

# Planning and Development (Plan Variation No 348) Approval 2017

## Notifiable Instrument NI2017-501

made under the

**Planning and Development Act 2007, section 76(3)(a) (Minister's powers in relation to draft plan variations)**

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### 1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 348) Approval 2017*.

### 2 Approval of draft plan variation

- (1) I APPROVE under section 76(3)(a) of the *Planning and Development Act 2007* the draft plan variation No 348 to the Territory Plan.
- (2) In this section:

*Draft plan variation No 348 to the Territory Plan* means the draft plan variation in the schedule.

Mick Gentleman MLA  
Minister for Planning and Land Management

27 October 2017

**Schedule**

(See section 2(2))

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**ACT**  
Government

Environment, Planning and  
Sustainable Development

*Planning and Development Act 2007*

# **Variation to the Territory Plan No 348**

**Incorporating Active Living Principles  
Into the Territory Plan**

Final variation prepared under s76 of the  
*Planning and Development Act 2007*

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# 1. EXPLANATORY STATEMENT

## 1.1 Background

The ACT Government's vision for Canberra is to be a healthy, active, vibrant city that is well connected, compact and equitable; a centre for innovation, creativity and economic growth. Active living is integral to this vision. While Canberra has many facilities that support active living and active travel—such as parks, bushland, recreation areas and bike paths—Canberra's low density, dispersed nature means private vehicles are still the predominant mode of transport.

In line with national trends, the proportion of the ACT's population that is classified as being overweight or obese is significant. It is estimated that about two-thirds of the ACT's adults are overweight or obese. The consequences of obesity include chronic diseases (such as cardiovascular disease and diabetes) that lead to increased healthcare costs and a poorer quality of life.

Urban environments can undoubtedly promote active lifestyles and lead to economically, environmentally and socially thriving and resilient cities. Urban planning can play a vital role in creating a healthier ACT population, as outlined in the Government's *Towards Zero Growth: Healthy Weight Action Plan* (2013) and demonstrated through its partnership with the Heart Foundation ACT on the Active Living Program. Six active living principles that have been developed for the ACT are now incorporated into the Territory Plan for supporting active living in the ACT. Incorporating specific provisions into the Territory Plan will ensure that a supportive environment for a healthy, active Canberra is achieved.

## 1.2 Summary of the Proposal

The Variation to the Territory Plan 348 (V348) incorporates active living principles into the Territory Plan. While Canberra has good facilities to support active living, Canberra is a low density and dispersed city that relies on cars as the predominant mode of transport. Car dependency and sedentary lifestyles can contribute to a significant proportion of the population being physically inactive, overweight or obese.

Active living is seen as a way of life where people integrate organised and/or informal physical activity into their everyday lives and routines. Active Travel is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking and cycling – as well as skating, skateboarding, and the use of mobility aids. It also includes using any of these forms as incidental activity associated with the use of public transport. Active living can assist the Territory in meeting the Australian National Physical Activity and Sedentary Behaviour Guidelines on a daily basis.

In conjunction with the Heart Foundation (ACT), six active living principles have been developed for the ACT:

1. Connected places - providing connections between major uses and activity centres
2. Open space - valuing open spaces, parks and places
3. Mixed land use and density - encouraging diversity in activities, land uses and development densities
4. Safe and attractive places - ensuring places are safe and attractive to everyone using that place
5. Supportive infrastructure - providing supportive infrastructure that encourages regular physical activity
6. Environments for all - ensuring places are inclusive and have equitable access by all Canberrans.

These principles incorporated into the Territory Plan will support active living that can promote active lifestyles leading towards an economically, environmentally and socially thriving and resilient Territory. The Minister for Planning's Statement of Planning Intent (2015) also identified incorporating active living principles into Canberra's planning and the statutory framework (the Territory Plan) as an immediate action.

