



ACT Planning &
Land Authority

Non-Urban Zones Development Code

March 2008

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Introduction

Application of this code

This Development Code applies to all development in the Non-Urban Zones identified in the zones' development tables as being within the code, merit and impact assessment tracks.

Purpose of codes

Codes provide additional planning, design and environmental controls to support the zone objectives and assessable uses in the development tables.

The Codes are used by the Authority to assess development applications. The Codes therefore also provide guidance to intending applicants in designing their developments and preparing their development applications.

Each Code's controls are expressed as either **rules**, which are generally quantitative, or as qualitative **criteria**.

- Proposals in the **code track** must comply with all rules relevant to the development.
- Proposals in the **merit track** and **impact track** have the option to comply with the rules or criteria, unless the rule is mandatory. Where it is proposed to meet the criteria, the onus is on the applicant to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the criteria and therefore the intent of the element.
- Proposals in the **impact track** also have the option to justify any non-compliance with the rules and the criteria, unless the rule is mandatory. Where it is proposed to not meet the rules and the criteria, the onus is on the applicant to justify the non-compliance by demonstrating that the proposed development is consistent with the relevant principles of the Statement of Strategic Directions. Supporting plans and written documentation, providing consideration of the relevant Intents of the Code and the Zone objectives, are to accompany the development application.

Structure of codes

The Non-Urban Zones Development Code is divided into three Parts:

Part A – Zone Specific Controls provide any specific controls for each Non-Urban Zone (NUZ1 Broadacre Zone, NUZ2 Rural Zone, NUZ3 Hills, Ridges and Buffer Zone, NUZ4 River Corridor Zone, NUZ5 Mountains and Bushland Zone).

Part B – General Development Controls provide general controls that are applicable to all Non-Urban Zones.

Part C – Site Specific Controls provide any additional specific controls for particular non-urban areas or sites. [Care is needed to check whether any specific controls apply to individual sites]

Each Part is divided into sections referred to as **Elements**, although each Part may not include provisions for every Element. The Elements describe the various issues for consideration:

1. Restrictions on Use
2. Building and Site Controls
3. Built Form
4. Parking and Site Access
5. Amenity
6. Environment
7. Services

Each Element consists of Intents and Items under which are Rules and Criteria.

Intent describes the purpose of the development controls

Rules provide the quantitative, or definitive, controls for development

Criteria provide the qualitative controls for development

In some instances, there are rules that are mandatory. For clarity of use, the mandatory rules are emphasized by the following words: “**This is a mandatory requirement. There are is applicable criterion**”. Non-compliance with these provisions will result in the refusal of a development application. Conversely, the words “**There is no applicable rule**” is used when controls cannot be quantitative or definitive and only criteria exist.

Any application of a **General Code** to a development proposal is identified as part of the relevant rule or criteria.

Where more than one type of Code applies to a development, the order of precedence when there is inconsistency of provisions between Codes, as defined by the Act, is **Precinct Code**, then **Development Code**, and then **General Code**.

Further information

Please refer to the Development Application Guide, for more information on preparing applications under the Territory Plan, including the use of assessment codes.

Abbreviations

GFA = gross floor area

m² = metres squared

Part A – Zone Specific Controls

Part A provides the detailed development controls for each of the Non-Urban zones.

Part A(1) – NUZ1 - Broadacre Zone

Element 1: Restrictions on Use

Intent:

- a) To provide an appropriate level of on-site services for Residential Care Accommodation in rural settings

Rules	Criteria
1.1 Residential Care Accommodation	
There is no applicable rule.	C1 The development is larger than dwelling size and provides the following: <ul style="list-style-type: none">a) temporary or permanent accommodationb) care from on-site staff to persons requiring supervision, treatment and/or specialist care.
There is no applicable rule.	C2 Where the development does not meet the requirements of criteria C1.1.1, the development provides the following: <ul style="list-style-type: none">a) shelter, support, supervision and/or treatment for residents;b) cooking, dining, laundry, cleaning and other facilities on a shared basis.

Element 2: Building and Site Controls

Intent:

- a) To provide for protection of the general character of the landscape
- b) To reinforce a clear definition between urban and rural landscape to avoid a diminution of the rural setting at the urban interface

Rules	Criteria
2.1 Scale and Type of Development	
There is no applicable rule.	C3 Development is of a scale and type that: <ol style="list-style-type: none">a) requires a large site that is not available within the urban area, orb) requires or would benefit from a non-urban location for reasons of safety or effective operation.

