

Planning and Development (Plan Variation 368) Approval 2022

Notifiable instrument NI2022-240

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 368) Approval 2022*.

2 Approval of draft plan variation

- (1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 368 to the Territory Plan.
- (2) In this section:

plan variation 368 to the Territory Plan means the plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management

4 May 2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule

Planning and Development Act 2007

Variation to the Territory Plan 368

City and Gateway South
Northbourne Avenue Corridor
(Barry Drive/Cooyong Street to
Antill/Mouat Street)

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

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1. EXPLANATORY STATEMENT

1.1 Background

The variation seeks to implement the key planning controls recommended in the City and Gateway Urban Design Framework for the Northbourne Avenue Corridor for the section of the gateway corridor from Barry Drive/Cooyong Street to Antill/Mouat Street.

The Australian Government through the National Capital Authority (NCA) and the ACT Government share planning responsibility in the ACT. The City and Gateway Urban Design Framework (the Framework) was jointly prepared by the NCA and ACT Government to set the principles for development and growth in the city centre and along the gateway corridor of Northbourne Avenue and Federal Highway. The Framework provides a long-term vision and principles for this important location, drawing upon the legacy of historic planning and contemporary design.

1.2 Summary of the proposal

The variation will amend the Territory Plan by:

- Implementing key recommendations of the City and Gateway Urban Design Framework;
- modernising and clarifying existing provisions of the Northbourne Avenue Precinct Code to create the Northbourne Avenue Corridor Precinct Code;
- incorporating changes and updates to the Territory Plan to remain consistent with the recent City and Gateway related amendments to the National Capital Plan;
- retain the existing Inner North Precinct Code with refinements to the consolidation and amalgamation provisions in response to issues raised in the public submissions; and
- updating other associated precinct codes (Braddon, Turner, Dickson and Lyneham) to provide consistency with the changes to the Northbourne Avenue Corridor Precinct Code.

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 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.

1.4 Site Description

The subject area covered by this variation is the Northbourne Avenue Corridor between Barry Drive/Cooyong Street and Antill/Mouat Street as shown in **Figure 1**.

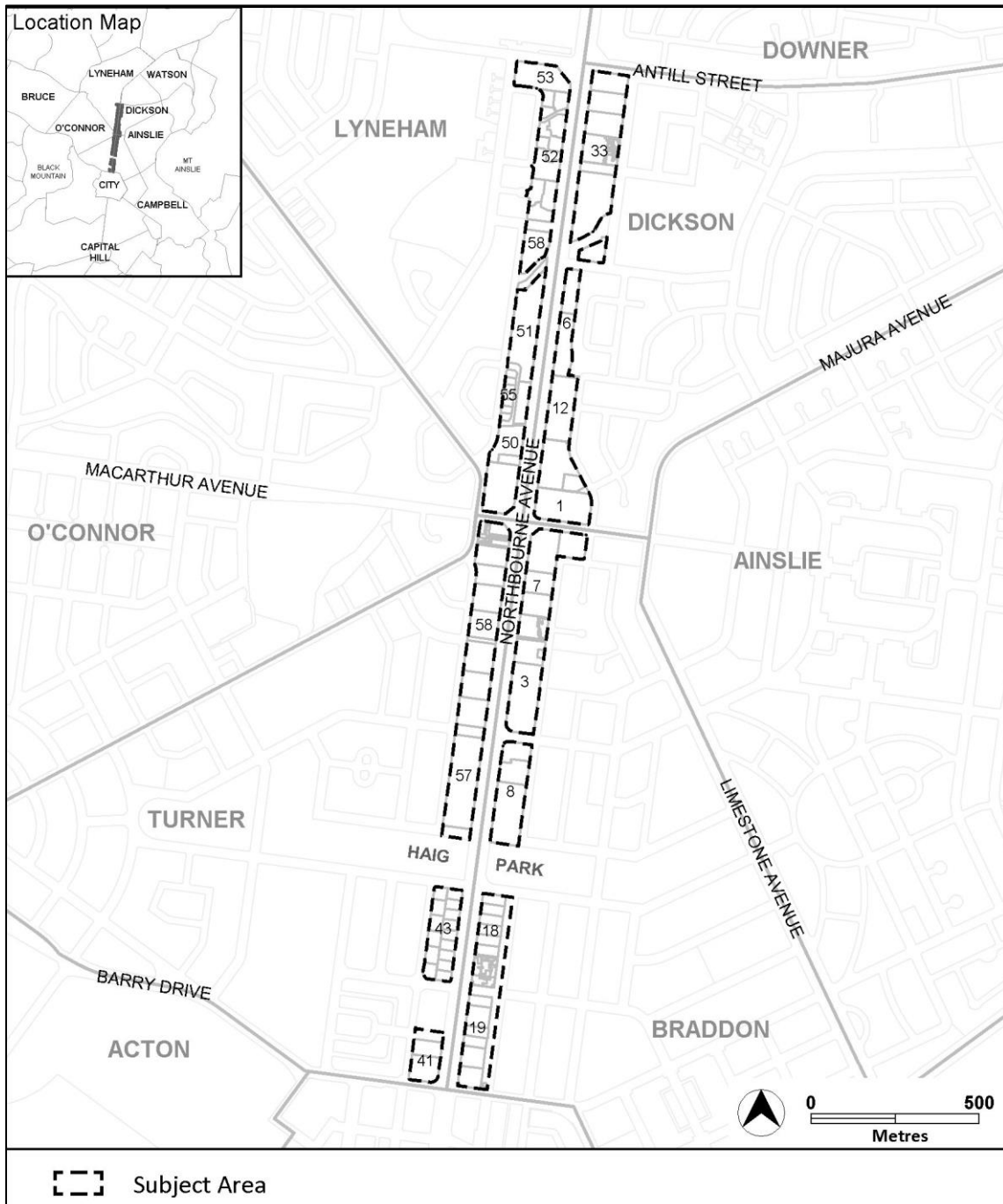


Figure 1: Location map

1.5 Current Territory Plan Provisions

The Territory Plan map for the area subject to this variation is shown in **Figure 2**. The Variation does not seek to change the zoning of land along the Northbourne Avenue Corridor.

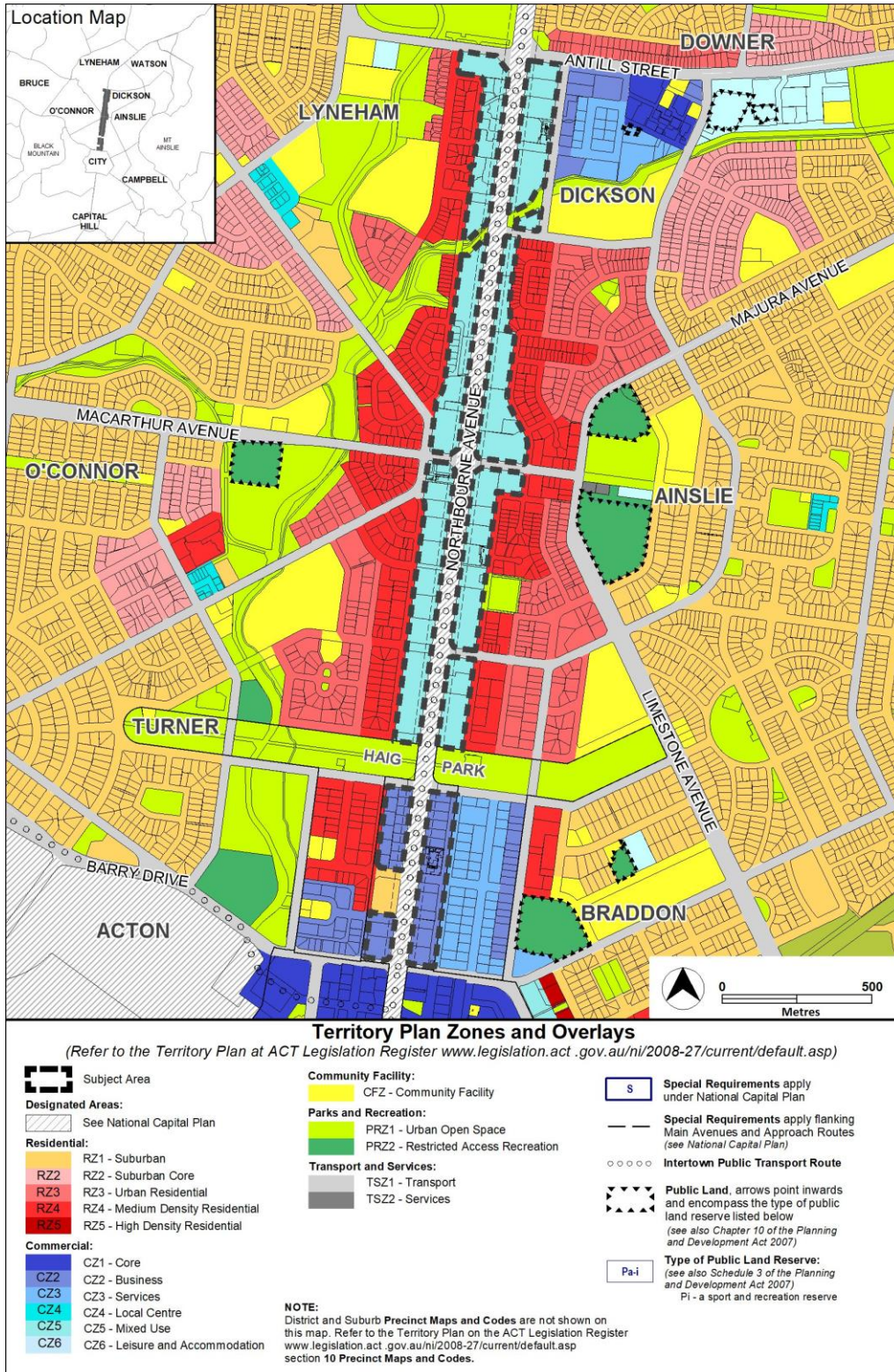


Figure 2 Territory Plan Zones Map

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

The Draft Variation No 368 (DV368) was released for public comment between 19 December 2019 and 28 February 2020. A consultation notice under section 63 of the Planning and Development Act 2007 (P&D Act) was published on the ACT Legislation Register on 18 December 2019 and on the Community Noticeboard on 18 December 2019.

