



**ACT**  
Government

---

Environment and  
Sustainable Development

# Commercial Zones Development Code



# Contents

<b>Introduction .....</b>	<b>1</b>
<b>Relevant precinct codes, development codes and general codes .....</b>	<b>3</b>
<b>Part A – General controls .....</b>	<b>5</b>
Element 1: Lease and development conditions .....	5
1.1 Approved lease and development conditions .....	5
Element 2: Use .....	6
2.1 Existing community and recreation sites.....	6
Element 3: Buildings.....	6
3.1 Building design and materials .....	6
3.2 Plant and structures .....	6
3.3 Car parking structures.....	6
3.4 Materials and finishes .....	7
3.5 Storage.....	7
3.6 Wind .....	7
3.7 Ventilation.....	8
3.8 Shopping arcades and malls – CZ3.....	8
3.9 Supportive housing and residential care accommodation .....	8
Element 4: Site .....	9
4.1 Landscaping.....	9
4.2 Lighting.....	10
4.3 Easements .....	10
Element 5: Access.....	10
5.1 Access.....	10
5.2 Traffic generation .....	10
5.3 Service access and delivery.....	11
Element 6: Noise .....	11
6.1 Potentially noisy uses.....	11
Element 7: Environment .....	12
7.1 Water sensitive urban design.....	12
7.2 Earthworks .....	13
7.3 Tree protection .....	13
7.4 Heritage.....	14
Element 8: Subdivision .....	14
8.1 Subdivision .....	14
Element 9: Demolition .....	15
9.1 Statement of endorsement.....	15
9.2 Hazardous materials survey.....	15
Element 10: Neighbourhood plans .....	16
10.1 Consideration .....	16
<b>Part B – Additional controls for town centres.....</b>	<b>17</b>
Element 11: Use .....	17
11.1 Shops – floor area limit – CZ2 and CZ3.....	17

Element 12:	Buildings.....	18
12.1	Materials and finishes .....	18
12.2	Number of storeys – CZ3.....	18
<b>Part C – Additional controls for group centres.....</b>		<b>19</b>
Element 13:	Use .....	19
13.1	Shops – floor area limit - CZ2 .....	19
13.2	Shops – floor area limit – CZ3.....	20
13.3	Offices – floor area limit .....	20
13.4	Residential use – ground floor – CZ1 .....	20
Element 14:	Buildings.....	20
14.1	Number of storeys.....	20
14.2	Plot ratio .....	21
<b>Part D – Additional controls for local centres.....</b>		<b>22</b>
Element 15:	Use .....	22
15.2	Industrial trades.....	22
15.3	Redevelopment .....	22
15.4	Active frontages .....	22
15.5	Residential use.....	23
15.6	Shops – floor area.....	23
Element 16:	Buildings.....	23
16.1	Number of storeys.....	24
16.2	Building design .....	24
16.3	Plot ratios .....	24
<b>Part DA – Additional controls for CZ5 .....</b>		<b>25</b>
16A.1	Shops – floor area.....	25
<b>Part E – Additional controls for CZ6 .....</b>		<b>26</b>
Element 17:	Use – CZ6 .....	26
17.1	Shops .....	26
Element 18:	Buildings – CZ6.....	26
18.1	Number of storeys.....	26
18.2	Setbacks.....	26
<b>Part F – Residential uses.....</b>		<b>27</b>
Element 19:	Residential development.....	27
19.1	Single dwelling housing.....	27
19.2	Multi unit housing .....	27
19.3	Residential care accommodation (where permitted) .....	27
<b>Part G – Endorsement by government agencies (entities).....</b>		<b>28</b>
Element 20:	Loading and unloading facilities .....	28
20.1	Goods.....	28
Element 21:	Waste management.....	28
21.1	Management of construction waste .....	28
21.2	Post occupancy waste management .....	28
Element 22:	Utilities.....	29
22.1	Utilities.....	29

Element 23:	Environmental management .....	30
23.1	Erosion and sediment control.....	30
23.2	Contamination .....	30



# Introduction

## Name

The name of this code is **Commercial Zones Development Code**.

## Application

This code applies to all development in the following zones:

- CZ1 major centres core zone
- CZ2 major centres business zone
- CZ3 major centres services zone
- CZ4 local centres zone
- CZ5 mixed use zone
- CZ6 leisure and accommodation zone.

## National Capital Plan

Where a development is subject to special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, the development must not be inconsistent with the special requirements or development control plan. Where any provision of this code is inconsistent with special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, that provision has no effect.