Part A(2) – NUZ2 - Rural Zone

Element 1: Restrictions on Use

Intent:

- a) To provide for uses that are compatible with rural and agricultural amenity

Rules	Criteria
1.1 Outdoor Recreation Facility	
R4 Outdoor recreation facility excludes motor sport facilities, racecourses, stadiums, showgrounds.	This is a mandatory requirement. There is no applicable criterion.
1.2 Tourist Facility	
There is no applicable rule.	C5 Tourist facility may be permitted as an ancillary use in the following areas where it is accessible from a Tourist Circuit: <ul style="list-style-type: none">• Bulgar Creek, Molonglo Valley, Paddy's River Valley, Lanyon-Lambrigg and West Tuggeranong.

Element 2: Building and Site Controls

Intent:

- a) To conserve and protect the scale of development and rural landscape character

Rules	Criteria
2.1 Siting	
There is no applicable rule.	C6 Building works: a) are essential to the carrying on of a permitted use b) form part of an integrated complex of buildings where there are existing and previously approved buildings.

Part A(3) – NUZ3 - Hills, Ridges and Buffer Areas Zone

Element 1: Restrictions on Use

Intent:

- a) To conserve the significant cultural and natural heritage resources and a diversity of habitats and wildlife corridors.
- b) To provide recreation, environmental education and scientific research opportunities.
- c) To provide for uses which are compatible with rural amenity.

Rules	Criteria
1.1 Outdoor Recreation Facility	
R7 Outdoor recreation facility excludes motor sport facilities, racecourses, stadiums, showgrounds.	This is a mandatory requirement. There is no applicable criterion.

Part A(4) – NUZ4 - River Corridor Zone

Element 1: Restrictions on Use

Intent:

- a) To make provision for commercial, community, recreation and tourist activities directly related to the use of the river
- b) To ensure development is kept to a minimum required to service the visiting public and is confined to the perimeter of environmentally sensitive areas

Rules	Criteria
1.1 Recreational Development	

Rules	Criteria
There is no applicable rule.	<p>C8</p> <p>Land in the River Corridor Zone is planned, developed and managed as an interconnected open space system within which recreation is a key land use.</p>
There is no applicable rule.	<p>C9</p> <p>There is a demonstrated need for recreational and associated facilities such as kiosks, and the development does not adversely impact on the environment.</p>
There is no applicable rule.	<p>C10</p> <p>Unless it requires siting adjacent to the river, development is located at an appropriate distance from the riverbank.</p>
There is no applicable rule.	<p>C11</p> <p>Intensive riverside recreational uses are only development where the river and sandy beaches allow safe swimming and where the terrain is suitable for recreation, road access and parking.</p>

Part A(5) – NUZ5 - Mountains and Bushland

Element 1: Restrictions on Use

- a) To provide for tourist facilities that are compatible with the natural character of the landscape
- b) To protect environmentally sensitive areas including water supplies

Rules	Criteria
1.1 Tourist Facility	
There is no applicable rule.	C12 Buildings are low rise with emphasis on integration of the development into the landscape and compatibility with related environmentally sensitive areas. Buildings comprise lodge style and self-contained cabins.
1.2 Development in Water Supply Catchments	
There is no applicable rule.	C13 Development does not prejudice the future use of Tennent reservoir catchment for the supply of water.
There is no applicable rule.	C14 Cotter River and Gudgenby River Catchments are planned and managed as multiple use areas and the intensity of development and provision of public access does not adversely impact on water quality in these rivers.
1.3 Environmental Protection	
There is no applicable rule.	C15 Development is kept to the minimum required to support land management activities and to service the visiting public and where possible confined to the perimeter of environmentally sensitive areas or to adjacent areas.

Part B – General Development Controls

Part B provides the general development controls applicable to all the Non-Urban zones.

Element 1: Restrictions on Use

Intent:

- a) To protect natural site characteristics, visual diversity and the general character of the landscape
- b) To ensure development does not result in degradation of vegetation or soils or have another unacceptable environmental impact on the locality or adjacent water bodies

Rules	Criteria
1.1 Adjunct Uses	
There is no applicable rule.	<p>C16</p> <p>Subject to any requirements of the National Capital Plan, the following developments may be permitted where they are adjunct to the primary permitted use of the land:</p> <ul style="list-style-type: none"> a) Educational establishment b) Cultural facility c) COMMUNITY USE d) Scientific research establishment e) Farm tourism f) Other rural business
1.2 Assessment of Environmental Effects	
There is no applicable rule.	<p>C17</p> <p>The application for development is accompanied by an Assessment of Environmental Effects (section 120(f) <i>Planning and Development Act 2007</i>) addressing, but not limited to, the following:</p> <ul style="list-style-type: none"> a) the amount of traffic likely to be generated and the likely impacts on the road system b) impacts on the amenity of surrounding land uses c) impacts on the role and character of the hills and ridges as a visual backdrop d) impacts on rural character e) provision of landscaping f) impacts on water supply catchments g) impacts of earthworks or rehabilitation works on soil stability and quality.

