

Australian Capital Territory

# Planning and Development (Plan Variation 382) Approval 2023

Notifiable instrument NI2023-167

made under the

**Planning and Development Act 2007, s 76 (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 382) Approval 2023*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Approval of draft plan variation

(1) I approve under the *Planning and Development Act 2007*, section 76 (2) (a), plan variation 382 to the Territory Plan.

(2) In this section:

*plan variation 382 to the Territory Plan* means the plan variation set out in the schedule.

Mick Gentleman MLA  
Minister for Planning and Land Management  
24/03/2023



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**Schedule** (See section 3)

*Planning and Development Act 2007*

# **Variation to the Territory Plan 382**

Phillip Section 79 part Block 4  
Zone Change and Amendments to Phillip  
Precinct Map and Code

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

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# 1. EXPLANATORY STATEMENT

## 1.1 Background

Block 4 Section 79 Phillip, owned by the Canberra Southern Cross Club, was the previous home of an 18-hole par 3 Pitch n Putt golf course. Since the golf course's closure, the south-eastern portion of the block has been developed into a fitness centre known as the Stellar Canberra Health and Wellness Centre. Vehicular access to this development is via a service lane over Yarralumla Creek along the south-eastern side of Canberra College. The remaining portion of Block 4 Section 79 Phillip is the site that is the subject of this variation.

In 2015 the Woden Town Centre Master Plan identified that the site could be considered for additional uses such as residential development if the site access was improved. The master plan further stated that "increased development density and building heights should also be investigated when improved access to this precinct (the land north of the 'town' centre including the old pitch and putt site) is provided". Since then, a planning report was prepared by the lessee's planning consultant, to investigate the development potential of the site including improved site access, increased development density and building height. The planning report was accepted by EPSDD as the background study for this variation.

The site was also investigated during the review of the PRZ2 Restricted Access Recreation and CZ6 Leisure and Accommodation zones by EPSDD. It was considered to be suitable for redevelopment because the site was identified for redevelopment in the Woden Town Centre Master Plan. Redevelopment of the site was also considered to be consistent with the *ACT Planning Strategy 2018*.

The site is currently zoned Commercial CZ6 Leisure and Accommodation zone. The variation rezones the site to Commercial CZ2 Business zone to allow higher order uses, such as non-retail commercial and residential use. It also increases building heights from six storeys to twelve storeys with an additional four storeys permissible for one building tower element if the whole development adequately responds to the specific requirements for the site detailed in the Phillip Precinct Map and Code.

## 1.2 Summary of the Proposal

This variation rezones part of Block 4 Section 79 Phillip, the previous Pitch n Putt golf course in Woden, from Commercial CZ6 Leisure and Accommodation Zone to Commercial CZ2 Business Zone. The variation also proposes to make changes to the Phillip Precinct Map and Code to introduce specific planning controls and provisions to guide future development on the site.

### **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 requires 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**

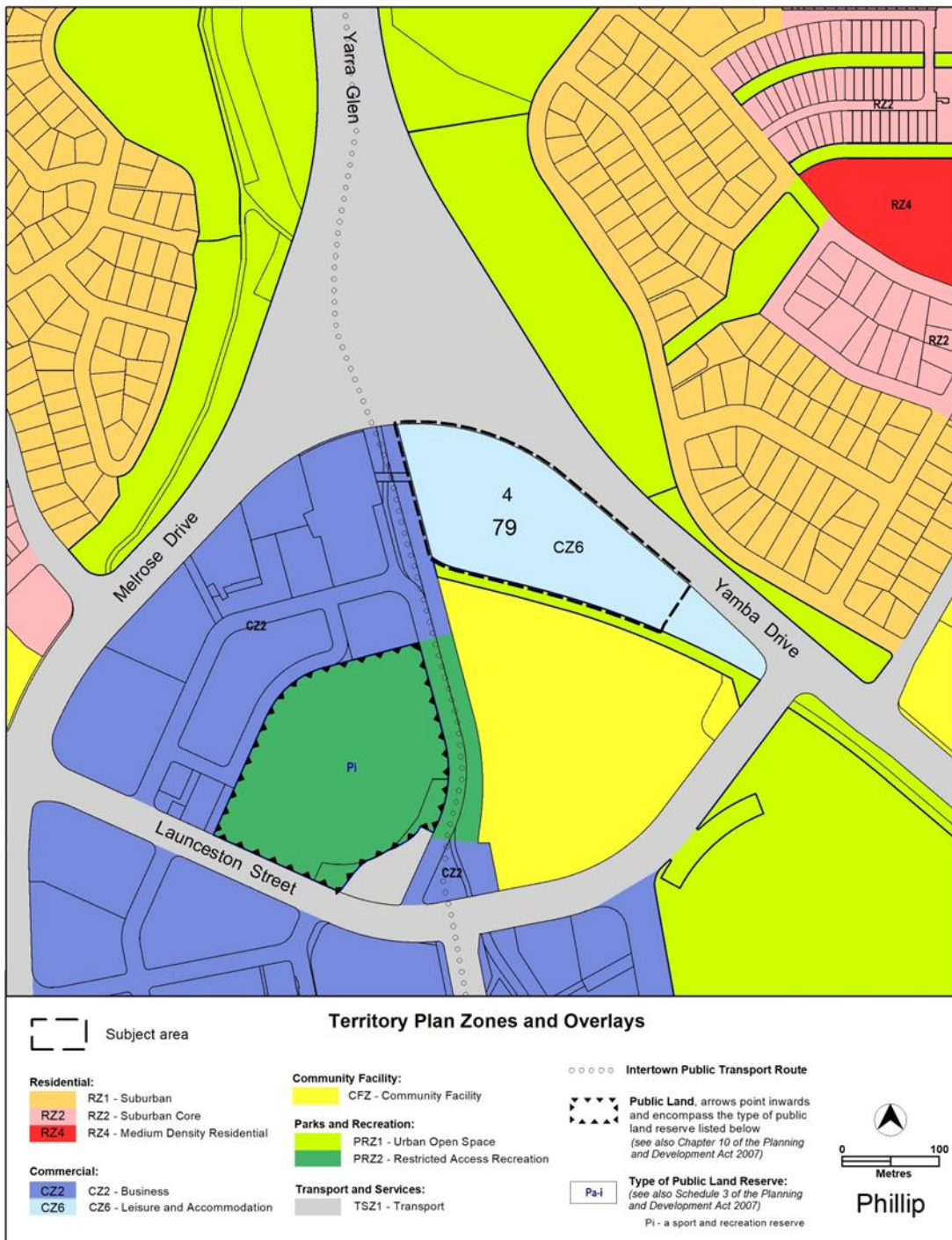
The site is located on the north-eastern edge of the Woden Town Centre, and immediately adjacent to the roundabout of Yarra Glen/Yamba Drive/Melrose Drive. Canberra College is to the south of the site, and the suburb of Hughes is located to the east. The site is bounded by Yarra Glen, Yamba Drive, Launceston Street, the concrete lined Yarralumla Creek and Long Gully Creek. It is also immediately adjacent to the planned route for light rail from the City to Woden. To the west of the site across from Yarralumla Creek are existing multi-unit developments including the Ivy, Trilogy and The Oaks.