## Purpose

This code provides additional planning, design and environmental controls to support the objectives of the relevant zone.

It will be used by the *Authority* to assess development applications. It also offers guidance to applicants in designing development proposals and preparing development applications.

## Structure

This code has a number of parts, each part a number of elements and each element one or more rules.

Each rule has an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls. In contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

## Assessment tracks

Assessment track for a particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion

only applies, the onus is on the applicant to demonstrate that the relevant criterion is satisfied, through supporting drawings and/or written documentation. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

### **Code hierarchy**

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development and there is inconsistency between provisions, the order of precedence is: precinct code, development code, and general code.

### **Precinct codes**

Precinct codes may contain additional provisions that apply to specified *blocks*. Precinct codes are found in part 10.

### **Definitions**

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

### **Acronyms**

ACTPLA	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
EPA	ACT Environment Protection Authority
ESA	Emergency Services Authority
ESDD	ACT Environment and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TAMS	ACT Territory and Municipal Services Directorate



## Relevant precinct codes, development codes and general codes

Suburb precinct codes will be relevant to development in Civic (City, Braddon and Turner), town centres and group centres. Precinct codes may also be relevant to local centres and out-of-centre commercial areas (eg. west Deakin). **Precinct codes** are located in section 10 of the Territory Plan

**Development codes** that may be relevant are marked Y in table 1.

**Table 1 – Development codes applicable to development in commercial zones.**

development/ use	this code	Residential Zones Development Code	Multi Unit Housing Development Code
ancillary use	Y		
aquatic recreation facility	Y		
boarding house	Y		
car park	Y		
caravan park/camping ground	Y		
civic administration	Y		
club	Y		
COMMERCIAL ACCOMMODATION USE	Y		
communications facility	Y		
COMMUNITY USE	Y		
consolidation	Y		
craft workshop	Y		
demolition	Y		
drink establishment	Y		
drive-in cinema	Y		
emergency services facility	Y		
freight transport facility	Y		
funeral parlour	Y		
group or organised camp	Y		
guest house	Y		
home business	Y		
hotel	Y		
indoor entertainment facility	Y		
indoor recreation facility	Y		
industrial trades	Y		
light industry	Y		
minor use	Y		
motel	Y		
municipal depot	Y		
multi-unit housing	Y		
NON RETAIL COMMERCIAL	Y		
outdoor recreation facility	Y		
overnight camping area	Y		
parkland	Y		
pedestrian plaza	Y		
place of assembly	Y		
plant and equipment hire establishment	Y		
produce market	Y		
public agency	Y		

development/ use	this code	Residential Zones Development Code	Multi Unit Housing Development Code
public transport facility	Y		
relocatable unit	Y		
recyclable materials collection	Y		
RESIDENTIAL USE	Y	Y	Y
restaurant	Y		
scientific research establishment	Y		
serviced apartment	Y		
service station	Y		
SHOP	Y		
store	Y		
subdivision	Y		
temporary use	Y		
tourist facility	Y		
tourist resort	Y		
transport depot	Y		
vehicle sales	Y		
veterinary hospital	Y		
warehouse	Y		
zoological facility	Y		

In addition to **development codes** and **precinct codes**, the following **general codes** may be relevant

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Ways: Water Sensitive Urban Design General Code

**General codes** are located in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

## Part A – General controls

This part applies to all development in commercial zones.

### Element 1: Lease and development conditions

Rules	Criteria
<b>1.1 Approved lease and development conditions</b>	
<p>R1</p> <p>This rule applies to <i>blocks</i> affected by approved <i>lease and development conditions</i> that provide for one or more of the following matters:</p> <ul style="list-style-type: none"> <li>a) plot ratio</li> <li>b) building envelope</li> <li>c) building height</li> <li>d) front street setback</li> <li>e) side setback</li> <li>f) rear setback</li> <li>g) building design</li> <li>h) materials and finish</li> <li>i) interface</li> <li>j) vehicle access</li> <li>k) parking</li> <li>l) solar access</li> <li>m) private open space</li> <li>n) landscaping</li> <li>o) water sensitive urban design.</li> </ul> <p>Approved <i>lease and development conditions</i> for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.</p>	<p>C1</p> <p>The development meets the intent of any current, relevant <i>lease and development conditions</i>.</p> <p>C3A, CZ5 DC</p>

## Element 2: Use

### Intent:

- a) To ensure that community and recreation facilities remain available to the community

Rules	Criteria
<b>2.1 Existing community and recreation sites</b>	
R2 A development proposal does not reduce the range of community or recreation facilities available.	C2 A proposal that reduces the range of community or recreation facilities available demonstrates through a social impact assessment that there is enough land or sufficient other facilities in the locality to meet anticipated demand.