Rules	Criteria
1.3 Plans of Management	
There is no applicable rule.	C18 Where relevant, the proposed development is consistent with the approved plan of management.

Element 2: Building and Site Controls

- a) To ensure that development limits adverse impact on the environment
- b) To provide for the future viability of agricultural land

Rules	Criteria
2.1 Demolition	
R19 In accordance with section 148 of the <i>Planning and Development Act 2007</i> , the application is accompanied by a Statement of Endorsement from utilities (including Water, Sewerage, Stormwater, Electricity and Gas) stating that: <ul style="list-style-type: none"> a) All network infrastructure on or immediately adjacent the site has been identified on the plan 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 c) All required network disconnections have been identified and the disconnection works comply with utility requirements d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements. 	C19 If a Statement of Endorsement is not provided the application will be referred to relevant utilities in accordance with the requirements of the <i>Planning and Development Act 2007</i> .

Rules	Criteria
2.2 Subdivision	
R20 Subdivision is only permitted where: a) it is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.	This is a mandatory requirement. There is no applicable criterion.
2.3 National Capital Plan	
There is no applicable rule.	C21 Where a development is subject to Special Requirements under the National Capital Plan (including any relevant Development Control Plan) the development is not inconsistent with the Special Requirements.

Element 3: Built Form

Intent:

- a) To ensure development is in character with the rural setting and views from public places to regional features.
- b) To protect the amenity of users with regard to safety, access and security measures.

Note: Under the Building Act 2004 buildings need to meet the requirements of the Building Code of Australia. For certain classes of buildings, this will include prescribed energy requirements.

Rules	Criteria
3.1 Building Design and Materials	
There is no applicable rule.	C22 The development is compatible with the surrounding landscape through sympathetic placement and form of buildings and appropriate materials.
There is no applicable rule.	C23 Materials and finish are of earth tones with low reflectivity.

Rules	Criteria
3.2 Crime Prevention through Environmental Design	
There is no applicable rule.	C24 The development meets the requirements of the ACT Crime Prevention Through Environmental Design General Code.
3.3 Access and Mobility	
There is no applicable rule.	C25 The development meets the requirements of the Access and Mobility General Code.

Element 4: Parking and Access

- a) To ensure safe and efficient parking
- b) To ensure adequate parking facilities are provided

Rules	Criteria
4.1 Parking and Access	
There is no applicable rule.	C26 Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.
There is no applicable rule.	C27 Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code.

Element 5: Amenity

Intent:

- a) To provide for protection of the natural character of the landscape

Rules	Criteria
5.1 Signs	
There is no applicable rule.	C28 Signs comply with the Signs General Code.
There is no applicable rule.	C29 Advertising signs are not large, obtrusive or incompatible with the rural character of the locality.

Rules	Criteria
5.2 Lighting	
R30 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard AS1158.1.3 <i>Pedestrian Lighting</i> .	C30 External lighting is provided in accordance with the ACT Crime Prevention and Urban Design Resource Manual.
R31 All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	C31 All lighting, including security and car park lighting, is designed to minimise light spill.

Element 6: Environment

Intent:

- a) To protect woodlands, native grasslands, forests and waterways
- b) To provide for maintenance and strengthening of tree cover along stream and on hills and ridges

Rules	Criteria
6.1 Heritage	
R32 In accordance with section 148 of the <i>Planning and Development Act 2007</i> , applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i> .	C32 If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the <i>Planning and Development Act 2007</i> .
6.2 Water Use	
There is no applicable rule.	C33 Where relevant, development complies with the requirements of the Water Use and Catchment General Code.
6.3 Erosion and Sediment Control	
R34 For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the <i>ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007</i> .	C34 If a plan 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> .

Rules	Criteria
<p>R35</p> <p>For development on a site greater than 0.3 of a hectare, the application is accompanied by an Erosion and Sediment Control Plan endorsed by ACT Environment Protection.</p>	<p>C35</p> <p>If an endorsed Sediment and Erosion Control Plan 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>
6.4 Contamination	
<p>R36</p> <p>A statement is provided that the potential for land contamination has been assessed in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000</i>, and it is demonstrated that the land is suitable for the proposed development.</p>	<p>C36</p> <p>If a statement that the site has been assessed 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>
6.5 Hazardous Materials	
<p>R37</p> <p>For the demolition of multi-unit housing (including garages and carports) constructed* prior to 1985, and Commercial / Industrial premises constructed prior to 2005, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person and is endorsed by Environment Protection.</p> <p>The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <p>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</p> <p>b) If hazardous materials are to be transported for disposal interstate, approval from the Environment Protection Authority is obtained prior to removal of material from the site</p> <p>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>* construction date means the date when the Certificate of Occupancy was issued</p>	<p>C37</p> <p>If an endorsed Hazardous Materials Survey 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>