Figure 1 Site Plan

## 1.5 Current Territory Plan Provisions

The Territory Plan map for the area subject to this variation is shown in **Figure 2**.



**Figure 2 Current 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

Draft Variation 382 (DV382) was released for public comment between 15 October 2022 and 25 November 2022. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 17 October 2022.

A total of five written submissions were received, which included three individual submissions, and two submissions from community organisations – one from the Woden Valley Community Council and one from Pedal Power ACT.

Main issues raised by submitters included:

- Concerns about:
  - increased traffic generation
  - building heights and density
  - access to the site from Yamba Drive
  - loss of community and recreation facilities
  - rezoning from CZ6 to CZ2
  - negative impacts of the development on nearby residential areas
  - alleged erroneous claims by Southern Cross Club
- Comments about:
  - alternative access options to the site via extension of Irving Street Phillip
  - deficiencies in the proposal
  - deficiencies in the planning report
- Comments on:
  - planning for light rail and the C4 Principal Community Route
  - environmental and heat island considerations
- Support for active travel network and connections
- Suggestions for a way forward for the proposal

The above issues were considered and are detailed in a report on consultation. No changes were made as a result of consultation. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.



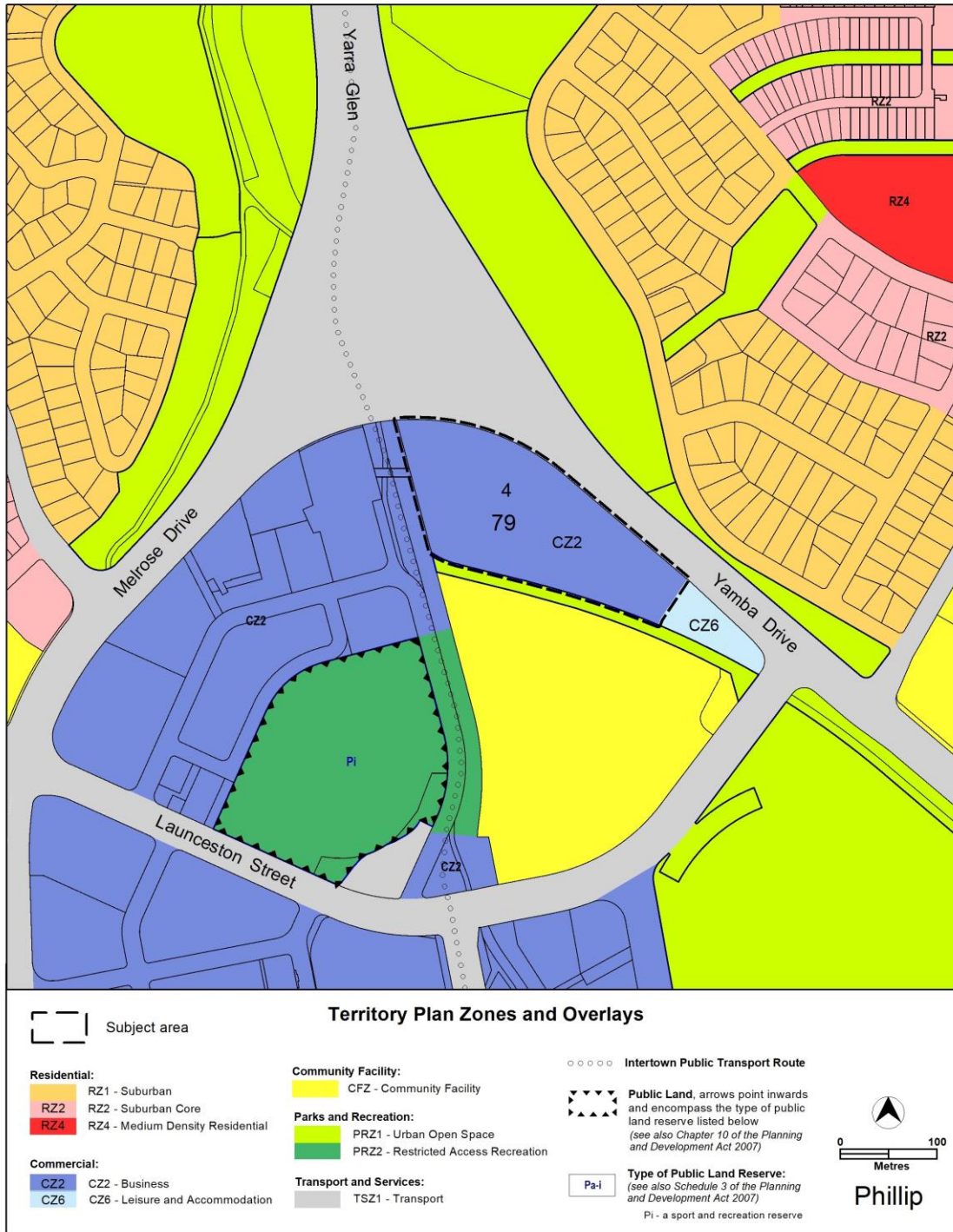
## **1.8 Revisions to the Draft Variation Recommended to the Minister**