## Element 3: Buildings

Rules	Criteria
<b>3.1 Building design and materials</b>	
There is no applicable rule.	C3 Buildings achieve all of the following: a) a contribution to the amenity and character of adjacent public spaces b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i> and pedestrian experience c) minimal reflected sunlight d) articulated building forms.
There is no applicable rule.	C4 Buildings are of permanent construction.
<b>3.2 Plant and structures</b>	
There is no applicable rule.	C5 Plant installations and service structures are integrated with the building design, so they are set back from the building facade and screened from public areas.
<b>3.3 Car parking structures</b>	
There is no applicable rule.	C6 Car parking structures integrate with the built form of adjacent existing development.

Rules	Criteria
<b>3.4 Materials and finishes</b>	
<p>There is no applicable rule.</p>	<p>C7</p> <p>Building materials and finishes provide for visual expression and interest. Where extensive glass or solid wall facades are incorporated in buildings:</p> <ul style="list-style-type: none"> <li>a) transparency is maximized</li> <li>b) reflectivity is minimized</li> <li>c) shadow profiles or visible joint detailing are included</li> <li>d) visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows or deep framing profiles.</li> </ul>
<b>3.5 Storage</b>	
<p>R8</p> <p>Outdoor storage areas comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are located behind the building line</li> <li>b) are screened from view from any road or other public area</li> <li>c) do not encroach on car-parking areas, driveways, or landscape areas.</li> </ul>	<p>C8</p> <p>Where the proposed use requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site for these areas, and they do not encroach on car parking, driveways or landscaped areas.</p>
<b>3.6 Wind</b>	
<p>There is no applicable rule.</p>	<p>C9</p> <p>This criterion applies to buildings with a <i>height of building</i> greater than 19m but less than 28m.</p> <p>The wind patterns associated with the proposed building will not unreasonably reduce the safety and comfort of people in the public realm or other open spaces associated with the development, compared with a similar building on the site with a <i>height of building</i> of 19m.</p> <p>Compliance with this criterion will be demonstrated by a wind assessment report prepared by a suitably qualified person.</p>

Rules	Criteria
<p>R10</p> <p>This rule applies to buildings with a <i>height of building</i> greater than 28m.</p> <p>As a consequence of the proposed development wind speeds do not exceed the following:</p> <ul style="list-style-type: none"> <li>a) adjacent main pedestrian areas and routes (as defined in the relevant precinct code) - 10m/s</li> <li>b) all other adjacent streets and public places - 16 m/s.</li> </ul> <p>Compliance with this rule is demonstrated by a wind assessment report prepared by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.7 Ventilation</b>	
<p>R11</p> <p>This rule applies to buildings used or proposed to be used for one or more of the following:</p> <ul style="list-style-type: none"> <li>a) food retail</li> <li>b) restaurant.</li> </ul> <p>All exhaust and ventilation systems are installed and operated to comply with Australian Standard <i>AS1668.1 The Use of Ventilation and Air-conditioning in Buildings</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.8 Shopping arcades and malls – CZ3</b>	
<p>R12</p> <p>This rule applies to CZ3.</p> <p>Internal shopping arcades or malls are not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.9 Supportive housing and residential care accommodation</b>	
<p>R13</p> <p>All dwellings for the purposes of supportive housing and/or residential care accommodation are designed to comply with the relevant parts of the Residential Zones – Multi Unit Housing Development Code and the relevant Australian Standard for Adaptable Housing.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 4: Site

Rules	Criteria
<b>4.1 Landscaping</b>	
<p>There is no applicable rule.</p>	<p>C14</p> <p>Landscaping associated with the development achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) response to site attributes, including streetscapes and landscapes of documented heritage significance</li> <li>b) appropriate scale relative to the road reserve width and building bulk</li> <li>c) vegetation types and landscaping styles which complement the <i>streetscape</i></li> <li>d) integration with parks, reserves and public transport corridors</li> <li>e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings</li> <li>f) contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living areas</li> <li>g) minimal overlooking between buildings</li> <li>h) satisfies utility maintenance requirements</li> <li>i) minimises the risk of damage to aboveground and underground utilities</li> <li>j) screens aboveground utilities</li> <li>k) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections</li> <li>l) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</li> </ul>
<p>There is no applicable rule.</p>	<p>C15</p> <p>Tree planting in and around car parks provides shade and softens the visual impact of parking areas.</p>

