On 1 April 2019, Draft Amendment 91 – City and Gateway Urban Design Provisions (DA91) was approved by the Assistant Minister for Regional Development and Territories, the Hon Sussan Ley MP. On 4 April 2019, Amendment 91 was registered on the Federal Register of Legislation and took effect from this date.

The table below sets out a summary of the provisions of DA91 and the final provisions in Amendment 91 as approved by the Minister. For full details of the provisions proposed in DA91 and the reasons for the changes made, the table should be read in conjunction with DA91 as proposed and the Consultation Report prepared for DA91.

Minor changes, not affecting policy intent, have also been made to the final amendment however are not identified in full in the table below.

| **Draft provision** | **Changes (as per approved amendment)**  |
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| ***Section 4.28, Location*** |
| The section applies to development:* adjacent to the Main Avenue of Northbourne Avenue between Antill/Mouat Streets and Cooyong Street/Barry Drive
* which fronts directly onto the Federal Highway from the ACT border to its junction with Northbourne Avenue and extending to include Northbourne Avenue north of Antill/Mouat Streets, AND is not more than 200 metres from its middle line.
 | Drawing and sentence added to define ‘Northbourne Avenue’ and the ‘Federal Highway’ for the purposes of the section.  |
| ***Background*** |
| Information concerning the importance of the Federal Highway and Northbourne Avenue corridor as an Approach Route to the National Capital. | No change. |
| ***Objective for City and Gateway Corridor*** |
| Five objectives concerning the creation of an identifiable approach, encouraging design-led development, ensuring that building and landscape exhibit design excellence, creating a landscape setting, and encouraging sustainability. | No change. |
| ***Land use*** |
| Land use to be in accordance with the Territory Plan. | No change. |
| ***Detailed conditions of planning, design and development – Building envelope, Building heights*** |
| Northbourne AvenueBuilding heights set for Northbourne Avenue generally as follows:* 25 metres, or 27.5 metres where two-storey or mezzanine unit incorporated
* 32 metres at intersection of Antill/Mouat Streets with Northbourne Avenue
* Varying height limits at intersection of Macarthur/Wakefield Avenues with Northbourne Avenue, up to RL617.

Mandated green space and mid-block crossing locations and dimensions for sites at the intersection of Macarthur/Wakefield Avenues and Northbourne Avenue.Federal HighwayBuilding heights set for the Federal Highway generally as follows:* between Antill/Mouat Streets and Panton Street/Barton Highway – 18 metres
* between Panton Street/Barton Highway and Flemington Road/Phillip Avenue – 12 metres
* between Flemington Road/Phillip Avenue and the ACT/NSW border – 8.5 metres.

Drawings included to demonstrate provisions described above. | Northbourne AvenueNo change to general building heights for Northbourne Avenue, although minor changes made to assist with interpretation and to clarify that while minor building elements are permitted, no habitable or occupiable rooms are permitted above height limits.Provisions for the intersection of Macarthur/Wakefield Avenues with Northbourne Avenue have been revised. The maximum permitted building height of RL617 as proposed in DA91 is unchanged but the arrangement of building heights at the intersection has been varied.The requirement for an open space plaza at the Macarthur intersection remains, although the required dimensions of the space have been varied.Federal HighwayThe 18 metre building height limit for Southwell Park has been removed.Building heights for the western side of the Federal Highway between the Barton Highway and Flemington Road have been changed to provide a variable height limit of 12 metres closest to the highway, and up to 18 metres at the read of sites in this area.General Drawings showing building heights for the Federal Highway and for the Macarthur Avenue intersection have been revised to reflect the changes described above. |
| ***Detailed conditions of planning, design and development – Building envelope, Building setbacks*** |
| Northbourne AvenueNorthbourne Avenue building setbacks to be a minimum of 10 metres. Basements and balconies not to extend into the setback area although minor encroachment for architectural details permitted if the integrity of the building line in maintained.Soft landscaping should be provided between the building line and block boundary.Other setbacks to be in accordance with the Territory Plan.Federal HighwayFor the Federal Highway, building setbacks to be:* Between Antill/Mouat Streets and the Barton Highway/Panton Street – 45 metres from the centreline of the Federal Highway.
* Between the Barton Highway/Panton Street and Flemington Road/Phillip Avenue – 70 metres from the centreline of the Federal Highway.
* On the northern side of the Federal Highway between Flemington Road and the ACT/NSW border – 30 metres from the Federal Highway road reservation.
* On the southern side of the Federal Highway between Phillip Avenue and Stirling Avenue – 6 metres.
* On the southern side of the Federal Highway between Stirling Avenue and the eastern boundary of Block 18 Section 75 Watson – 15 metres.
* On the southern side of the Federal Highway between the eastern boundary of Block 18 Section 75 Watson and the ACT/NSW border – 30 metres.