Rules	Criteria
6.6 Trees	
<p>R38</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application must be accompanied by a Tree Management Plan approved under the <i>Tree Protection Act 2005</i>.</p> <p>Note: "Protected tree" is defined under the Tree Protection Act 2005.</p>	<p>C38</p> <p>If an approved Tree Management Plan is required, but not provided, then a draft Tree Management Plan is to accompany the application. The draft Tree Management Plan will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
6.7 Bushfire Risk Mitigation	
<p>There is no applicable rule.</p>	<p>C39</p> <p>Where relevant, development complies with the requirements of the Planning for Bushfire Risk Mitigation General Code.</p>

Element 7: Site Services

Intent:

- a) To ensure the extent of change and nature of landscape works minimises adverse impact on adjacent land

Rules	Criteria
7.1 Waste Management	
<p>R40</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the <i>Development Control Code for Best Practice Waste Management in the ACT 1999</i>.</p>	<p>C40</p> <p>If a Statement of Compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
7.2 Servicing and Site Management	
<p>R41</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Endorsement from the relevant agency stating that the waste facilities and management associated with the development are in accordance with the <i>Design Standards for Urban Infrastructure</i>.</p>	<p>C41</p> <p>If a Statement of Endorsement 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>
7.3 Utilities	
<p>R42</p> <p>A Statement of Compliance from each relevant utility provider (for water, sewerage, stormwater, electricity 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><i>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</i></p>	<p>C42</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>
<p>There is no applicable rule.</p>	<p>C43</p> <p>Septic systems are approved by the relevant authority.</p>

Part C – Site Specific Controls

Part C provides additional specific controls for particular areas or sites.

Part C(1) – P4 - Plantation Forestry Precinct

Element 1: Restrictions on Use

Intent:

- a) To make provision for plantation forestry in association with compatible uses

Rules	Criteria
1.1 P4 – Plantation Forestry Precinct	
There is no applicable rule.	C44 Agriculture is limited to livestock grazing excluding horse agistment where appropriate.
There is no applicable rule.	C45 For tourist facilities, buildings are low rise with emphasis on integration of the development into the landscape and compatibility with related environmentally sensitive areas. Buildings comprise lodge style and self-contained cabins.

Part C(2) - Fyshwick

Element 1: Restrictions on Use

Intent:

- a) To ensure development is consistent with the rural context of the site.

Rules	Criteria
1.1 Goldenholm Dairy (Figure 1)	
There is no applicable rule.	C46 The intensive agricultural landscape character of the area is retained.

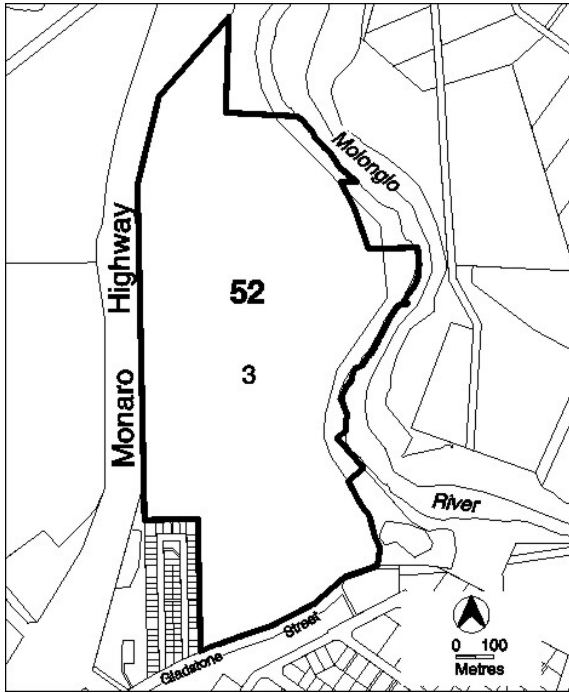


Figure 1 Goldenholm Dairy, Fyshwick

Part C(3) - Gungahlin

Element 1: Restrictions on Use

Intent: a) To make provision for the harvesting of existing eucalypt plantations.

Rules	Criteria
1.1 Eucalypt Plantations	
There is no applicable rule.	C47 Existing eucalypt plantations may be harvested provided they are replaced with appropriate native vegetation. Additional plantations are not permitted.

Part C(4) - Jerrabomberra

Element 1: Restrictions on Use

Intent:

a) To make provision for quarrying and other compatible uses during the life of the quarry.