Rules	Criteria
<b>4.2 Lighting</b>	
R16 External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard <i>AS1158.3.1 Pedestrian Lighting</i> .	This is a mandatory requirement. There is no applicable criterion.
R17 All external lighting provided is in accordance with Australian Standard <i>AS4282 - Control of the Obtrusive Effects of Outdoor Lighting</i> .	C17 Light spill is minimised.
<b>4.3 Easements</b>	
R18 Buildings do not encroach over easements or rights of way.	This is a mandatory requirement. There is no applicable criterion.

## Element 5: Access

### Intent:

- a) To ensure safe and efficient access for vehicles and pedestrians
- b) To ensure adequate parking facilities are provided

Rules	Criteria
<b>5.1 Access</b>	
There is no applicable rule.	C19 Driveways and pedestrian entrances to the site are clearly visible from the front boundary.
R20 Loading docks or vehicular entries to buildings are not located on frontages to the street.	C20 Loading docks and vehicular entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.
<b>5.2 Traffic generation</b>	
There is no applicable rule.	C21 The existing road network can accommodate the amount of traffic that is likely to be generated by the development.



Rules	Criteria
<b>5.3 Service access and delivery</b>	
<p>R22</p> <p>Goods loading and unloading facilities comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are located within the site</li> <li>b) allow for service vehicles to enter and leave the site in a forward direction.</li> </ul> <p><b>Note:</b> Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.</p>	<p>C22</p> <p>Facilities for the loading and unloading of goods achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) safe and efficient manoeuvring of service vehicles</li> <li>b) does not unreasonably compromise the safety of pedestrians</li> <li>c) does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway</li> <li>d) does not unreasonably affect on-street or off-street car parking</li> <li>e) adequate provision for the manoeuvring of vehicles.</li> </ul>

## Element 6: Noise

### Intent:

- a) To promote a high level of amenity.

Rules	Criteria
<b>6.1 Potentially noisy uses</b>	
<p>R23</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> <li>a) <i>club</i></li> <li>b) <i>drink establishment</i></li> <li>c) <i>emergency services facility</i></li> <li>d) <i>hotel</i></li> <li>e) <i>indoor recreation facility</i></li> <li>f) <i>industry (except light industry)</i></li> <li>g) <i>indoor entertainment facility</i></li> <li>h) <i>outdoor recreation facility</i></li> <li>i) <i>restaurant.</i></li> </ul> <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA).</p> <p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>the Noise Zone Standard as detailed in the <i>Environment Protection Regulation 2005</i>, based on the estimated noise levels when the facility is in use.</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	

## Element 7: Environment

### Intent:

- a) To identify and mitigate potential onsite and offsite environmental impacts of development and incorporate alternative design options where necessary.

Rules	Criteria
<b>7.1 Water sensitive urban design</b>	
<p>R24</p> <p>This rule applies to sites 5000m<sup>2</sup> or larger.</p> <p>The average annual stormwater pollutant export is reduced for all of the following:</p> <ul style="list-style-type: none"> <li>a) suspended solids by at least 60 per cent</li> <li>b) total phosphorous by at least 45 per cent</li> <li>c) total nitrogen by at least 40 per cent</li> </ul> <p>compared with an urban catchment with no water quality management controls.</p> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R25</p> <p>This rule applies to sites 2000m<sup>2</sup> or larger.</p> <p>Stormwater management complies with one of the following:</p> <ul style="list-style-type: none"> <li>a) the capacity of the existing pipe (minor) stormwater connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland stormwater system is not exceeded in the 1-in-100 year storm event</li> <li>b) the 1-in-5 year and 1-in-100 year stormwater peak run off does not exceed pre-development levels.</li> </ul> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R26</p> <p>This rule applies to <i>sites</i> 2,000m<sup>2</sup> or larger. Provision is made for one or more of the following:</p> <ul style="list-style-type: none"> <li>a) the storage of stormwater equivalent to at least 1.4kl per 100m<sup>2</sup> of impervious area, and its release over a period of 1 to 3 days</li> <li>b) runoff peak flow for the 3 month ARI storm to be no more than pre-development levels and release of captured flow over a period of 1 to 3 days.</li> </ul> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R27</p> <p>Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: Water Sensitive Urban Design General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption. This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C28</p> <p>Underground piping of natural stormwater overland flow paths is minimised.</p>
<p><b>7.2 Earthworks</b></p>	
<p>There is no applicable rule.</p>	<p>C29</p> <p>The extent of earthworks is minimised.</p>
<p><b>7.3 Tree protection</b></p>	
<p>R30</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) requires groundwork within the tree protection zone of a protected tree</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>b) is likely to cause damage to or removal of any protected trees</p> <p>c) is a declared site.</p> <p>The authority shall refer the development application to the Conservator or Flora and Fauna.</p> <p><b>Note 1:</b> The authority will consider any advice from the Conservator or Flora and Fauna before determining the application.</p> <p><b>Note 2:</b> <i>Protected tree</i> and <i>declared site</i> are defined under the <i>Tree Protection Act 2005</i>.</p>	
<p>R31</p> <p>Trees on development sites may be removed only with the prior agreement in writing of the Territory.</p>	<p>C31</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p>
<p><b>7.4 Heritage</b></p>	
<p>R32</p> <p>This rule applies to land containing places or objects registered or provisionally registered under section 41 of the <i>Heritage Act 2004</i>.</p> <p>The authority shall refer a development application to the Heritage Council.</p> <p><b>Note:</b> The authority will consider any advice from the Heritage Council before determining the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>