A total of 19 written submissions were received in relation to DV368. One further submission was considered in 2021, in relation to current development proposals for sites located within the Northbourne Avenue Corridor.

There were 15 submissions from individuals, many of whom represent lessees or consultants with an interest in the area. The remaining five submissions were lodged by North Canberra Community Council, the Downer Community Association, The Property Council and Master Builders Association (jointly), the Planning Institute of Australia and the National Trust. The following comments, in Table 1, were considered and were detailed in a report on consultation.

Changes to DV368 were informed by the issues raised in the public submissions. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

| Comments | No. |
|---|------------|
| General Comments | |
| DV368 - RC2 - Inner North provisions | 12 |
| Overlap between the National Capital Plan and Territory Plan provisions | 7 |
| DV368 – provisions generally | 5 |
| DV368 - consultation processes | 4 |
| Heritage | 3 |
| Public open space | 3 |
| Housing affordability | 2 |
| Scope and extent of the City and Gateway Urban Design Framework | 2 |
| Apartment designs | 2 |
| Planning system review and reform | 2 |
| Population density | 1 |
| Specific Comments | |
| Car parking –R37 and R50 | 10 |
| Mix of dwellings - R19 & C19 and R57 & C57 | 9 |
| Consolidation - R43 & C43, R44 & C44 and Figures 5 & 6 | 6 |
| Ceiling heights - R15 & C15, and R59 & C59 | 5 |
| Habitable room dimensions - R16 & C16, and R17 & C17 | 4 |
| Vehicular Access – C33 and R34 & C34 | 4 |
| Planting Areas - R48 | 4 |
| Internal floor areas - R54 & C54 | 4 |
| Operable windows - R28 and R55 | 4 |
| Supermarket size - R1 and R2 | 3 |
| Ground floor uses - R3, R4 and C4 | 3 |
| Separation distances - R14 & C14 | 3 |
| Solar access internal to the dwelling - R27, R28 and R56 & C56 | 3 |
| RC2 – Inner North - Setbacks – front and side - R46 & C46 and R47 | 3 |
| Utilities - R51 & C51 | 3 |
| Ventilation - R60 | 3 |
| Cross ventilation - R61& C61 | 3 |
| Setbacks - R9 & C9, R10, R11, R12 and R13 | 2 |
| Private Open Space - R30 and R53 | 2 |
| Parking structures - R40 & C40 | 2 |
| Retaining walls - C46 | 2 |
| Basement - vehicle access - R49 | 2 |
| Housing Diversity – building separation - R58 & C58 | 2 |
| Diversity of unit designs - C18 | 1 |
| Pedestrian Shelters - R21 & C21 | 1 |
| Awnings - R22 & C22 | 1 |
| Courtyard walls - C26 | 1 |
| Solar access to adjoining properties - R29 & C29 | 1 |
| External facilities - C31 | 1 |
| Noise - C32 | 1 |
| Other Comments | |
| National Capital Design Review Panel | 1 |
| Plot ratio | 1 |
| Gross floor area | 1 |
| Active travel | 1 |
| Downer Precinct Map and Code | 1 |
| Leases | 1 |
| Development applications | 1 |

Table 1: Summary of public submissions

1.8 Revisions to the Draft Variation Recommended to the Minister

A ministerial direction was issued to make amendments to DV368 for clarity and workability of a small number of provisions. These are detailed in the following section 1.9

1.9 Ministerial Direction

Ministerial direction was issued under section 76 (2) (b) (iv) of the *Planning and Development Act 2007*.

The ministerial direction states that DV368 be revised *to amend the Northbourne Avenue Corridor Precinct Code in the following ways:*

- *Amend criterion C6 for clarity consistent with the National Capital Plan requirement that any two storey apartments are located above the finished ground level.*
- *Amend the 'notes' in Rules R14 – R16 to reflect where the National Capital Plan applies.*
- *Amend criterion C27 to better reflect the solar access provisions of the Multi-Unit Housing Development Code.*

The direction further states that *DV368 be revised to update the Lyneham Precinct Map consistent with recently commenced changes to the Territory Plan. These changes are policy neutral.*

The variation has been amended to comply with the directed revisions.

4. VARIATION

4.1 Variation to the Territory Plan

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

| |
|--|
| Inner North Precinct Map and Code |
|--|

Substitute

Mandatory Rule R3 with:

| Rules | Criteria |
|--|---|
| 2.1 Consolidation and subdivision | |
| <p>R3</p> <p>Where <i>multi-unit housing</i> development is proposed, required minimum <i>block consolidations</i> are shown in the Control Plans (Part B).</p> <p>In all other cases, minimum <i>block consolidations</i> are required between two or more <i>blocks</i> where:</p> <ul style="list-style-type: none"> a) existing single <i>dwelling</i>s have shared walls b) sites are less than 16m wide at the front <i>building line</i> c) single <i>block development</i> cannot provide minimum <i>private open space</i> dimensions for all <i>dwelling</i>s d) TCCS does not support vehicle access for a single <i>block development</i> e) development would otherwise result in an <i>isolated block</i>. <p>For the purposes of this rule, an <i>isolated block</i> is a <i>standard block</i> with <i>multi-unit development</i> existing or proposed to each <i>side boundary</i> and/or <i>rear boundary</i> that cannot be reasonably developed in a manner consistent with the objectives of the <i>zone</i></p> | <p>C3</p> <p>The minimum <i>block consolidation</i> is not required where the lessee(s) of the <i>block(s)</i> to be developed demonstrate to the satisfaction of the Authority that:</p> <ul style="list-style-type: none"> a) suitable redevelopment of the remaining <i>block(s)</i> can be achieved, through the submission of a concept design b) the concept design required at a) includes a sufficient level of detail to enable assessment of the feasibility and demonstrate integration of a possible future <i>development</i> on the adjoining <i>block(s)</i> with the proposed <i>development</i> c) redevelopment of the <i>block(s)</i> that are to be <i>developed</i> can be achieved while ensuring the amenity of any existing <i>dwelling(s)</i> on the remaining <i>block(s)</i> is/are protected d) the <i>development application</i> includes suitable justification why the nominated <i>blocks</i> could not be <i>consolidated</i>, with written confirmation that all lessees of nominated <i>blocks</i> required to be included in the <i>consolidation</i> have sighted the concept design. |

Delete

Rule R4

Substitute

Mandatory Rule 22 with:

| Rules | Criteria |
|---|--|
| 5.2 Private open space | |
| R22 Each dwelling above ground floor level provides a primary balcony that complies with the requirements as set out in Table 1. For ground floor or podium level dwellings, a private open space area is provided with a minimum area of 15m ² and minimum dimension of 3m. | C22 Dwellings provide appropriately sized areas of private open space to enhance residential amenity. |

Insert after Rule R22:

| Type | <i>dwellings located entirely on an upper floor level</i> | |
|-----------------------------------|---|-------------------|
| | minimum area | minimum dimension |
| studio <i>apartment</i> | 4m ² | nil |
| 1 bedroom <i>dwelling</i> | 8m ² | 2m |
| 2 bedroom <i>dwelling</i> | 10m ² | 2m |
| 3 or more bedroom <i>dwelling</i> | 12m ² | 2m |

Table 1: Balcony area requirements for dwellings above ground floor level

Northbourne Avenue Precinct Map and Code

Delete

Northbourne Avenue Precinct Map and Code

Northbourne Avenue Corridor Precinct Map and Code

Insert

Northbourne Avenue Corridor Precinct Map and Code at Appendix A

Braddon Precinct Map and Code

Substitute

Braddon Precinct Map with Appendix B

Substitute

Table 1 – Additional prohibited development and

Table 2 – Additional merit track development, with Appendix C

Dickson Precinct Map and Code

Substitute

Dickson Precinct Map with Appendix D

Substitute

Table 2 – Additional merit track development with Appendix E

Lyneham Precinct Map and Code

Substitute

Lyneham Precinct Map with Appendix F

Substitute

Table 2 – Additional merit track development with Appendix G

7. Turner Precinct Map and Code

Substitute

Turner Precinct Map with Appendix H

Substitute

Table 1 – Additional prohibited development and

Table 2 – Additional merit track development with Appendix I

Interpretation service

| | |
|------------|---|
| ENGLISH | If you need interpreting help, telephone: |
| ARABIC | : إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف : |
| CHINESE | 如果你需要传译员的帮助，请打电话： |
| CROATIAN | Ako trebate pomoć tumača telefonirajte: |
| GREEK | Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο |
| ITALIAN | Se avete bisogno di un interprete, telefonate al numero: |
| MALTESE | Jekk għandek bżonn l-għajjuna t'interpretu, çempel: |
| PERSIAN | : اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید: |
| PORTUGUESE | Se você precisar da ajuda de um intérprete, telefone: |
| SERBIAN | Ako vam je potrebna pomoć prevodioca telefonirajte: |
| SPANISH | Si necesita la asistencia de un intérprete, llame al: |
| TURKISH | Tercümana ihtiyacımız varsa lütfen telefon ediniz: |
| VIETNAMESE | Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại: |

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Canberra and District - 24 hours a day, seven days a week

