Territory Plan
Technical Amendment
Kingston Precinct Code

24 June 2015

Land Development Agency
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1.0 INTRODUCTION

1.1 Purpose

This report has been prepared by Purdon Planning Pty Ltd for the Land Development Agency (LDA).

The purpose of the report is to provide a review of the Kingston Precinct Code to enable development of Section 49 in accordance with the Kingston Section 49 Master Plan, October 2013.

The report reviews the relevant Territory Plan codes for the Kingston Foreshore that addresses the following issues:

- height provisions in Section 49
- boundaries of the arts precinct
- maximum permissible gross floor area for ‘office’ uses
- development of active frontages

The planning considerations supporting the proposed technical amendments to the Kingston Precinct Code are outlined in Section 5.0 of this report.

1.2 Approach

In reviewing the relevant codes, the following were undertaken:

1. review of relevant documents
2. assessment of background studies and current policies
3. liaison with ACT Agencies
4. preparation of draft advice to LDA
5. review of comments
6. finalisation of Territory Plan Technical Amendment and Justification Report
7. final written advice.
Figure 1: City Context

Source: Base Map ACTMAPi

Figure 2: Section 49 Kingston

Source: Base Map ACTMAPi
1.3 Background

The Kingston Foreshore is a major urban renewal area located on the southern shore of East Basin of Lake Burley Griffin. The Kingston Foreshore Master Plan and supporting Territory Plan documents propose that the area be redeveloped as a mixed use residential, commercial and cultural precinct. The area has been progressively redeveloped over several years. The main areas that have not been redeveloped to date are Section 49 Kingston and parts of the eastern area of the foreshore.

Section 49, which is also referred to as the Cultural Precinct of the Kingston Foreshore, is to be developed in the short term. Section 49 Kingston includes several places that are listed on the ACT Heritage Register including the following:

- Power House building;
- Fitters Workshop;
- alignment of the railway track and associated embankment;
- landscape elements (Monterey pine (*Pinus radiata*), White brittle gum (*Eucalyptus mannifera*) adjacent to Wentworth Avenue;
- base of the second chimney stack;
- fabric and operation of the siren and whistle (inside the Power House building);
- 1948 Switch Room;
- former Bus Depot.

Future development in Section 49 must be consistent with the *Kingston Section 49 Master Plan, 2013.*
2.0 SITE CHARACTERISTICS

The following summarises the existing site characteristics:

- **Location** – bound by Wentworth Avenue and Eastlake Parade with Printers Way traversing into the site from the south east. Lake Burley Griffin is approximately 90m to the north and the Kingston Harbour is approximately 70m to the north east.

- **Site Area** – Block 13 Section 49 has a total site area of 53,424m².

- **Existing buildings** – Buildings on the site and their occupants include:
  - Power House (Canberra Glassworks);
  - Fitters Workshop;
  - former Transport Depot (Old Bus Depot Markets);
  - Wentworth Avenue Offices provide temporary accommodation for Megalo & arts use;
  - Telopea Park Sub-station (ActewAGL)
  - surface car park (approximately 625 spaces, including parking in the vicinity of the Fitters’ Workshop); and
  - the former Switch Room (used by Canberra Glassworks for visiting artists’ accommodation). (Current DA to remove switch room).

- **Topography & Drainage** – The site is generally flat. The highest point (RL562) is at the Former Transport Depot site towards the south of the site. The lowest point within Section 49 is RL558m. Rainwater drains to the existing street stormwater drainage system.

- **Adjacent Land Use** – The site is bordered by residential and mixed use development to the north, south and east, and Wentworth Avenue to the west. In the wider area, land uses include Lake Burley Griffin, Telopea Park, and the Kingston Group Centre.

- **Site Contamination** - The site is located on land that was formerly used for industrial purposes. Any soil or fill removed from the site will be further assessed prior to disposal or reuse.

- **Heritage** - The subject site contains multiple Registered Places or Objects under the ACT Heritage Act, 2004.

- **Vegetation and Fauna** - The subject site has been completely modified from its natural state. There are no known threatened or endangered fauna species on, or near the subject site.

- **Street Trees** – There are a small number of street trees adjacent to Wentworth Avenue and Eastlake Parade. In addition trees have been planted within parking areas.

- **Infrastructure Services** – The site is fully serviced with all infrastructure services being supplied as part of the Estate Development stage by the LDA.