In the Territory Plan the active living principles are incorporated within various sections including the statement of strategic directions, various zone objectives, development codes, Community and Recreation Facilities Location Guidelines General Code, definitions and Estate Development Code. V348 makes both minor amendments to current development controls as well introducing new controls that have not previously been included in the Territory Plan.

### **1.3 The National Capital Plan**

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management (PALM) Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCP defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

A variation to the Territory Plan does not make any changes to the NCP. In accordance with the PALM Act, the Territory Plan, as changed with this variation, will not be inconsistent with the NCP

## **1.4 ACT planning framework**

The Statement of Strategic Directions sets out the principles for giving effect to the main objective of the Territory Plan as required by the *Planning and Development Act 2007*. V348 is consistent with the Territory Plan - Statement of Strategic Directions in the following ways.

V348 is amending the statement of strategic directions to bring them in line with planning principles for active living. As the Statement is the overarching strategic direction for the Territory Plan, incorporation of the active living principles within the Statement will ensure the broad direction of the Territory Plan supports active living.

The Statement provides broad principles under a triple bottom line framework of environmental, economic and social sustainability. The Statement considers some active living principles, such as open space, but has gaps in the inclusion of other active living principles such as mixed land use and density which are amended by V348. The changes to the statement of strategic directions by V348 promote four of the nine strategies of the *ACT Planning Strategy (2012)*:

- *Create a more compact, efficient city by focusing urban intensification in town centres, around group centres and along the major public transport routes, and balancing where greenfield expansion occurs.*
- *Improve everyone's mobility and choice of convenient travel by integrating the design and investment of the various networks and transport systems with the land uses they serve.*
- *Provide vibrant, pleasant urban parks and places for everyone to enjoy by ensuring they are safe and accessible for the most vulnerable in our community.*



- *Invest in design that will ensure urban change creates amenity, diversity, a more sustainable built form and adds to Canberra's landscape setting.*

## **1.5 Current Territory Plan Provisions**

The Territory Plan written statements subjected to this variation are detailed as follows.

### **1.5.1 Statement of Strategic Directions**

The statement of strategic directions does not contain any specific provisions for active living. V348 amends the statement to include new specific provisions that introduce the six active living principles and ensures that existing principles prioritise active transport and support the connectivity of active transport networks. V348 also amends a number of existing principles to ensure the active living principles are fully integrated throughout the statement of the strategic directions.

### **1.5.2 Zone objectives**

The zone objectives for the following zones do not contain any specific statements about active living:

- RZ1 Suburban Zone
- RZ2 Suburban Core Zone
- RZ3 Urban Residential Zone
- RZ4 Medium Density Residential Zone
- RZ5 High Density Residential Zone
- Commercial CZ1 Core Zone
- Commercial CZ2 Business Zone
- Commercial CZ3 Services Zone Objectives
- Commercial CZ4 Local Centres Zone
- Commercial CZ5 Mixed Use Zone
- IZ2 Mixed Use Industrial Zone
- Community Facility zone
- PRZ1 Urban Open Space Zone
- PRZ2 Restricted Access Recreation Zone and
- TSZ1 Transport zone.

V348 is amending these zones' objectives and introduces new active living objectives. Key policy outcomes achieved range from encouraging active living and active travel to attractive, safe and well-lit pedestrian environments, and safe pedestrian and cycle access.

### **1.5.3 Development codes**

This variation amends the rules and criteria in the Multi-unit Housing, Commercial, Industrial, Community Facility, Parks and Recreation and Estate Development Codes to:

- a. prioritise active travel
- b. ensure accessibility of land uses by active travel
- c. promote connectivity to surrounding active travel networks
- d. support the development of attractive streets and public places and
- e. introduce the concept of minimum safe walking distances in local, group and town centres, along with bus stops, public parks and community facilities.

### **1.5.4 Community and Recreation Facilities Location Guidelines General Code**

V348 is amending the Community and Recreation Facilities Location Guidelines General Code to consider active living in the selection of locations for community and recreation facilities. The introduction of V348 will reinforce and clarify active living concepts such as permeability, shade, amenity and proximity to public transport in the general code.