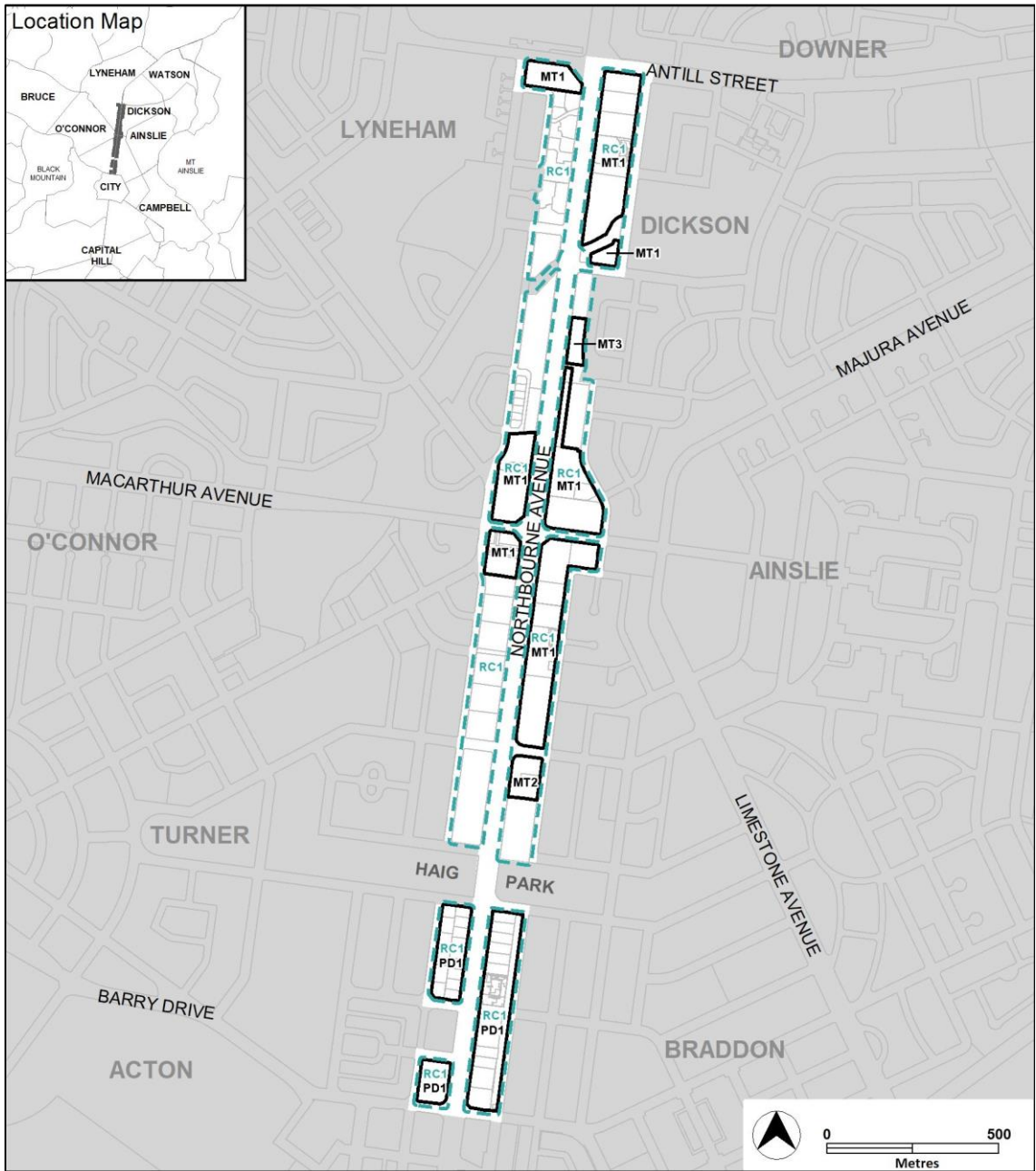


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Appendix A

Northbourne Avenue Corridor Precinct Map and Code



- PDn** Additional prohibited development applies. See Table 1
- MTn** Additional merit track development applies. See Table 2
- RCn** Additional rules and criteria apply see Northbourne Avenue Corridor Precinct Code
- Refer to suburb precinct code

Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Northbourne Avenue Corridor 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 | CZ2 | <i>place of assembly place of worship</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 | CZ5 | <i>club scientific research establishment</i> |
| MT2 | CZ5 | <i>club</i> |
| MT3 | CZ5 | <i>tourist facility (tourist information centre only)</i> |

Northbourne Avenue Corridor Precinct Code

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Introduction

Name

The name of this code is **Northbourne Avenue Corridor Precinct Code**.

Application

The code applies to any block identified on the Northbourne Avenue Corridor Precinct Map. Part RC1 applies to sites adjoining Northbourne Avenue.

National Capital Plan

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 must not be 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, to the extent of the inconsistency. Development in RC1 of this code must be read in conjunction with the relevant provisions of the National Capital Plan.

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, either associated with the respective rule or listed below:

TCCS Transport Canberra and City Services

Additional rules and criteria

This part applies to blocks and parcels identified in the Northbourne Avenue Corridor Precinct Map (RCn). It should be read in conjunction with the relevant zone development and general codes.

RC1 – Northbourne Avenue

This part applies to blocks and parcels identified in area RC1 shown on the Northbourne Avenue Corridor Precinct Map.

Element 1: Restrictions on use

| Rules | Criteria |
|--|--|
| Shop – floor area limit | |
| R1 The maximum <i>gross floor area per supermarket</i> is 750m ² . | This is a mandatory requirement. There is no applicable criterion. |
| Community use – minimum floor area | |
| R2 This rule applies to the hatched area shown in Figure 1. A <i>COMMUNITY USE</i> development is provided within the development that complies with all of the following: a) minimum <i>gross floor area</i> – 500m ² b) located at ground floor level and/or first floor level. | This is a mandatory requirement. There is no applicable criterion. |

| Rules | Criteria |
|--|--|
| Residential use – ground floor | |
| <p>R3</p> <p>This rule applies to the Dickson node and Macarthur node shown in Figure 1.</p> <p><i>RESIDENTIAL USE</i> is not permitted at the ground floor.</p> | <p>C3</p> <p>Development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) On the frontage of Northbourne Avenue, Wakefield Avenue, Antill Street or Mouat Street: <ul style="list-style-type: none"> i) <i>RESIDENTIAL USE</i> is not permitted ii) Buildings incorporate uses on the ground floor that generate activity in the public space iii) where building access is provided, direct pedestrian access is provided at street level iv) buildings provide opportunities for views into and out of the building v) buildings avoid extensive lengths of blank walls unrelieved by doors, display windows or the like. b) where not on the frontage of Northbourne Avenue, Wakefield Avenue, Antill Street or Mouat Street, <i>RESIDENTIAL USE</i> at the ground floor: <ul style="list-style-type: none"> i) is designed to comply with the Australian Standard AS4299 – Adaptable housing (class C) and the Access and Mobility General Code. ii) is designed to be adaptable for commercial uses iii) is separated and screened from commercial accesses and services including waste disposal areas, loading docks, delivery areas, driveways and basement ramps. |

| Rules | Criteria |
|---|--|
| Additional uses | |
| <p>R4</p> <p>This rule applies to the Dickson node and Macarthur node shown in Figure 1.</p> <p>Only the following uses are provided in <i>buildings</i> at ground floor level on frontages to Northbourne Avenue, MacArthur Avenue, Wakefield Avenue and Antill Street:</p> <ul style="list-style-type: none"> c) <i>business agencies</i> d) <i>commercial activity centres</i> e) <i>financial establishments</i> f) <i>indoor entertainment facilities</i> g) <i>indoor recreation facilities</i> h) <i>public agencies</i> i) <i>restaurants</i> j) <i>SHOP</i> <p>In addition to these uses, <i>COMMUNITY USE</i> is permitted in the hatched area shown in Figure 1.</p> | <p>C4</p> <p><i>Buildings</i> fronting Northbourne Avenue, Macarthur Avenue, Wakefield Avenue and Antill Street incorporate uses on the ground floor that generate activity in the public space, in a form that is with the needs of the area.</p> |

Element 2: Building controls and design

| Rules | Criteria |
|--|---|
| National Capital Plan | |
| <p>R5</p> <p>Development applications for development in Area A shown in Figure 1 are supported by written documentation demonstrating compliance with the relevant requirements of the National Capital Plan.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| Rules | Criteria |
|--|--|
| Height of building | |
| <p>R6</p> <p>This rule applies to Area A shown in Figure 1. The minimum <i>height of building</i> is 20m and the maximum <i>height of building</i> is 25m.</p> <p>For the purpose of this rule and associated criterion <i>height of building</i> means the vertical distance between <i>datum ground level</i> at the <i>front boundary</i> to Northbourne Avenue and the highest point or points of the <i>building</i>.</p> | <p>C6</p> <p>Maximum <i>height of building</i> is 27.5m where the <i>building</i> includes an <i>apartment</i> which complies with all of the following:</p> <ul style="list-style-type: none"> a) the apartment is at least partially or wholly two storeys high b) the apartment includes at least two storeys that are above <i>finished ground level</i>. <p>'Minor building elements' may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion 'minor building elements' include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, occupiable room and fully enclosed pergolas are not 'minor building elements'.</p> |
| <p>R7</p> <p>This rule applies to Area B shown in Figure 1. The minimum <i>height of building</i> is 14.5m, and the maximum <i>height of building</i> is 18m.</p> <p>Area B extends from the common boundary with Area A in Figure 1 to the street front boundary parallel to Northbourne Avenue.</p> | <p>C7</p> <p>Maximum <i>height of building</i> may be increased to 25m where development complies with all of the following:</p> <ul style="list-style-type: none"> a) adequate transition in building height from the building to the <i>adjacent</i> residential zone b) reasonable amenity for residents of the adjacent residential zone. <p>'Minor building elements' may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion 'minor building elements' include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, occupiable room and fully enclosed pergolas are not 'minor building elements'.</p> |

| Rules | Criteria |
|--|--|
| <p>R8</p> <p>This rule applies to the Dickson node and Macarthur node shown in Figure 1.</p> <p>a) For the Dickson node:</p> <ul style="list-style-type: none"> i) The minimum <i>height of building</i> is 25.5m, and ii) the maximum <i>height of building</i> is 32m. <p>b) for the Macarthur node:</p> <ul style="list-style-type: none"> i) The minimum <i>height of building</i> is not less than 80% of the maximum building height for each site as described in the National Capital Plan ii) The maximum <i>height of building</i> is as described in the National capital Plan. <p>For the purpose of this rule and associated criterion <i>height of building</i> means the vertical distance between <i>datum ground level</i> at the <i>front boundary</i> to Northbourne Avenue and the highest point or points of the <i>building</i>.</p> | <p>C8</p> <p>'Minor building elements' may exceed the maximum <i>height of building</i> where they do not increase the scale of the <i>building</i> when viewed from a public street.</p> <p>For the purpose of this criterion 'minor building elements' include but are not limited to: rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. <i>Habitable room</i>, or part thereof, and occupiable room are not 'minor building elements'.</p> |
| <p>There is no applicable rule.</p> | <p>C9</p> <p>Where a lawfully constructed <i>building</i> exceeds the <i>height of building</i> stipulated in this code, a new <i>building</i> or <i>buildings</i> up to the height of the existing <i>building</i> may be permitted provided there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</p> |