Rules	Criteria
1.1 Quarry (Figure 2)	
There is no applicable rule.	C48 a) The mining industry, involving quarrying and other compatible uses, is to be operational only during the life of the existing quarries. b) A rehabilitation plan is provided, showing: i) progressive restoration at completion of each section of quarrying ii) preservation of existing trees iii) planting and regeneration of the site.

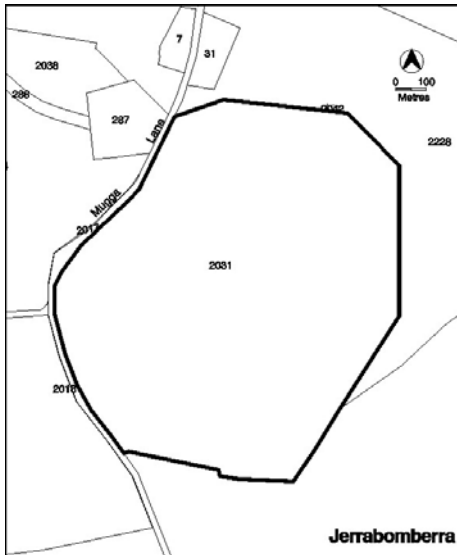


Figure 2 Jerrabomberra

Part C(5) - Molonglo and Murrumbidgee River Corridor

Element 1: Restrictions on Use

Intent:

- a) To ensure land in the river corridor is planned, developed and managed as an interconnected open space system within which recreation is a key land use
- b) To ensure development does not adversely affect stream flows and water quality

Rules	Criteria
1.1 Coree, Greenway, Stromlo, Tharwa and Weston Creek (Figures 3-8)	
There is no applicable rule.	C49 Development is of low intensity on large blocks permitting point source retention of storm water run off and opportunities for large scale landscaping. Stormwater runoff should be containable on site.
There is no applicable rule.	C50 Development, including existing uses, incorporates measures to minimise impacts on the ecology and improve the visual character of the locality.

