



City Centre Development Code

Contents

Introduction	1
Commercial Zones – Overview	3
Part A – Zone Specific Controls	5
Part A - City Centre – Overview	5
Part A (1) - City Centre – CZ1 Core Zone	7
Element 1: Restrictions on Use	7
1.1 Active frontages	7
1.2 Light Industry	7
1.3 Service Station and Store	7
Element 2: Building and Site Controls	8
2.1 Height and Setback	8
2.2 West of Marcus Clarke Street and North of University Avenue	9
2.3 City Sections 2, 3, 5, 11, 12, 22, 23, 26, 32, 38,51, 53 and 56	10
2.4 City Section 84 Master Plan	10
2.5 City Section 20	10
2.6 East of Marcus Clarke Street and West of London Circuit and Northbourne Avenue	11
2.7 East of Northbourne Avenue and London Circuit	11
2.8 East of Genge Street and Bunda Street	12
2.9 Garema Place	13
Element 3: Built Form	13
3.1 Building Design	13
3.2 Pedestrian Shelters	13
3.3 Development adjacent to City Section 1 and Section 48	14
Element 4: Parking and Site Access	14
4.1 Ainslie Avenue	14
4.2 City Section 20	14
Element 5: Amenity	15
5.1 Landscape - Paving Design Palette and Policy	15
Part A (2) - City Centre – CZ2 Business Zone – Braddon and Turner	20
Element 2: Building and Site Controls	20
2.1 Height	20
2.2 Plot Ratio	20
2.3 Setbacks	20
Element 3: Built Form	21
3.1 Building Design	21
3.2 Continuous Building Facades	21
3.3 Buildings in Turner	21
Element 4: Parking and Site Access	22
4.1 Braddon	22
4.2 Turner	22
Part A (3) - City Centre – CZ3 Services Zone – Braddon	25
Element 1: Restrictions on Use	25
1.1 Restrictions on Use	25
Element 2: Building and Site Controls	26
2.1 Height	26
2.2 Plot Ratio	26
2.3 Setbacks	26
Element 3: Built Form	27
3.1 Building Design	27

Element 4:	Parking and Site Access	28
4.1	Car Parking.....	28
4.2	Site Access.....	28
Part B – General Development Controls.....		34
Element 1:	Restrictions on Use	34
1.1	Existing Community and Recreation Sites	34
1.2	Existing Car Parks	34
1.3	Residential Use.....	34
Element 2:	Building and Site Controls.....	36
2.1	Subdivision	36
2.2	Demolition.....	36
2.3	National Capital Plan Requirements	37
Element 3:	Built Form	37
3.1	Building Design.....	37
3.2	Crime Prevention Through Environmental Design	37
3.3	Access and Mobility	38
3.4	Car Parking Structures	38
3.5	Materials and Finishes.....	38
3.6	Location Requirements for Community and Recreation Facilities	38
Element 4:	Parking and Site Access	39
4.1	Traffic Generation.....	39
4.2	Main Pedestrian Areas and Routes.....	39
4.3	Access	39
4.4	Parking.....	39
4.5	Circulation.....	40
Element 5:	Amenity	40
5.1	Landscape	40
5.2	Lighting	41
5.3	Signs.....	41
5.4	Neighbourhood Plans	41
Element 6:	Environment.....	42
6.1	Water Sensitive Urban Design	42
6.2	Heritage	43
6.3	Trees.....	44
6.4	Hazardous Material	44
6.5	Contamination.....	45
6.6	Erosion and Sediment Control.....	45
6.7	Excavation	45
6.8	Wind.....	45
6.9	Air Emissions - Odours.....	46
6.10	Noise.....	46
Element 7:	Services	47
7.1	Waste Management	47
7.2	Servicing and Site Management.....	47
7.3	Utilities	47
7.4	Waste Water	48
7.5	Storage	48
7.6	Easements.....	48

Introduction

Application of this code

The City Centre Development Code applies to development within the City Centre CZ1 – CZ3 Zones (Figure A1). This Code is intended to ensure that the type and form of development within the City Centre is responsive and sympathetic to the character, or proposed character, of the locality. This Code does not apply to the area covered by the Northbourne Avenue Precinct Code.

Additional requirements for Residential Use in commercial areas are included in the Residential Zones Development Code. For multi unit housing refer to part C (5) of the Multi Unit Housing Development Code. For single dwelling housing refer to the relevant provisions in the Single Dwelling Housing Development Code.

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 City Centre Development Code is divided into two Parts:

Part A – Zone Specific Controls provide any additional specific controls for particular areas or sites. Care is needed to check whether any specific controls apply to individual sites.

Part B – General Development Controls provide general controls that are applicable to all Zones within the City Centre.

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 is no 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 Planning Explained Guide for more information on preparing applications under the Territory Plan, including the use of assessment codes.

Abbreviations

GFA = gross floor area

m = metres

m² = square metres

Commercial Zones – Overview

The Commercial Zones are established to recognise the various functions, values and characteristics within commercial areas, and to provide a level of consistency and equity across the geographic range of commercial centres. Commercial areas are structured to reflect the principles of a hierarchical system of centres, which comprise the City Centre, town centres, group centres, and local centres.

The City Centre is also known as Canberra City or Civic.

The Town Centres include Belconnen, Gungahlin, Tuggeranong and Woden.

The Group Centres include, Calwell, Charnwood, Chisholm, Conder, Curtin, Dickson, Erindale, Hawker, Jamison, Kaleen, Kambah, Kingston, Kippax, Manuka, Mawson, Wanniasa, Weston

The hierarchy has been developed to ensure that people have a wide choice of facilities and services wherever they live or work within Canberra. Outside this hierarchy, there are other commercial areas in office parks and in corridors along main avenues. The Commercial Zones also include areas for residential mixed and multi-use development, and leisure and accommodation.

All major centres include a number of commercial zones (Table 1) to reflect the different primary functions of their core, business and services areas. The Commercial Zones are described below.

City Centre	CZ1 CZ2 CZ3 Zones
Town Centres	CZ1 CZ2 CZ3 Zones
Group Centres	CZ1 CZ2 CZ3 Zones
Local Centres	CZ4 Zone
Office sites outside centres	CZ2 Zone
Mixed Use Areas	CZ5 Zone
Leisure and Accommodation areas	CZ6 Zone

Table 1: Location of Commercial Zones

CZ1 Core Zone

This Zone is the main business core of higher order commercial centres and is the primary location of shops, non-retail commercial uses, restaurants, commercial accommodation, and indoor entertainment facilities. Residential and community uses are also permissible, subject to design and siting to minimise incompatibility with primary uses.

CZ2 Business Zone

This Zone is intended for more fringe commercial activities, primarily non-retail commercial uses, commercial accommodation, and some restaurants and indoor entertainment and recreation facilities. Residential and community uses are also permissible, subject to design and siting, provided they are not incompatible with primary uses.

CZ3 Services Zone

This Zone is intended for fringe retailing, which includes bulky goods, light industry, service trades, service stations, restaurants and indoor entertainment and recreation facilities. Residential, non-retail commercial and community uses are also permitted subject to compatibility with predominant land uses.

CZ4 Local Centre Zone

This Zone is intended for local shops, non-retail commercial and community uses, service stations, and restaurants to service a local community. Residential uses may also be permitted.

CZ5 Mixed Use Zone

This Zone provides for high-density residential uses in highly accessible locations (such as major Avenues) in conjunction with non-retail commercial uses, commercial accommodation, and limited shops, restaurants and community uses.

CZ6 Leisure and Accommodation Zone

This Zone provides for indoor entertainment and recreation facilities, clubs, drink establishments, restaurants and commercial accommodation. Limited shops, residential, and non-retail commercial and community uses may also be included.

