

5.1 Aims and Objectives of the Statutory Planning Context

This section discusses the statutory planning context for Section 49 Kingston.

5.2 Urban and Statutory Planning Considerations for the Precinct

Statutory Planning

This report provides statutory planning information in relation to the provisions of the National Capital Plan and the Territory Plan that apply to the study area for the Kingston Arts Precinct. The Design Study work presented in this report has been prepared in consideration of the statutory planning conditions.

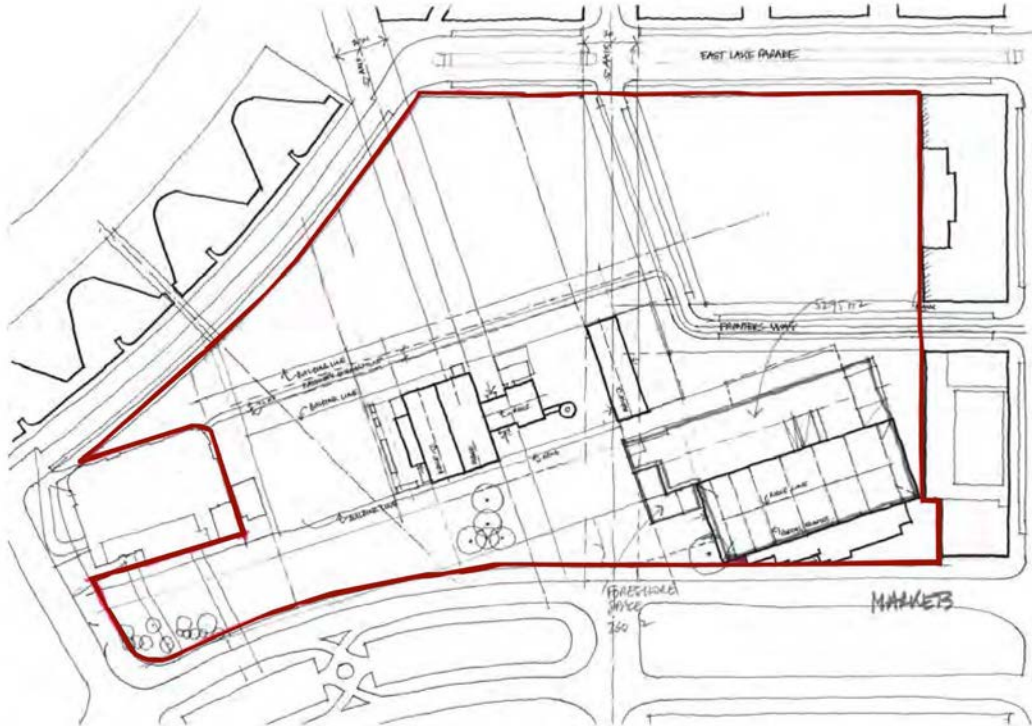


Figure 13: Kingston Arts Precinct study area.

National Capital Plan

Kingston Foreshore is subject to Special Requirements of the National Capital Plan as provided in *Part 1 Section 4.5.6 of the NCP*. The Commonwealth interest in Kingston Foreshore is to ensure that the Lake Burley Griffin Foreshore in East Basin continues to be developed as a major landscape feature, thereby helping to unify the National Capital's central precincts.

The area of Kingston Foreshore which is subject to Special Requirements of the National Capital Plan is the land bounded by Bowen Park, Wentworth Avenue, Cunningham street, The Causeway through to Jerrabomberra Creek, Jerrabomberra creek and a line approximately 7 metres behind the wall of Lake Burley Griffin. The Kingston Arts Precinct, as shown above, is comprised within the area indicated in red on Section 49.

It should be noted that currently there is no Development Control Plan of the National Capital Plan applicable to the Kingston Foreshore area.

Special Requirements

There are a number of requirements that drive the resolution and quality of built form and urban space on the Kingston Foreshore. The project team considers that work within the Kingston Arts Precinct, at minimum, should conform to these requirements but should also be given the opportunity to develop a language, partially responding to its heritage context that is unique to the precinct as a special heart of the Kingston Foreshore.

Development in the Kingston Foreshore area (the 'area') is to retain a working boat harbour and lake maintenance facility and conform to the following Aesthetic Principles. Commentary is given that specifically responds to the Kingston Arts Precinct.