### **1.5.5 Definitions**

The Territory Plan definitions do not contain terminologies representing active living. V348 introduces active living and active travel, two new terminologies within the Territory Plan's Definitions to cover this.

### **1.5.6 Estate Development Code**

This variation amends the rules and criteria in the Estate Development Code to prioritise active transport, ensure accessibility of land uses by active transport and support the development of attractive streets and public places. The changes incorporate concepts relating to active landscapes and public places, walking, cycling and public transport, as well as the provision of well-lit access.

## **1.6 Changes to the Territory Plan**

Detailed changes to the Territory Plan are noted in section 2 of this document.

## **1.7 Consultation on the Draft Variation**

Draft Variation No 348 (DV348) was released for public comment between 9 December 2016 and 10 February 2017. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register and on the ACT Government website on 9 December 2016.

A total of 39 written submissions and 17 Facebook comments were received. This included submissions from the Planning Institute of Australia, Master Builders Association, Housing Industry Association and several community councils.

Main comments raised by submitters related to:

- Future active spaces and travel facilities
- Public land management
- Safety and active living
- Proposed amendments to the DV348 provisions
- Other planning related issues
- Costs of development for active living
- Current examples of active spaces
- Impacts on horse riding
- Benefits of active living
- Barriers to active living
- Rules and criteria for active living provisions, and
- Public consultation

The above issues were considered and are detailed in a report on consultation. Changes were made to the draft variation in response to the comments received. These changes were incorporated into the recommended version referred to the Minister for Planning for consideration. The outcomes of consultation and the changes made to the draft variation were considered by the Minister for Planning prior to approval of this variation.

## **1.8 Revisions to the Draft Variation Recommended to the Minister**

No changes were made to the draft variation recommended to the Minister.

## 2. VARIATION

### 2.1 Variation to the Territory Plan Written Statements

The Territory Plan is varied in all of the following ways:

#### Variation to the *Statement of Strategic Directions*

##### 2.1.1 Variation to the Statement of Strategic Directions

- |   |
|---|
| <b>1. Part 2.1 – Statement Of Strategic Directions; Principles For Sustainable Development; Environmental Sustainability Item 1.10; Social Sustainability Items 1.18 and 1.24</b> |
|---|

#### *Substitute*

**1.10** Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, prioritise active travel, reduce energy consumption, increase physical activity, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.

#### *Insert*

**1.18A** Development is planned to promote active living through the following six principles:

- a) providing connectivity between uses and activity nodes
- b) preserving open space
- c) encouraging mixed land use and density
- d) ensuring public places are safe and attractive for all
- e) providing supportive infrastructure that encourages regular physical activity
- f) ensuring environments promote social inclusion, and are equitable and where practicable are accessible by all.

#### *Substitute*

**1.24** All new developments and re-developments will be planned with appropriate and segregated network facilities for pedestrians and cyclists; provision for accessible public transport; a legible and permeable hierarchy of roads; conveniently located commercial and community facilities; and a network of open spaces.

**2. Part 2.1 – Statement Of Strategic Directions; Spatial Planning and Urban Design Principles; Items 2.1, 2.5 and 2.6**

*Substitute*

- 2.1** Canberra will continue to develop as a series of discrete urban areas within a landscape setting of hills, ridges and other open spaces. Each town will offer a diversity of housing types; the broadest possible range of employment opportunities; and convenient, linked access prioritising active travel to centres, community facilities and open space.

*Substitute*

- 2.5** A wide range of housing types will be permitted in identified residential areas close to centres and major transport routes to increase choice; maximise opportunities for affordable housing; and secure some intensification of development consistent with maintaining residential amenity. Outside of these areas, planning policies will protect the typically low density, garden city character of Canberra's suburban areas.