Part A – Zone Specific Controls

Part A - City Centre – Overview

The City Centre is the principal central business district for Canberra and its region. It serves as the primary centre for local government, commerce and entertainment. Planning policies seek to promote the City Centre as a vibrant and stimulating centre with a wide range of services and facilities, support opportunities for office development, and provide for residential intensification.

Objectives:

The objectives for the City Centre are to:

- a) Maintain and promote the City Centre as the main commercial centre of Canberra and the region
- b) Provide a centre for Canberra that is vibrant, interesting and lively
- c) Provide a focus for cultural and community facilities and a range of entertainment and tourist activities
- d) Provide opportunities for business investment and employment and accommodate central administrative functions serving the ACT community
- e) Encourage a mix of land uses, including residential uses, which contribute to a diverse and active character
- f) Maintain and enhance a high standard of urban design and ensure that buildings in the City Centre retain a high level of design consistency and compatibility of colour and external materials
- g) Maintain and enhance environmental amenity

The City Centre is divided into three specific zones: CZ1 Core, CZ2 Business and CZ3 Services. The controls set out below apply to the areas included in these zones (Figure A1). (The controls do not apply to the areas covered by the Northbourne Avenue Precinct Code).

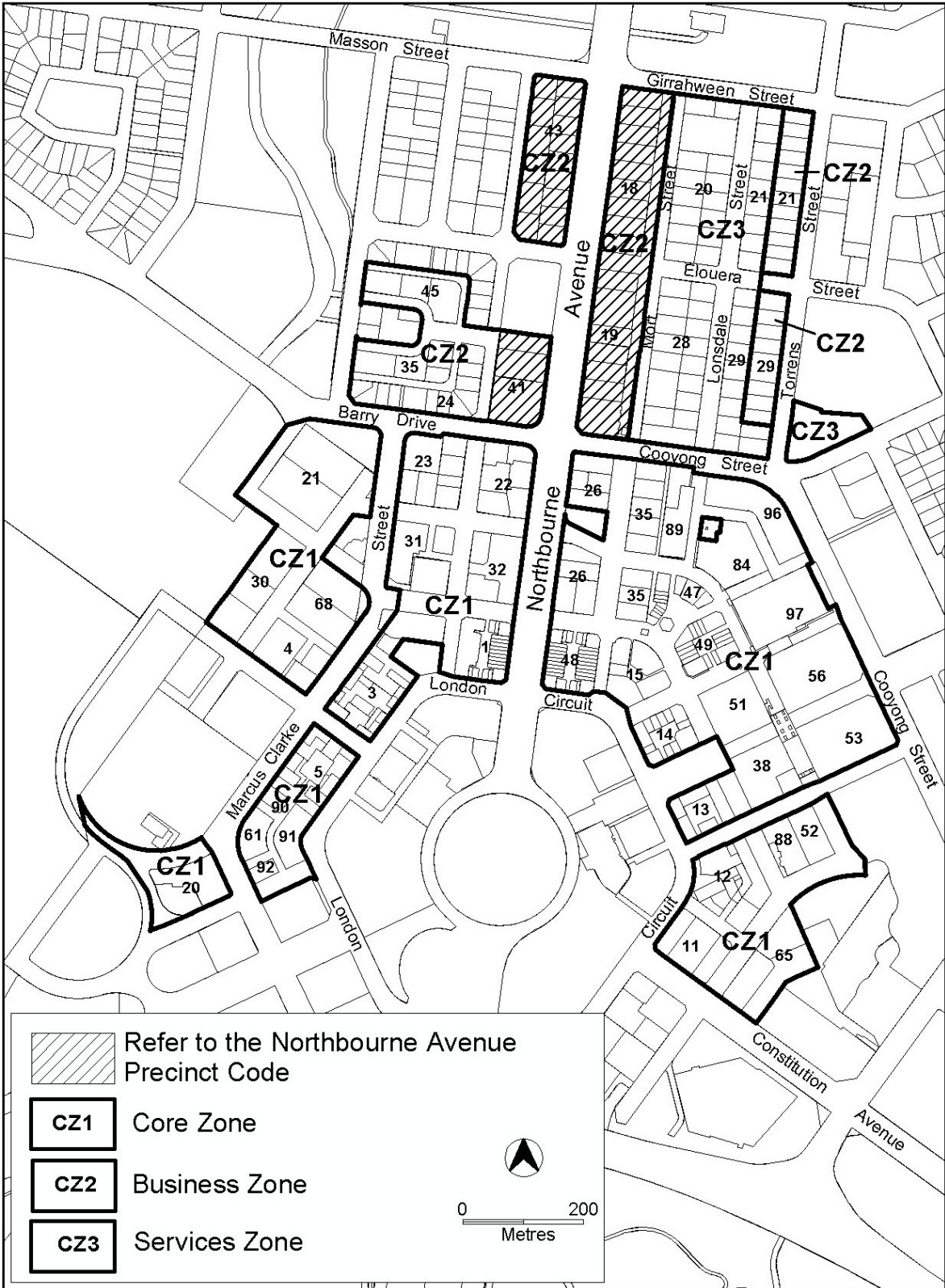


Figure A1 City Centre Zones

Part A (1) - City Centre – CZ1 Core Zone

Element 1: Restrictions on Use

Intent:

- a) To provide for and consolidate a range of retail and service outlets that are accessible to consumers
- b) To encourage shop fronts and similar active frontages at street level and create a lively, vibrant character that is based around main pedestrian systems

Rules	Criteria
1.1 Active frontages	
<p>R1</p> <p>Only the following uses are located in buildings at ground floor level on frontages to main pedestrian areas and routes (Figure A2):</p> <p style="padding-left: 40px;">business agencies, clubs, community activity centres, drink establishments, financial establishments, hotels, indoor entertainment facilities, indoor recreation facilities, public agencies, restaurants, shops.</p>	<p>C1</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
1.2 Light Industry	
<p>R2</p> <p>Light industry is prohibited at ground floor level except on City Sections 4, 21, 30 and 68 where it is permitted at ground and first floors only.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.3 Service Station and Store	
<p>R3</p> <p>For City Sections 53, 56, 68, 84, 96, and 97 the following uses are only permitted where associated with a car parking structure:</p> <ol style="list-style-type: none"> a) Service station b) Store. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 2: Building and Site Controls

Intent:

- a) To encourage a built form and scale of development that reflects the City Centre's role as the principal commercial centre for Canberra and creates a recognisable city edge
- 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
2.1 Height and Setback	
There is no applicable rule.	<p>C4</p> <p>(Figure A3 All Areas)</p> <ul style="list-style-type: none"> a) Building heights comply with all of the following: <ul style="list-style-type: none"> i) are compatible with existing, or desired future character of, adjacent development ii) are appropriate to the scale and function of the use iii) do not cause detrimental impacts, including overshadowing and excessive scale. b) Buildings do not exceed RL 617.
There is no applicable rule.	<p>C5</p> <p>Buildings on sites that are adjacent to main pedestrian areas and routes (Figure A2) are limited in height to ensure these areas remain substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>
There is no applicable rule.	<p>C6</p> <p>Unless otherwise stated below, roof top plant that is set back and screened from the street is not included in the maximum building height provided it does not exceed RL 617.</p>
There is no applicable rule.	<p>C7</p> <p>Buildings abut the front property boundary unless alternative setbacks are established by existing adjacent development, in which case setbacks are consistent with the intended design themes of the area.</p>