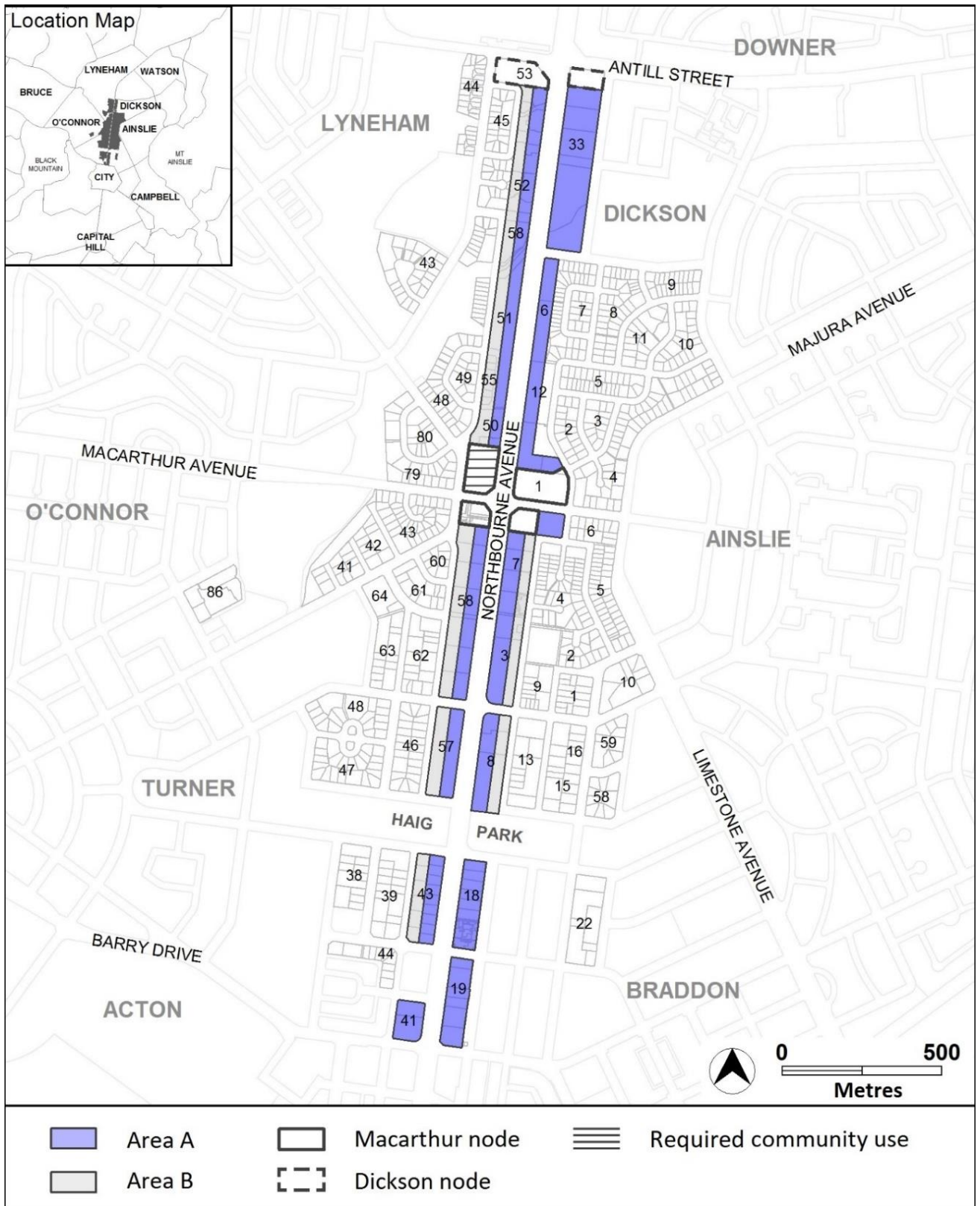


Figure 1: Building heights and required community use area

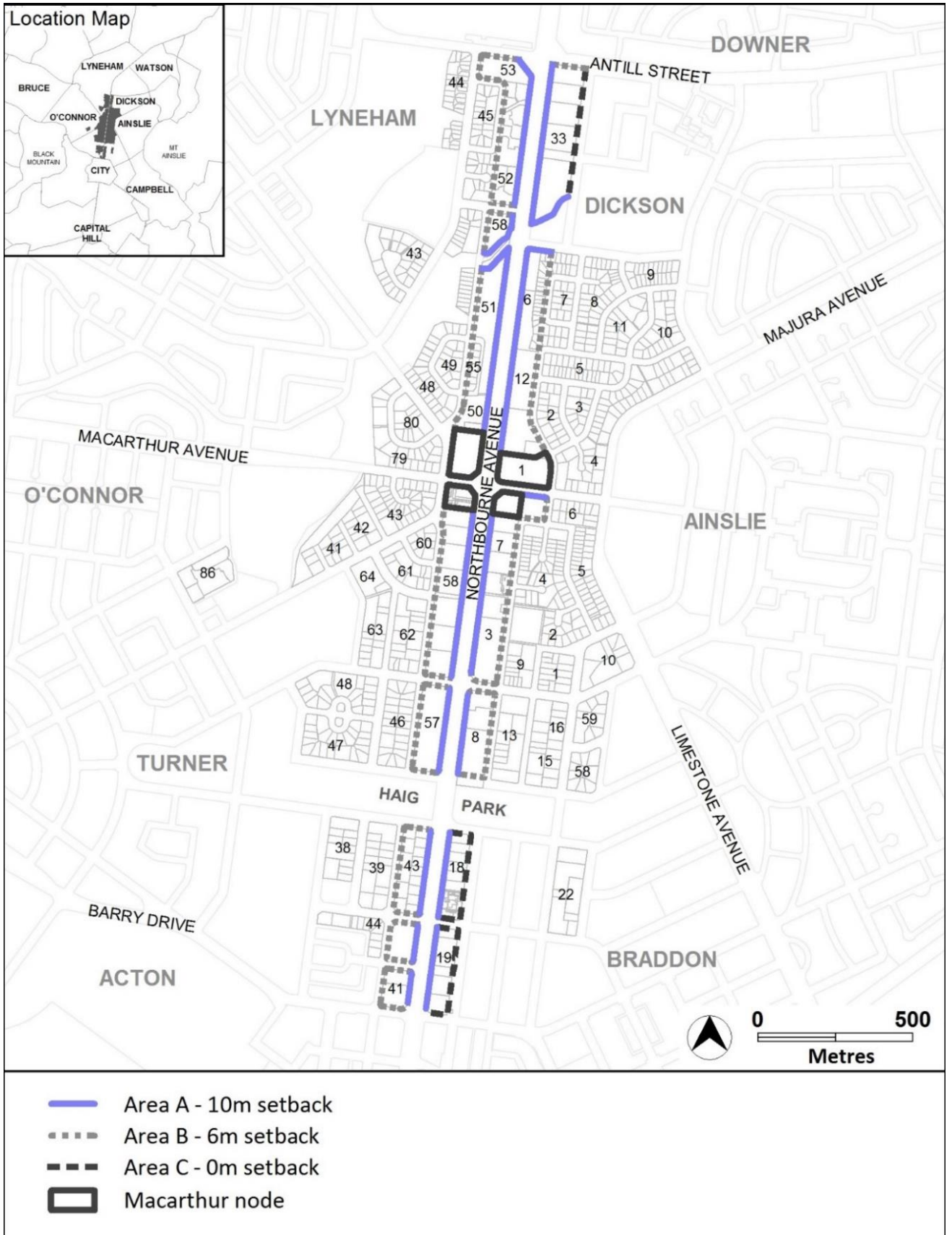


Figure 2: Front boundary setbacks

| Rules | Criteria |
|--|--|
| 2.3 Front boundary setback | |
| <p>R10</p> <p>This rule applies to Area B shown in Figure 2.</p> <p>Minimum <i>front boundary setback</i> is 6m.</p> | <p>C10</p> <p><i>Front boundary setbacks</i> achieve all of the following:</p> <ul style="list-style-type: none"> a) reasonable amenity for residents b) sufficient space for street trees to grow to maturity <p>Where a utility (such as electrical sub station or community battery storage) is required by the utility provider to be incorporated within the building fabric, a reduced front setback is permitted where it demonstrates consistency with the <i>desired character</i>.</p> |
| <p>R11</p> <p>This rule applies to Area C shown in Figure 2.</p> <p>Minimum <i>front boundary setback</i> is 0m.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Side and rear boundary setback | |
| <p>R12</p> <p>This rule applies to <i>blocks</i> in Areas A and B shown in Figure 2.</p> <p>Minimum <i>side boundary</i> and <i>rear boundary setback</i> is:</p> <ul style="list-style-type: none"> a) northern or southern boundary – 5m b) eastern or western boundary – 10m. | <p>C12</p> <p><i>Side boundary</i> and <i>rear boundary setback</i> provides reasonable amenity for residents.</p> |
| <p>R13</p> <p>This rule applies to Area C shown in Figure 2.</p> <p>Minimum <i>side boundary</i> and <i>rear boundary setback</i> is 0m.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| Rules | Criteria |
|---|---|
| Building separation | |
| <p>R14</p> <p>This rule applies to Areas B1 and B2 shown in Figure 3.</p> <p>Minimum separation distances between a dwelling and another dwelling or non-residential use on the same block is described in Table 1.</p> <p>For the purpose of this rule and associated criterion, building separation is measured to the outer face of external walls, external windows or outer edge of balconies where relevant.</p> <p>Note: This rule does not override the setback requirements of this code.</p> <p>Note: This rule replaces building separation requirements in the relevant development code.</p> <p>Note: Building separation provisions for Area A are contained within the National Capital Plan.</p> | <p>C14</p> <p>Building separation may be reduced where building complies with all of the following:</p> <ul style="list-style-type: none"> a) reasonable levels of visual and acoustic privacy b) suitable areas for soft landscaping and deep root planting between buildings. |
| <p>R15</p> <p>This rule applies to Areas B1 and B2 shown in Figure 3.</p> <p>A dwelling or non-residential use on the subject block is setback from the common boundary with a commercial zoned block the minimum distances identified in Table 2.</p> <p>For the purpose of this rule and associated criterion, building separation is measured to the outer face of external walls, external windows or outer edge of balconies where relevant.</p> <p>Note: This rule does not override the setback requirements of this code.</p> <p>Note: This rule replaces building separation requirements in the relevant development code.</p> <p>Note: Building separation provisions for Area A are contained within the National Capital Plan.</p> | <p>C15</p> <p>Building separation may be reduced where building complies with all of the following:</p> <ul style="list-style-type: none"> a) reasonable levels of visual and acoustic privacy are achieved b) suitable areas for soft landscaping and deep root planting are provided between buildings c) The physical distances identified in Table 2 can be achieved between dwellings and non-residential uses on the subject block and the adjoining commercial zoned block. |