*Insert*

- 2.6A** Development will provide suitable and well-designed supportive infrastructure that enhances the experience of the urban environment for people of all abilities and encourages and supports regular physical activity.

## Variation to the Zone Objectives

### 2.1.2 Variation to the Residential Zones Objectives

**3. Part 3.1 – Residential Zones; RZ1 Suburban Zone**

*Insert*

- j) Promote active living and active travel

**4. Part 3.1 – Residential Zones; RZ2 Suburban Core Zone**

*Insert*

- k) Promote active living and active travel
- l) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport

**5. Part 3.1 – Residential Zones; RZ3 Urban Residential Zone, RZ4 Medium Density Residential Zone and RZ5 High Density Residential Zone**

*Insert*

- j) Promote active living and active travel
- k) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport

**2.1.3 Variation to the Commercial Zones Objectives**

**6. Part 4.1 – Commercial Zones; CZ1 Core Zone Objectives**

*Substitute*

- d) Encourage an attractive, safe and well-lit pedestrian environment with convenient access to public transport

*Insert*

- i) Promote active living and active travel
- j) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.

**7. Part 4.1 – Commercial Zones; CZ2 Business Zone Objectives**

*Insert*

- f) Promote active living and active travel
- k) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- g) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport

## **8. Part 4.1 – Commercial Zones; CZ3 Services Zone Objectives**

*Insert*

- g) Promote active living and active travel
- h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport
- i) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.

## **9. Part 4.1 – Commercial Zones; CZ4 Local Centres Zone Objectives**

*Insert*

- f) Promote active living and active travel
- g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.

## **10. Part 4.1– Commercial Zones; CZ5 Mixed Use Zone Objectives**

*Insert*

- f) Promote active living and active travel
- g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.
- h) Provide a mixture of compatible land uses and integrate suitable business, office, residential, retail and other development in accessible locations so as to encourage walking and cycling, and maximise public transport patronage.

## 2.1.4 Variation to the Industrial Zone Objective

### 11. Part 5.1 – IZ2 Mixed Use Industrial Zone Objective

#### *Substitute*

- 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.

## 2.1.5 Variation to the Community Facility Zone Objectives

### 12. Part 6.1 – Community Facility Zone Objectives

#### *Insert*

- g) Promote active living and active travel
- h) Provide safe pedestrian and cycling access to community facilities to promote active living.

## 2.1.6 Variation to the Parks and Recreation Zones Objective

### 13. Part 7.1 – PRZ1 Urban Open Space Zone Objective

#### *Substitute*

- e) Ensure that development does not unacceptably affect the landscape or scenic quality of the area, adequacy of open space for other purposes, or users, access to open space, or amenity of adjoining residents

#### *Insert*

- g) Provide safe pedestrian and cycling access to urban open space to promote active living.

### 14. Part 7.1 – PRZ2 Restricted Access Recreation Zone Objective

#### *Substitute*

- b) Make provision for a range of sport and recreation facilities and users, whether in public or private ownership that may be commercial in nature



*Insert*

- e) Provide safe pedestrian and cycling access to recreation facilities to promote active living.

### 2.1.7 Variation to the Transport and Services Zone Objective

#### 15. Part 8.1 – TSZ1 Transport Zone Objective

*Substitute*

- c) Provide for active travel and public transport.

### Variation to the Development codes

### 2.1.8 Variation to the Multi Unit Housing Development Code

#### 16. Part 3.4 – Multi Unit Housing Development Code; Element 4: Site Design; Item 4.1 Site Design, 4.2 Site open space – RZ1 and RZ2, 4.3 Site open space- RZ3, RZ4, RZ5 and commercial zones; Criteria C37, C38 , C39