## Element 8: Subdivision

Rules	Criteria
<p><b>8.1 Subdivision</b></p>	
<p>R33</p> <p>Subdivision is only permitted where all of the following are met:</p> <p>a) the subdivision is part of a development application for another assessable development</p> <p>b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant sections of this code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 9: Demolition

Rules	Criteria
<b>9.1 Statement of endorsement</b>	
<p>R34</p> <p>The <i>development application</i> for demolition is accompanied by a statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with section 148 of the <i>Planning and Development Act 2007</i> confirming all of the following:</p> <ul style="list-style-type: none"> <li>a) all network infrastructure on or immediately adjacent the site has been identified on the plan</li> <li>b) all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified</li> <li>c) all required network disconnections have been identified and the disconnection works comply with utility requirements</li> <li>d) all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.2 Hazardous materials survey</b>	
<p>R35</p> <p>This rule applies to one of the following:</p> <ul style="list-style-type: none"> <li>a) the demolition of <i>multi-unit housing</i> (including <i>garages</i> and <i>carports</i>) for which a certificate of occupancy was issued prior to 1985</li> <li>b) demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005.</li> </ul> <p>Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority.</p> <p>A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>a) is a licensed disposal facility in the ACT</p> <p>b) another site outside the ACT.</p> <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site.</p> <p>An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p><b>Note:</b> If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	

### Element 10: Neighbourhood plans

Rules	Criteria
<b>10.1 Consideration</b>	
<p>There is no applicable rule.</p>	<p>C36</p> <p>Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.</p>

## Part B – Additional controls for town centres

This part applies to all development in town centres. Town centres are defined in the relevant precinct code.

Town centre	Relevant suburb precinct code
Belconnen	Belconnen, Bruce
Gungahlin	Gungahlin
Tuggeranong	Greenway
Woden	Phillip

### Element 11: Use

#### Intent:

- a) In CZ3 to provide for a range of conveniently located and relatively low rent service trades and commercial uses close to residential areas
- b) In CZ3 to accommodate retail-related uses requiring large floor areas
- c) To ensure that commercial development in CZ3 not undermine the function of CZ1 and CZ2.

11.1 Shops – floor area limit – CZ2 and CZ3	
<p>R37</p> <p>This rule applies CZ2.</p> <p>The maximum <i>gross floor area</i> for a <i>shop</i> is 200m<sup>2</sup>.</p>	<p>C37</p> <p>Shops are limited to a scale appropriate to providing convenience shopping and personal services for the local workforce and residents.</p>
<p>R37A</p> <p>This rule applies CZ3.</p> <p>The maximum <i>gross floor area</i> for a supermarket or a <i>shop</i> selling food (except for a produce market) is 200m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C38</p> <p>Buildings fronting main streets incorporate uses that generate activity or provide for service trades at the ground floor level.</p>

## Element 12: Buildings

### Intent:

- a) To encourage a built form and scale of development that reinforces the town centre's role as the main commercial focus for its district
- b) To ensure that buildings are compatible with the built form, siting and scale of development in adjacent areas or the desired character of the area established within the Plan
- c) To promote an attractive pedestrian environment
- d) To ensure that the massing, scale, colours and materials used for buildings results in harmonious and a high quality urban design outcomes
- e) To promote development that creates a diverse, lively and attractive character and provides an attractive and interlinked pedestrian environment
- f) To ensure that the design of buildings reinforces the town centre's role as the main commercial focus for its district and recognises the mixed services nature of CZ3.