Rules	Criteria
2.2 West of Marcus Clarke Street and North of University Avenue	
There is no applicable rule.	<p>C8 (Figure A3 Area 1)</p> <p>For buildings fronting Childers, Hutton and Kingsley Streets maximum building heights up to 7 storeys may be considered where development meets all of the following:</p> <ul style="list-style-type: none"> a) Building elements higher than 4 storeys are set back from the front boundary b) Floor to floor height of the ground floor level of buildings facing Childers Street is 4.8 metres c) Awnings along Childers Street provide shelter and establish a pedestrian scale at street level.
There is no applicable rule.	<p>C9 (Figure A3 Area 1)</p> <p>For buildings fronting Marcus Clarke Street (between Barry Drive and University Avenue) maximum building heights up to RL 617 (approximately 12 storeys) may be considered where development meets all of the following:</p> <ul style="list-style-type: none"> a) The built form is configured to establish a defined parapet at the 9th storey level b) Building elements higher than 9 storeys are visually recessed c) Floor to floor height of the ground floor level of buildings facing Marcus Clarke Street is 4.8 metres d) Building elevations along Marcus Clarke Street are articulated with awnings or similar to provide shelter for pedestrians.
There is no applicable rule.	<p>C10 (Figure A3 Area 1)</p> <p>For buildings fronting Barry Drive maximum building heights up to RL 617 (approximately 12 storeys) at the corner of Marcus Clarke Street may be considered where development meets all of the following:</p> <ul style="list-style-type: none"> a) Buildings step up from 7 storeys adjacent to Kingsley Street to RL 617 at the corner of Marcus Clarke Street

Rules	Criteria
	<ul style="list-style-type: none"> b) Overshadowing of open space and existing residential buildings is prevented. c) The built form is configured to establish a defined parapet at the ninth storey level d) Building elements higher than 9 storeys are visually recessed.
2.3 City Sections 2, 3, 5, 11, 12, 22, 23, 26, 32, 38,51, 53 and 56	
There is no applicable rule.	<p>C11</p> <p>Where comprehensive redevelopment is proposed to an intensive inner city scale, each new building is to be consistent with a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>. Existing low rise buildings or building elements that are intergral to the comprehensive design may be requied to retain their existing heights.</p>
2.4 City Section 84 Master Plan	
There is no applicable rule.	<p>C12</p> <p>Development is consistent with relevant requirements in the <i>Section 84 City Master Plan</i>, December 2004.</p>
2.5 City Section 20	
There is no applicable rule.	<p>C13</p> <p>(Figure A3 Area 2)</p> <p>For buildings fronting corner of Ellery Crescent and Marcus Clarke Street maximum building heights up to RL 617 (approximately 12 storeys) may be considered provided there is an integrated approach to building heights across Marcus Clarke Street.</p>
There is no applicable rule.	<p>C14</p> <p>(Figure A3 Area 2)</p> <p>For the remainder of City Section 20 maximum building heights must be sensitive to the height and scale of surrounding heritage listed buildings including ScreenSound, Shine Dome, Ian Potter House and the ANU Schools of Art and Music.</p>

Rules	Criteria
2.6 East of Marcus Clarke Street and West of London Circuit and Northbourne Avenue	
There is no applicable rule.	<p>C15</p> <p>(Figure A3 Area 3)</p> <p>Maximum building heights are 9 storeys except that one or more taller buildings per section up to RL 617 (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.</p>
2.7 East of Northbourne Avenue and London Circuit	
There is no applicable rule.	<p>C16</p> <p>(Figure A3 Area 4)</p> <p>For frontages of 30 metres or less maximum building heights are 7 storeys.</p>
There is no applicable rule.	<p>C17</p> <p>For frontages greater than 30 metres, maximum building heights are 9 storeys except that one or more taller building per section up to RL 617 (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.</p>
There is no applicable rule.	<p>C18</p> <p>(Figure A3 Area 5)</p> <p>Maximum building heights are no higher than the heights of existing approved buildings except that:</p> <ul style="list-style-type: none"> a) Minor variations of building heights may be permitted in special circumstances such as to allow for special architectural features to enhance building facades. b) One taller building per section up to RL 617 (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.

Rules	Criteria
<p>R19</p> <p>(Figure A3 Area 6)</p> <p>a) The height of a building to its main parapet line (i.e. the top part of the building at its block frontage) does not exceed the relevant maximum building height shown on Figure A4.</p> <p>b) No part of any building at the ground surface at the centre of its block frontage is more than:</p> <p>i) 28 metres and up to 8 storeys including roof top plant, or</p> <p>ii) 23 metres for City Section 15 Blocks 1, 2, 5 and 12.</p>	<p>C19</p> <p>(Figure A3 Area 6)</p> <p>a) Minor variations of building heights and setbacks may be permitted in special circumstances such as to allow for special architectural features to enhance building facades.</p> <p>b) One taller building per section up to RL 617 (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.</p> <p>c) Rebuilding up to the existing approved height limit is permitted.</p>
<p>R20</p> <p>(Figure A3 Areas 5 and 6)</p> <p>a) No part of any building is above a plane extending from the centre line (Figure A4) of an adjacent main pedestrian area (except Garema Place through the main parapet line (Figure A5).</p> <p>b) For blocks fronting a street other than a main pedestrian area no part of any building is above a plane drawn at 45° up from the main parapet line (Figure A5).</p> <p>c) Above the main parapet line the whole building is set back at least 5 metres.</p>	<p>C20</p> <p>(Figure A3 Areas 5 and 6)</p> <p>Minor variations of building heights and setbacks may be permitted in special circumstances such as to allow for special architectural features to enhance building facades.</p>
<p>2.8 East of Genge Street and Bunda Street</p>	
<p>R21</p> <p>(Figure A3 Area 7)</p> <p>Maximum building heights are no higher than the heights of existing approved buildings.</p>	<p>C21</p> <p>(Figure A3 Area 7)</p> <p>One building per section up to RL 617 (approximately 12 storeys) may be considered where forming part of a comprehensive design for the whole section identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
2.9 Garema Place	
There is no applicable rule.	C22 Redevelopment within Garema Place (Figure A4) is consistent with a comprehensive design for the whole area identified in a Planning Report under section 97 of the <i>Planning and Development Act 2007</i> .

Element 3: Built Form

Intent:

- a) To ensure that the design of buildings in the City Centre reinforces its role as the principal commercial centre for Canberra and is consistent with its proximity to the central national areas
- b) To ensure that the massing and scale used for buildings results in harmonious and high quality urban design outcomes with a recognisable city edge
- c) To promote development that creates a diverse, lively and attractive character and provides an attractive and interlinked pedestrian environment

Rules	Criteria
3.1 Building Design	
R23 Buildings incorporate display windows and shop fronts with direct pedestrian access at ground floor level on frontages to main pedestrian areas and routes (Figure A2).	C23 Buildings fronting main pedestrian areas and routes are designed to incorporate active frontages with direct pedestrian access.
There is no applicable rule.	C24 Extensive lengths of blank walls unrelieved by shopfront, window displays or other openings are not acceptable at street level.
3.2 Pedestrian Shelters	
R25 a) Buildings provide continuous awnings or colonnaded walkways at ground floor level within the site abutting the street frontage. b) Continuous shelters, in the form of awnings or colonnades, have a minimum clear width of 2.5m and minimum ceiling height of 3.6m.	C25 Sheltered and convenient pedestrian access is provided in the main retail and commercial areas at street level by incorporating colonnades or awnings, in a form that is consistent with the established/intended design themes for the area.

Rules	Criteria
3.3 Development adjacent to City Section 1 and Section 48	
There is no applicable rule.	C26 Development in areas adjacent to Section 1 and Section 48 is compatible with the built form and historic character of the Sydney and Melbourne buildings.