No changes were made to the planning provisions of the draft variation recommended to the Minister. Corrections were made to the numbering of provisions and instructions about how to insert the provisions into the Territory Plan.

## 2. VARIATION

### 2.1 Variation to the Territory Plan Map

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

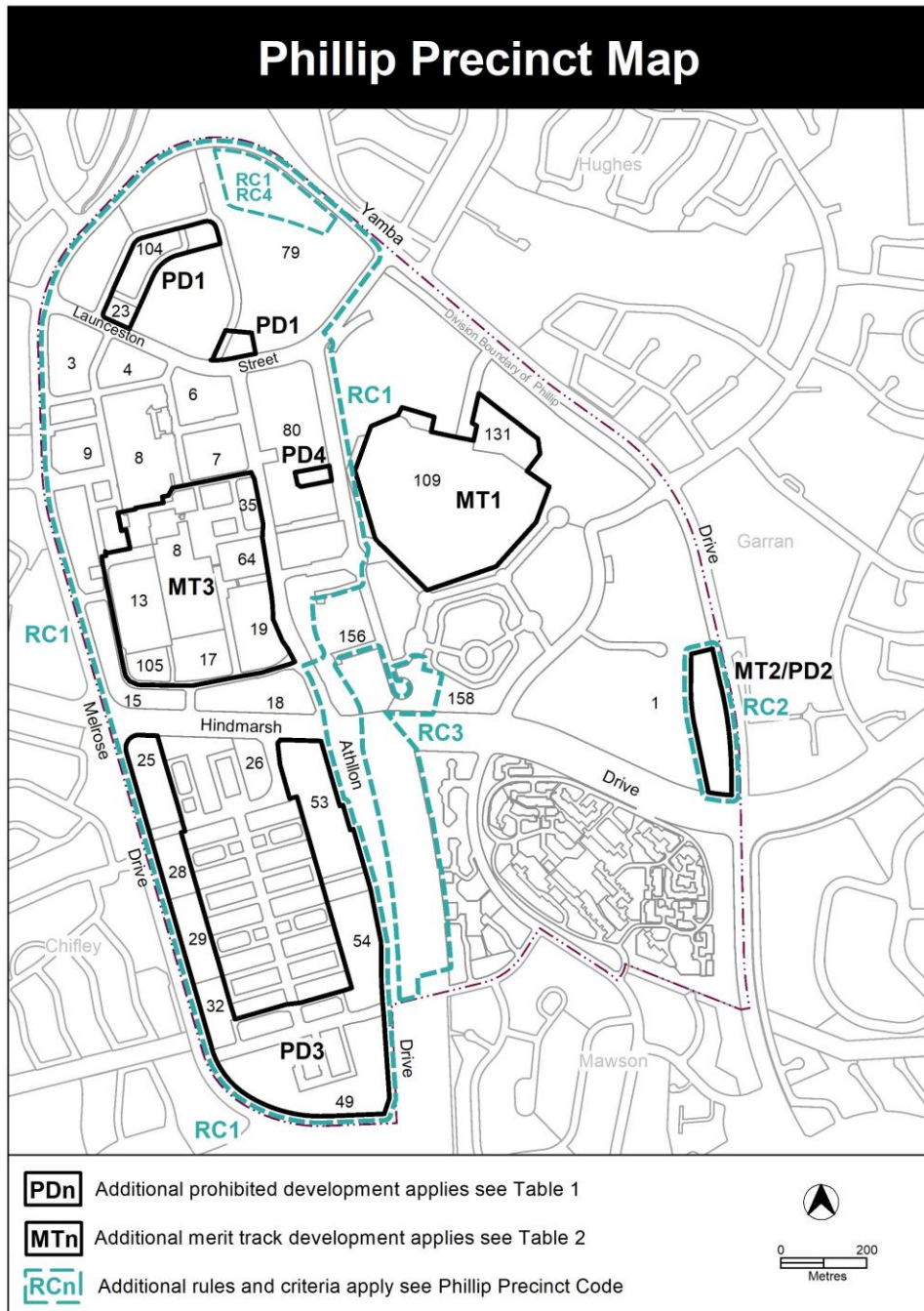


## 2.2 Variation to the Territory Plan

### Variation to the *Phillip Precinct Map and Code*

#### 1. Phillip Precinct Map

*Substitute*



## **2. Introduction, Acronyms**

### *Omit*

ACTPLA	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
ESDD ACT	Environment and Sustainable Development Directorate
TAMS ACT	Territory and Municipal Services Directorate

### *Insert*

EPSDD	Environment, Planning and Sustainable Development Directorate
TCCS	Transport Canberra and City Services

## **3. Additional Rules and Criteria, RC1 Woden Town Centre, Figure 2 Buildings heights and marker buildings**

### *Substitute*



**Figure 2 Building heights and marker buildings**

**4. Additional Rules and Criteria**  
**New RC4 – Phillip Section 79 part Block 4**

*Insert*

**RC4 – Phillip Section 79 part Block 4**

This part applies to blocks and parcels identified in area RC4 shown on the Phillip Precinct Map.

