.2 Heritage		
R137	C137 If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the Planning and Development Act 2007.	Not applicable to this proposal.

Rule	Criteria	Response
In accordance with section 145(2) of the Planning and Development Act 2007, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the Heritage Act 2004.		
4.3 Trees		
R138 In accordance with section 145(2) of the Planning and Development Act 2007, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application must be accompanied by a Tree Management Plan approved under the Tree Protection Act 2005. Note: "Protected tree" is defined under the Tree Protection Act 2005.	C138 If an approved Tree Management Plan is required, but not provided, then a draft Tree Management Plan is to accompany the application. The draft Tree Management Plan will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.	Not Applicable. The proposed signage is not located in the vicinity of a protected tree.
4.4 Environmental Control		
R139 A sign must not be nailed or similarly fixed to a tree.	This is a mandatory requirement. There is no applicable criterion.	Not Applicable. Signage is not proposed to be affixed to a tree.

10.6 Waterways: Water Sensitive Urban Design General Code

This code (effective 21 February 2020) applies to the subject development. Provided below is a response against the controls of the Code.

Table 12: Assessment of Waterways: Water Sensitive Urban Design General Code

Rule	Criteria	Design Response
3. Code Requirements		
Element 1: Mains Water Use Reduction		
1.1 Mains Water Use Reduction Target		
R1	<p>This rule applies to all development currently connected or intended to be connected to mains water supply except any of the following:</p> <ul style="list-style-type: none"> a) development subject to the estate development code b) development for minor alterations or extensions involving 50% or less of the existing floor area. <p>Development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003.</p> <p>Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>	<p>Applicable.</p> <p>Development achieves a minimum of 40% reduction in mains water consumption compared to an equivalent development constructed in 2003.</p>
Element 2: Stormwater Quantity		
2.1 On-site stormwater retention		

R2

This rule applies to development for at least one of the following:

a) development on sites greater than 2,000m² involving works that have the potential to alter the stormwater regime of the site, including sites subject to the estate development code

b) development within existing urban areas which increases impervious area by 100m².

This rule does not apply to any of the following:

a) development of major roads

b) sites identified in a precinct code that stormwater retention requirements for the site have been fully dealt with through an estate development plan.

Development complies with at least one of the following:

a) stormwater retention management measures are provided and achieve all of the following:

i) Stormwater storage capacity of 1.4kL per 100m² of the total impervious area of the site is provided specifically to retain and reuse stormwater generated on site as a whole

ii) Retained stormwater is used on site

b) development captures, stores and uses the first 15mm of rainfall falling on the site.

For this rule, on-site stormwater retention is defined as the storage and use of stormwater on site.

C2

Development complies with all of the following:

a) It is demonstrated that stormwater retention measures can be more successfully met offsite

b) development complies with at least one of the following stormwater retention management measures:

i) An equivalent volume of stormwater is stored and used at an offsite location within the same catchment or a catchment in proximity to the site as part of a stormwater offset agreement

ii) If it is demonstrated that the above stormwater retention measures are unable to be provided, then a contribution to the construction of offsite measures within the same catchment or a catchment in proximity to the site as a means of offset may be approved by the Planning and Land Authority.

For this criterion, the meaning of a stormwater offset agreement as defined and detailed in the ACT Practice Guidelines for Water Sensitive Urban Design.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Rule met.

Refer to Stormwater and Subsoil Drainage Plan included in this submission addressing the requirements of this rule.

Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Note: ACT Practice Guidelines for Water Sensitive Urban Design defines acceptable uses of stormwater on site.

Note: Any site specific stormwater retention requirements for new estates must be nominated on planning control plans submitted with the estate development plan.