| Rules | Criteria |
|--|---|
| <p>R16</p> <p>This rule applies to area B2 shown on Figure 3. A dwelling or non-residential use on the subject block is setback from the common boundary with a residential zoned block the minimum distances identified in Table 3.</p> <p>For the purpose of this rule and associated criterion, building separation is measured to the outer face of external walls, external windows or outer edge of balconies where relevant.</p> <p>Note: This rule does not override the setback requirements of this code.</p> <p>Note: This rule replaces building separation requirements in the relevant development code.</p> <p>Note: Building separation provisions for the area outside Area A are contained within the National Capital Plan.</p> | <p>C16</p> <p>Building separation may be reduced where building complies with all of the following:</p> <ol style="list-style-type: none"> reasonable levels of visual and acoustic privacy are achieved suitable areas for soft landscaping and deep root planting are provided between buildings the physical distances identified in Table 3 can be achieved between dwellings and non-residential uses on the subject block and the adjoining residential zoned block. |

| Number of storeys | Between windows in <i>habitable rooms/ balconies</i> (metres) | Between windows in <i>habitable rooms/ balconies</i> and windows in <i>non-habitable rooms</i> (metres) | Between windows in <i>non-habitable rooms</i> (metres) |
|---------------------|---|---|--|
| Up to 4 storeys | 12 | 9 | 6 |
| 5 to 8 storeys | 18 | 12 | 9 |
| 9 storeys and above | 24 | 18 | 12 |

Table 1: Minimum building separation for Areas B1 and B2

| Number of storeys | Between the block boundary and windows in <i>habitable rooms/ balconies</i> (metres) | Between the block boundary and windows in <i>habitable rooms/ balconies</i> and windows in <i>non-habitable rooms</i> (metres) | Between the block boundary and windows in <i>non-habitable rooms</i> (metres) |
|---------------------|--|--|---|
| Up to 4 storeys | 6 | 4.5 | 3 |
| 5 to 8 storeys | 9 | 6 | 4.5 |
| 9 storeys and above | 12 | 9 | 6 |

Table 2: Minimum building separation to commercial zones for Areas B1 and B2

| Number of storeys | Between the block boundary and windows in <i>habitable rooms/ balconies</i> (metres) | Between the block boundary and windows in <i>habitable rooms/ balconies</i> and windows in <i>non-habitable rooms</i> (metres) | Between the block boundary and windows in <i>non-habitable rooms</i> (metres) |
|---------------------|--|--|---|
| Up to 4 storeys | 7.5 | 6 | 4.5 |
| 5 to 8 storeys | 10.5 | 7.5 | 6 |
| 9 storeys and above | 13.5 | 10.5 | 7.5 |

Table 3: Minimum building separation to residential zones for area B2

| Rules | Criteria |
|---|--|
| Floor to ceiling heights | |
| <p>R17</p> <p>This rule applies to Area B shown in Figure 3. Minimum <i>finished floor level</i> to ceiling heights are as follows:</p> <ul style="list-style-type: none"> a) <i>storey of dwellings</i> containing the main daytime living area: 2.7m b) non-habitable rooms in a <i>dwelling</i>: 2.4m c) non-residential development: 3.3m. <p>Note: finished floor level to ceiling heights for Area A are contained within the National Capital Plan.</p> | <p>C17</p> <p>Floor to ceiling heights achieve sufficient natural ventilation and daylight access.</p> |
| Internal dwelling design | |
| <p>R18</p> <p>Habitable rooms comply with the following:</p> <ul style="list-style-type: none"> a) master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) b) bedrooms have a minimum dimension of 3m (excluding wardrobe space) c) living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> i) 3.6m for studio and 1 bedroom apartments ii) 4m for 2 or more bedroom apartments d) the width of cross-over or cross-through dwellings are at least 4m internally to avoid deep narrow dwelling layouts. | <p>C18</p> <p><i>Habitable rooms</i> are of a size suitable to accommodate the daily activities of their occupants and visitors.</p> |

| Rules | Criteria |
|---|---|
| <p>R19</p> <p>Habitable room depths are limited to a maximum of 2.5m x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m, measured from an external window.</p> | <p>C19</p> <p>Habitable room depth may be increased where finished floor level to ceiling heights are above the minimum permitted, provided reasonable solar access to each habitable room is maintained.</p> |

| Rules | Criteria |
|--|--|
| Housing diversity | |
| <p>R20</p> <p>This rule applies to developments containing 40 or more dwellings.</p> <p>Development contains:</p> <ul style="list-style-type: none"> a) not more than 40% studio or one bedroom <i>dwellings</i> b) not more than 40% two bedroom <i>dwellings</i> c) not less than 20% three or more bedroom <i>dwellings</i>. | <p>C20</p> <p>Multi-unit residential development provides dwellings with a variety of bedroom numbers.</p> |

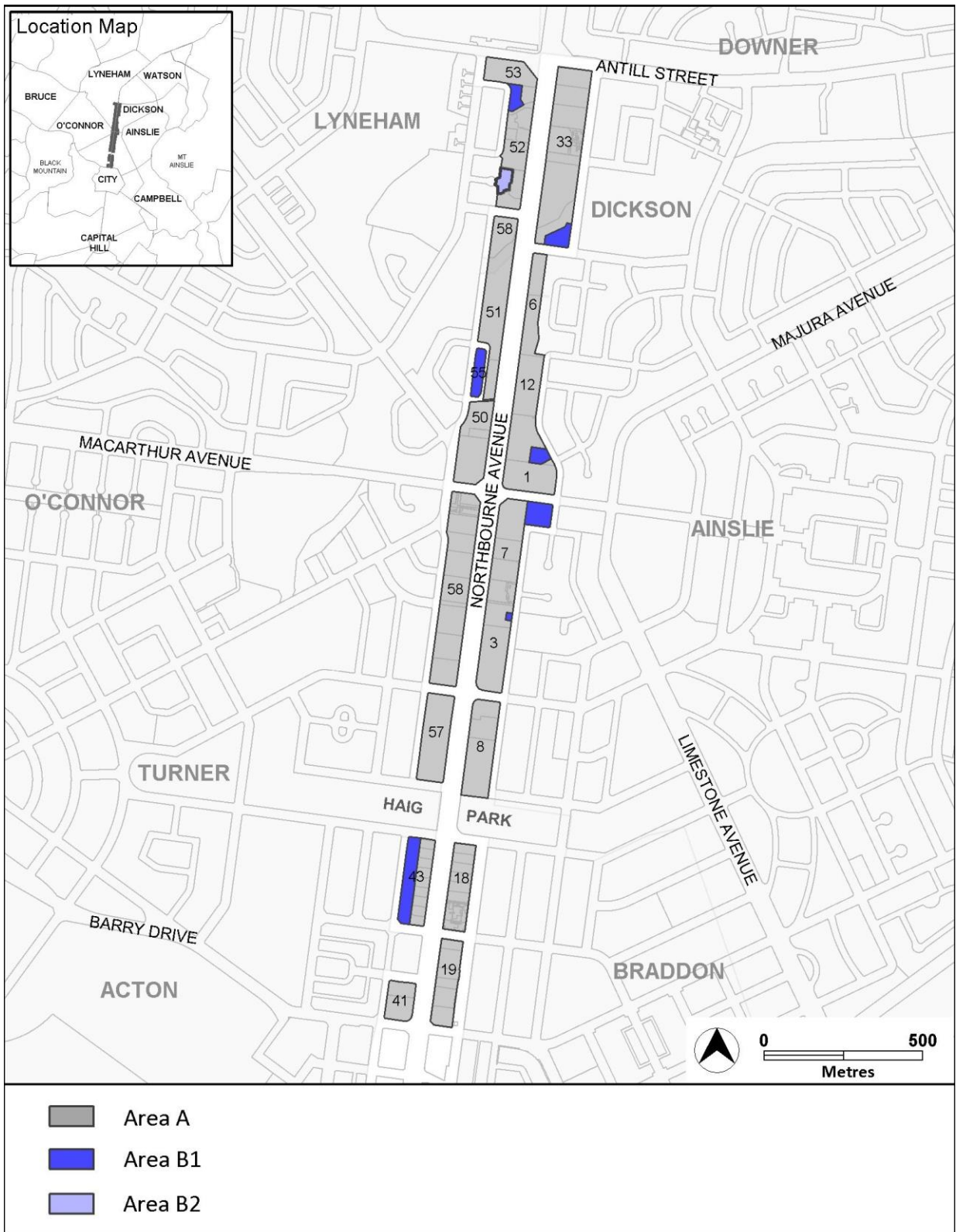


Figure 3: Additional requirements

Element 3: Site controls and design

| Rules | Criteria |
|---|---|
| Landscape design – Deep soil zones | |
| <p>There is no applicable rule.</p> | <p>C21</p> <p>This criterion applies to development fronting Northbourne Avenue.</p> <p>Deep soil zones are provided that comply with all of the following:</p> <ul style="list-style-type: none"> a) have a minimum horizontal dimension of 5m b) incorporate any <i>protected trees</i> c) allow for the development of healthy root systems and provide anchorage and stability for mature trees d) co-located near deep soil zones on <i>adjacent</i> blocks where possible. <p>Note: <i>Protected tree</i> is defined under the <i>Tree Protection Act 2005</i>.</p> |
| Pedestrian shelters | |
| <p>R22</p> <p>This rule applies to all <i>blocks</i>, except for the <i>blocks</i> within the Dickson node or Macarthur node shown in Figure 1.</p> <p>Awnings, canopies or colonnades are provided at each active travel entrance to a building and each active travel path along a building edge.</p> | <p>C22</p> <p>Awnings, canopies or colonnades are provided that achieve all of the following:</p> <ul style="list-style-type: none"> a) provide protection from natural elements along buildings and building entrances b) are integrated with the design of the building. |