Rules	Criteria
<b>12.1 Materials and finishes</b>	
There is no applicable rule.	C39 Building colours and materials are consistent with existing development within the particular town centre.
<b>12.2 Number of storeys – CZ3</b>	
R40 This rule applies to CZ3. The maximum number of <i>storeys</i> is 2.	C40 Buildings achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .



## Part C – Additional controls for group centres

This part applies to the following group centres, as shown in the relevant precinct code.

Group centre	Relevant precinct code
Amaroo	Amaroo
Calwell	Calwell
Charnwood	Charnwood
Chisholm	Chisholm
Conder	Conder
Curtin	Curtin
Dickson	Dickson
Erindale	Wanniassa
Hawker	Hawker
Jamison	Macquarie
Kaleen	Kaleen
Kingston	Kingston
Kambah	Kambah
Kippax	Holt
Manuka	Griffith, Forrest
Mawson	Mawson
Wanniassa	Wanniassa
Weston	Weston

### Element 13: Use

#### Intent:

- a) To provide for and consolidate the major retail and service facilities of the centre within a convenient, safe and attractive pedestrian area
- b) To encourage shop fronts and similar active frontages at street level and create a lively, vibrant character based around main pedestrian systems
- c) To reinforce employment location strategies by limiting the size of offices in group centres
- d) To ensure that commercial development in CZ3 does not undermine the function of CZ1 and CZ2
- e) To ensure that community and recreation facilities remain available to the community
- f) To ensure there is sufficient off-road parking to serve commercial centres
- g) To provide opportunities for higher density residential development, while protecting existing commercial uses and the amenity of residents living in commercial zones.

Rules	Criteria
<b>13.1 Shops – floor area limit - CZ2</b>	
R41 This rule applies to CZ2. The maximum <i>gross floor area</i> for <i>shops</i> (including supermarkets) is: <ol style="list-style-type: none"> <li>a) on land that is contiguous with CZ1 zone -</li> </ol>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
300m <sup>2</sup> b) in all other cases - 100m <sup>2</sup> .	
<b>13.2 Shops – floor area limit – CZ3</b>	
R42 This rule applies to CZ3. The maximum <i>gross floor area</i> for a <i>shop</i> used or intended to be used as a supermarket is 300m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.
<b>13.3 Offices – floor area limit</b>	
R43 The maximum <i>gross floor area</i> for offices on any lease is 2000m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.
<b>13.4 Residential use – ground floor – CZ1</b>	
R44 This rule applies to CZ1. Residential use at the ground floor is not permitted.	This is a mandatory requirement. There is no applicable criterion.

## Element 14: Buildings

### Intent:

- a) To encourage a built form and scale of development that reflects the role of group centres as the main commercial focus for surrounding suburbs
- b) To ensure that buildings are compatible with the built form, siting and scale of development in adjacent areas or the desired future character of the area established within the Plan.
- c) To promote an attractive pedestrian environment.

Rules	Criteria
<b>14.1 Number of storeys</b>	
R45 The maximum number of <i>storeys</i> is 2.	C45 Building comply with all of the following: <ol style="list-style-type: none"> <li>a) are compatible with the <i>desired character</i></li> <li>b) are appropriate to the scale and function of the use</li> <li>c) minimise detrimental impacts, including overshadowing and excessive scale.</li> </ol>

Rules	Criteria
<b>14.2 Plot ratio</b>	
<p>R46</p> <p>The maximum <i>plot ratio</i> is 100%.</p>	<p>C46</p> <p>Buildings comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are compatible with the <i>desired character</i></li> <li>b) are appropriate to the scale and function of the use</li> <li>c) minimise detrimental impacts, including overshadowing and excessive scale.</li> </ul>

## Part D – Additional controls for local centres

This part applies to local centres. Local centres are defined by the CZ4 zone.

### Element 15: Use

#### Intent:

- a) To encourage shop fronts and similar active frontages at street level and create a lively, vibrant character based around main pedestrian systems
- b) To ensure that convenience retailing and other services are readily available to the local community and compatible with nearby residential areas
- c) To provide opportunities for higher density residential development, while protecting existing commercial uses and the amenity of residents living in commercial zones
- d) To ensure impacts on other commercially viable local centres are considered.