2.2 On-site stormwater detention

R3	C3	Rule met.
<p>This rule applies to development for at least one of the following:</p> <ul style="list-style-type: none"> a) development on sites greater than 2,000m² involving works that have the potential to alter the stormwater regime of the site, including sites subject to the estate development code b) development within existing urban areas which increases impervious area by 100m² <p>This rule does not apply to any of the following:</p> <ul style="list-style-type: none"> a) development of major roads b) sites identified in a precinct code indicating that stormwater detention requirements have been fully met. <p>Stormwater detention measures are provided and achieve all of the following:</p> <ul style="list-style-type: none"> a) capture and direct runoff from the entire site 	<p>Stormwater detention measures are provided and achieve all of the following:</p> <ul style="list-style-type: none"> a) ensure that the peak rate of stormwater runoff from the site does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for the 1 Exceedance per Year (1EY) b) A maximum of 30% of the runoff from the site may bypass the onsite stormwater detention system where it can be demonstrated that at least one of the following circumstances applies: <ul style="list-style-type: none"> i) Difficult ground levels ii) The nature of the receiving drainage system cannot receive runoff from the entire site iii) The need to retain significant trees or vegetation iv) other demonstrated circumstances. 	<p>Refer to Stormwater and Subsoil Drainage Plan included in this submission addressing the requirements of this rule.</p>

b) Stormwater storage capacity of 1kL per 100m² of impervious area is provided to specifically detain stormwater generated on site

c) The detained stormwater is designed to be released over a period of 6 hours after the storm event.

For this rule on-site stormwater detention is defined as the short term storage and release downstream of stormwater runoff.

Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Note: Calculating on-site detention can include 50% of the volume of rainwater tanks where stormwater is used on-site.

Note: For new estates any stormwater detention must be nominated on planning control plans submitted with the estate development plan. In particular, where an estate development plan has partially achieved the stormwater detention measures, this can be taken into account for the detention measures on individual sites.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Note: where an estate development plan has partially achieved the stormwater detention measures, this can be taken into account for the detention measures on individual sites.

2.3 Stormwater quantity for major road on sites over 2000m²

R4

This rule applies to development of major roads involving sites greater than 2000m². Development complies with all of the following:
a) The capacity of existing pipe (minor) stormwater connection to the site is not exceeded in the 1 in 10 year storm event

C4

Development for major roads on sites greater than 2000m² complies with at least one of the following:
a) A reduction of the 1 in 5 year and 1 in 100 year stormwater peak run off flow to pre-development levels

Not applicable.

The proposal is not for a major road.

b) The capacity of the existing overland (major) stormwater system to the site is not exceeded in the 1 in 100 year storm event.

b) The capacity of the downstream piped stormwater system to its outlet with an open channel is not exceeded in the 1 in 10 year storm event.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

2.4 On-site stormwater detention for estate development plans

There is no applicable rule.

C5

This criterion applies to estate development plans. Stormwater detention measures are provided and the peak rate of stormwater runoff from the estate does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for minor and major storms.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Note: The Major (1% Annual Exceedance Probability (AEP)) and Minor storms are as defined by Transport Canberra and City Services Directorate (TCCS) or the agency responsible for stormwater management.

Note: Stormwater detention measures required for each individual block may contribute toward meeting the overall detention requirements for the estate as demonstrated in an estate development plan.

Note: Any site specific stormwater detention must be nominated on planning control plans submitted with the estate development plan.

Not applicable.

The proposal is not for an estate development plan.