Other setbacks to be in accordance with the Territory Plan. | Northbourne AvenueNo change to required minimum building setback of 10 metres to Northbourne Avenue, however clarification added requiring that setbacks cannot be used for service areas and facilities (such as loading zones, waste enclosures, water tanks, water/gas metres) or basement ramps.Minor changes made, for example changing the requirement stating that soft landscaping ‘should’ be provided, to soft landscaping ‘must’ be provided between the building line and property boundaries.Federal HighwayAddition of a clause noting that where a building is proposed to be 8.5 metres or less in height, setbacks are to be in accordance with the Territory Plan.Between Antill/Mouat Streets and the Barton Highway/Panton Street, building setbacks changed to 6 metres from the property boundary closest to the Federal Highway on the eastern side of the road, and 24 metres from the property boundary closest to the Federal Highway on the western side of the road.Clarification added requiring that setbacks cannot be used for service areas and facilities (such as loading zones, waste enclosures, water tanks, water/gas metres) or basement ramps.Requirement added that soft landscaping ‘must’ be provided between the building line and property boundaries.GeneralDrawings showing setbacks for the Federal Highway have been revised to reflect the changes described above. |
| ***Detailed conditions of planning, design and development – Building envelope, Building separation*** |
| Building separation distances to be:

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| Building height | Between habitable rooms/ balconies | Between habitable and non-habitable rooms | Between non-habitable rooms |
| Up to 4 storeys | 15m | 10m | 6m |
| 5 to 8 storeys | 18m | 12m | 9m |
| 9+ storeys  | 24m | 20m | 15m |

Distances to be increased by three metres where higher density sites abut sites zoned for lower density development.Greater building setbacks may be required where increased separation may achieve better amenity outcomes.Building separation is measured from the outer face of building envelopes which includes balconies. When applying building separation distances to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary where possible. | Building separation distances changed to:

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| Building height | Between windows in habitable rooms/unscreened balconies | Between windows in habitable and non-habitable rooms | Between non-habitable rooms |
| Up to 4 storeys | 12m | 9m | 6m |
| 5 to 8 storeys | 18m | 12m | 9m |
| 9 storeys and above | 24m | 18m | 12m |