*Substitute*

Rules	Criteria
<b>4.1 Site design</b>	
R37 For developments (other than <i>apartments</i> ) of 40 <i>dwellings</i> or more, the design of the common areas, pedestrian and vehicle access areas comply with all of the following provisions of the Estate Development Code: a) public realm standards for on-street parking b) pedestrian paths c) verge landscaping d) water sensitive urban design.	C37 Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following: a) reasonable safety and lighting b) reasonable functionality and space to support active living c) reasonable accessibility and inclusion for all residents d) reasonable residential amenity e) landscaping beside internal driveways f) provision for pedestrians and cyclists

	<ul style="list-style-type: none"> <li>g) sufficient off-street parking</li> <li>h) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.</li> </ul>
<b>4.2 Site open space – RZ1 and RZ2</b>	
<p>R38</p> <p>This rule applies to RZ1 and RZ2.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <ul style="list-style-type: none"> <li>a) <i>communal open space</i> with a minimum dimension of 2.5m</li> <li>b) <i>private open space</i> that complies with all of the following - <ul style="list-style-type: none"> <li>i) a minimum dimension of 2.5m</li> <li>ii) is associated with dwellings at the <i>lower floor level</i>.</li> </ul> </li> </ul> <p>Not less than 20% of the total site area is <i>planting area</i>.</p>	<p>C38</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) sufficient useable space for the recreation and relaxation of residents to support active living</li> <li>b) sufficient space for planting, particularly trees with deep root systems</li> <li>c) provision for on-site infiltration of stormwater run-off</li> <li>d) provision of outdoor areas that are inclusive and readily accessible to all residents for a range of uses and activities.</li> <li>e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.</li> </ul> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> <li>i) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the site</li> <li>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</li> </ul>

### 4.3 Site open space – RZ3, RZ4, RZ5 and commercial zones

R39

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

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

- a) for developments with fewer than 20  *dwellings*, none of which are  *apartments*, one or more of the following -
  - i)  *communal open space* that complies with all of the following
    - a) a minimum dimension of 2.5m
    - b) is directly accessible from common entries and pathways
  - ii)  *private open space* that complies with all of the following
    - a) a minimum dimension of 2.5m
    - b) is associated with  *dwellings* at the  *lower floor level*
- b) in all other cases,  *communal open space* that complies with all of the following -
  - i) a minimum dimension of 2.5m
  - ii) is directly accessible from common entries and pathways.

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

C39

Open space on the site achieves all of the following:

- a) sufficient useable space for a range of recreational activities for residents to support active living
- b) sufficient space for planting, particularly trees with deep root systems
- c) a contribution to on-site infiltration of stormwater run-off
- d) reasonable accessibility that is designed to be inclusive for all residents
- e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.

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

- i) whether the total area of  *upper floor level private open space* contributes to the function of other open space on the site
- ii) whether any adjoining or adjacent public open space is readily available for the use of residents.

**17. Part 3.4 – Multi Unit Housing Development Code; Element 10: Building and site design—building with 4 or more storeys; new Item 10.3 Stairwell features; new criterion C96a**

*Insert*

Rules	Criteria
<b>10.3 Stairwell features</b>	
There is no applicable rule.	<p>C96A</p> <p>Stairwells achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) are open or visually permeable to facilitate natural surveillance</li> <li>b) are accessible and encourage physical activity by providing an attractive alternative to lifts</li> <li>c) are located in a position more prominent than lifts.</li> </ul> <p>Note: This criterion applies to all new developments, major alterations and/or extensions to existing buildings but does not apply to extensions of a size 50% or less of existing floor area.</p>

**2.1.9 Variation to the Commercial Zones Development Code**

**18. Part 4.2 – Commercial Zones Development Code; Element 3: Buildings; Item 3.1 Building design and materials; Criterion C3**

*Substitute*

Rules	Criteria
<b>3.1 Building design and materials</b>	
There is no applicable rule.	<p>C3</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) a contribution to the amenity and character of adjacent public spaces</li> <li>b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i>, pedestrian and cycling experience</li> </ul>