Element 4: Parking and Site Access

Intent:

- a) To provide for permanent public access along Ainslie Avenue
- b) To promote an attractive and interlinked pedestrian environment

Rules	Criteria
4.1 Ainslie Avenue	
R27 Ainslie Avenue between Cooyong Street and Bunda Street remains permanently opened to the public for pedestrian access at ground floor level. The Territory retains the right, through relevant provisions in any lease for the land, to utilise this section of Ainslie Avenue as a public transport corridor.	This is a mandatory requirement. There is no applicable criterion.
4.2 City Section 20	
There is no applicable rule.	C28 Accessible pedestrian space is provided at the intersection of Ellery Crescent and Marcus Clarke Street that links form adjacent development on Sections 61, 90, 91 and 92 to development on Section 20 and the ANU School of Arts via the proposed bridge over Ellery Crescent.

Element 5: Amenity

Intent:

- a) To provide a pedestrian environment of appropriate quality and character in the City Centre

Rules	Criteria
5.1 Landscape - Paving Design Palette and Policy	
R29 Footpaths are constructed in accordance with the <i>Canberra Central Paving Design Palette and Policy</i> .	C29 Footpaths are designed and constructed to reinforce a consistent design policy and paving palette.

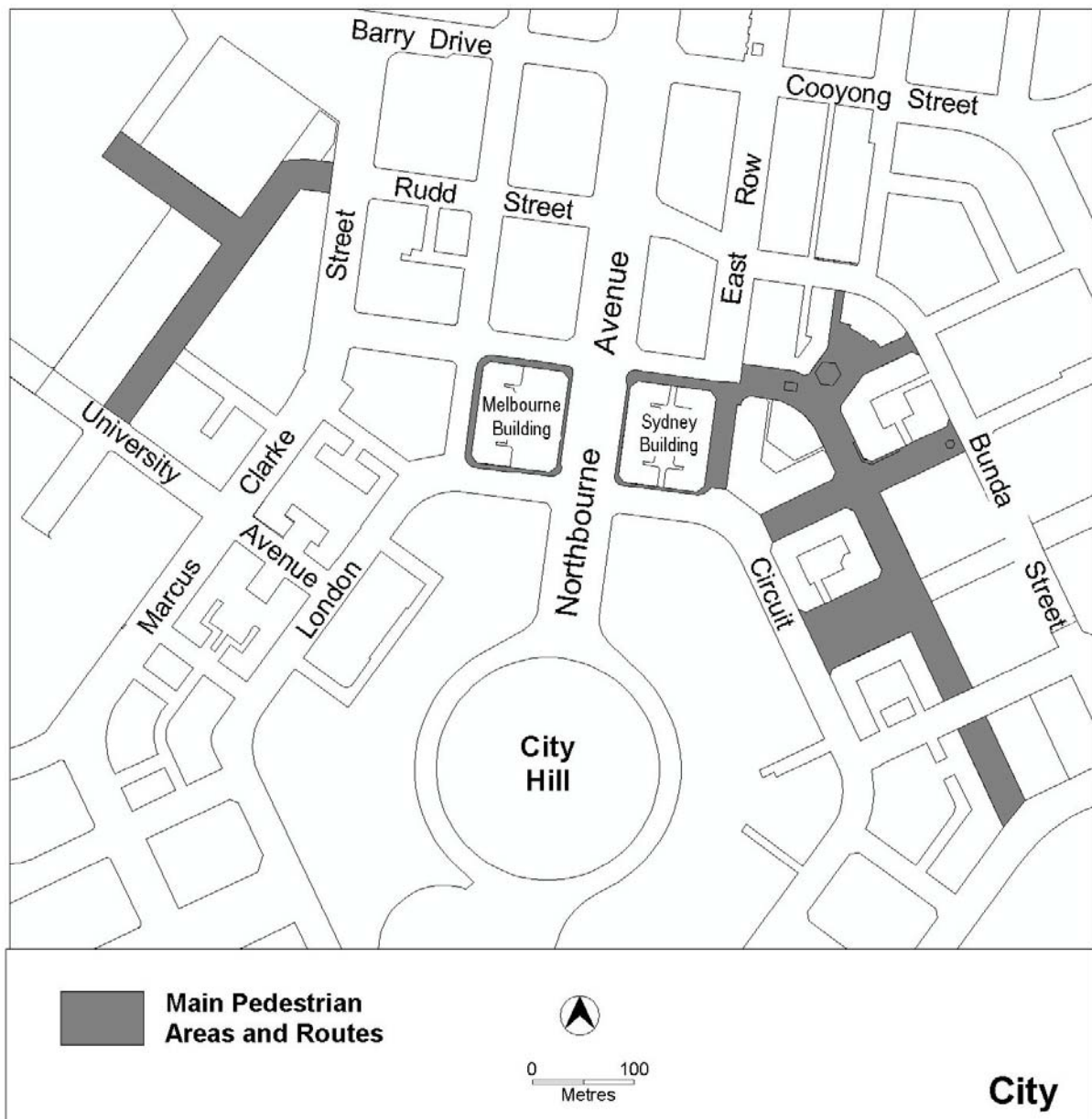
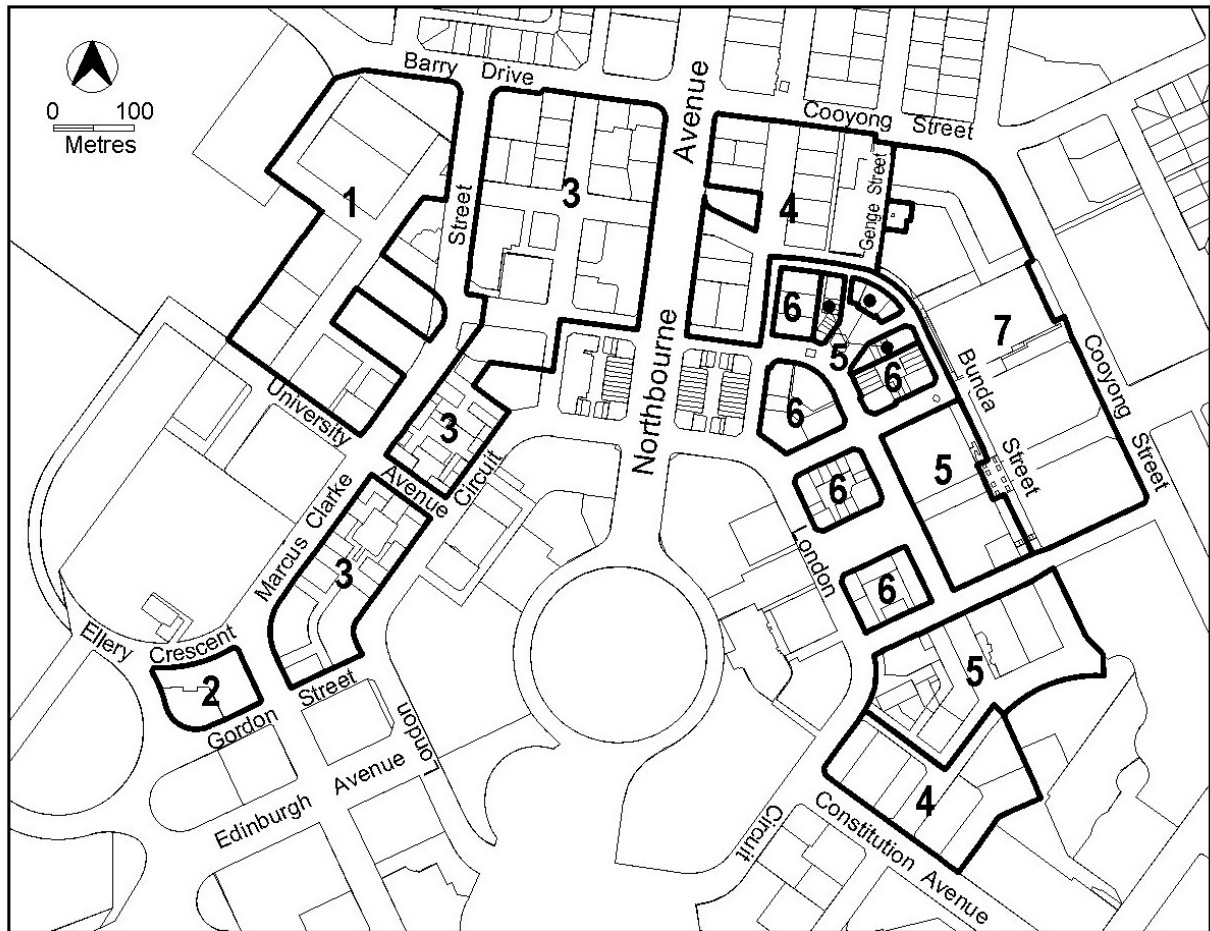