- **Transport** - Public transport routes run along Wentworth Ave.

- **Parking** – Approximately 600 temporary surface car parking spaces are located within the site. Street parking is located within Eastlake Parade adjacent to the site.

- **Pedestrian Movement** - Pedestrian access is available via Eastlake Parade. However, a mesh fence surrounds the site restricting pedestrian access to defined points.
3.0 PLANNING FRAMEWORK

The planning guidelines and statutory controls relevant to the subject sites are summarised below.

3.1 National Capital Plan

The Kingston Foreshore is located in an area subject to the Special Requirements of the National Capital Plan (NCP).

The NCP provides a range of building form and urban design guidelines for development to comply with for Development Application (DA) approval. The NCP takes precedence over the Territory Plan where the two are inconsistent.

The National Capital Plan (NCP) includes a range of “Special Requirements” for development within the Kingston Foreshore area.

The NCP recognises the Kingston Foreshore as a major landscape feature helping to unify the National Capital’s central precincts and forming a prominent urban environment when viewed from within and across East Basin, and from key vantage points such as from Mt Ainslie and Mount Pleasant.

The Special Requirements of the NCP relate primarily to the overall landscape character of the locality together with outdoor lighting and Wentworth Avenue upgrading. The overall aim is to ensure development establishes a notable visual quality, as part of the lake foreshores vista and maintains the unity of the central precincts of the National Capital.

A number of provisions of the NCP relate directly to built form and materials of development and these are addressed below:

- Massing of building development addressing the lake edge - The massing of building development directly addressing the lake edge is to be articulated and modulated to present a varied appearance and avoid an apparent unbroken wall of development when viewed from the lake.
- Colour - The colour scheme of development is to be generally light in tone. Some highlighting with darker colours may be acceptable where these do not present the dominant colour scheme when viewed from or across the Lake.
- Roofs - A variety of roof forms, materials and colours should be introduced into the area.
- Building Height - The overall height of buildings in the area is to be generally consistent with that of the tree canopy of mature trees in the area. This can be achieved through buildings being a maximum of 4 storeys except for some taller buildings or focal elements where these do not significantly impact on the landscape of the area or detract from the massing of the Kingston Power House building.
- Materials and Finishes - Materials on buildings and structures near the Lake edge are to be of a durable and low maintenance nature with a high quality in the materials used.
- Buildings fronting the Lake edge should generally avoid the use of highly reflective materials.
3.2 Kingston Section 49 Master Plan

The Kingston Section 49 Master Plan presents a planning and urban design framework to guide development of the precinct in a way that balances retention of significant heritage buildings and elements, with development in the adjacent areas. The Master Plan is based on planning and design principles that encourage retention of the heritage character, seek to activate the precinct around an arts hub, maximise pedestrian connectivity throughout the precinct and facilitate the development of an attractive public domain with adequate open space.

The master plan provides for a mixed use area focussed on an arts hub and with residential and commercial development and a parking structure to replace the existing surface parking.

Section 49 is identified for future development and is the only area of the Kingston Foreshore having heritage listed buildings.

3.3 Structure Plan

The Kingston Foreshore Structure Plan is a statutory document forming part of the Territory Plan. The Structure Plan sets out the principles and policies that apply to the area in accordance with section 91 of the Act.

The general objectives applicable to the foreshore area include:

(a) Create a vibrant mixed use water front development incorporating a strong arts, cultural and tourism theme.

(b) Create an efficient and sustainable urban environment providing a diversity of living, working and recreation opportunities and to undertake development using best practice environmentally sustainable development principles.

(c) Reflect and celebrate the cultural significance of the site.

(d) Provide the Canberra community with opportunities to express their interest, diversity, aspirations, innovation and talents in a manner which can be experienced by residential and visitors alike.

(e) Enhance and support the primacy of the Parliamentary Zone as the setting for National Capital functions.

(f) Strengthen and enhance the major symbolic features of the Griffin plan.

(g) Provide opportunities for residents and visitors to access and experience the foreshore in multiple ways.

(h) Make provision for a range of uses which are complementary to the role of the Kingston Group Centre but which are not principally related to the convenience shopping functions of the Centre.

