



**ACT**  
Government

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Environment, Planning and  
Sustainable Development

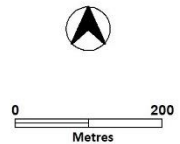
# Oaks Estate Precinct Map and Code

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# Oaks Estate Precinct Map



- PD<sub>n</sub>** Additional prohibited development applies see Table 1
- MT<sub>n</sub>** Additional merit track development applies see Table 2
- RC<sub>n</sub>** Additional rules and criteria apply see Oaks Estate Precinct Code



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Oaks Estate Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CZ4	<i>indoor entertainment facility industrial trades service station veterinary hospital</i>
PD2	CZ4	<i>restaurant SHOP</i>
PD3	CZ4	<i>light industry industrial trades</i>
PD4	CZ4	<i>indoor entertainment facility light industry industrial trades restaurant service station SHOP</i>
PD5	CFZ	<i>retirement village supportive housing</i>

**Table 2 – Additional merit track development**

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ4	<i>warehouse</i>
MT2	CZ4	<i>craft workshop</i>

# Oaks Estate Precinct Code

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# Introduction

## Name

The name of this code is **Oaks Estate Precinct Code**.

## Application

The code applies to the Division of Oaks Estate.

## Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

## Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

## Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

## Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

**Acronyms**

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	Transport Canberra and City Services Directorate

## Additional rules and criteria

This part applies to blocks and parcels identified in the Oaks Estate Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

### RC1 – Commercial Local Centre

This part applies to blocks and parcels identified in area RC1 shown on the Oaks Estate Precinct Map.

#### Desired character

- development respects the historical rural village characteristics, scenic rural vistas and heritage values of Oaks Estate
- small scale business opportunities provide services for the local community
- facades are articulated to provide interest to the street frontage
- development addresses each street frontage with pedestrian entrances and/or windows to shops or habitable rooms at the ground level, with upper floor level balconies to one or more habitable rooms
- residential development provides interest through articulation, pitched roofs and use of materials reflective of existing surrounding residential development

#### Element 1: Use

Rules	Criteria
<b>1.1 Residential use</b>	
There is no applicable rule.	C1 Residential development is designed to mitigate the potential impacts on future residents from the operation of existing commercial uses.
There is no applicable rule.	C2 Residential development is permitted to replace commercial/retail uses provided that the centre remains commercially viable after the proposed development.
<b>1.2 Railway Street and McEwan Avenue restrictions</b>	
R3 Commercial uses are required at the ground floor fronting Railway Street and McEwan Avenue. Commercial uses may include but are not limited to <i>craft workshop, NON RETAIL COMMERCIAL, Restaurant, SHOP.</i>	C3 The ground floor level of buildings is adaptable for commercial uses.



Rules	Criteria
<b>1.3 Restrictions on use</b>	
<p>R4</p> <p>This rule applies to Blocks 5,6 and 9 Section 7 Oaks Estate:</p> <p>The maximum <i>gross floor area</i> of <i>SHOP</i> where permitted is 200m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.4 Contamination</b>	
<p>R5</p> <p>An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 2: Buildings

Rules	Criteria
<b>2.1 Built form</b>	
<p>R6</p> <p>Minimum front setback to Hazel Street is 4m.</p>	<p>C6</p> <p>Front setbacks:</p> <ol style="list-style-type: none"> <li>reflect existing block patterns</li> <li>provide landscaping between the building and the front boundary</li> <li>are consistent with the <i>desired character</i>.</li> </ol>
<p>R7</p> <p>Minimum front setback to Railway Street, McEwan Avenue and William Street is:</p> <ol style="list-style-type: none"> <li>for commercial development – 0m</li> <li>for residential development – 2m.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R8</p> <p>This rule applies to buildings on blocks directly adjoining area A in Figure 1.</p> <p>Buildings provide a minimum 6m setback to area A.</p>	<p>C8</p> <p>Development achieves all of the following:</p> <ol style="list-style-type: none"> <li>Development provides reasonable physical and visual separation to Robertsons' House to protect the heritage character of the site.</li> </ol>