**Element 6: Estate planning**

Rules	Criteria
<b>6.1 Yarralumla and Long Gully Creeks</b>	
<p>There is no applicable rule.</p>	<p>C50</p> <p>This criterion applies to land contained within the <i>setback</i> area to Yarralumla Creek and Long Gully Creek identified in C60.</p> <p>Development complies with all of the following (where relevant):</p> <ul style="list-style-type: none"> <li>a) maintain or increase flood conveyance capacity and storage volume for these watercourses</li> <li>b) create and maintain opportunity for flora and fauna habitat and movement</li> <li>c) provide a landscape setting to improve visual and environmental amenity</li> <li>d) provide an infrastructure corridor for existing and future utility services including an existing trunk sewer and major gas main</li> <li>e) demonstrated adequate space for active travel routes and open spaces for the use and enjoyment of the local community and commuters</li> <li>f) improve the landscape quality and setting on Yarralumla and Long Gully Creeks through the use of natural construction materials and vegetation</li> <li>g) development of b) and d) is completed prior to or at the same stage as surrounding residential development.</li> </ul> <p>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this criterion.</p>

Rules	Criteria
<p>R51</p> <p>A Flood Risk Study is to be undertaken for the site. The risk assessment should incorporate:</p> <ul style="list-style-type: none"> <li>a) Current Australian Rainfall and Runoff and ACT Government standards for stormwater management</li> <li>b) Mapping of the 1% and 0.2% AEP flood event</li> <li>c) Responses to the management of high (&gt;4m/s) channel velocities</li> <li>d) Impacts of climate change</li> <li>e) Access and design responses to mitigate risks within the site.</li> </ul> <p>The study is to be undertaken by consultants familiar with floodplain management issues related to urban development adjacent to major watercourses and endorsed by the relevant agency.</p> <p><i>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this rule.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R52</p> <p>This rule applies to the following:</p> <ul style="list-style-type: none"> <li>a) filling within one of the following (whichever is greater): <ul style="list-style-type: none"> <li>i) 1% AEP (annual exceedance probability) flood extent for Yarralumla and Long Gully Creeks</li> <li>ii) 20 metres of Yarralumla and Long Gully Creek stormwater easements, or within the setback determined by C60</li> </ul> </li> <li>b) compensatory excavation to offset filling specified in a)</li> <li>c) reducing or increasing flood conveyance capacity and storage volume for Yarralumla Creek</li> <li>d) increased 'naturalisation' of Yarralumla and Long Gully Creeks.</li> </ul> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> <li>i) is endorsed by TCCS</li> <li>ii) is prepared by a 'suitably qualified professional'</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>For the purpose of this rule 'naturalisation' means changing the appearance and functionality to more closely represent natural characteristics which may include the use of natural construction materials and vegetation.</p> <p>For the purpose of this rule a 'suitably qualified professional' is familiar with the design and analysis of flood management measures related to development adjacent to major watercourses.</p> <p><i>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this rule.</i></p>	
<p><b>R53</b></p> <p>This rule applies to development wholly or partially within 1% AEP (annual exceedance probability) flood extent for Yarralumla and Long Gully Creeks.</p> <p>Development of the site is consistent with a flood risk study, prepared by a 'suitably qualified professional' and endorsed by TCCS, which includes all of the following:</p> <ol style="list-style-type: none"> <li>a) protections for ongoing safety of the public against impacts of floods are provided</li> <li>b) protections for property against the impacts of floods are provided</li> <li>c) the site is planned and developed with consideration for flood risks</li> <li>d) where flood impacts on development are less than 20m from the Yarralumla Creek and Long Gully Creek stormwater easements, identification of a minimum <i>setback</i> for development for the site.</li> </ol> <p>For the purpose of this rule a 'suitably qualified professional' is familiar with the design and analysis of flood management measures related to development adjacent to major watercourses.</p> <p>If TCCS endorsement is not provided the application will be referred to TCCS.</p> <p><i>Note: The planning and land authority may consult, where relevant, with TCCS and other areas of EPSDD (or future relevant agencies) when determining compliance with this rule.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<b>6.2 Site access and internal road layout</b>	
<p>R54</p> <p>The following is endorsed by TCCS:</p> <ul style="list-style-type: none"> <li>a) a transport impact assessment for the site, prepared by a suitably qualified professional</li> <li>b) location, nature and number of new and existing external vehicular site access points to/from the site, including vehicular access from Yamba Drive</li> <li>c) active travel connection/s to Yarralumla Creek shared path network.</li> </ul> <p>Plans and drawings clearly demonstrate that the development is consistent with TCCS endorsements for a), b) and c).</p> <p><i>Note: TCCS may endorse development or works in addition to items identified in this rule.</i></p>	<p>C54</p> <p>If TCCS endorsement is not provided with the application, it will be referred to TCCS for endorsement.</p>
<b>6.3 Pedestrian and bicycle network and active travel</b>	
<p>There is no applicable rule.</p>	<p>C55</p> <p>Internal pedestrian and bicycle network through the site complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) provides an efficient, safe and legible pedestrian and bicycle network through the site</li> <li>b) connect with existing pedestrian and bicycle network around the site</li> <li>c) predominantly utilises routes which are not also used by vehicles</li> <li>d) aligns with light rail stations and crossing points to reduce informal light rail crossings for cyclists and pedestrians</li> <li>e) allows pedestrian and cyclists to travel between open space areas on the site, the light rail stops and light rail crossing points in the vicinity of the site</li> <li>f) provide unimpeded public pedestrian and bicycle access at all times</li> <li>g) a landscape corridor, which includes a path, approximately 10 metres wide but is not less than 5 metres wide at any point and accommodates all of the following: <ul style="list-style-type: none"> <li>i) a shared path for pedestrians and cyclists</li> </ul> </li> </ul>