(i) Undertake development in a manner consistent with the management principles for Lake Burley Griffin and Jerrabomberra Wetlands.
The Structure Plan establishes a number of geographical precincts within the Foreshore area. Section 49 is within Precinct ‘g’. The Power House precinct is to preserve and protect the heritage significant buildings and elements in a manner which encourages adaptive reuse, public access to, and experience and understanding of, the heritage significance of the place. The objectives include:

(a) Preserve and protect the heritage significant building and elements in a manner which encourages adaptive reuse.

(b) Provide opportunities for activities and facilities to be integrated with the historic building and setting of the Power House.

(c) Promote public access to, and experience and understanding of, the heritage significance of the place.

(d) Respect significant views to and from the Power House.

3.4 Kingston Precinct Code

The Kingston Precinct Code provides planning, design and environmental controls for specific areas or blocks. It is a key development assessment tool used to consider development applications and offer guidance in designing development proposals and preparing development applications.

Section 49 is subject to the planning requirements of the Kingston Precinct Map and Code. The Precinct Code identifies Section 49 as being within area ‘e’ and part area ‘d’.

The following sections outline the proposed amendments to this Precinct Code.
4.0 PROPOSED AMENDMENTS TO THE KINGSTON PRECINCT CODE

The Kingston Section 49 Master Plan proposes that some aspects of the Kingston Precinct Code applying to the Kingston Foreshore should be amended to enable development of the site in a manner that is consistent with the Master Plan. The existing and proposed provisions are outlined below. In addition, it is proposed to incorporate specific provisions regarding higher building elements for Site 14.

4.1 Precinct Boundaries

4.1.1 Existing Boundaries

The precinct boundaries of the current Kingston Precinct Code do not align with the site area of the Section 49 Cultural Precinct Master Plan as shown below. The existing boundaries assume that the Former Transport Depot would be demolished. Since the definition of the precinct boundaries, the Depot has been listed on the ACT Heritage Register and is to be retained.

![Figure 4 Kingston Foreshore](image)

*Note: Figure number above reflects the Figure number in the Kingston Precinct Code*
4.1.2 Proposed Boundaries

It is proposed to extend the boundary of the area identified as ‘e’ in the Kingston Precinct Code to incorporate the whole of Section 49. To implement this, the existing Figure 4 from the Kingston Precinct Code is to be replaced with Figure 4 below.

* Note: Figure number above reflects the Figure number in the Kingston Precinct Code

Figure 4  Kingston Foreshore

Metres

Lake Burley Griffin

Jerrabomberra Creek

Giles Street

Davies Street

Cunningham Street

0 200
4.1.3 Desired Character

The intent of the development controls is to achieve the following desired planning outcomes:

- Develop an arts hub – as the basis for a vibrant and creative precinct;
- Retain the heritage of the place – respect and reinforce the significant heritage of the area including the built form, the spaces between and the social history of the area;
- Respect the height of the heritage buildings – ensure that new development does not dominate or screen the Power House;
- Activate the precinct – an inviting destination night and day that appeals to a wide cross-section of the community;
- Provide a diversity of activities – facilitate a mix of community and small-scale commercial spaces;
- Limit residential development in the precinct – in order to encourage an active area and minimise potential conflict between uses;
- Include adequate open space – to encourage people to visit and provide a place to recreate for all age groups;
- Ensure connectivity – with surrounding areas;
- Retain available views – retain local views of the heritage buildings and views to and from the lake and Wentworth Avenue;
- Provide sufficient parking – maximise opportunities for shared use;
- Discourage through traffic – minimise the need for external traffic to enter the area; and
- Create an attractive public domain – create external public spaces that are well integrated with internal spaces.
4.2 Land Uses

4.2.1 Existing Provisions

Table 1 of the current Kingston Precinct Code outlines the following additional prohibited development for sub-precincts:

<table>
<thead>
<tr>
<th>Suburb precinct map label</th>
<th>Zone</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD1</td>
<td>CZ2</td>
<td>club</td>
</tr>
<tr>
<td></td>
<td></td>
<td>drink establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>indoor entertainment facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>indoor recreation facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>restaurant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SHOP (except art, craft and sculpture dealer and personal services)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>tourist facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>tourist resort</td>
</tr>
<tr>
<td>PD2</td>
<td>CZ2</td>
<td>club</td>
</tr>
<tr>
<td></td>
<td></td>
<td>drink establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>indoor entertainment facility</td>
</tr>
<tr>
<td>PD3</td>
<td>CZ2</td>
<td>drink establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>indoor entertainment facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>tourist facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>tourist resort</td>
</tr>
<tr>
<td>PD4</td>
<td>CZ5</td>
<td>hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>place of worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>religious associated use</td>
</tr>
<tr>
<td>PD5</td>
<td>CZ5</td>
<td>place of worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>religious associated use</td>
</tr>
<tr>
<td>PD6</td>
<td>CZ5</td>
<td>hotel</td>
</tr>
<tr>
<td>PD7</td>
<td>CZ5</td>
<td>boarding house</td>
</tr>
<tr>
<td></td>
<td></td>
<td>child care centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td>hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>motel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>place of worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>religious associated use</td>
</tr>
<tr>
<td>PD8</td>
<td>PRZ1</td>
<td>aquatic recreation facility (not permitted adjacent to Jerrabomberra Creek)</td>
</tr>
</tbody>
</table>

4.2.2 Proposed Provisions

It is proposed to remove “child care centre” and “hotel” from the list of additional land uses prohibited within Section 49. It is considered that these uses are consistent with the objectives and mixed-use outcomes desired for Section 49, as outlined in the Section 49 Master Plan. To implement this, the relevant sections of Table 1 from the Kingston Precinct Code are to be replaced with the Table below.

<table>
<thead>
<tr>
<th>Suburb precinct map label</th>
<th>Zone</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD7</td>
<td>CZ5</td>
<td>boarding house</td>
</tr>
<tr>
<td></td>
<td></td>
<td>motel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>place of worship</td>
</tr>
<tr>
<td></td>
<td></td>
<td>religious associated use</td>
</tr>
</tbody>
</table>
4.3 Height Provisions

4.3.1 Existing Height Provisions

The existing building height provisions that apply to Section 49 Kingston are stated below.

<table>
<thead>
<tr>
<th>RULE</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>R39</td>
<td>The maximum number of storeys is 4 with a parapet level at the third storey level.</td>
</tr>
<tr>
<td>C39</td>
<td>The number of storeys achieve all of the following: a limited number of buildings may exceed 4 storeys provided they comply with all of the following: (a) they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain (b) they do not significantly impact on the landscape of the area (c) their ground floor level is not greater than RL 560m (d) they do not detract or compromise views and vistas to the Power House (e) the footprint of the higher building elements is no greater than a 15m x 20m rectangle (f) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building (g) the overall maximum height of building does not exceed the lesser of RL578m or 20m</td>
</tr>
</tbody>
</table>

It is intended to replace the above provisions with the height provisions outlined in Section 4.3.2 below.
### 4.3.2 Proposed Height Provisions

<table>
<thead>
<tr>
<th>RULE</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X.X Height of Buildings – Section 49</strong></td>
<td><strong>This is a mandatory requirement. There is no criterion.</strong></td>
</tr>
</tbody>
</table>
| **R39A** | **This rule applies to buildings:**  
  i. located between 15m and 30m to the north-west of the Power House, as shown on Figure 5.  
  ii. located between 20m and 30m to the north-east of the Power House, as shown on Figure 5.  
  iii. located between 15m and 30m to the south-east of the Fitters Workshop, as shown on Figure 5.  

The maximum height of buildings is RL573 provided that buildings also achieve all of the following:  
(a) demonstrate a sensitive design approach to the Power House and/or Fitters Workshop;  
(b) consistent with the desired character such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain;  
(c) they do not significantly impact on the landscape of the area;  
(d) they do not detract or compromise views and vistas to the Power House; and  
(e) retain significant visual links between the Power House building and East Basin, the roofline of development is punctuated to frame and emphasise the views of the Power House building.  

Rule 39 does not apply |
| **R39B** | **This rule applies to all other buildings within Section 49.**  
The maximum height of building is RL573.  
Rule 39 does not apply |
| **C39B** | **Buildings may exceed RL573 provided they comply with all of the following:**  
(a) the overall maximum height of building does not exceed RL578m  
(b) achieve urban design objectives such as adding visual interest to the built form, appropriately framing major...
<table>
<thead>
<tr>
<th>RULE</th>
<th>CRITERIA</th>
</tr>
</thead>
</table>
| X.X Height of Buildings – Section 49 | public spaces, marking important corners or transition points, or screening unsightly elements from the public domain;  
(c) they do not significantly impact on the landscape of the area;  
(d) they do not detract or compromise views and vistas to the Power House;  
(e) the roofline of development is punctuated to frame and emphasise the views of the Power House building to retain significant visual links between the Power House building and East Basin;  
(f) demonstrate a sensitive design approach to the Power House and/or Fitters Workshop. |
Figure 5 Section 49 (Area e)

* Note: Figure number above reflects the Figure number in the Kingston Precinct Code
### 4.4 Building Exclusion Areas

**4.4.1 Proposed Provisions**

<table>
<thead>
<tr>
<th>RULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.x Building Exclusion Areas – Section 49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rxx</td>
</tr>
</tbody>
</table>

No new building is to be located within the hatched area as shown on Figure 5.