Figure A2 City Centre – Main Pedestrian Areas and Routes



- Area 1** - west of Marcus Clarke Street and north of University Avenue
- Area 2** - City Section 20
- Area 3** - east of Marcus Clarke Street and west of London Circuit and Northbourne Avenue
- Areas 4 to 6** - east of Northbourne Avenue and London Circuit
- Area 7** - east of Genge Street and Bunda Street

Figure A3 City Centre CZ1 Zone – Building Height Areas

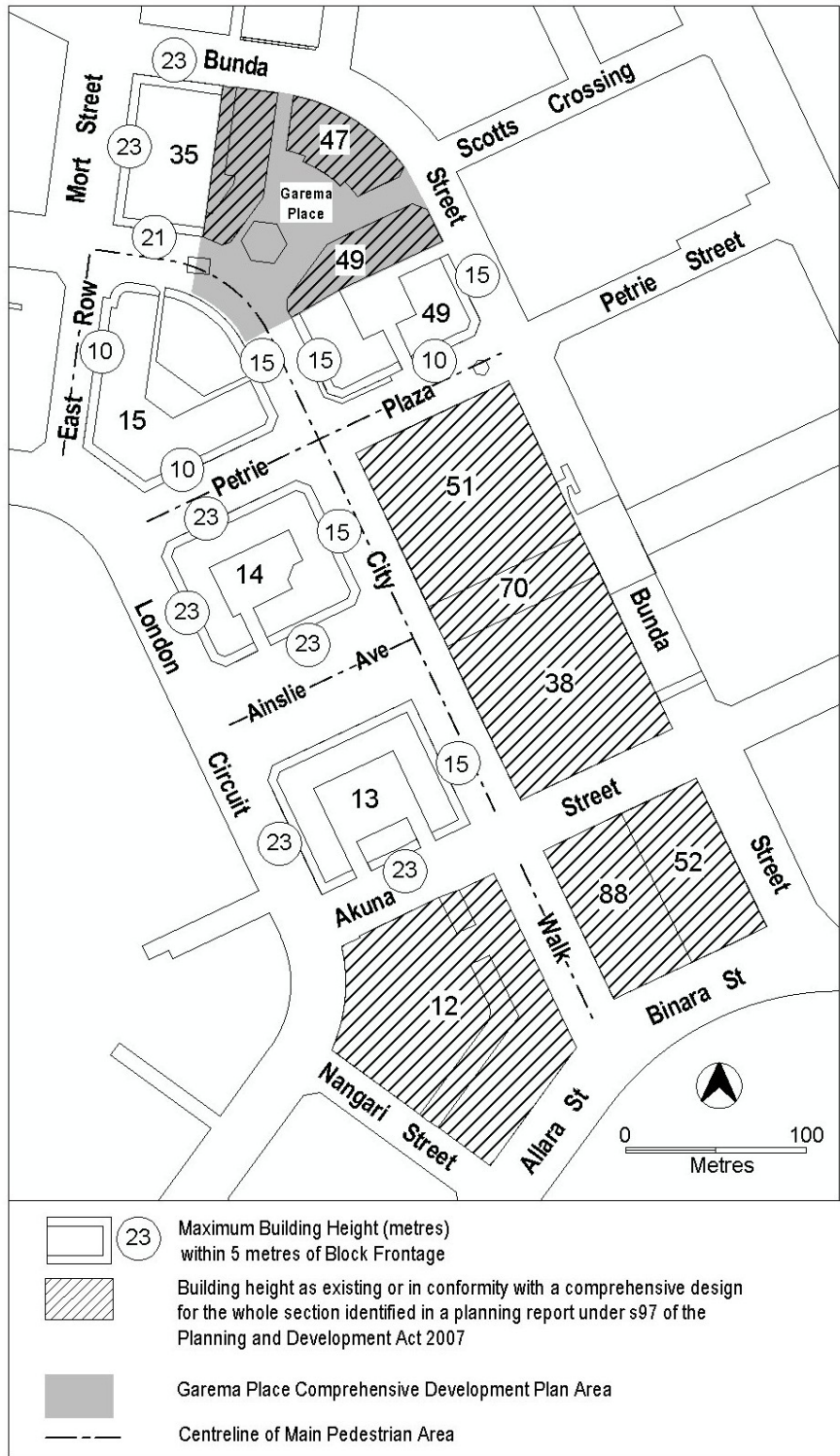


Figure A4 City Centre CZ1 Zone— Building Height Areas 5 and 6

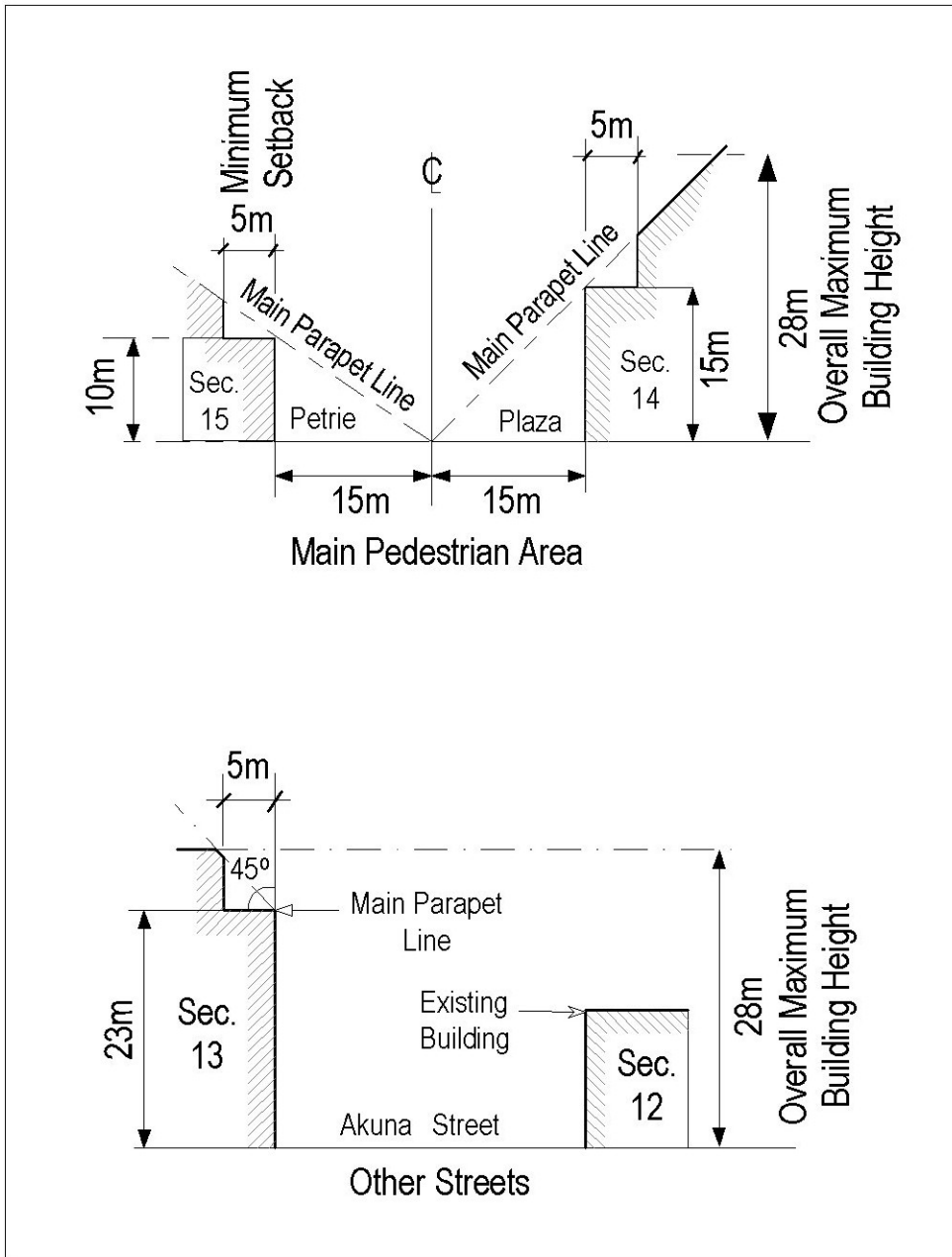


Figure A5 City Centre CZ1 Zone– Building Height Areas 5 and 6 Height Plane Diagrams

Part A (2) - City Centre – CZ2 Business Zone – Braddon and Turner

Element 2: Building and Site Controls

- a) To protect the small to medium scale character of the area
- b) To ensure that buildings are compatible with existing residential development in the area

Rules	Criteria
2.1 Height	
<p>R30</p> <p>Maximum building heights are:</p> <ul style="list-style-type: none"> a) Braddon Section 21 and 29: All building elements, including lift over runs and roof top plant are contained within building envelope controls (Figures A6 and A7). b) Turner Section 35 and 45: 2 storeys c) Turner Section 24: 3 storeys above ground level. 	<p>C30</p> <p>Building heights comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts including overshadowing and excessive scale.
2.2 Plot Ratio	
<p>R31</p> <p>Maximum plot ratios are:</p> <ul style="list-style-type: none"> a) Braddon Section 21 and 29: 2:1 (200%) b) Turner Section 24, 35 and 45: 1:1 (100%). 	<p>C31</p> <p>Plot ratios comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts including overshadowing and excessive scale.
2.3 Setbacks	
<p>R32</p> <p>The minimum front setback is:</p> <ul style="list-style-type: none"> a) 10 m along Moore Street and Barry Drive in Turner b) 6 m along Torrens Street in Braddon (Figure A6 and A7). 	<p>C32</p> <p>Setbacks are compatible with existing adjacent development and minimise detrimental impacts, including overshadowing and excessive scale.</p>

Rules	Criteria