Rules	Criteria
<b>15.2 Industrial trades</b>	
There is no applicable rule.	C48 Industrial trades are restricted to the repair, maintenance (not including body building, panel beating and spray painting), sale and hire of electrical, mechanical or similar goods.
<b>15.3 Redevelopment</b>	
There is no applicable rule.	C49 Residential development that results in a reduction in the total GFA provided for commercial/retail purposes by more than 50% may be approved only where one of the following is demonstrated to the satisfaction of the <i>authority</i> : <ol style="list-style-type: none"> <li>a) the whole centre is currently not commercially viable</li> <li>b) the centre will remain commercially viable after the proposed development.</li> <li>c) Compliance with this rule is demonstrated by a retail/commercial needs assessment prepared by a suitably qualified person.</li> </ol>
<b>15.4 Active frontages</b>	
R50 Only the following uses are provided in buildings at ground floor level on frontages to main pedestrian areas and routes: <ol style="list-style-type: none"> <li>a) <i>business agencies</i></li> </ol>	C50 Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space, in a form that is consistent with the needs of the particular

Rules	Criteria
b) <i>community activity centres</i> c) <i>financial establishments</i> d) <i>indoor entertainment facilities</i> e) <i>indoor recreation facilities</i> f) <i>public agencies</i> g) <i>restaurants</i> h) <i>shops.</i>	centre.
<b>15.5 Residential use</b>	
R51 a) <i>RESIDENTIAL USE</i> is not located at ground floor level along streets where active frontages are required. b) Redevelopment proposals retain at least the existing level of <i>gross floor area</i> provided for non-residential uses.	C51 Convenience retailing and other accessible, convenient shopping and community and business services are available to meet the needs of the local population.
<b>15.6 Shops – floor area</b>	
R51A The maximum <i>gross floor area</i> for a <i>shop</i> is 1000m <sup>2</sup> .	C51A An existing <i>shop</i> that exceeds a <i>gross floor area</i> of 1000m <sup>2</sup> may be redeveloped up to its existing <i>gross floor area</i> where the shop complies with one of the following: a) was lawfully constructed on or before 10 April 2015 b) was subject to development approval issued on or before 10 April 2015 c) was the subject of a development application lodged on or before 10 April 2015 that was subsequently approved.

## Element 16: Buildings

### Intent:

- a) To encourage a built form and scale of development that reflects the centre's role as a commercial and community focus for the local area
- b) To ensure that buildings are compatible with the built form, siting and scale of development in adjacent areas or the desired future character of the area established within the Plan
- c) To promote an attractive pedestrian environment
- d) To ensure that development is compatible with, and does not adversely impact on, the environment

- e) To ensure building design reinforces the local centre's role and contributes to a diverse, lively and attractive character
- f) To ensure that the massing, scale, colours and materials used for buildings results in harmonious and high quality urban design outcomes
- g) To provide for buildings that promote a safe and accessible environment.

Rules	Criteria
<b>16.1 Number of storeys</b>	
<p>R52 The maximum number of <i>storeys</i> is 2.</p>	<p>C52 Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>
<b>16.2 Building design</b>	
<p>There is no applicable rule.</p>	<p>C53 Development contributes to the amenity and character of the adjacent public spaces by achieving all of the following:</p> <ul style="list-style-type: none"> <li>a) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i> and the pedestrian experience</li> <li>b) minimal visual impact of reflected sunlight</li> <li>c) articulated building forms to compliment the <i>desired character</i></li> </ul> <p>integration of plant installations and service structures with the building design, so they are set back from the building facade and screened from public areas.</p>
<b>16.3 Plot ratios</b>	
<p>There is no applicable rule.</p>	<p>C54 Buildings comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are compatible with the <i>desired character</i></li> <li>b) are appropriate to the scale and function of the use</li> <li>c) minimise detrimental impacts, including overshadowing and excessive scale.</li> </ul>

## Part DA – Additional controls for CZ5

This part applies to CZ5 mixed use

Rules	Criteria
<b>16A.1 Shops – floor area</b>	
R54A The maximum <i>gross floor area</i> for a <i>shop</i> is 1500m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.

## Part E – Additional controls for CZ6

This part applies to CZ6 leisure and accommodation zone.