Rules	Criteria
	<ul style="list-style-type: none"> <li>ii) the landscape corridor and path are both of adequate width to meet the current and future usage demand</li> <li>iii) tree planting along the length of the corridor with appropriate offsets to path, services and other infrastructure.</li> </ul> <p>Development of and within the internal pedestrian and bicycle network are to be endorsed by TCCS where relevant.</p> <p>Note: The width of the landscape corridor should be able to accommodate potential future path widening without impacts to planted trees. This is especially important if the laneway is bounded by walls and built structures.</p>
There is no applicable rule.	<p>C56</p> <p>Pedestrian and cyclist access to the site are clearly separated from vehicular access and be distinguishable through surface materials, level changes, landscaping and/or slow-speed shared pedestrian road zones.</p>
<p>R57</p> <p>Shared access for pedestrians and cyclists shall be provided across Yarralumla Creek, connecting Irving Street with Section 79 and the general public footpath network to the satisfaction of TCCS.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>6.4 Canopy cover</b>	
<p>R58</p> <p>Development demonstrates that a minimum of 30% of the area has or will have canopy tree cover measured at a mature height.</p> <p>Note: Existing trees which are being retained may contribute towards the 30% requirement.</p>	<p>C58</p> <p>Development demonstrates that a minimum 30% of the RC2 area has a combination of the following:</p> <ul style="list-style-type: none"> <li>a) at least half of the area required by this criterion contains canopy tree cover measured at a mature height</li> <li>b) the area of planting on green roofs (including rooftop gardens)</li> <li>c) the area of planting on external green walls, where measurement of the area of planting is taken along the vertical plane of the surface that contains the planting and vegetation.</li> </ul> <p>For this criterion, the area of planting must:</p> <ul style="list-style-type: none"> <li>i) have a minimum dimension of 2.5m</li> <li>ii) include watering (e.g. automatic</li> </ul>

Rules	Criteria
	<p>irrigation) and maintenance systems to ensure survival of vegetation</p> <p>iii) comprise vegetation which is easily maintained and is suited to the microclimate in which it is to be installed</p> <p>iv) comprise vegetation (density and species selection) which is likely to have a positive summer cooling impact on the immediate urban environment.</p> <p>Note 1: existing trees contribute towards the canopy tree cover mentioned in a).</p> <p>Note 2: trees planted on green roofs or in roof gardens can count towards canopy tree cover.</p> <p>Note 3: The calculations for the area of planting for this provision do not include any form of impermeable or non-living element (i.e. terraces, pergolas, patios, decks, pools, mechanical plant, (such as ventilation systems and lift over-runs), artificial lawn, gravel substrate and the like).</p>
<b>3.2 Community facilities</b>	
There is no applicable rule.	<p>C59</p> <p>A community and social needs assessment report is to be prepared to determine and prescribe the future needs within the development. The assessment report is to be endorsed by the relevant authority.</p> <p>Provision is required to be made within the development to accommodate the identified community uses to the satisfaction of the relevant authority.</p> <p>Note: EPSDD will co-ordinate a response with other agencies such as TCCS and CMTEDD on the endorsement of the report.</p>

## Element 7: Buildings

Rules	Criteria
<b>7.1 Building controls and design</b>	
<p>R60</p> <p>This rule does not apply to development mentioned in R52.</p> <p>The minimum <i>setback</i> from the centre line of the Yarralumla Creek and Long Gully Creek</p>	<p>C60</p> <p>This criterion does not apply to development mentioned in R52.</p> <p>The minimum setback from the centreline of the Yarralumla Creek and Long Gully Creek</p>