The revised separation distances are consistent with the NCA Apartment Design Guide. These distances have been in place for over a decade and have found to be workable and achieve desirable outcomes.Flexibility added where blocks have a frontage of less than 35 metres to Northbourne Avenue, to enable reduced separation distances where:* reasonable levels of visual and acoustic privacy
* suitable areas for soft landscaping and deep root planting.
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| ***Detailed conditions of planning, design and development – Building envelope, Length of buildings*** |
| Long buildings that limit permeability, block views, and disrupt a pedestrian-scaled neighbourhood system to be avoided.Buildings limited to a maximum length of 55 metres. Longer buildings may be permitted at lower building levels where strong design justifications is provided, such as provision of continuous, active street frontages. Where this is the case, pedestrian mid-block links between 5 and 10 metres wide to be provided at least once every 55 metres through the built form.Longer buildings may also be permitted at the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues, where the buildings run perpendicular to the Northbourne Avenue | Minor changes only not affecting policy intent. |
| ***Detailed conditions of planning, design and development – Building design and architecture, building façades*** |
| Building façades should relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.Façade design is to include the use of articulation and modulation to clearly express the organisational or structural grid of the buildings, and to break up the mass of longer buildings. Blank walls are discouraged. A balance of light and shadow on the façade is to be created throughout the day through the use of balconies, deeper window reveals, integrated shading, rebates, and expression of structural elements.Façade design should give important corner visual prominence through a change in articulation, materials or colour, roof expression or changes in height.Façade materials must be of high quality. A use of robust, low maintenance materials in the higher parts of a building, and natural, tactile and visually interesting materials at the lower levels should be used. Pre-finished metal building materials visible from Northbourne Avenue or the Federal Highway are not permitted. Building entries must be clearly defined and identifiable from the street. | First and fourth paragraphs deleted.Clarification provided regarding the use of pre-finished metal buildings materials. |
| ***Detailed conditions of planning, design and development – Building design and architecture, Balconies and balustrades (Private open space)*** |
| Private open space to be incorporated into the design of all dwellings.Minimum balcony areas:* Studio apartments – 8m² with a minimum dimension of 2 metres
* 1 bedroom apartments – 10m² with a minimum dimension of 2 metres
* 2 bedroom apartments – 12m² with a minimum dimension of 2 metres
* 3+ bedroom apartments – 24m² with a minimum dimension of 2 metres.

Minimum private open space areas for ground level or podium level dwellings:* Studio apartments – 18m² with a minimum dimension of 4 metres
* 1 bedroom apartments – 24m² with a minimum dimension of 4 metres
* 2 bedroom apartments – 24m² with a minimum dimension of 4 metres
* 3+ bedroom apartments – 36m² with a minimum dimension of 6 metres

Clothes drying, storage and plant not permitted on balconies.Balconies must be designed in accordance with the following:* Balustrades to balconies to 12 metres above ground floor level must be solid.
* Full width and full height glass balustrades are not permitted below 20 metres.
* 60% of balustrades 12- 20 metres above ground floor level to be solid.

Partitions between balconies to be constructed of masonry. | Section renamed ‘Private open space’.Clarification added that the minimum requirements apply to multi-unit housing proposals, or proposals with a multi-unit housing proposal (rather than single dwelling proposals).Minimum balcony size requirements have been varied as follows:* Studio apartments – 4m² (no minimum dimension)
* 1 bedroom apartments – 8m² with a minimum dimension of 2 metres
* 2 bedroom apartments – 10m² with a minimum dimension of 2 metres
* 3+ bedroom apartments – 12m² with a minimum dimension of 2 metres.

These are largely consistent with the NSW Apartment Design Guide.No change to open space requirements for ground level or podium level dwellings.Clothes drying permitted where screened from streets and other public spaces.Clarification provided that partitions between balconies must be constructed of solid materials design to have low noise penetration properties (glazing and other light weight materials not permitted).Clause requiring that open spaces must not extend more than four metres into the building setback area, and must not occupy more than 40 per cent of a building frontage moved from ‘Fencing’ section. |
| ***Detailed conditions of planning, design and development – Building design and architecture, Roof design*** |
| Design of the roof to be integrated into the architecture of the building, use high quality materials, and provide a positive addition to the streetscape.Roof design should incorporate sustainability features to maximise solar access to internal building spaces during winter and provide shade during summer. Roof top structures must not occupy more than 10 per cent of the total roof area. | In regard to rooftop structures, a minor addition was made to require that structures must be setback a minimum of three metres from the façade below. |
| ***Detailed conditions of planning, design and development – Building design and architecture, ceiling heights*** |
| Northbourne AvenueGround floor directly facing Northbourne Avenue (uses other than residential) – 6.0 metres (mezzanine permitted over 30% of ground floor)Ground floor (residential) – 3.3 metresGround floor (other uses, including commercial/office use) – 3.6 metresResidential (general) – * 2.7 metres floor-to-ceiling minimum for all habitable rooms (with the exception of kitchens, which are permitted to have a minimum 2.4 metre floor-to-ceiling height), and 2.4 metres for all non-habitable rooms.
* For two-storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights.
* For two-storey units with a two-storey volume living space, 2.4 metre minimum ceiling heights.
* Attic spaces are permitted, with a 1.8 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.