| Rules | Criteria |
|-------------------------------------|---|
| Mid-block links | |
| <p>There is no applicable rule.</p> | <p>C23</p> <p>This criterion applies to 'mid-block active travel links' shown in Figure 4, except for the link on the southern boundary on Braddon Section 8, Block 10.</p> <p>'Mid-block active travel links' comply with all of the following:</p> <ul style="list-style-type: none"> a) in a location generally in accordance with Figure 4 and connects with the <i>community path system</i> through the area and public transport connections b) provides unimpeded public access at all times for the length of the active travel mid-block link shown in Figure 4 c) not less than 5m wide d) development within 'mid-block active travel link' is limited to <i>planting area</i>, surface landscaping, <i>buildings</i> and <i>structures</i> which are consistent with active travel pathways or open space and does not limit accessibility e) where vehicular access is designed adjacent or as part of pedestrian mid-block travel links, these are to be well designed spaces coordinating pedestrian, vehicular and landscaping/planting in a safe and desirable environment or shared spaces demonstrating similar attributes f) suitably landscaped to provide a welcoming environment for path users g) adequate lighting and other safety features that promote active, passive and perceived surveillance of the area h) Development of and within 'active travel mid-block links' are to be endorsed by TCCS. |

| Rules | Criteria |
|-------------------------------------|--|
| <p>There is no applicable rule.</p> | <p>C24</p> <p>This criterion applies to the mid-block active travel link on the southern boundary of Area A in Figure 4.</p> <p>The mid-block link complies with all of the following:</p> <ul style="list-style-type: none"> a) in the location consistent with Figure 4, and located entirely within the block boundaries b) provides unimpeded public access at all times for the length of the mid-block active travel link shown in Figure 4 c) not less than 10m wide at any point d) development within 'mid-block active travel link' is limited to <i>planting area</i>, surface landscaping, <i>buildings</i> and <i>structures</i> which are consistent with active travel pathways or open space and does not limit accessibility e) suitably landscaped to provide a welcoming environment for path users f) adequate lighting and other safety features that promote active, passive and perceived surveillance of the area. |
| <p>There is no applicable rule.</p> | <p>C25</p> <p>This criterion applies to 'open space active travel links' shown in Figure 4.</p> <p>'Open space active travel links' provide unimpeded public access at all times for the length of the mid-block active travel link shown in Figure 4.</p> |

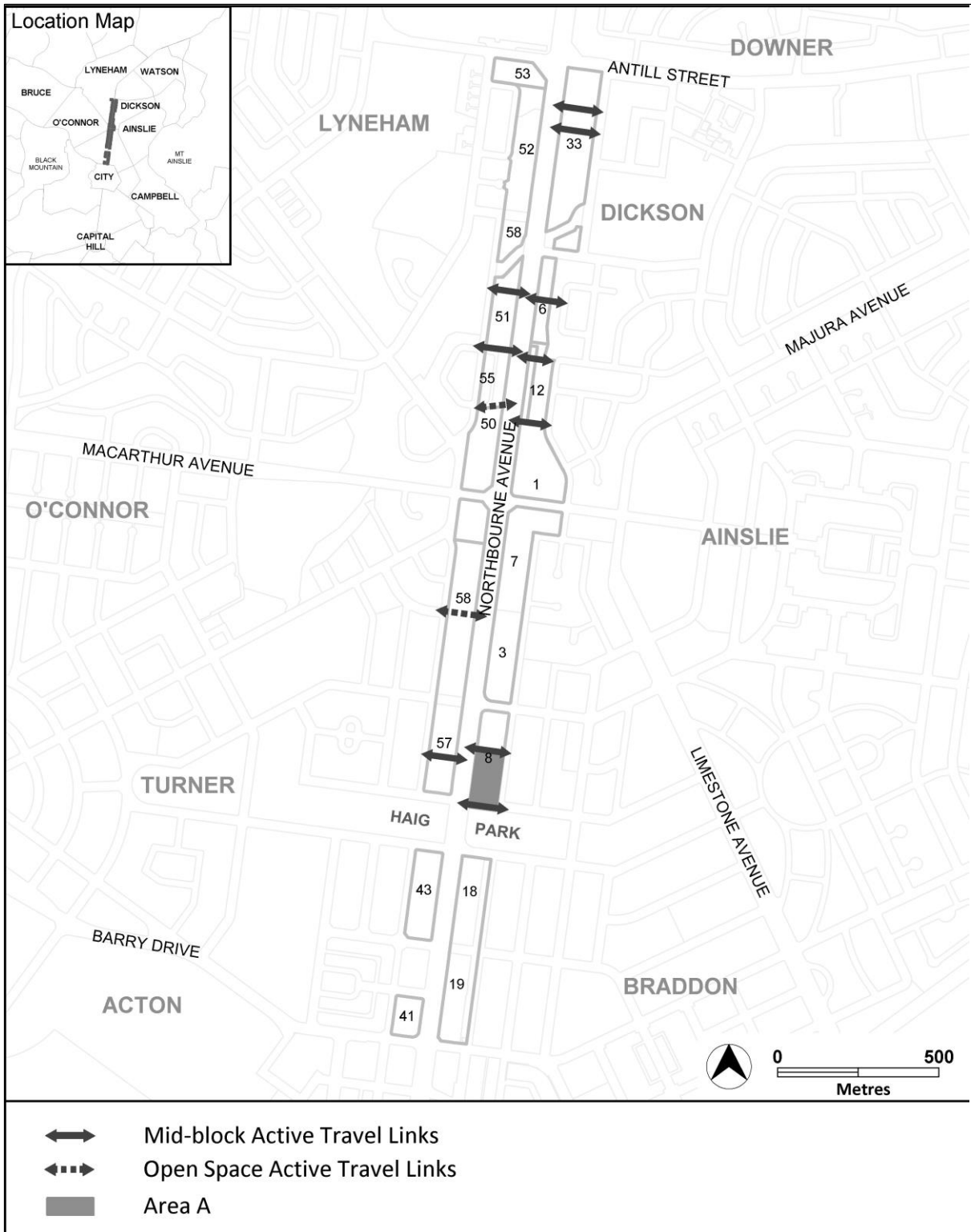


Figure 4: Active travel links

| Rules | Criteria |
|-------------------------------------|---|
| Courtyard walls | |
| <p>There is no applicable rule.</p> | <p>C26</p> <p>This criterion applies to courtyard walls for <i>dwelling</i>s which have their <i>private open space</i> at ground floor and fronting Northbourne Avenue.</p> <p>Courtyard walls comply with all of the following:</p> <ul style="list-style-type: none"> a) not higher than 1.8m above <i>datum ground level</i> b) non-transparent components not higher than 1m above <i>datum ground level</i> c) constructed of high quality materials, specifically excluding pre-coloured metal, unfinished timber panels, chain-link, barbed or razor wire d) integrated with landscaping e) designed and constructed to match or compliment the design of the associated building f) must not occupy more than 40% of the façade at ground floor level. <p>Note: This criterion replaces the relevant rules and criterion relating to courtyard walls in the relevant development code.</p> |

Element 4: Amenity

| Rules | Criteria |
|---|--|
| 1 Solar Access to adjoining blocks | |
| <p>R27</p> <p>This rule applies to <i>buildings</i> with more than three storeys.</p> <p><i>Buildings</i> do not reduce the hours of direct sunlight between 9am-4pm to any <i>habitable room</i> in any adjoining residential or commercial accommodation developments to less than 2 hours.</p> | <p>C27</p> <p>Daytime living areas have reasonable access to sunlight.</p> |

| Rules | Criteria |
|--|---|
| Private open space | |
| <p>R28</p> <p>This rule applies to <i>multi-unit housing</i> or residential components of commercial mixed use development in Area A shown in Figure 3.</p> <p>Each <i>dwelling</i> has at least one area of <i>principal private open space</i> that complies with all of the following:</p> <ul style="list-style-type: none"> a) has a minimum area and dimensions specified in Table 4 b) maintains visual privacy of the occupants from adjoining public streets and public open space c) is directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom d) is not located to the south, south-east or south-west of the <i>dwelling</i>, unless it achieves one or more of the following: <ul style="list-style-type: none"> i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June) ii) located at an <i>upper floor level</i> and overlooks a public street or public open space. | <p>C28</p> <p>Principal private open space for each dwelling achieves all of the following:</p> <ul style="list-style-type: none"> a) an area proportionate to the size of the <i>dwelling</i> b) an extension of the function of the <i>dwelling</i> for relaxation, dining, entertainment, recreation c) directly accessible from the <i>dwelling</i> d) service functions such as clothes drying and mechanical services e) reasonable privacy f) reasonable solar access. |
| External facilities | |
| <p>There is no applicable rule.</p> | <p>C29</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) storage units and plant equipment (including air-conditioning plant) are not permitted on <i>balconies</i> b) clothes drying facilities are only permitted on <i>balconies</i> where they are screened from view of streets and public areas. |
| Noise | |
| <p>There is no applicable rule.</p> | <p>C30</p> <p>This criterion applies to <i>dwelling</i>s on the <i>block</i> and <i>dwelling</i>s on adjoining <i>blocks</i>.</p> <p>Transfer of noise between noise sources and habitable rooms, particularly bedrooms, are minimised through the siting, design and layouts of buildings.</p> |

| Rules | Criteria |
|-------|---|
| | For the purpose of this criterion noise sources include, but are not limited to, garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, communal open space and circulation areas. |

| Type | <i> dwellings wholly or partially at lower floor level or on a podium or similar structure</i> | | <i> dwellings located entirely on an upper floor level</i> | |
|-----------------------------------|--|-------------------|--|-------------------|
| | minimum area | minimum dimension | minimum area | minimum dimension |
| <i>studio apartment</i> | 18m ² | 4m | 4m ² | nil |
| <i>1 bedroom dwelling</i> | 24m ² | 4m | 8m ² | 2m |
| <i>2 bedroom dwelling</i> | 24m ² | 4m | 10m ² | 2m |
| <i>3 or more bedroom dwelling</i> | 36m ² | 6m | 12m ² | 2m |