This is a mandatory requirement. There is no applicable criterion.

<table>
<thead>
<tr>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rxx</td>
</tr>
</tbody>
</table>

No new building shall be located forward of the building alignment of the Power House building on Block 12 Section 49 (i.e. between the Power House and Wentworth Avenue).

This is a mandatory requirement. There is no applicable criterion.

### 4.5 Visual Links, Pedestrian Connections and Land Use

**4.5.1 Proposed Provisions**

<table>
<thead>
<tr>
<th>RULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>x.x Major Visual Links and Pedestrian Connections – Section 49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rxx</td>
</tr>
</tbody>
</table>

This rule applies to land in section 49 shown in Figure 6 where “major visual links” and “pedestrian connections” are required.

The “major visual links” and “pedestrian connections” are to remain unenclosed and publicly accessible at all times.

This is a mandatory requirement. There is no applicable criterion.

<table>
<thead>
<tr>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rxx</td>
</tr>
</tbody>
</table>

This rule applies to land in section 49 shown in Figure 6 where “major visual links” and “pedestrian connection” is to be provided.

Buildings adjacent to identified “major visual links” and “pedestrian connection” shall comply with all of the following:

a) predominately glazing at the ground floor along the length of the “major visual links” and/or “pedestrian connection”;

b) access to ground floor commercial tenancies adjoining the “major visual links” and/or “pedestrian connection” is to be provided directly from the pedestrian connection.

<table>
<thead>
<tr>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cxx</td>
</tr>
</tbody>
</table>

Buildings adjacent to identified “major visual links” and/or “pedestrian connection” achieve all of the following:

a) reasonable public access;

b) views into and out of adjoining commercial premises;

c) clearly identifiable entrances; and

d) minimise distances between opposing entrances or pedestrian connections.
### Major Visual Links and Pedestrian Connections – Section 49

**Rxx**

This rule applies to land in section 49 and shown in Figure 6 where a “pedestrian connection” is required.

A laneway/walkway, publicly accessible at all times with a minimum width of 6m and aligned with the existing walkway located within Section 63 is provided as shown in Figure 6.

This is a mandatory requirement. There is no applicable criterion.

### Ground floor Activation – Section 49

**Cxx**

This criterion applies to sites with frontages to “major visual links” shown on Figure 6.

Development shall include design outcomes that achieve all of the following:

- **a)** All glazing must be of clear glass with no frosting or other opaque materials
- **b)** All commercial tenancies shall have a direct entry point from the main public pedestrian thoroughfare
- **c)** Internal ground floor levels must be the same level as the finished ground level of the adjacent public areas.
Figure 6  Section 49 (Area e)

* Note: Figure number above reflects the Figure number in the Kingston Precinct Code
### RULE CRITERIA

#### x.x Ground floor uses – Section 49

| Rxx | This rule applies to sites adjacent to “major visual links” in Figure 6. The following uses are prohibited at the ground floor level:  
  a) Office  
  b) Residential  
  Ground floor foyers providing access to office and residential uses on the upper levels of buildings are permitted. | This is a mandatory requirement. There is no applicable criterion. |

#### RULE CRITERIA

#### 8.5 Shared Zones – Section 49

| C44A | This criterion applies to areas between two adjacent “major visual links” as shown on Figure 6. The area between two “major visual links” shall be established as a shared zone and achieve all of the following:  
  a) safe and convenient public pedestrian access to buildings on the site and the foreshore  
  b) provision for ancillary buildings and structures associated with art/craft facilities, provided such structures are small scale, limited to single storey, lightweight in construction materials and are sited to protect views to and from the Power House and/or Fitters Workshop.  
  c) no surface car parking shall be provided within the 26m wide shared zone located to the north-east of the Power House. |
4.6 GFA limits (office)

4.6.1 Existing Provisions

The current Kingston Precinct Code includes limits on Office Space.