Federal HighwayGround floor (residential) – 3.3 metresGround floor (other uses, including commercial/office use) – 3.6 metresResidential (general) – * 2.7 metres floor-to-ceiling minimum for all habitable rooms, and 2.4 metres for all non-habitable rooms.
* For two-storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights.
* For two-storey units with a two-storey void living space, 2.4 metre minimum ceiling heights.

Attic spaces are permitted, with a 1.8 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope. | Addition made allowing kitchens to have a minimum 2.4 metre floor-to-ceiling height.For the Federal Highway, ground floor residential floor-to-ceiling heights reduced to a minimum of 2.7 metres. |
| ***Detailed conditions of planning, design and development – Building design and architecture, Residential apartment design*** |
| Minimum apartment sizes to be:

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| Dwelling type | Minimum internal area |
| Studio | 40m² |
| 1 bedroom | 60m² |
| 2 bedroom | 80m² |
| 3 bedroom | 110m² |

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. Additional bedrooms increase the minimum internal area by 12m² each.Detailed provisions included regarding room depths and room sizes.  | Minimum apartment sizes amended to:

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| Dwelling type | Minimum internal area |
| Studio | 40m² |
| 1 bedroom | 50m² |
| 2 bedroom | 70m² |
| 3 bedroom | 100m² |