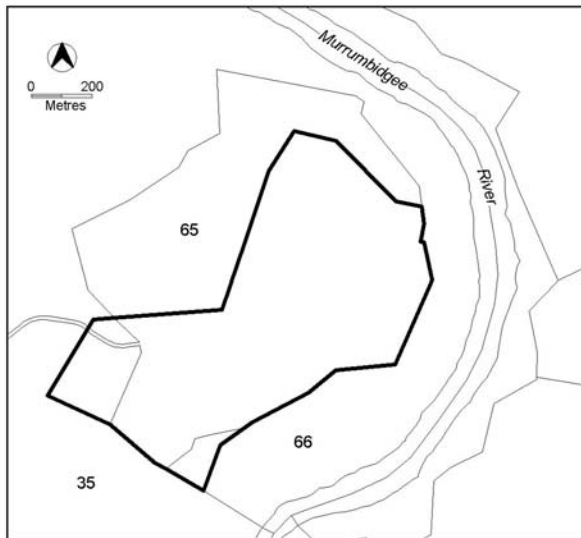


Figure 3 Murrumbidgee River Corridor, Coree

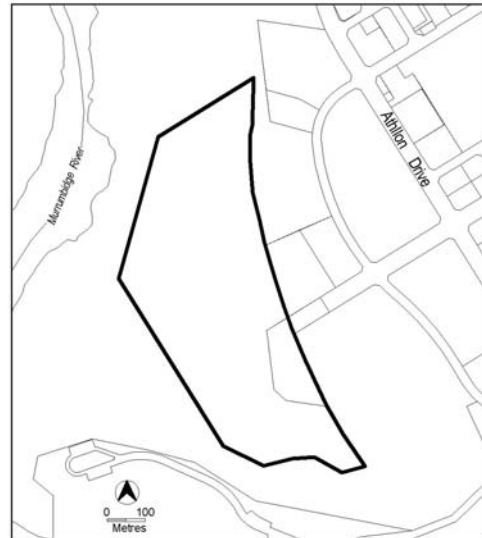


Figure 4 Murrumbidgee River Corridor, Greenway

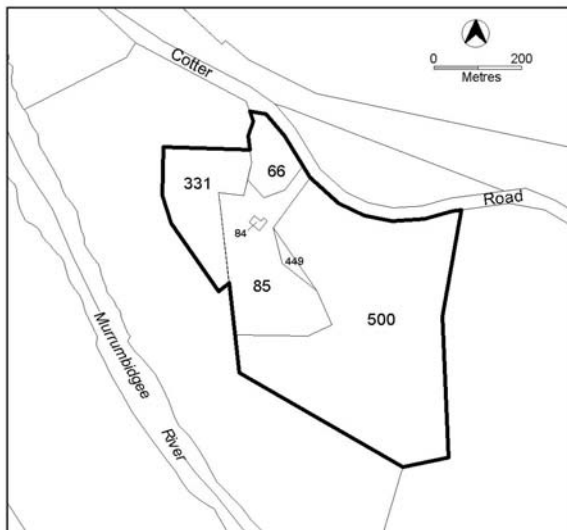


Figure 5 Murrumbidgee River Corridor, Stromlo

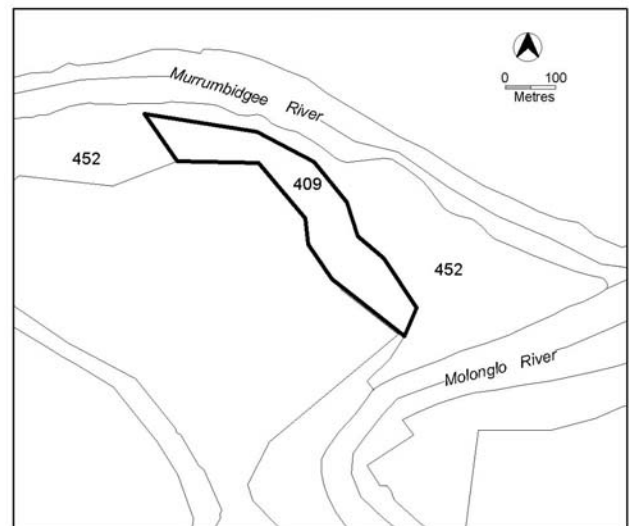


Figure 6 Murrumbidgee and Molonglo River Corridors, Stromlo

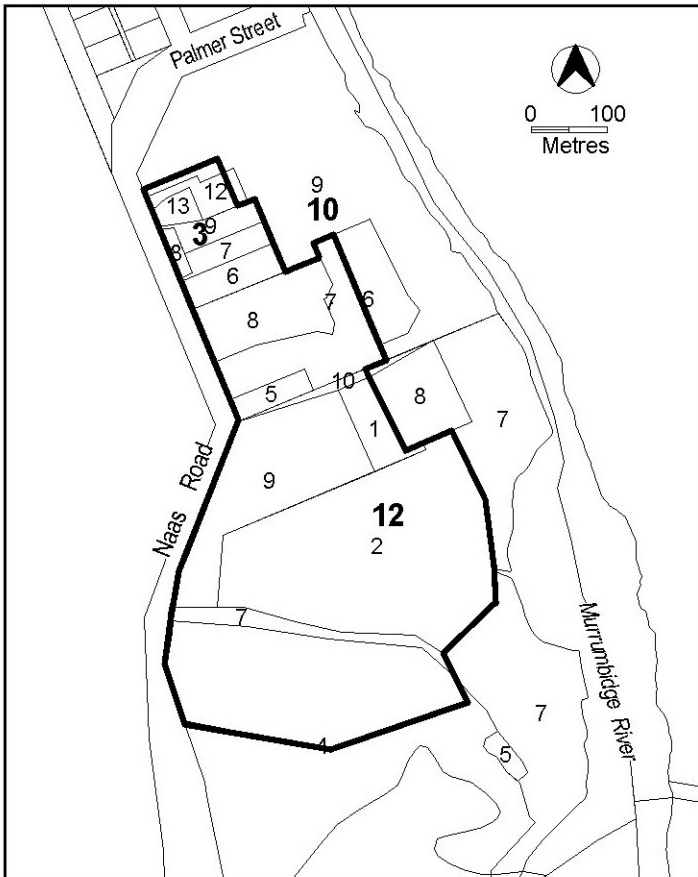


Figure 7 Murrumbidgee River Corridor, Tharwa

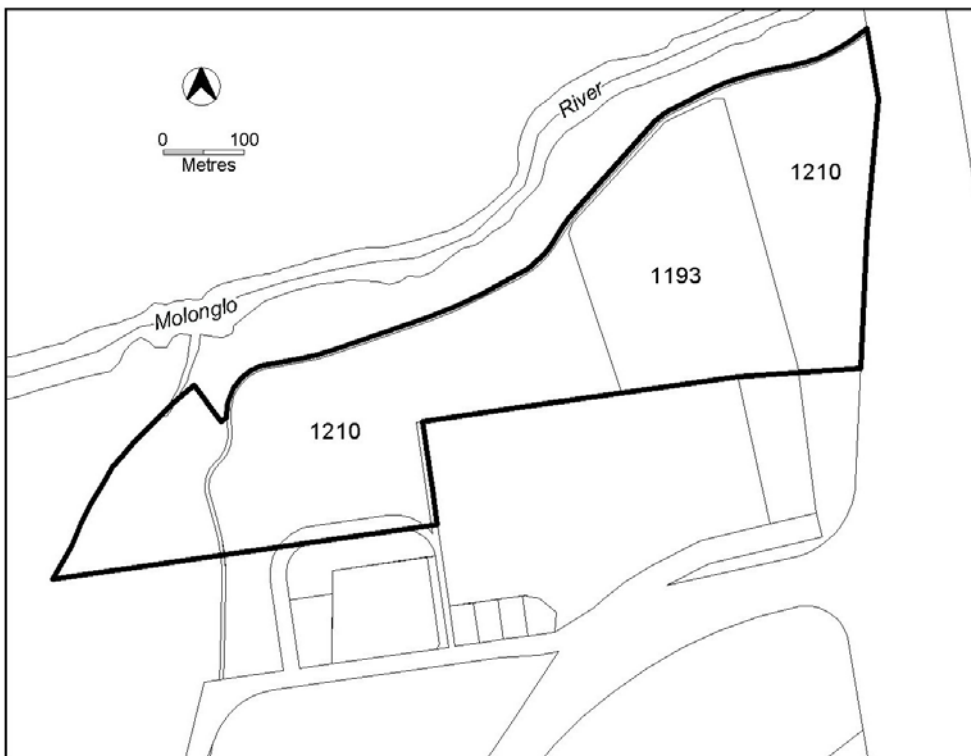


Figure 8 Molonglo River Corridor, Weston Creek

Part C(6) - Pialligo

Element 1: Restrictions on Use

Intent:

- a) To make provision for small area agriculture and agriculture-related business activities
- b) To ensure that the use of land is compatible with the protection of adjacent horticultural land in Molonglo River flood plain
- c) To make provision for quarrying and other compatible uses during the life of the quarry.

Rules	Criteria
1.1 Pialligo Area 'a' (Figure 9) – Ancillary Uses	
There is no applicable rule.	<p>C51</p> <p>In Pialligo Area 'a' land may be used for the following where they are ancillary to a permitted use:</p> <ul style="list-style-type: none"> • Craft workshop • Industrial trades • Produce market • Restaurant • Shop
1.2 Pialligo Area 'a' - Subdivision	
There is no applicable rule.	<p>C52</p> <p>Subdivision of existing leases is generally not permitted.</p>
1.3 Pialligo Areas 'a' and 'b' (Figure 9) – GFA Restrictions	
<p>R53</p> <p>Where permitted, the following GFA restrictions apply:</p> <ol style="list-style-type: none"> a) craft workshop – maximum GFA 100m² b) industrial trades – restricted to workshops associated with rural activities and having a maximum GFA 100m² c) produce market – maximum GFA 50m² d) restaurant – maximum GFA 50m² e) shop – restricted to art, craft or sculpture dealer having a maximum GFA 50m² 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.4 Quarry (Figure 10)	
There is no applicable rule.	<p>C54</p> <ul style="list-style-type: none"> a) The mining industry, involving quarrying and other compatible uses, is to be operational only during the life of the existing quarries. b) A rehabilitation plan is provided, showing: <ul style="list-style-type: none"> i) progressive restoration at completion of each section of quarrying ii) preservation of existing trees iii) planting and regeneration of the site.