Rules	Criteria
<p>stormwater easements to development provides all of the following:</p> <ul style="list-style-type: none"> <li>a) adequate space for development in C50</li> <li>b) a minimum <i>setback</i> (whichever is greater): <ul style="list-style-type: none"> <li>i) 20 metres</li> <li>ii) as recommended by the TCCS endorsed flood risk study mentioned in R51.</li> </ul> </li> </ul>	<p>stormwater easements to development may be less than 20 metres, provided that it is demonstrated that all of the following can be achieved within the nominated setback:</p> <ul style="list-style-type: none"> <li>a) adequate space for development in C50</li> <li>b) appropriate waterway management practices to facilitate the functioning of riparian zones</li> <li>c) adequate space to support and enhance wildlife connectivity</li> <li>d) adequate space for active travel routes</li> <li>e) provision of adequate living infrastructure (including provision of adequate tree canopy cover for shading)</li> <li>f) recommendations of the TCCS endorsed flood risk study mentioned in R53 (if less than 20 metres).</li> </ul> <p>Compliance with this criterion is to be endorsed by the Conservator of Flora and Fauna.</p>
<p>R61</p> <p>This rule applies to development mentioned in Criterion C9.</p> <p>Only one tower element of 16 storeys is permitted on Section 79.</p> <p>The tower element is to be located in the northern part of the site.</p> <p>The tower element is to present as one distinct tower and the portion of development above 6 storeys is limited to 850m<sup>2</sup> floor plate per floor.</p> <p>For the purpose of calculating floor plate for this rule, all internal areas such as dwellings, office space, indoor amenities, elevator cores, storage spaces, stairwells and hallways are included.</p> <p>Inset or projecting balconies are excluded from the floor plate limit.</p>	<p>C61</p> <p>Departures from the 850m<sup>2</sup> floor plate limit can be considered where development complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) provides a narrow silhouette and is located and designed to minimise overshadowing to surrounding areas, particularly nearby existing residential.</li> <li>b) creates architectural interest and visually reduces the overall scale of the building mass, and</li> <li>c) designed to minimise its visual bulk and scale as viewed when approaching the site along Yamba Drive.</li> </ul>
<p>There is no applicable rule.</p>	<p>C62</p> <p>The tower element referred to in R61 demonstrates that it:</p> <ul style="list-style-type: none"> <li>a) makes a positive contribution to the neighbourhood and landscape character of the area, particularly as viewed when approaching the town centre along</li> </ul>

Rules	Criteria
	<p>Yamba Drive</p> <ul style="list-style-type: none"> <li>b) does not have unreasonable negative impacts on neighbouring properties</li> <li>c) is located and designed to minimise overshadowing to surrounding areas, particularly nearby existing residential, and</li> <li>d) provides an interesting and distinct architectural design with a distinct base, middle and top.</li> </ul>
<p>There is no applicable rule.</p>	<p>C63</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) provides a gradual transition in density and scale, from a lower density and building height to the south-east of the site to the tower element to the north of the site with a maximum height as specified in R61</li> <li>b) building heights to the south-east of the site are compatible with the adjacent health and fitness centre.</li> </ul>
<p>R64</p> <p>This rule applies to buildings fronting Yamba Drive:</p> <p><i>Buildings</i> are no more than 55m in length and width at their longest/widest point.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C65</p> <p>Buildings (not fronting Yamba Drive) exceeding 55m in length and/or width comply with all the following:</p> <ul style="list-style-type: none"> <li>a) strong design justification</li> <li>b) provide continuous active street frontage</li> <li>c) at least every 55 metres of <i>building</i>, provide a publicly accessible pedestrian link between 5 and 10 metres wide.</li> </ul>
<p>R66</p> <p><i>Habitable rooms</i> comply with the following:</p> <ul style="list-style-type: none"> <li>a) master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</li> <li>b) bedrooms have a minimum dimension of 3m (excluding wardrobe space)</li> <li>c) living rooms or combined living/dining</li> </ul>	<p>C66</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>rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>i) 3.6m for studio and 1 bedroom apartments</li> <li>ii) 4m for 2 or more bedroom apartments</li> <li>iii) the width of cross-over or cross-through dwellings are at least 4m internally to avoid deep narrow dwelling layouts.</li> </ul>	
<p>R67</p> <p><i>Habitable rooms</i> limit depth 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>C67</p> <p><i>Habitable room</i> depth may increase where finished floor level to ceiling height is above the minimum permitted, provided reasonable solar access to each habitable room is maintained.</p>
<p>R68</p> <p>Minimum <i>finished floor level</i> to ceiling heights are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>storey of dwellings</i> containing the main daytime living area: 2.7m</li> <li>b) non-habitable rooms in a <i>dwelling</i>: 2.4m</li> <li>c) non-residential development: 3.3m.</li> </ul>	<p>C68</p> <p>Floor to ceiling heights achieve sufficient natural ventilation and daylight access.</p>
<p>R69</p> <p>The minimum <i>gross floor area</i> for a dwelling is:</p> <ul style="list-style-type: none"> <li>a) Studio – 40m<sup>2</sup></li> <li>b) 1 bedroom – 50m<sup>2</sup></li> <li>c) 2 bedroom – 70m<sup>2</sup></li> <li>d) 3 bedroom – 100m<sup>2</sup></li> <li>e) each additional bedroom after the 3rd – an additional 12m<sup>2</sup></li> <li>f) Each bathroom after the first – 5m<sup>2</sup></li> </ul> <p>The minimum area mentioned in a), b), c) and d) may include only one bathroom.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C70</p> <p>Dwellings provide a high quality, interesting façade by providing active or passive surveillance through the use of balconies, screened and unscreened windows and access stairs to address the following:</p> <ul style="list-style-type: none"> <li>a) communal open space areas and internal pedestrian and bicycle network within the site</li> </ul>

Rules	Criteria
	<p>b) Yarralumla Creek active travel connection and <i>block</i> boundaries to Yarra Glen, Yamba Drive, Launceston Street, Yarralumla Creek and Long Gully Creek</p> <p>c) Where a building contains multiple dwellings, which face the areas listed in a) and b), dwellings in a development predominately provide occasional surveillance rather than passive surveillance of those areas.</p>
<b>7.2 Housing diversity</b>	
There is no applicable rule.	<p>C71</p> <p>Buildings contain a variety of dwelling designs such as dual aspect apartments, shallow apartment layouts, two storey dwellings and two-level apartment / townhouses.</p>