	<ul style="list-style-type: none"> <li>c) minimal reflected sunlight</li> <li>d) articulated building forms</li> <li>e) a contribution to permeability by providing pedestrian access through or around buildings and connections to external path networks</li> <li>f) floor plans that encourage walking within the building, including the use of stairwells</li> <li>g) physically open or visually permeable stairwells to facilitate natural surveillance.</li> </ul>
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**19. Part 4.2 – Commercial Zones Development Code; Element 3: Buildings; Item 3.3 Car parking structures; Criterion C6**

*Substitute*

1.1.1

Rules	Criteria
<b>3.3 Parking structures</b>	
There is no applicable rule.	<p>C6</p> <p>Parking structures achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) integrate with the built form of adjacent existing development</li> <li>b) avoid blank walls and provide interesting and attractive facades when facing public areas.</li> </ul>

**20. Part 4.2 – Commercial Zones Development Code; Element 4: Site; Item 4.1 Landscaping; Criterion C14**

*Substitute*

Rules	Criteria
<b>4.1 Landscaping</b>	
<p>There is no applicable rule.</p>	<p>C14</p> <p>Landscaping associated with the development achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) response to site attributes, including streetscapes and landscapes of documented heritage significance</li> <li>b) appropriate scale relative to the road reserve width and building bulk</li> <li>c) vegetation types and landscaping styles which complement the <i>streetscape</i></li> <li>d) integration with parks, reserves and public transport corridors</li> <li>e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings</li> <li>f) contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living areas</li> <li>g) minimal overlooking between buildings</li> <li>h) satisfies utility maintenance requirements</li> <li>i) minimises the risk of damage to aboveground and underground utilities</li> </ul>

	<ul style="list-style-type: none"> <li>j) screens aboveground utilities</li> <li>k) provides adequate sight lines for pedestrians, cyclists and vehicles, especially near street corners and intersections</li> <li>l) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</li> </ul>
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**21. Part 4.2 – Commercial Zones Development Code; Element 5: Access; Intent; Item 5.1 Access; Criterion C19**

*Substitute*

**Intent:**

- a) To ensure safe and efficient access for pedestrians, cyclists and vehicles
- b) To ensure adequate parking facilities are provided

Rules	Criteria
<b>5.1 Access</b>	
There is no applicable rule.	<p>C19</p> <p>Pedestrian and cyclist entrances, and driveways to the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) are clearly visible from the front boundary</li> <li>b) pedestrian and cycle access is provided through the site to increase permeability</li> <li>c) pedestrian and cycle access paths to commercial buildings feed into and provide connections to existing path networks</li> <li>d) priority is provided for pedestrian and cyclist access.</li> </ul>

**22. Part 4.2 – Commercial Zones Development Code; Element 5: Access; Intent; Item 5.3 Service access and delivery; Criterion C22**

*Substitute*

Rules	Criteria
<b>5.3 Service access and delivery</b>	
<p>R22</p> <p>Goods loading and unloading facilities comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are located within the site</li> <li>b) allow for service vehicles to enter and leave the site in a forward direction.</li> </ul> <p><b>Note:</b> Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.</p>	<p>C22</p> <p>Facilities for the loading and unloading of goods achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) safe and efficient manoeuvring of service vehicles</li> <li>b) does not unreasonably compromise the safety of pedestrians or cyclists</li> <li>c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway</li> <li>d) does not unreasonably affect on-street or off-street car parking</li> <li>e) adequate provision for the manoeuvring of vehicles.</li> </ul>

**23. Part 4.2 – Commercial Zones Development Code; Element 12: Buildings; Intent**

*Substitute*

- c) To promote an attractive pedestrian and cycling environment

*Substitute*

- e) To promote development that creates a diverse, lively and attractive character and provides an attractive, safe and interlinked pedestrian environment to support active living



*Insert*

- g) To promote development that maximises permeability by providing pedestrian and cyclist access through or around buildings and connections to external path and on-road networks.