Detailed provisions concerning room depths and room sizes deleted (with the intention to include such provisions in the Territory Plan). |
| ***Detailed conditions of planning, design and development – Building design and architecture, Common circulation spaces*** |
| The maximum number of dwellings off a circulation space to be no more than eight.For buildings of ten storeys and over, the maximum number of dwellings sharing a single lift in 40.Corridors longer than 12 metres from the lift core should be articulated. Primary living room or bedroom windows must not open directly onto common circulation spaces.  | The maximum number of dwellings off a circulation space amended to be no more than nine.The requirement concerning the maximum number of dwellings sharing a lift in buildings of more than 10 storeys has been removed. |
| ***Detailed conditions of planning, design and development – Building design and architecture, Environmental performance*** |
| Development should incorporate passive solar design to optimise heat storage in winter and reduce heat transfer in summer.Operable screening such as louvres, sliding, folding or retractable elements should be designed to provide shade and protection from natural elements.Living rooms and private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9am and 3pm on the winter solstice (21 June).A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm on the winter solstice (21 June).All habitable rooms must have an operable window in an external wall with a total minimum glass area of not less than 15% of the floor area of the room. Courtyards, skylights and high level windows (with sills above 1500mm) should only be used as a secondary light source in habitable rooms.‘Snorkel’ arrangements permitted where meeting particular dimensions.All habitable rooms should be naturally ventilated. At least 60% of apartments should be naturally cross ventilated in the first nine storeys of a building. | Additional provisions added requiring that building design must incorporate shading and glare control, particularly to manage sun penetration in warmer months.Requirements concerning ‘snorkel’ arrangements removed and instead expressly not permitted as a mechanism for providing natural light or ventilation.Clarification provided that courtyards, skylights and high level windows are not to be used only as secondary light sources in habitable rooms. Sill height varied to 1700mm. |
| ***Detailed conditions of planning, design and development – Street frontage*** |
| Finished ground floor levels set below the adjacent finished pavement levels on Northbourne Avenue and the Federal Highway not permitted.Where ground floor residential development is proposed, a vertical separation above the finished ground level and adjacent verge and setback area up to 450mm is permitted to assist in providing privacy for floor residences.Where commercial uses are located on ground floors of buildings, buildings must be designed to ensure a direct connection to the adjacent verge and setback area to ensure street continuity.Service areas must be integrated within the building design to avoid impacting the public domain. Basement car parks should not be visible from the street. | Primarily only minor clarifications to assist with interpretation were made. One addition was made, requiring that ramps to basements (in addition to basement car parking itself) must not be visible from the street. |
| ***Detailed conditions of planning, design and development – Landscape, Landscape character*** |
| New development must provide substantial tree and understorey planting, supported by functional, safe and attractive private and public areas of open space.The spaces between buildings must be landscaped to a high quality and promote green links between the private and public domain.Landscape spaces must be designed to clearly differentiate between areas intended for public and private use, maximising the functionality of both.Planting within setback areas should consist primarily of trees, as opposed to shrubs or other low vegetation. A minimum of 30 per cent of new plantings within setback areas should be capable of achieving at least 15 metres in height. Border to Stirling Avenue Development must meet the requirements for the identified landscape realms and themes for the Federal Highway at section 4.15.4 of the National Capital Plan. South of Stirling AvenueBetween Stirling Avenue and Antill/Mouat Street, an ‘informal park boulevard’ should be established. This ‘informal park boulevard’ should primarily comprise tree species endemic to the Canberra region and capable of reaching 20 metres in height. Species such as Eucalyptus melliodora, Eucalyptus melliodora and Eucalyptus polyanthemos are considered suitable. Spacing between trees should be no greater than 15 metre centres.South of Antill/Mouat Streets A ‘formal landscape avenue’ containing consistent street tree planting within the verge and extending into the setback area.Landscape design may reflect the formality of Northbourne Avenue, and include rows of trees, regulatory in planting, and formal hedging.Landscape design and planting should respond to Canberra’s blend of endemic and introduced species, reinforcing the ‘bush capital’. Plant species should be chosen for their effectiveness and adaptability to Canberra’s climate to reduce heat islands and to maximise shade. | Additional clauses have been added as follows:* New plantings must not diminish the heritage significance of places and objects on the ACT Heritage Register, or affect public appreciation of the qualities of these places.
* Landscape design must enhance environment performance and microclimate.
* Development adjacent to Sullivans Creek must assist in enhancing Sullivans Creek as a multi-functional creek corridor that enhances environmental values, improves ecological connectivity and wildlife, and integrates aboriginal heritage and culture into its design. The naturalisation of Sullivans Creek must be explored by proponents as a way of improving stormwater management of the waterway, and enhancing ecological values. Public access through development sites must be provided.
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| ***Detailed conditions of planning, design and development – Landscape, Deep soil zones*** |
| A planting zone, no less than five metres wide, should be provided within the front setback areas and be retained for deep soil planting.Front setback areas should be retained for deep soil planting.A minimum deep soil zone dimension of five metres should be applied where located on site.Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. | No change. |
| ***Detailed conditions of planning, design and development – Access and parking*** |