1. Foreshore Precinct Landscape

The landscape of the precinct adjacent to the Lake Burley Griffin foreshore Designated Area should be of an open space parkland character consistent with that in Bowen Park. The landscape should permit views into the development through informal tree planting and should include landscape treatment of a high quality allowing for pedestrian and cycleway movement through the area.

The edge of Jerrabomberra Creek should be landscaped as open space allowing for pedestrian movement and have a character not inconsistent with the role of the Creek as the edge to the Jerrabomberra Wetlands.

2. Built form and materials

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. The project team considers this requirement as being of particular importance considering the dominant form of the Kingston Powerhouse and the Fitters' Workshop roof. Any development within the Kingston Arts Precinct should consider the design of roofs with relationship to the roof of the Kingston Powerhouse.

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 four (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 Powerhouse building.

Materials and Finishes: Materials on building fronting the Lake edge should generally avoid the use of highly reflective materials.

The proposed organisations that are to be accommodated within the Kingston Arts Precinct will result in the precinct as being a 'working arts precinct' and it is proposed that materials and finishes are to be suitable to that of a working arts precinct. In addition to this, the idea of a working arts precinct drives a particularly industrial aesthetic that would be complementary to the heritage buildings that already exist on the site. Non reflective materials should continue through to the precinct to ensure a consistency of built form with the rest of the Kingston Foreshore, but the industrial approach will ensure that the Kingston Arts Precinct will present as a 'jewel' within the large Kingston Foreshore.

Lighting: Outdoor lighting in the area should generally use full cut-off fittings and up-lighting of buildings and structures should be carefully designed to keep night time overspill lighting to a minimum. The overall lighting impact should not compete in prominence with the lighting of the National Triangle. The area should be lit predominantly with high pressure sodium light sources for streets and mercury vapour for pedestrian routes. Lake frontage external lighting should use metal halide sources.

The project team proposes that the Kingston Arts Precinct should be subject to significant night time activity in certain areas, particularly around the heritage buildings where it is proposed that new active frontage provides uses such as bars, breweries eateries and music venues. Lighting will need to be suitable for such uses. There is also a proposed public plaza which could be accessible 24 hours a day and will therefore require suitable seating, public amenities and lighting.

Wentworth Avenue

The landscape of Wentworth Avenue is to create a strong balanced planting regime of trees along the Avenue in terms of the species used and spacing. Planting used on both sides should generally be consistent in terms of type and spacing.

The design of street furniture (including lighting) used in the Avenue should generally be consistent with the design of such facilities used on other major Avenues leading to the centre of the national capital. Signage in the Avenue should be limited to traffic control signs and to direct the public to commercial centres in Kingston and the foreshore area. Developments along the Avenue should address the Avenue but should generally have vehicular access from a road other than directly from the Avenue. Development having direct vehicular access to the Avenue should include a predominantly landscape frontage treatment exclusive of parking but may include canopies covering set down areas.

The landscape of the frontage should respond to the pattern of movement systems created from the Kingston shops, across Wentworth Avenue and to the foreshore area including the newly completed Kingston Boat Harbour. There are a number of vistas that extend through the site from Wentworth Avenue to the foreshore and these could be expressed through the landscape frontage.

Currently, the Wentworth Avenue Frontage from Eastlake Parade to the existing drive entry in front of the Former Transport Depot is lined with poplar trees. These trees, in combination with the curvature of Wentworth Avenue, form a 'domino' effect, almost completely restricting any view of the pedestrian level activity on the site. In order to help create a vibrant landscape frontage to Wentworth Avenue as the main 'face' of the precinct, these problematic trees should be removed and replaced with an alternate planting strategy designed to complement the desired character of the street and enhance views from the street into the site. It should be noted that these trees are not heritage listed, and there would be no intention to remove the two groups of heritage listed trees that sit behind the poplar trees.

The Territory Plan

The site is subject to the provisions of the Territory Plan and is within a – Commercial CZ5 Mixed Use Zone (*refer Figure 2 below*). The Territory Plan provides the detailed planning requirements and objectives for development within the Zone. The site is also located within a "Future Urban Area" – providing some flexibility where minor adjustment to zone boundaries is required in the event of subdivision.