**24. Part 4.2 – Commercial Zones Development Code; Element 14: Buildings; Intent**

*Substitute*

- c) To promote development that creates a diverse, lively and attractive character and provides a safe and connected pedestrian and cycling environment to support active living

*Insert*

- d) To promote development that maximises permeability by providing pedestrian access through or around buildings and connections to external path and on-road networks.

**25. Part 4.2 – Commercial Zones Development Code; Element 16: Buildings; Item 16.2 Building design; Criterion C53**

*Substitute*

Rules	Criteria
<b>16.2 Building design</b>	
There is no applicable rule.	C53 Development contributes to the amenity and character of the adjacent public spaces by achieving all of the following: <ul style="list-style-type: none"><li>a) interesting, functional, active and attractive facades that contribute positively to the <i>streetscape</i> and the pedestrian and cycling experience</li><li>b) minimal visual impact of reflected sunlight</li></ul>

	<p>c) articulated building forms to complement the <i>desired character</i></p> <p>d) permeability by providing pedestrian access through or around buildings and connections to external path and on-road networks</p> <p>Integration of plant installations and service structures with the building design, so they are set back from the building facade and screened from public areas.</p>
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### 2.1.10 Variation to the Industrial Zones Development Code

**26. Part 5.2 – Industrial Zones Development Code; Part B – General Development Controls; Element 4: Parking and site access; Intent; Item 4.1 Vehicle access and parking**

*Substitute*

- a) To provide for safe and efficient access, circulation and parking facilities for pedestrians, cyclists and vehicles

Rules	Criteria
<b>4.1 Access and Parking</b>	

### 2.1.11 Variation to the Community Facility Zone Development Code

**27. Part 6.2 – Community Facility Zone Development Code; Element 4: Traffic Impact; New intent**

*Substitute*

**Element 4: Access**

*Insert*

**Intent**

- a) To ensure safe and efficient access for pedestrians, cyclists and vehicles
- b) To ensure adequate parking facilities are provided

**28. Part 6.2 – Community Facility Zone Development Code; Element 4: Traffic Impact; New Item 4.2 Access; New criteria C14A**

*Insert*

Rules	Criteria
<b>4.2 Access</b>	
There is no applicable rule.	<p>C14A</p> <p>Access to and within the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) pedestrian and cyclist entrances and driveways are clearly visible from the front boundary</li> <li>b) reasonable pedestrian and cycle access is provided through the site to increase permeability</li> <li>c) pedestrian and cycle access paths to community facilities feed into and provide enhanced connections to appropriate off-road path networks and on-road cycle routes</li> <li>d) cyclist entry complies with the Bicycle Parking General Code.</li> </ul>

**2.1.12 Variation to the Parks and Recreation Zones Development Code**

**29. Part 7.2 – Parks and Recreation Zones Development Code; Element 4: Parking and Site Access; Intent**

*Substitute*

**Element 4: Access**

*Substitute*

**Intent**

- a) To provide for safe, convenient access to meet the needs of all users and visitors

- b) To encourage design of access and parking as part of the overall design of the development

**30. Part 7.2 – Parks and Recreation Zones Development Code; Element 4: Parking and Site Access; Items 4.1 Traffic generation, 4.2 Vehicle Access and Parking, 4.3 Bicycle Parking, 4.4 Pedestrian Movement; Criteria C22, C23, C24, C25**

*Substitute*

<b>Rules</b>	<b>Criteria</b>
<b>4.1 Pedestrian Movement</b>	
There is no applicable rule.	C22 Safe and convenient movement of public transport passengers, pedestrians and cyclists is provided.
<b>4.2 Bicycle Parking</b>	
There is no applicable rule.	C23 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.
<b>4.3 Vehicle Access and Parking</b>	
There is no applicable rule.	C24 Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.
<b>4.4 Traffic generation</b>	
There is no applicable rule.	C25 The existing road network can accommodate the amount of traffic likely to be generated by the development.