## Element 8: Site controls and design

Rules	Criteria
<b>8.1 Deep soil zones</b>	
There is no applicable rule.	<p>C72</p> <p>Deep soil zones are provided and comply with all of the following:</p> <ol style="list-style-type: none"> <li>are unimpeded by <i>buildings</i> or <i>structures</i> above and below ground<sup>1</sup></li> <li>have adequate dimensions to allow for the growth of healthy trees</li> <li>incorporate any <i>protected trees</i><sup>2</sup></li> <li>allow for the development of healthy root systems and provide anchorage and stability for mature trees</li> <li>co-located near deep soil zones on adjacent <i>blocks</i> and <i>sites</i> where possible.</li> </ol> <p>Note 1: Deep soil zones exclude <i>basements</i>, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways, podium and roof areas.</p> <p>Note 2: An individual assessment of each existing tree, the Tree Protection Zone, the site, and appropriate protection requirements will be required to substantiate this criterion.</p>

<b>8.2 Site access and internal road layout</b>	
<p>R73</p> <p>The following is endorsed by TCCS:</p> <ul style="list-style-type: none"> <li>a) a transport impact assessment for the site, prepared by a suitably qualified professional</li> <li>b) location, nature and number of new and existing external vehicular site access points to/from the site, including vehicular access from Yamba Drive as a slip road</li> <li>c) active travel connection/s to Yarralumla Creek shared path network.</li> </ul> <p>Plans and drawings clearly demonstrate that the development is consistent with TCCS endorsements for a), b) and c).</p> <p><i>Note: TCCS may endorse development or works in addition to items identified in this rule.</i></p>	<p>C73</p> <p>If TCCS endorsement is not provided with the application, it will be referred to TCCS for endorsement.</p>
<b>8.3 Pedestrian and bicycle network and active travel</b>	
<p>There is no applicable rule.</p>	<p>C74</p> <p>Internal pedestrian and bicycle network through the site complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) provides an efficient, safe and legible pedestrian and bicycle network through the site</li> <li>b) connect with existing pedestrian and bicycle network around the site</li> <li>c) predominantly utilises routes which are not also used by vehicles</li> <li>d) aligns with light rail stations and crossing points to reduce informal light rail crossings for cyclists and pedestrians</li> <li>e) allows pedestrian and cyclists to travel between open space areas on the site, the light rail stops and light rail crossing points in the vicinity of the site</li> <li>f) provide unimpeded public pedestrian and bicycle access at all times</li> <li>g) a landscape corridor, which includes a path, approximately 10 metres wide but is not less than 6 metres wide at any point and accommodates all of the following: <ul style="list-style-type: none"> <li>i) a shared path for pedestrians and</li> </ul> </li> </ul>



	<p>cyclists</p> <p>ii) the landscape corridor and path are both of adequate width to meet the current and future usage demand</p> <p>iii) tree planting along the length of the corridor with appropriate offsets to path, services and other infrastructure.</p> <p>Development of and within the internal pedestrian and bicycle network are to be endorsed by TCCS where relevant.</p> <p>Note: The width of the landscape corridor should be able to accommodate potential future path widening without impacts to planted trees. This is especially important if the laneway is bounded by walls and built structures.</p>
There is no applicable rule.	<p>C75</p> <p>Pedestrian and cyclist access to the site are clearly separated from vehicular access and be distinguishable through surface materials, level changes, landscaping and/or slow-speed shared pedestrian road zones.</p>
<p>R76</p> <p>Shared access for pedestrians and cyclists shall be provided across Yarralumla Creek, connecting Irving Street with Section 79 and the general public footpath network to the satisfaction of TCCS.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
There is no applicable rule.	<p>C77</p> <p>Adequate spaces and areas, suitably screened from public view, are provided for the loading and unloading of service vehicles.</p>
<b>8.5 Open space</b>	
There is no applicable rule.	<p>C78</p> <p>Open space on the site achieves all of the following:</p> <p>a) sufficient useable space for a range of recreational activities for residents to support active living</p> <p>b) sufficient space for planting, particularly trees with deep root systems</p> <p>c) a contribution to on-site infiltration of stormwater run-off</p> <p>d) reasonable accessibility that is designed</p>

	<p>to be inclusive for all residents</p> <p>e) reasonable connectivity for pedestrians and cyclists to key local destinations and community uses.</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <p>i) whether the total area of upper floor level private open space contributes to the function of other open space on the site</p> <p>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</p>
<b>8.6 Light rail</b>	
<p>R79</p> <p>This rule applies to the following development within 30m of the centreline of the Yarralumla Creek stormwater easement:</p> <p>a) Flood and stormwater mitigation measures from a flood risk assessment that is endorsed by TCCS / EPSDD</p> <p>b) Road design</p> <p>c) Utility relocations</p> <p>d) Access to light rail stop including pedestrian/cycle path connections.</p> <p>A statement of endorsement for these matters is provided by Major Projects Canberra (MPC).</p>	<p>C79</p> <p>If a statement of endorsement is not provided the application will be referred to Major Projects Canberra (MPC) for endorsement.</p>

## Element 9: Parking and vehicular access

Rules	Criteria
<b>9.1 Visitor car parking and service vehicles</b>	
<p>There is no applicable rule.</p>	<p>C80</p> <p>Visitor car parking spaces are allocated for visitors of occupants of the residential parts of the development.</p> <p>Visitor car parking spaces are conveniently located for visitors to the development and are not allocated to any other purpose, including private spaces for dwellings or workers of the commercial components of the development.</p>