Table 4: Principal private open space area requirements

Element 5: Parking and vehicular access

| Rules | Criteria |
|---|---|
| Vehicular access | |
| <p>There is no applicable rule.</p> | <p>C31</p> <p>Vehicular access arrangements must comply with all of the following:</p> <ul style="list-style-type: none"> a) ensure pedestrian and bicycle priority and desire lines and paths are maximised b) contains high quality public realm treatments that add visual interest, including tree planting, landscaping, materials, footpaths and lighting c) where a <i>block</i> has a <i>front boundary</i> to another road which is parallel with Northbourne Avenue, vehicular access continues from Northbourne Avenue through the <i>block</i> to that road at the other frontage. <p>Note: This criterion, particularly b), does not replace TCCS requirements, standards and endorsements relating to waste collection and service vehicles.</p> |
| <p>There is no applicable rule.</p> | <p>C32</p> <p>Pedestrian and cyclist access to <i>blocks</i> must be clearly separated from vehicular access and be distinguishable through surface materials, level changes and landscaping.</p> |
| Parking | |
| <p>R33</p> <p>This rule applies to multi-unit residential development in residential and commercial zones.</p> <p>The maximum parking provision rate is as follows:</p> <ul style="list-style-type: none"> a) studio or one-bedroom <i>dwelling</i> – 1 space maximum b) two-bedroom <i>dwelling</i> – 1.3 spaces maximum c) three or more bedroom <i>dwelling</i> – 1.5 spaces d) every 8 <i>dwellings</i> – 1 visitor space <p>Note: Minimum and maximum parking provision rates contained within the relevant development or general codes do not apply.</p> <p>Note: Parking calculations are rounded up to the nearest whole number.</p> | <p>C33</p> <p>Additional on-site car parking spaces can be provided within the basement of the building compliant with all of the following:</p> <ul style="list-style-type: none"> a) the additional car park areas does not require an expansion to the building footprint or to the basement area b) car parking is endorsed by the ACT Government agency responsible for car parking. |

| Rules | Criteria |
|--|--|
| There is no applicable rule. | <p>C34</p> <p>Visitor car parking spaces are allocated for visitors of occupants of the residential parts of the development.</p> <p>Visitor car parks must not be allocated to any other purpose, including private spaces for dwellings or workers of the commercial components of the development.</p> |
| There is no applicable rule. | <p>C35</p> <p>Adequate spaces and areas, suitably screened from public view, are provided for the loading and unloading of service vehicles.</p> |
| Parking structures | |
| <p>R36</p> <p>Vehicle parking is only permitted in a <i>basement</i>. At-grade, podium or other above ground vehicle parking is not permitted.</p> | <p>C36</p> <p>At-grade, podium or other above ground parking is only permitted where the following are met:</p> <ul style="list-style-type: none"> a) the parking area is located away from Northbourne Avenue and intersections of Northbourne Avenue with Macarthur Avenue, Wakefield Avenue, Mouat Street or Antill Street b) the parking area is suitably screened from Northbourne Avenue and major cross streets through use of buildings, <i>communal open space</i> area, <i>private open space</i> and/or landscaping c) podium parking structures are screened with high quality architectural treatment d) In addition to the above, the following requirements also apply to at-grade car parking: <ul style="list-style-type: none"> i) is incorporated into the landscape design for the <i>block</i> ii) does not reduce the amenity of <i>communal open space</i> areas or <i>private open space</i> iii) incorporates the use of materials, including permeable or light coloured paving, to reduce the increase of surface temperature iv) includes shade trees planted at least every 5 vehicle spaces to reduce the car park surface temperature. |

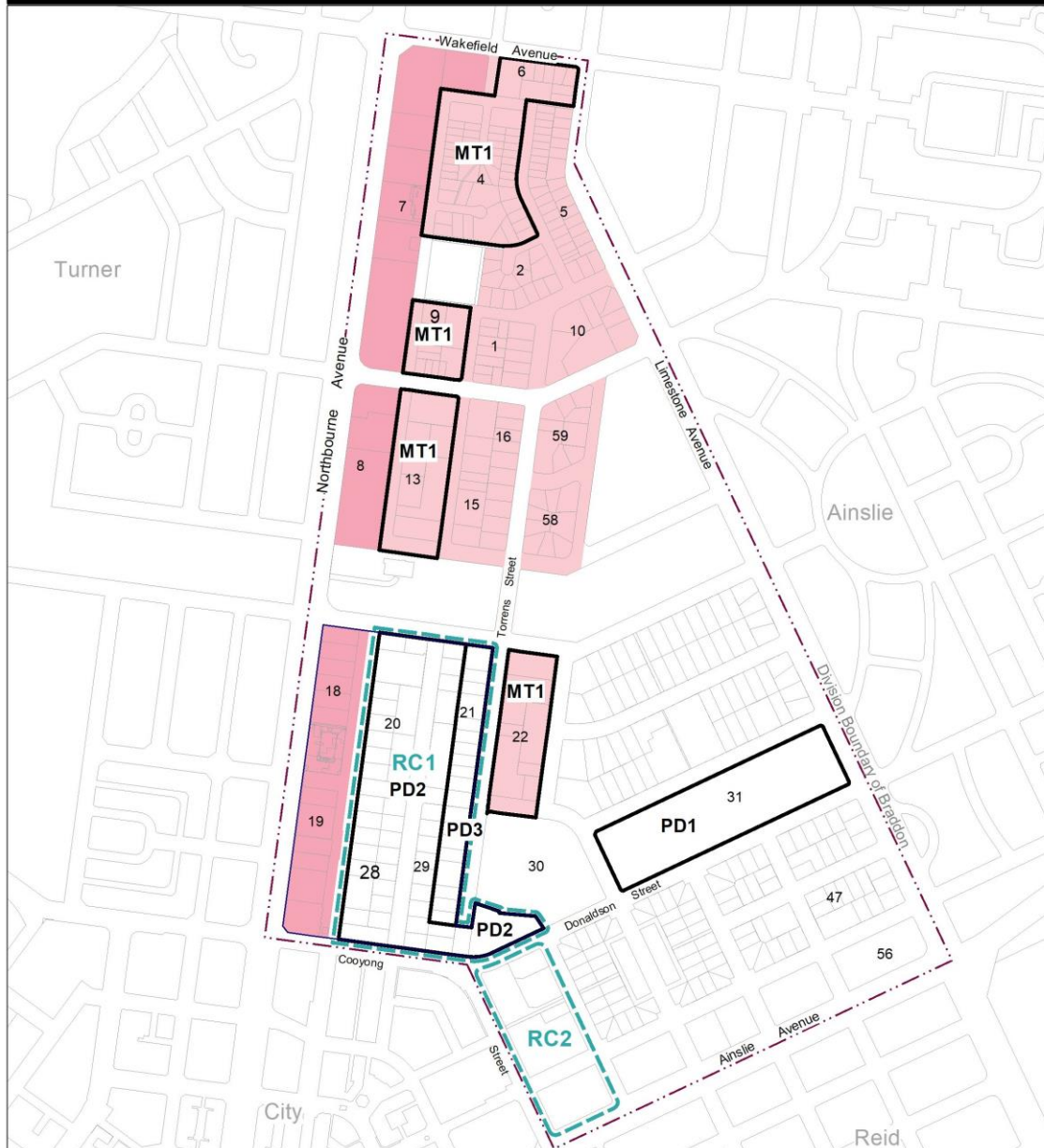
Element 6: Environment

| Rules | Criteria |
|---|---|
| Erosion and sediment control | |
| <p>R37</p> <p>For sites less than 3,000m², the development complies with the Environment Protection Authority <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>.</p> <p>Note: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

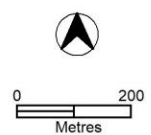
Element 7: Waste management

| Rules | Criteria |
|--|---|
| Post occupancy waste management | |
| <p>R38</p> <p>Facilities for waste disposal, recycling and composting:</p> <p>a) complies with the <i>Development Control Code for Best Practice Waste Management in the ACT 2019</i></p> <p>b) are suitably screened from public view.</p> <p>Note: This rule does not replace the provisions relating to post occupancy waste management endorsement in the relevant development code.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

Braddon Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Braddon Precinct Code
- Northbourne Avenue Corridor Precinct Code applies
- Inner North Precinct Code applies



Assessment Tracks

The following table identifies the additional prohibited development for blocks and parcels shown in the Braddon Precinct Map (identified as PDn). 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 table constitutes part of the relevant zone development table.