## Variation to the *Community and Recreation Facilities Location Guidelines General Code*

### 2.1.13 Variation to the Community and Recreation Facilities Location Guidelines General Code

<b>31. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 3 General Location Guidelines; Item 3.8 Pedestrian Access</b>
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#### *Substitute*

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

<b>32. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 3 General Location Guidelines; Item 3.9 Lighting/ Surveillance</b>
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#### *Substitute*

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

To maximise surveillance of public areas and thereby increase community safety, co-location of main pedestrian and cycle routes with roads is desirable. Appropriate separation must be considered between different travel modes with respect to safe travel speeds. Provision of shade, amenity and surveillance must be considered.

**33. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Arts’; Community Theatre, Theatre studio and Major Theatre, Concert Hall, Recital Hall; Column ‘Relationship to other uses – close to’**

*Insert before current text*

Near public transport routes;

**34. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Cultural Facility’; Public Art Gallery and Library; Column ‘Relationship to other uses – close to’**

*Insert before current text*

Near public transport routes;

**35. Part 11.5 – Community and Recreation Facilities Location Guidelines General Code; Section 4 Detailed Location Guidelines for community and recreation facilities; Under Development ‘Health’; Hospital and Hospice; Column ‘Relationship to other uses – close to’**

*Insert before current text*

Near public transport routes;

1.1.2

## Variation to the *Definitions*

### 2.1.14 Variation to the Definitions

**36. Part 13.1 – Definitions; Part B Definitions of Terms; New terms**

*Insert*

**Active living** is a way of life that integrates physical activity into daily routines.

*Insert*

**Active Travel** is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking and cycling – as well as skating, skateboarding, and the use of mobility aids. Active travel also includes using any of these forms as incidental activity associated with the use of public transport.

## Variation to the *Estate Development Code*

### 2.1.15 Variation to the Estate Development Code

**37. Part 16.1 – Estate Development Code; Element 2: Public transport, walking and cycling; Item 2.2 Bus stops; Rule R4**

*Substitute*

#### **Element 2: Walking, cycling and public transport**

*Substitute*

Rules	Criteria
<b>2.2 Bus stops</b>	
R4 At least 90 per cent of dwellings proposed for the estate comply with at least one of the following: a) are within 500m of a bus stop on an existing or proposed <i>coverage route</i> with well-lit and connected walking access b) are within 800m of a bus stop on an existing or proposed <i>frequent network</i> .	C4 The location of bus stops achieves all of the following: a) a reasonable distance from all dwellings in the <i>estate</i> b) reasonable way-finding c) convenient access for users.

**38. Part 16.1 – Estate Development Code; Element 4: Public Realm; Item 4.1 Network; Criterion C23**

*Substitute*

Rules	Criteria
<b>4.1 Networks</b>	
There is no applicable rule	<p>C23</p> <p>Public realm spaces achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) accommodation of a range of uses, users and activities (such as those listed in table 4)</li> <li>c) contribute to providing an attractive streetscape and public places</li> <li>d) links between existing or proposed areas of open space</li> <li>e) opportunities for recreational facilities, including facilities for pedestrians and cyclists</li> <li>f) opportunities for wildlife corridors between natural areas</li> <li>g) stormwater management.</li> </ul>



**39. Part 16.1 – Estate Development Code; Figures and tables; Table 4:  
Types and purposes of public realm spaces; Pedestrian lanes**

*Insert after current text*

<b>Equestrian trails</b>	<p><b>Movement Network</b>          Whilst open space corridors serve a range of functions and users, opportunities should also be explored to provide for equestrian usage in the context of an equestrian trail plan, providing that conflicts with other user groups can be minimised.</p>	<p>Equestrian trails require no specific management, as the use/activity is ancillary to the space's primary public realm function.</p>	<p>Structure plans / concept plans / estate development plans</p>
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