Rules	Criteria
	b) Existing trees on section 7 blocks 11 and 12 Oaks Estate, are not significantly impacted, including any parts of trees that overhang the boundaries of the blocks.
<b>2.2 Building design</b>	
R9 Maximum length of unarticulated street front facade is 10m Minimum articulation depth: 2m	C9 Development provides an interesting facade to the street compatible with surrounding built form.
<b>2.3 Site coverage</b>	
R10 Maximum <i>site coverage</i> : 45%.	This is a mandatory requirement. There is no applicable criterion.
<b>2.4 Vehicle parking</b>	
R11 Vehicle parking areas are located behind the front <i>building line</i> .	C11 Parking areas are screened from the street by suitable landscaping wholly contained within the leased block boundaries.
<b>2.5 Landscaping</b>	
R12 Development provides a minimum of 15% of the block area for deep root planting.	C12 Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.
<b>2.6 Active frontage</b>	
R13 This rule applies to commercial development located along Railway Street and/or McEwan Avenue. Frontages and building design comply with all of the following: a) buildings incorporate clear display windows and shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities.	C13 Development: a) avoids extensive lengths of blank walls unrelieved by doors, windows or the like b) provides suitable pedestrian access for persons with disabilities.



## RC2 – Residential Area

This part applies to blocks and parcels identified in area RC2 shown on the Oaks Estate Precinct Map.

### Desired character

- development respects the historical rural village characteristics, scenic rural vistas and heritage values of Oaks Estate
- front boundary setback for development on single dwelling blocks reflect the existing varied setbacks in the area
- front fences reflect the existing character of the area, provide opportunities for views into and out of the site and ensure safe vehicle and pedestrian movement

### Element 3: Buildings

Rules	Criteria
<b>3.1 Multi-unit sites</b>	
There is no applicable rule.	C16 The redevelopment of multi-unit dwelling sites respects the existing east-west orientation of the blocks and provides a built form width compatible with surrounding residential development.
R17 Maximum unarticulated street front facade length: 10m Minimum articulation depth: 2m	C17 Front facades of multi-unit development are articulated to provide interest and ensure compatibility with the surrounding built form.

### Element 4: Site

Rules	Criteria
<b>4.1 Site coverage</b>	
R18 Maximum site coverage of <i>single dwelling blocks</i> : 35%.	This is a mandatory requirement. There is no applicable criterion.
<b>4.2 Landscaping</b>	
R19 Development provides a minimum of 15% of the block area for deep root planting.	C19 Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.
<b>4.3 Front setbacks</b>	
There is no applicable rule.	C20 Front setbacks can differ in depth but must be consistent with the existing variations.

## Element 5: Fencing

Rules	Criteria
<b>5.1 Front fencing</b>	
<p>R21</p> <p>Transparent fences setback a minimum 1m to the front boundary are permitted, with a maximum height above <i>datum ground level</i> of 1.2m.</p> <p>Note: for the purposes of this rule, transparent fences has the same meaning as in the <i>Residential Boundary Fences General Code</i>.</p>	<p>C21</p> <p>Fencing setback to the front boundary may be reduced to 0m where it complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) provides opportunities for passive surveillance of the street from the dwelling</li> <li>b) is compatible with the <i>desired character</i></li> <li>c) does not obstruct sight lines for vehicles and pedestrians on verge areas in accordance with Australian Standard AS2890.1- <i>Off-Street Parking</i>.</li> </ul>

## RC3 – Community Hall

This part applies to blocks and parcels identified in area RC3 shown on the Oaks Estate Precinct Map.

## Element 6: Use

Rules	Criteria
<b>6.1 Contamination</b>	
<p>R22</p> <p>An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>