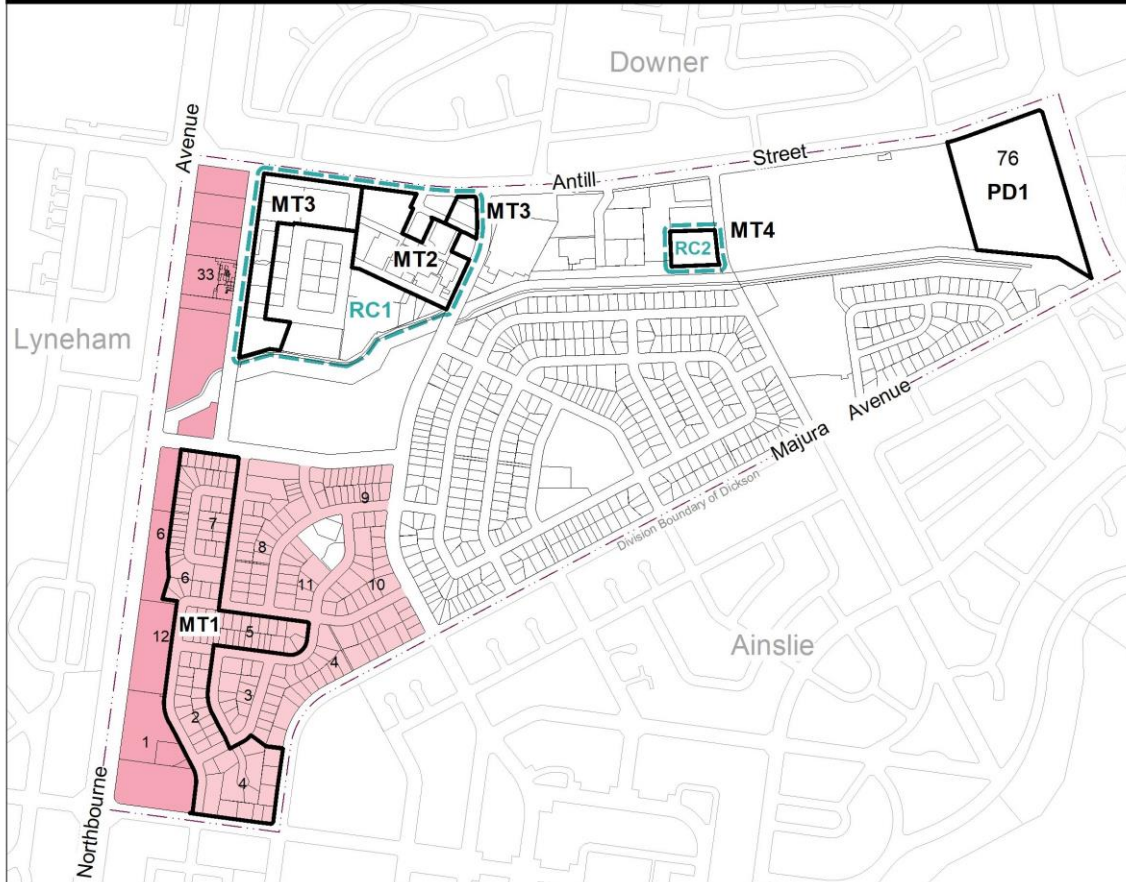
Table 1 – Additional prohibited development

| Additional prohibited development | | |
|--|-------------|--|
| Suburb precinct map label | Zone | Development |
| PD1 | CFZ | <i>retirement village supportive housing</i> |
| PD2 | CZ3 | <i>place of assembly place of worship religious associated use tourist facility tourist resort</i> |
| PD3 | CZ2 | <i>club COMMERCIAL ACCOMMODATION USE community theatre cultural facility drink establishment educational establishment emergency services facility financial establishment indoor entertainment facility indoor recreation facility outdoor recreation facility place of assembly place of worship religious associated use restaurant SHOP tourist facility</i> |

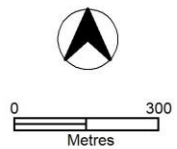
Table 2 – Additional merit track development

| Additional merit track development that may be approved subject to assessment | | |
|--|-------------|---|
| Suburb precinct map label | Zone | Development |
| MT1 | RZ4 | <i>business agency office restaurant SHOP</i> |

Dickson Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Dickson Precinct Code
- Northbourne Avenue Corridor Precinct Code applies
- Inner North Precinct Code applies

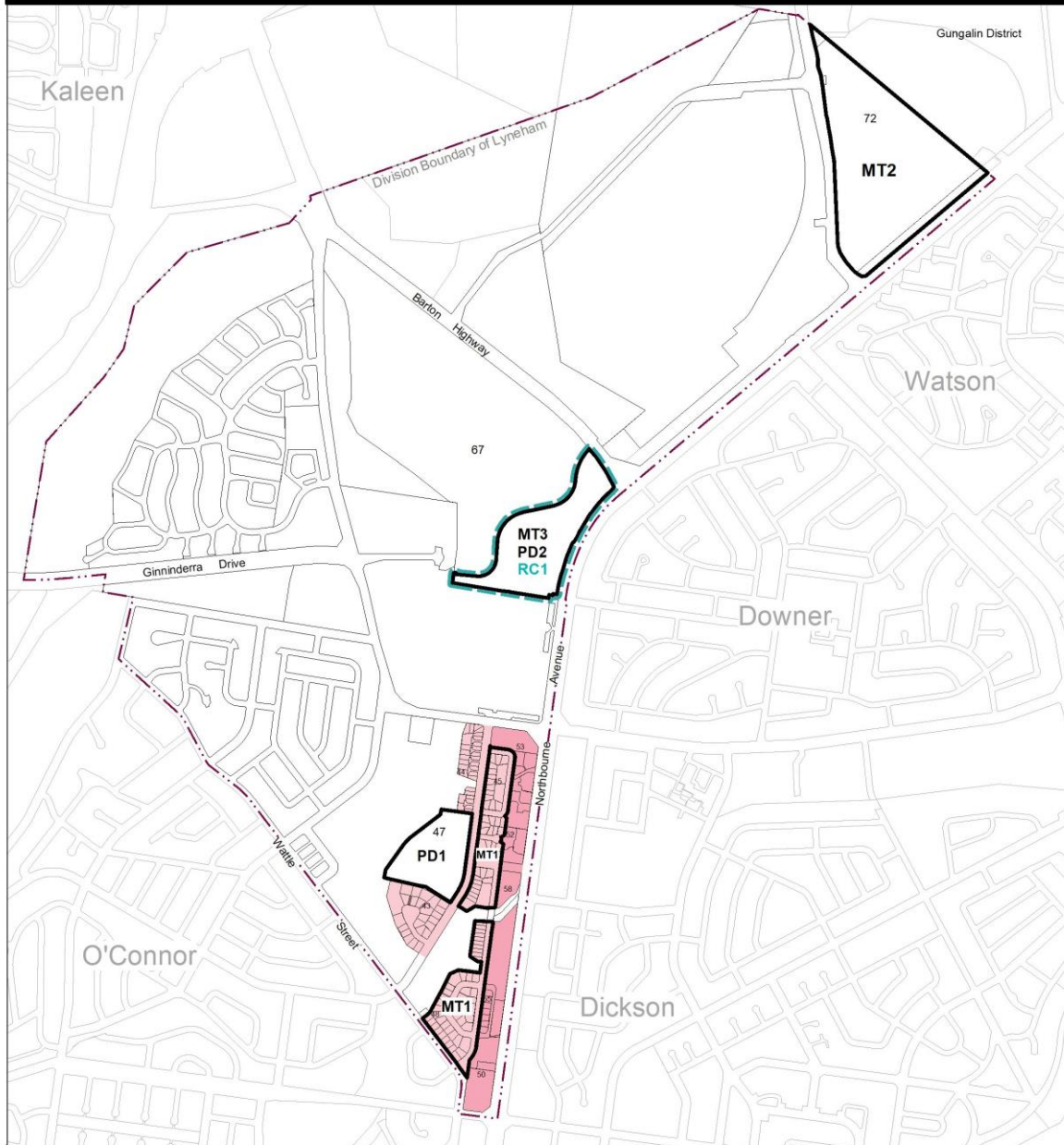


Appendix E

Table 2 – Additional merit track development

| Additional merit track development that may be approved subject to assessment | | |
|--|-------------|--|
| Suburb precinct map label | Zone | Development |
| MT1 | RZ4 | <i>business agency office restaurant SHOP</i> |
| MT2 | CZ1 | <i>industrial trades municipal depot store</i> |
| MT3 | CZ2 | <i>funeral parlour light industry service station veterinary hospital</i> |
| MT4 | CFZ | <i>craft workshop community housing pedestrian plaza social enterprise</i> |

Lyneham Precinct Map



- PDn** Additional prohibited development see Table 1
- MTn** Additional merit track development see Table 2
- RCn** Additional rules and criteria apply see Lyneham Precinct Code
- Northbourne Avenue Precinct Code applies
- Inner North Precinct Code applies

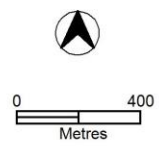


Table 2 – Additional merit track development

| Additional merit track development that may be approved subject to assessment | | |
|---|------|---|
| Suburb precinct map label | Zone | Development |
| MT1 | RZ4 | <i>business agency office restaurant SHOP</i> |
| MT2 | NUZ1 | <i>place of assembly</i> |
| MT3 | | <i>Drink establishment</i> |

Turner Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Turner Precinct Code
- Northbourne Avenue Corridor Precinct Code applies
- Inner North Precinct Code applies
- X** Urban open space - not public land. These areas may be reviewed.

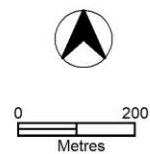


Table 1 – Additional prohibited development

| Additional prohibited development | | |
|-----------------------------------|------|--|
| Suburb precinct map label | Zone | Development |
| PD1 | CFZ | <i>retirement village supportive housing</i> |
| PD2 | CZ2 | <i>COMMERCIAL ACCOMMODATION USE (except guest house) drink establishment emergency services facility financial establishment indoor entertainment facility place of assembly restaurant serviced apartment</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 | RZ4 | <i>business agency office restaurant SHOP</i> |
| MT 2 | RZ1 | <i>COMMUNITY USE</i> |
| MT3 | PRZ1 | <i>public transport facility</i> |