| Northbourne AvenueVehicle access, including verge crossings and driveways, to sites shall be located and designed to ensure pedestrian priority.Where possible, sites should share vehicle access via a shared space with adjoining properties, that extends from Northbourne Avenue to the rear street frontage. The space should be designed to prioritise pedestrian movement, contain high quality public realm treatments, including tree planting, footpaths and lighting that add visual interest.Where a site cannot accommodate shared access arrangements, a maximum of one crossover per block is permitted.To minimise potential conflicts, pedestrian and vehicle access to sites should be clearly separated and distinguishable.Car parking should be provided in basements. On-grade parking is discouraged and will only be permitted if specified criteria are met.Car park entries should be located away from Northbourne Avenue.A traffic and parking assessment should accompany development proposals for any site, and this will be determined in consultation with the approving authority. Federal Highway On- site car parking is to be in accordance with the ACT Parking and Vehicular Access General Code of the Territory Plan. The visual impact of large car parking areas must be minimised through adequate screening and landscape treatment that appropriately considers view lines and safety. Careful consideration should be given to the access, internal circulation and parking of service and heavy goods vehicles within the area.A traffic and parking assessment should accompany development proposals for any site, and this will be determined in consultation with the approving authority.  | Northbourne AvenueWhere clauses referred to pedestrian prioritisation and planning for pedestrians, this has been amended to recognise cycle priority. An additional clause stating that podium and multi-level car parking structures fronting Northbourne Avenue are not permitted has been added.Federal HighwayThe requirement that on site car parking is to provided in accordance with the relevant Territory Plan code has been deleted (this applies regardless and does not need to be stated in the National Capital Plan).An additional clause stating that podium and multi-level car parking structures fronting the Federal Highway are not permitted has been added. |
| ***Detailed conditions of planning, design and development – Lighting*** |
| All outdoor lighting, including security and car park lighting, must be designed and sited to minimise light pollution. All outdoor lighting (including lighting fixed to structures) must use full cut-off light fittings. Any uplighting of buildings should be carefully designed to keep night time overspill and glare to a minimum.Specialty lighting should be used to highlight any ACT border marker.  | No change. |
| ***Detailed conditions of planning, design and development – Signage*** |
| Northbourne AvenueCareful consideration should be given to the integration of signs with building design and landscaping to ensure they do not detract from the Northbourne Avenue frontage. Any signage not affixed to a building must be within a landscape setting.Signage across a site should be designed in accordance with a cohesive and coordinated theme, and respond to the scale, proportion and detailing of the development. To minimise visual clutter, individual commercial tenancies should have no more than one sign fronting Northbourne Avenue.Permitted road signs are those that could reasonably be expected along a main thoroughfare, such as directional signage and street signs, and that are required by relevant traffic authorities. No commercial advertising is permitted on road signs.Changeable message signs, animated or flashing signs, and third party advertising signs are not permitted on building facades or roofs visible from, or within setback areas to, Northbourne Avenue.Federal HighwayCareful consideration should be given to the integration of signs with building design and landscaping to ensure they do not detract from the Federal Highway frontage.Signage across a site should be designed in accordance with a cohesive and coordinated theme, and respond to the scale, proportion and detailing of the development.Permitted road signs are those that could reasonably be expected along a main thoroughfare, such as directional signage and street signs, and that are required by relevant traffic authorities. No commercial advertising is permitted on road signs. A single free standing pylon/column sign is permitted for the EPIC service station site (Block 4 Section 72 Lyneham and Block 429 Gunaghlin).Temporary freestanding signage will be permitted where associated with events at EPIC. Such signage must be consistent with Territory signage policies or the Signs General Code of the National Capital Plan, depending on location.  | No change. |
| ***Detailed conditions of planning, design and development – Fencing***  |
| Fencing along site frontages to Northbourne Avenue is not permitted.Private open space for ground floor dwellings fronting Northbourne Avenue may be enclosed by fences or courtyard walls.Private open spaces must not extend more than four metres into the building setback area, and must not occupy more than 40 per cent of a building frontage.For sites fronting the Federal Highway, fences are to be designed in a manner that is integral with the landscape design using high quality materials. | The clause stating that fencing along site frontages to Northbourne Avenue is not permitted has been updated to clarify that fencing within the setback area to Northbourne Avenue is also not permitted.Where specifications regarding courtyard walls were provided, ‘unfinished timber panels’ has been added as a material not permitted.The provision concerning the percentage of private open space permitted within a setback area has been moved to the section titled ‘Private open space’ (previously titled ‘Balconies and balustrades’).  |
| ***Detailed conditions of planning, design and development – Design Review Panel*** |
| Redevelopment proposals must be considered by a joint National Capital Authority/ACT Government Design Review Panel prior to being approved by the Territory planning authority (where a proposal is on Territory Land) or supported by the National Capital Authority (where a proposal is on National Land). | The requirements concerning the design review process have been amended as follows:* additional provision included requiring that each item raised in advice provided by the design review panel must be addressed by a proponent and subsequently considered during the development assessment process
* clarification added that proposals involving only extensions to existing buildings and/or refurbishment proposals involving substantial external works will be considered on a case-by-case basis as to whether they are subject to the design review process
* clarification added that the design review process does not apply to single dwelling houses and secondary residences.
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| ***Other matters*** |
| An additional clause has been added stating that for the purposes of the detailed conditions of planning, design and development for Northbourne Avenue and the Federal Highway, the definitions of the Territory Plan apply.  |  |