### Element 17: Use – CZ6

Rules	Criteria
<b>17.1 Shops</b>	
<p>R55</p> <p>Shops are permitted only where related to the sale of entertainment, accommodation and leisure goods such as specialty items or arts, crafts and souvenirs.</p>	<p>C55</p> <p>Shops are appropriate to the primary function of the zone for tourist, recreation and leisure purposes.</p>
<p>R56</p> <p>The maximum gross floor area for each <i>shop</i> is 250m<sup>2</sup>.</p> <p>This rule does not apply to <i>shops</i> selling predominantly one or more of the following:</p> <ul style="list-style-type: none"> <li>a) arts</li> <li>b) crafts</li> <li>c) souvenirs.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

### Element 18: Buildings – CZ6

Rules	Criteria
<b>18.1 Number of storeys</b>	
<p>R57</p> <p>The maximum number of <i>storeys</i> is 2.</p>	<p>C57</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>
<b>18.2 Setbacks</b>	
<p>R58</p> <p>Minimum boundary <i>setback</i> is 6m.</p> <p><b>Note:</b> This applies to front, side and rear boundaries.</p>	<p>C58</p> <p>Buildings comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are compatible with the <i>desired character</i></li> <li>b) are appropriate to the scale and function of the use</li> <li>c) minimise detrimental impacts including overshadowing and excessive scale.</li> </ul>



## Part F – Residential uses

This part applies to residential development in commercial zones.

### Element 19: Residential development

#### Intent:

- a) To provide opportunities for higher density residential development, while protecting existing commercial uses and the amenity of residents living in commercial zones.

Rules	Criteria
<b>19.1 Single dwelling housing</b>	
R59 <i>Single dwelling housing</i> complies with the Residential Zones - Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
<b>19.2 Multi unit housing</b>	
R60 <i>Multi unit housing</i> or residential components of commercial mixed use complies with the Residential Zones – Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
<b>19.3 Residential care accommodation (where permitted)</b>	
R61 <i>Residential care accommodation</i> complies with the relevant parts of the Residential Zones Development Code.	This is a mandatory requirement. There is no applicable criterion.

## Part G – Endorsement by government agencies (entities)

This part applies to all development in commercial zones.

### Intent:

- a) To ensure, to the satisfaction of the relevant authority, provision of all necessary onsite services required for the construction and operation stages of the proposed use.

### Element 20: Loading and unloading facilities

Rules	Criteria
<b>20.1 Goods</b>	
R62 Goods loading and unloading facilities are endorsed by TAMS.	This is a mandatory requirement. There is no applicable criterion.

### Element 21: Waste management

Rules	Criteria
<b>21.1 Management of construction waste</b>	
R63 This rule applies to development that is likely to generate more than 20m <sup>3</sup> of waste comprising one or more of the following: a) demolition waste b) construction waste c) excavation material. The management of construction waste is to be endorsed by TAMS. <b>Notes:</b> 1. TAMS will endorse waste facilities and management associated with the development if they comply with the current version of the Development Control Code for Best Practice Waste Management in the ACT. 2. TAMSD may endorse departures.	This is a mandatory requirement. There is no applicable criterion.
<b>21.2 Post occupancy waste management</b>	
R64 Post occupancy waste management facilities are to be endorsed by TAMS. <b>Note:</b> TAMS will endorse post occupancy waste management facilities where they are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT. TAMS may endorse departures.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>R65</p> <p>A statement of compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or stormwater networks complies with utility standards and requirements.</p>	<p>C65</p> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

## Element 22: Utilities

Rules	Criteria
<b>22.1 Utilities</b>	
<p>R66</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The proposed encroachment is approved in writing by the relevant service provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R67</p> <p>A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMSD (Asset Acceptance) is not required to be obtained</li> <li>2. Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions</li> </ol> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R68</p> <p>All new permanent or long-term electricity supply lines are underground.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R69</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 23: Environmental management

Rules	Criteria
<b>23.1 Erosion and sediment control</b>	
<p>R70</p> <p>This rule applies to sites greater than 3000m<sup>2</sup>. Development complies with a sediment and erosion control concept plan endorsed by the Environment Protection Authority.</p> <p><b>Supporting document:</b></p> <p>A sediment and erosion control concept plan is prepared in accordance with the ACT EPA Environmental Protection Guidelines for Construction and Land Development in the ACT 2011.</p> <p><b>Note:</b></p> <p>A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>23.2 Contamination</b>	
<p>R71</p> <p>This rule applies where an assessment by the proponent in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>ACT Environment Protection Policy</i> identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area.</p> <p>Development complies with an environmental site assessment report endorsed by Environment Protection Authority.</p> <p><b>Supporting document:</b> Environmental site assessment report endorsed by Environment Protection Authority</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>