<table>
<thead>
<tr>
<th>RULE</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.4 Office</td>
<td></td>
</tr>
<tr>
<td>R37</td>
<td>This rule applies to the areas b, c and e shown in Figure 4. The maximum gross floor area of office complies with all of the following</td>
</tr>
<tr>
<td></td>
<td>a) 500m² per tenancy</td>
</tr>
<tr>
<td></td>
<td>b) 2000m² per lease</td>
</tr>
</tbody>
</table>

*It is noted the Figure number references in the Code are incorrect.*

The Section 49 Master Plan identifies the Precinct as a mixed use area with the potential to host larger scale commercial development as outlined in the below extract:

*The master plan introduces larger scale commercial (office) development as a means to increase the level of daytime activity in the precinct and foreshore. It is suggested that commercial activities could be located on the upper levels of the two buildings to the north of the Power House or in the buildings adjacent to the proposed residential development, increasing the number of workers in the area on weekdays.*

4.6.2 Proposed Provisions

The amendment removes the reference of area e from R37

<table>
<thead>
<tr>
<th>RULE</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.4 Office</td>
<td></td>
</tr>
<tr>
<td>R37</td>
<td>This rule applies to the areas b and c shown in figure 4. The maximum gross floor area of office complies with all of the following</td>
</tr>
<tr>
<td></td>
<td>a) 500m² per tenancy</td>
</tr>
<tr>
<td></td>
<td>b) 2000m² per lease</td>
</tr>
</tbody>
</table>

This is a mandatory requirement. There is no applicable criterion.
5.0 Justification

Justifications for the proposed Territory Plan amendments are outlined below:

- **Precinct Boundaries** – The existing precinct boundaries in the Kingston Precinct Codes divide the land uses of the Arts Precinct. The proposed boundary amendment extends the Arts Precinct to include all of Section 49 which consolidates the Power House Precinct and Former Bus Depot. This provides greater development control consistency between the two heritage places on site.

- **Height Provision** – Section 49 is the area closest to the Power House and other heritage buildings in the Kingston Foreshore. Existing planning controls require that development does not detract from views to the Power House and retain visual links between the Power House and East Basin. The heritage strategy prepared as part of the Master Plan considered the relationship between heritage buildings in the precinct and the height of surrounding development in Section 49 and proposed quantitative controls (maximum building heights) rather than qualitative controls to protect the views and vistas to the Power House. It is proposed that these quantitative measures are incorporated into the Precinct Code.

- **Number of Storeys** – The current height provisions for the site are addressed at Element 8 (C39) of the Kingston Precinct Code. They specify a maximum number of storeys as well as a maximum building height and are intended to guide the amount of residential and commercial development in the Foreshore. However controls limiting the number of storeys do not necessarily enable efficient use of a site especially for land uses such as office, community use or car park (parking structure). It is proposed that new buildings in Section 49 would not be subject to the limits on the number of storeys, however the maximum height controls will be retained.

- **GFA Limits (Office)** – The Section 49 Master Plan seeks to maximise daytime activity by encouraging significant employment in the precinct. Employment numbers are likely to be maximised by allowing larger scale office and other employment-generating activities and removing the floorspace limits on office space within the Cultural Precinct. At present the Territory Plan allows 2000m² of commercial space per lease, however tenancies are restricted to 500m². The proposed amendment removes these restrictions on sites within Section 49. This will create circumstances that could attract a broader range of potential commercial and/or community uses.

- **Active Frontages** – The original intention of the Cultural Precinct was to create a lively, active precinct. The ground floor uses contribute to the vitality and attractiveness of an area. Therefore on the ground level and especially in areas with high pedestrian movement, offices are not permitted on the ground floor. Further, additional controls are proposed to encourage the development of frontages where they are well connected with and relate to the adjacent public areas.
6.0 CONCLUSIONS

This review of the Kingston Precinct Code aims to align the strategic development principles of the Section 49 Master Plan and the Kingston Foreshore Master Plan with the statutory requirements of the Territory Plan.

The building heights, precinct boundaries, office GFA and ceiling height controls have been reviewed for Section 49 Kingston. In addition the footprints of higher building elements above 4 storeys have also been reviewed for the future development of Block 1 Section 46 Kingston.

It is recommended that the LDA support the technical amendments proposed with this review.

Purdon Planning
24 June 2015