Figure 14: Territory Plan zoning context

Commercial CZ5 Mixed Use Zone

The Commercial CZ5 Zone objectives are as follows:

- a) Encourage higher density residential development in locations with convenient access to transport corridors, and commercial and employment centres.
- b) Create an efficient and sustainable urban environment and provide for a diversity of living, working and recreation opportunities.
- c) Maintain and enhance environmental amenity and undertake development using best practice environmentally sustainable development principles.
- d) Encourage a standard of urban design that is consistent with selected major avenues, approach routes and other strategically located areas.
- e) Encourage activities particularly at street frontage level that contribute to an active public realm.

Any Development Application for a permissible land use proposal within a Commercial CZ5 Mixed Use zone will be assessed in the Merit track, and in consideration of the related provisions of the Commercial Zones Development Code, or other applicable General Codes, as shown in the table below which is an extract of the Commercial CZ5 Mixed Use Zone.

MINIMUM ASSESSMENT TRACK	
MERIT	
Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map.	
Development	
ancillary use	multi-unit housing
boarding house	NON RETAIL COMMERCIAL USE
carpark	outdoor recreation facility
communications facility	parkland
COMMUNITY USE	pedestrian plaza
consolidation	place of assembly
demolition	public transport facility
development in a location and or a type identified in a precinct map as additional merit track development	RESIDENTIAL USE
emergency services facility	restaurant
guest house	serviced apartment
home business	SHOP
hotel	sign
indoor recreation facility	subdivision
minor road	temporary use
minor use	
motel	

Figure 15: CZ5 Mixed Use Zone Merit Track

Kingston Precinct Map and Code

In addition to the general Commercial Zones Development Code, the Kingston Arts Precinct also falls under the Kingston Precinct Code, and additional set of requirements to apply to specific areas.

The Code applies to the Division of Kingston and provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes. Where there is any inconsistency, the provisions of the Kingston Precinct Code take precedence over those of the Commercial Zones Development Code.

The Kingston area is divided into specific areas for the purpose of applying additional rules and criteria. For some areas, additional merit track developments and/or prohibited developments are specified, and this is the case for the Kingston Arts Precinct. The study area is located in the area defined by the Precinct Map as “RC4” with specific additional merit track or prohibited developments shown in Tables 3 and 4.



Figure 16: Kingston Precinct Map with the Kingston Arts Precinct shown as being part of RC4.

The Kingston Precinct Code sets out a range of additional merit track develop – developments that may be approved subject to assessment as well as prohibited development that would apply to the Kingston Arts Precinct.

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT8	CZ5	<i>Craft workshop</i> <i>Drink establishment</i> <i>Indoor entertainment facility</i> <i>Light industry</i> MAJOR UTILITY INSTALLATION <i>Place of assembly</i> <i>Scientific research establishment</i> <i>Tourist facility excluding service station</i>

Figure 17: Kingston Precinct Code and Map additional merit track development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD7	CZ5	<i>Boarding house</i> <i>Child care centre</i> <i>Hotel</i> <i>Motel</i> <i>Place of worship</i> <i>Religious or associated use</i>

Figure 18: Kingston Precinct Code and Map additional prohibited development

Both Hotel use and Child Care Centre, which could generally be seen as complementary uses to an Arts Precinct to help enhance streetscape activity and increased patronage, are prohibited and therefore would place restrictions as to flexibility of use. Negotiation, and possibly amendment to the Precinct Code would be required to ensure that these uses would be permissible.

In addition to these restrictions, the Kingston Precinct Code and Map places a range of other restrictions that would need to be negotiated with such as:

- The maximum gross floor area of office is 500sqm per tenancy and 2,000sqm per lease.
- Ground floor levels to be no greater than a relative level (RL) of RL560.000.
- The footprints of higher elements (above 3 storeys) are no greater than 15 x 20m and that the maximum height of buildings does not exceed the lesser RL578.000 or 20m.

5.3 Recommendations and Findings of the Statutory Planning Context

Based on the Statutory Planning Context work, the following recommendations can be made:

5a. Statutory Context:	<p>The current CZ5 Commercial Zones Development Code and Kingston Precinct Code indicate that a mixed use arts precinct would be suitable for the site and that the majority of proposed uses would be permissible.</p> <p>It is the opinion of the project team that the precinct should be considered a 'special place,' unique to other parts of the Kingston Foreshore. There should be a variation to the Territory Plan to increase the flexibility of permissible uses, floor area restrictions and height restrictions to ensure that the intention of an arts precinct as described in this report be realised.</p>
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