There is no applicable rule.	C33 Front and side setbacks in Turner Sections 35 and 45 are consistent with existing setbacks.
R34 In Torrens Street Braddon rear setbacks are a minimum of 6 m (Figure A6 and A7).	This is a mandatory requirement. There is no applicable criterion.

Element 3: Built Form

Intent:

- a) To ensure that the massing and scale used for buildings results in harmonious and high quality urban design outcomes
- b) To ensure that buildings are compatible with the built form and small to medium scale nature of development in adjacent areas

Rules	Criteria
3.1 Building Design	
There is no applicable rule.	C35 The form and scale of development is consistent with existing adjacent development.
3.2 Continuous Building Facades	
R36 Continuous building facades do not occupy more than two blocks in Turner Section 24, 35 and 45 and in Braddon Section 21 and 29.	This is a mandatory requirement. There is no applicable criterion.
3.3 Buildings in Turner	
R37 Buildings in Turner Section 24, 35 and 45 are off-white to light buff/grey in colour.	C37 Any alternative colours used: <ol style="list-style-type: none"> a) relate to clearly defined elements of the building b) are predominantly earth toned c) are minor elements in the building façade, and d) are subsidiary to the main off-white to light buff/grey materials.

Element 4: Parking and Site Access

Intent:

- a) To preserve the existing, small-scale character of the streetscape by retaining the existing pattern of driveways
- b) To protect the primary function of Barry Drive as a major transport route

Rules	Criteria
4.1 Braddon	
R38 Existing driveways on Braddon Sections 21 and 29 are retained along Torrens Street.	C38 Vehicular access to blocks along Torrens Street reinforces the small-scale development character and is compatible with residential uses.
4.2 Turner	
R39 Vehicular access to blocks in Turner Section 24 is not permitted to or from Barry Drive.	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	C40 Some encroachment of basement car parking into the front landscape zone may be considered for Turner Section 24, 35 and 43.