Element 3: Stormwater Quality

3.1 Stormwater Quality Target – sites greater than 2000m²

<p>R6</p> <p>This rule applies to development for all of the following:</p> <ul style="list-style-type: none"> a) where the development site is greater than 2,000m² b) where development involves works that have potential to alter the stormwater regime for the site. <p>This rule does not apply to development of major roads.</p> <p>The average annual stormwater pollutant export is reduced when compared with an urban catchment of the same area with no water quality management controls for all of the following:</p> <ul style="list-style-type: none"> a) gross pollutants by at least 90% b) suspended solids by at least 60% c) total phosphorous by at least 45% d) total nitrogen by at least 40%. <p>Note: Compliance with this rule is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the rule. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>	<p>C6</p> <p>It is demonstrated that at least one of the following applies:</p> <ul style="list-style-type: none"> a) stormwater quality measures can be more successfully met offsite b) a sensitive downstream environment will be negatively impacted. <p>Development complies with at least one of the following:</p> <ul style="list-style-type: none"> a) an equivalent load of pollutants is captured at an offsite location as part of a stormwater offset agreement b) if the above stormwater quality measures are unable to be provided, then a contribution to the construction of offsite measures as a means of offset may be approved by the Planning and Land Authority. <p>For this criterion a stormwater offset agreement is defined as detailed in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: Compliance with this criterion is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the criterion. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>	<p>Rule met.</p> <p>Refer to Stormwater and Subsoil Drainage Plan included in this submission addressing the requirements of this rule.</p>
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3.2 Stormwater quality target – major roads

R7

This rule applies to development of major roads, including the duplication of an existing major road in full or in part.

The average annual stormwater pollutant export is reduced when compared with a road catchment of the same area with no water quality management controls for all of the following:

- a) gross pollutants by at least 90%
- b) suspended solids by at least 60%
- c) total phosphorous by at least 45%
- d) total nitrogen by at least 40%.

Note: Compliance with this rule is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the rule. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.

C7

If it can be demonstrated that the stormwater quality measures specified in the rule are unable to be provided, then a contribution to the construction of offsite measures as a means of offset may be approved by the Planning and Land Authority.

Note: Compliance with this criterion is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the criterion. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.

Not applicable.

The proposal is not for a major road.

Element 4 Climate change adaptation

4.1 Nuisance flooding – sites greater than 2000m2

There is no applicable rule.

C8

This criterion applies to development on sites greater than 2,000m² involving works that have potential to alter the existing drainage and overland flow regime for the site.

Overland flow paths are provided and achieve all of the following:

- a) accommodate overland stormwater flows up to the 1%AEP
- b) reduce nuisance flooding.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Criterion satisfied.

This criterion is applicable to the proposed development.

Please refer to the Stormwater and Subsoil Drainage Plan included in this submission.

4.2 Green/living infrastructure

R9

This rule applies to at least one of the following developments:

- a) Development on sites greater than 2000m² involving works that have potential to alter the stormwater regime for the site
- b) Development within existing urban areas that increase the impervious area of the site by 100m² or more.

Development achieves a minimum of 20% of the site area to be permeable.

Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

C9

It is demonstrated that the development achieves all of the following:

- a) Increases permeable surfaces and living infrastructure through green spaces
- b) Plants that require irrigation are supported by sustainable water systems such as onsite stormwater harvesting to achieve microclimate benefits
- c) Promotes evapotranspiration to mitigate extreme temperatures, improve air humidity and overall human comfort.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Rule met.

This rule is applicable to the proposed development and the development provides the required permeable area on site.

Element 5: Entity (Government agency) Endorsement

5.1 Water infrastructure

There is no applicable rule.

C10

This criterion applies to development that will result in municipal water sensitive urban design infrastructure being handed to the ACT Government.

An operation and maintenance plan is to be endorsed by the ACT Government for the water sensitive urban design assets that are to be handed to the ACT Government.

Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.

Not Applicable.

No water sensitive urban design infrastructure is proposed to be handed back to the ACT government.

11

Conclusion

This Statement against Criteria has been prepared by Canberra Town Planning, on behalf of Ray White Commercial Canberra for the submission of a Merit Track DA for the demolition, design and siting, and signage for the construction of two restaurants and three commercial tenancies at Blocks 6 and 7 Section 7 Fyshwick.

Based on the information provided and response against Territory Plan controls included in this application, it is submitted that the proposed development satisfies the requirements of the Territory Plan and accordingly, the DA warrants approval by the Authority.