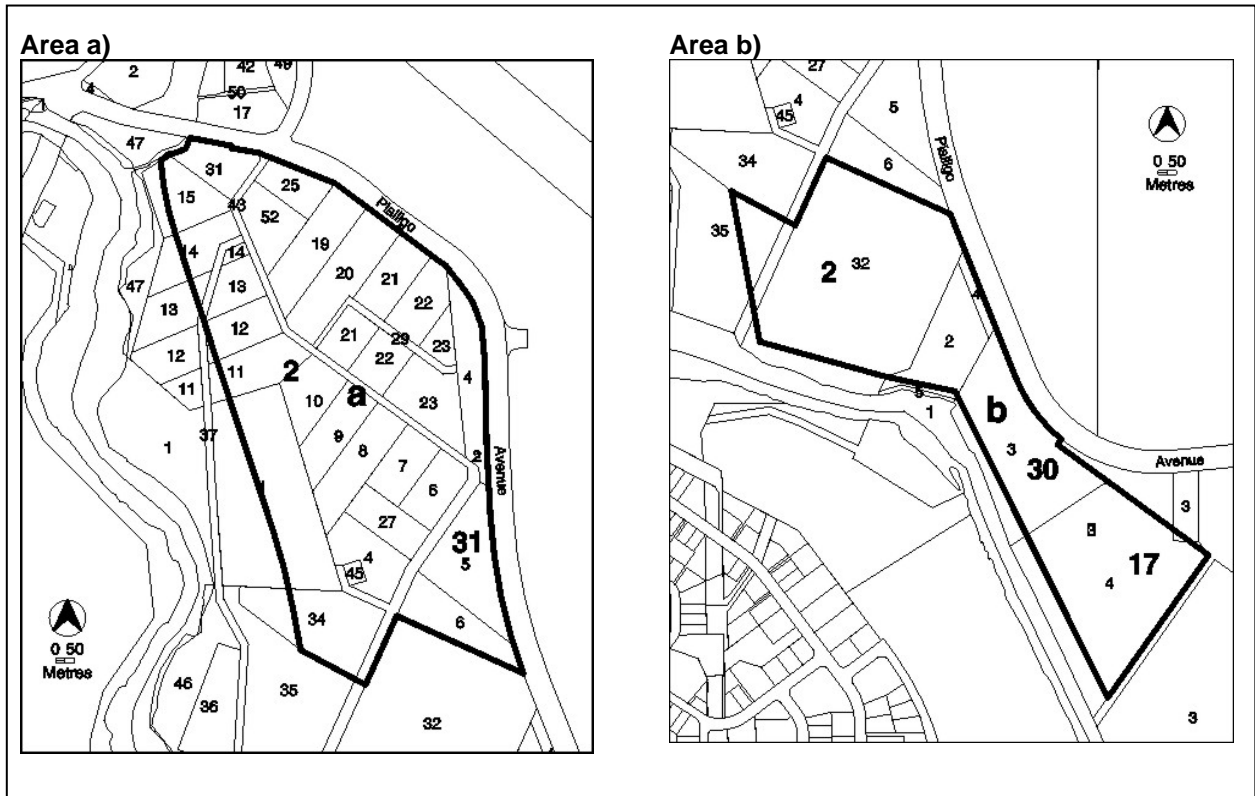


Figure 9 Pialligo

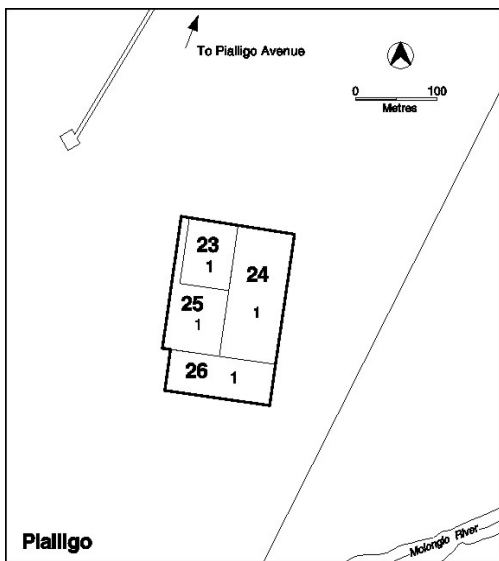


Figure 10 Quarry

Part C(7) - Symonston

Element 1: Restrictions on Use

Intent:

- a) To ensure that development and the use of land does not undermine the future use of land which may be required for urban and other purposes.

Rules	Criteria
1.1 Symonston Area 'a' – Subdivision (Figure 11)	
There is no applicable rule.	C55 Subdivision of existing leases is generally not permitted.

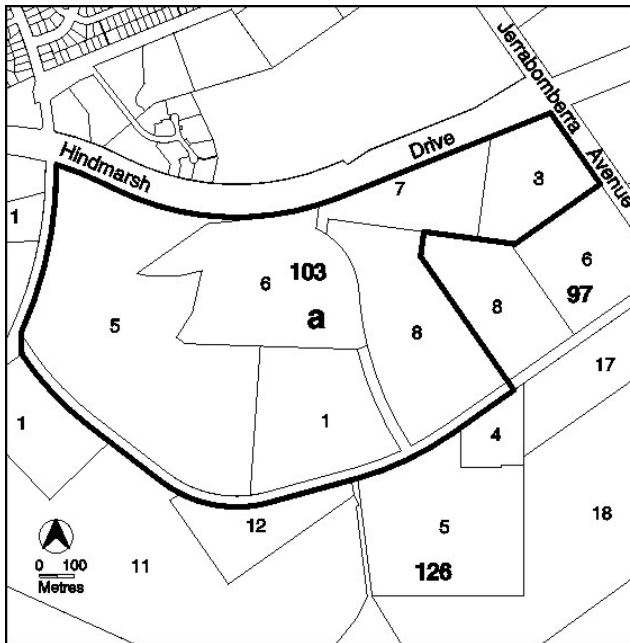


Figure 11 Symonston