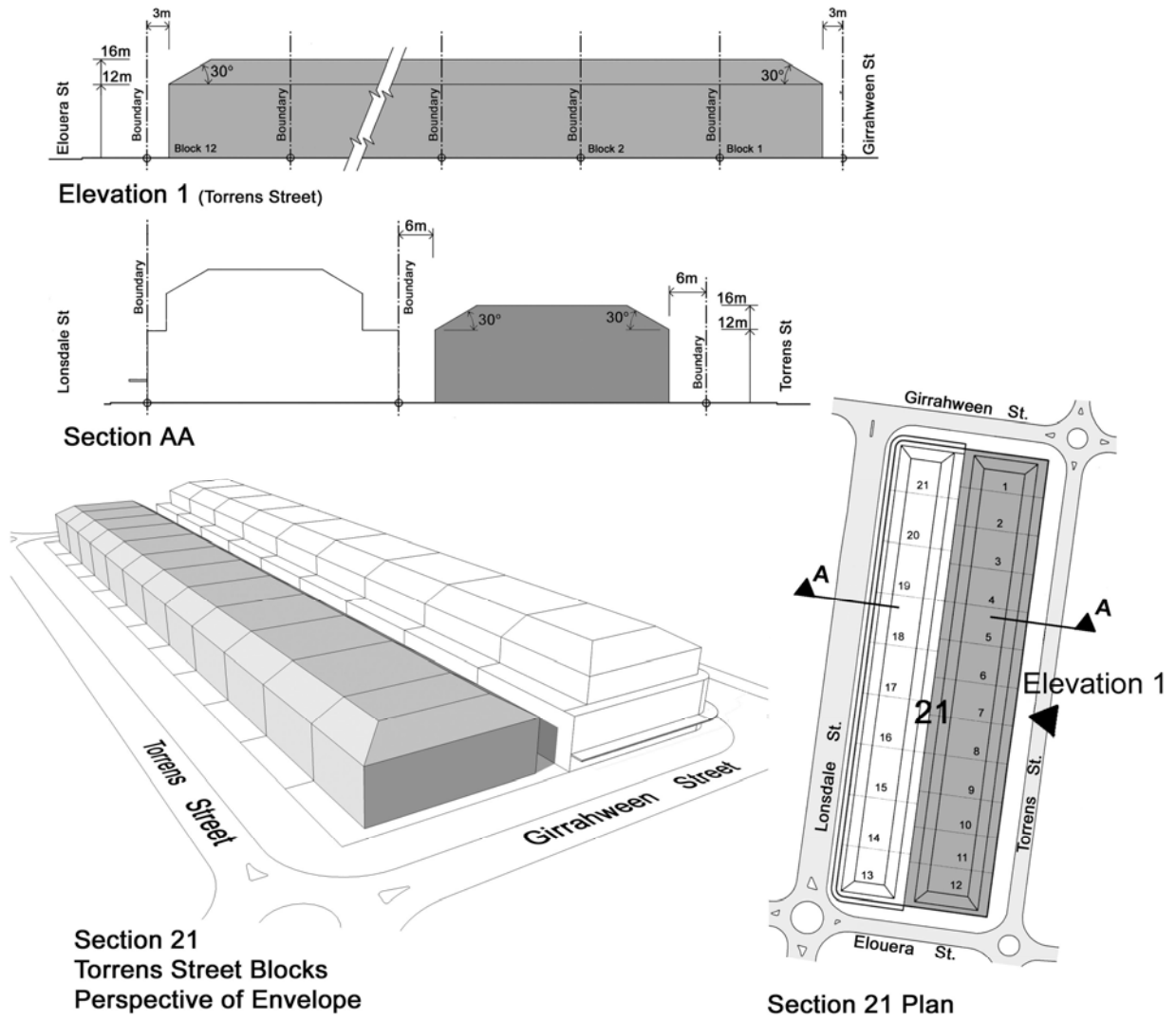


Figure A6 Building Envelope Diagram - Braddon Section 21 Blocks 1- 12 (C22 Zone)

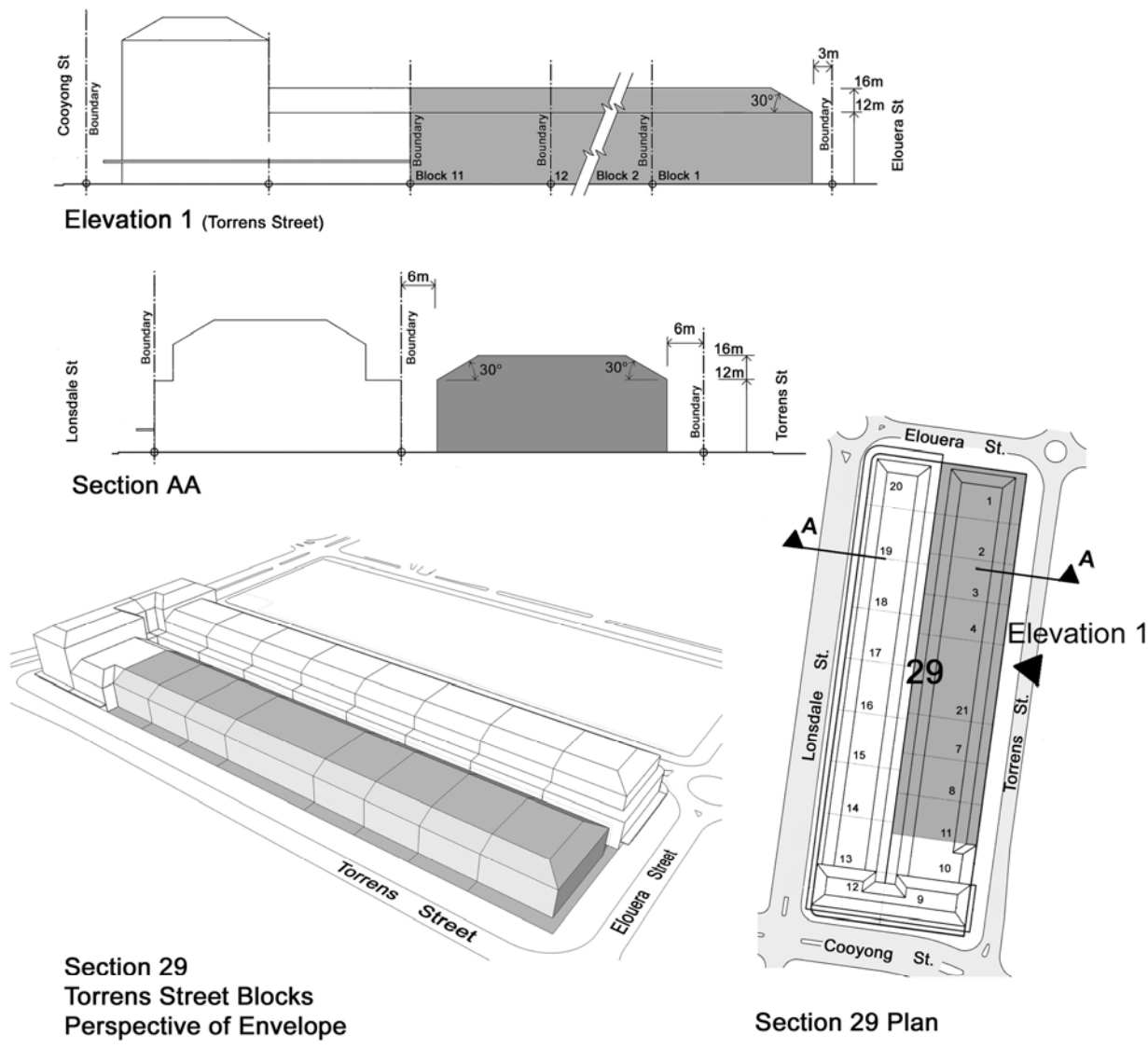


Figure A7 Building Envelope Diagram - Braddon Section 29 Blocks 1– 4, 7,8, 10, 11and 21 (CZ2 Zone)

Part A (3) - City Centre – CZ3 Services Zone – Braddon

Element 1: Restrictions on Use

Intent:

- a) To provide for a range of conveniently located and relatively low-rent service trades and commercial uses close to residential areas
- b) To recognise the changing role of the area by facilitating its continuing growth as a mixed use area and promoting uses that create a diverse, lively and attractive character
- c) To ensure that commercial development in the Services Zone does not undermine the function of the Core and Business Zones

Rules	Criteria
1.1 Restrictions on Use	
R41 Residential use is prohibited at ground and first floor level except for Block 5 Section 30 Braddon Areas 3 and 4 (Figure A12).	This is a mandatory requirement. There is no applicable criterion.
R42 There is a minimum of 2 ground floor level tenancies or businesses addressing the street frontages of blocks. Where development includes block amalgamation, this rule applies to the number of blocks existing prior to the amalgamation.	C42 Buildings fronting streets incorporate uses on the ground floor that generate activity.
R43 Offices uses at ground floor level do not occupy more than a total of 8m of the street frontage.	This is a mandatory requirement. There is no applicable criterion.
R44 The maximum total GFA per lease for supermarkets or shops selling food is 200 m ² .	This is a mandatory requirement. There is no applicable criterion.