## Element 10: Amenity

Rules	Criteria
<b>10.1 Pedestrian shelters</b>	
<p>R81</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>C81</p> <p>Awnings, canopies or colonnades achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) provide protection from natural elements along <i>buildings</i> and <i>building</i> entrances</li> <li>b) are integrated with the design of the building.</li> </ul>
<b>10.2 Solar access</b>	
<p>R82</p> <p>This rule applies to <i>apartments</i> only.</p> <p>Not more than 15% of <i>apartments</i> within a development receive less than 1 hour of direct sunlight between 9am and 3pm on the winter solstice (21 June).</p> <p><i>Note: This rule applies in addition to the relevant provisions relating to solar access for apartments in the relevant development code.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>10.3 Overshadowing</b>	
<p>R83</p> <p>Development within 50 metres of the Stellar Health and Wellness Centre and Block 16 Section 79 (Canberra College) is limited to a maximum of 6 storeys.</p>	<p>C83</p> <p>Development demonstrates that only minimum overshadowing occurs from any proposed buildings on the site over the surrounding area.</p>
<b>10.4 Noise</b>	
<p>R84</p> <p>The following uses are not permitted where located directly adjacent (including beneath or above) residential apartments and in building frontages directly facing onto Yamba Drive:</p> <ul style="list-style-type: none"> <li>a) club</li> <li>b) drink establishment</li> <li>c) hotel</li> <li>d) indoor recreation facility</li> <li>e) indoor entertainment facility</li> <li>f) restaurant.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 11: Environment

Rules	Criteria
<b>11.1 Contamination</b>	
<p>R85</p> <p>Development Applications for development on the site must be accompanied by an environmental assessment into the site's suitability from a contamination perspective in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p> <p>Endorsement by the Environment Protection Authority is required if it is not provided with the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.2 Environmentally sustainable design</b>	
<p>There is no applicable rule.</p>	<p>C86</p> <p>The development incorporates measures recommended by an environmentally sustainable design (ESD) assessment undertaken by a 'suitably qualified professional'.</p> <p>The assessment must consider ESD principles and best practice ESD, which at a minimum must include:</p> <ul style="list-style-type: none"> <li>a) energy efficiency, including passive design</li> <li>b) water efficiency</li> <li>c) reducing greenhouse gas emissions</li> <li>d) active and sustainable transport,</li> <li>e) living infrastructure</li> <li>f) urban design, including building materials and finishes.</li> </ul> <p>All recommended measures determined by the assessment are:</p> <ul style="list-style-type: none"> <li>i) not inconsistent with the relevant development and general codes of the Territory Plan</li> <li>ii) identified on plans and endorsed by</li> </ul>

Rules	Criteria
	<p>the relevant authority to ensure delivery and retention as a feature of the development.</p> <p>For the purpose of this criterion a 'suitably qualified professional' is a person with qualifications, experience and/or skills relevant to ESD.</p> <p><i>Note: The Planning and Land Authority may consult with EPSDD Climate Change and Energy Division (or future relevant agency responsible for the same functions) when determining compliance with this criterion.</i></p>
<b>11.3 Microclimate</b>	
<p>There is no applicable rule.</p>	<p>C87</p> <p>The development incorporates mitigation measures recommended by a microclimate assessment undertaken by a 'suitably qualified professional' as endorsed by the relevant authority. The assessment must identify the urban heat risk factors that apply to the site and recommend appropriate urban heat mitigation measures.</p> <p>All recommended measures determined by the assessment are:</p> <ul style="list-style-type: none"> <li>a) not inconsistent with the relevant development and general codes of the Territory Plan</li> <li>b) identified on plans and endorsed by the relevant authority to ensure delivery and retention as a feature of the development.</li> </ul> <p>For the purpose of this criterion a 'suitably qualified professional' is a person with qualifications, experience and/or skills, relevant to urban climate science, urban heat modelling and microclimate assessment.</p> <p><i>Note: The Planning and Land Authority may consult with EPSDD Climate Change and Energy (or future relevant agency responsible for the same functions) when determining compliance with this criterion.</i></p>
<b>11.4 Permeability</b>	
<p>R88</p> <p>This rule applies to at least one of the following:</p> <ul style="list-style-type: none"> <li>a) development on <i>sites</i> greater than 2000m<sup>2</sup> involving works that have</li> </ul>	<p>C88</p> <p>It is demonstrated that the development of the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) increases permeable surfaces and living infrastructure though green spaces</li> </ul>

Rules	Criteria
<p>potential to alter the stormwater regime for the <i>site</i></p> <p>b) development within existing urban areas that increase the impervious area of the site by 100m<sup>2</sup> or more.</p> <p>Development achieves all of the following:</p> <p>i) minimum of 30% of the <i>site</i> area to be permeable.</p> <p>ii) generally equitable distribution of permeability across the site area.</p> <p>This rule and associated criterion overrides rules and/or criteria that require a percentage of an individual development site area to be permeable.</p> <p><i>Note: Compliance with this rule and associated criteria is demonstrated through a report from a 'suitably qualified professional' consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</i></p>	<p>b) plants that require irrigation are supported by sustainable water systems such as onsite stormwater harvesting to achieve microclimate benefits</p> <p>c) promotes evapotranspiration to mitigate extreme temperatures, improve air humidity and overall human comfort</p> <p>d) equitable distribution of a), b) and c) across both the public and private realms of the site.</p>
<b>11.5 Tree retention</b>	
<p>R89</p> <p>Development applications demonstrate that the two high-quality trees on the site are protected and as many good quality and medium quality regulated trees as possible are retained.</p> <p>The authority shall refer the development applications to the Conservator of Flora and Fauna.</p> <p>Note 1: The authority will consider any advice from the Conservator or Flora and Fauna before determining the application in accordance with the <i>Planning and Development Act 2007</i>.</p> <p>Note 2: This rule does not replace the provisions relating to tree protection in the relevant development code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## 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-għajnuna t'interpretu, čempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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