Element 2: Building and Site Controls

Intent:

- a) To ensure that buildings are compatible with the built form, siting, and scale of development in adjacent areas or the future desired character of the area established within the Plan
- b) To retain the service trades character of the area while facilitating its continued growth as a mixed services area

Rules	Criteria
2.1 Height	
<p>R45</p> <p>All building elements, including lift over runs and roof top plant are contained within building envelope controls (Figures A8 - A12).</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Plot Ratio	
<p>R46</p> <p>Plot ratios do not exceed 2:1 (200%) or 3:1 (300%) where at least 1:1 (100%) of the total plot ratio is residential use.</p>	<p>C46</p> <p>Plot ratios comply with all of the following:</p> <ol style="list-style-type: none"> a) ensure that the intensity of residential use does not restrict provision of commercial uses b) do not cause detrimental impacts, including overshadowing and excessive scale c) reflect the service trades character of the area.
2.3 Setbacks	
<p>R47</p> <ol style="list-style-type: none"> a) Buildings fronting Mort, Lonsdale, Elouera and Girrahween Streets about the front boundary at ground and first floor levels (Figures A8 – A11). b) Buildings fronting Cooyong Street are to be set back 6m from the Cooyong Street frontage (Figures A10 and A11). c) For ground and first floor level setbacks to Braddon Section 30 Block 5, refer to Figure A12. 	<p>C47</p> <p>The building facade at the front boundary of the blocks defines the interface between the public and private realms and reflects the existing street character.</p>

Rules	Criteria
<p>R48</p> <p>a) Buildings fronting Mort, Lonsdale, Elouera and Girrahween Streets are set back 3 m from front boundary at second floor level and levels above (Figures A8 - A11).</p> <p>b) For second floor level and levels above for setbacks to Braddon Section 30 Block 5 refer to Figure A12.</p>	<p>C48</p> <p>The building facade at the front boundary of the blocks establishes a 2 storey parapet level and compliments the existing street character.</p>

Element 3: Built Form

Intent:

- a) To ensure that buildings are compatible with the built form and small to medium-scale nature of development in adjacent areas
- b) To promote development that creates a diverse, lively and attractive character
- c) To ensure that the massing and scale used for buildings results in harmonious and high quality urban design outcomes

Rules	Criteria
3.1 Building Design	
<p>R49</p> <p>The minimum ground floor level floor to ceiling height is 3.9 m.</p>	<p>C49</p> <p>Ground floor level of buildings is adaptable for retail and service trades uses.</p>
<p>R50</p> <p>Buildings incorporate display windows and shop fronts with direct pedestrian access at ground floor level along street frontages.</p>	<p>C50</p> <p>Buildings fronting streets are designed to incorporate active frontages with direct pedestrian access.</p>
<p>R51</p> <p>Buildings incorporate cantilevered awnings for full width building frontage. Awnings are a minimum of 3m in cantilever width and have a soffit height between 3.2m and 3.6m above footpath level (Figures A8 – A12).</p>	<p>C51</p> <p>Buildings fronting streets are designed to provide sun-shading and weather protection to pedestrian paths along streets.</p>
<p>R52</p> <p>Where block amalgamations are proposed, the original joint boundary is clearly articulated and the ground floor planning reflects the original block subdivision.</p>	<p>C52</p> <p>Buildings are designed to complement the street character by visually expressing the pattern of existing section subdivisions.</p>

Element 4: Parking and Site Access

Intent:

- a) To provide safe and convenient pedestrian movement along streets
- b) To promote an attractive and interlinked pedestrian environment
- c) To ensure that vehicle parking and access do not dominate the streetscape

Rules	Criteria
4.1 Car Parking	
There is no applicable rule.	C53 Car parking, other than for display purposes, provided on blocks is not visible from the street.
4.2 Site Access	
R54 Site access from the front boundary for vehicles is a maximum of 6m wide and abuts a side boundary.	C54 Site access for vehicles does not conflict with pedestrian movement or restrict opportunities for kerbside parking.

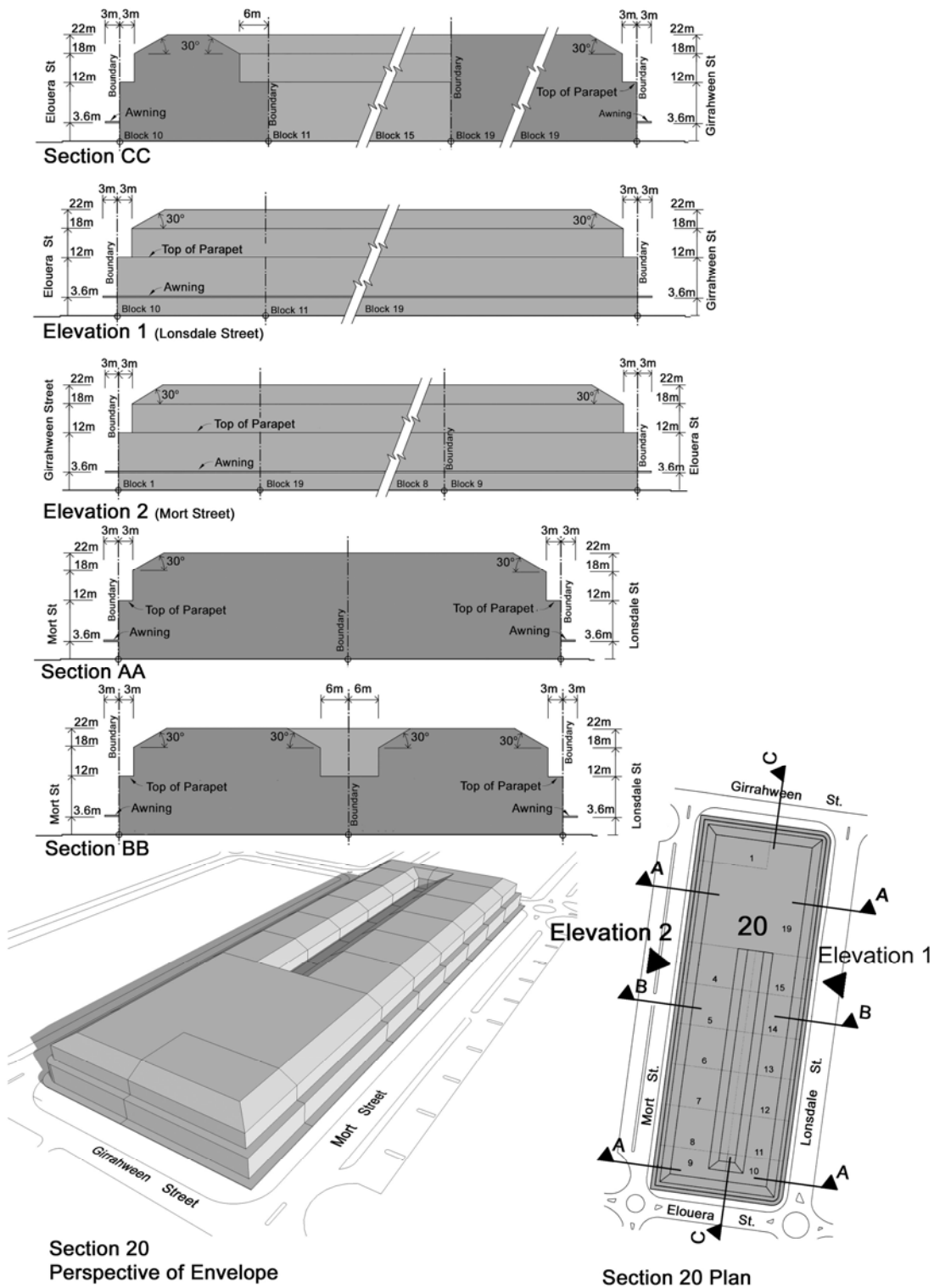
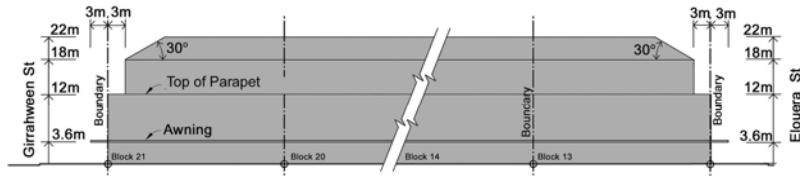
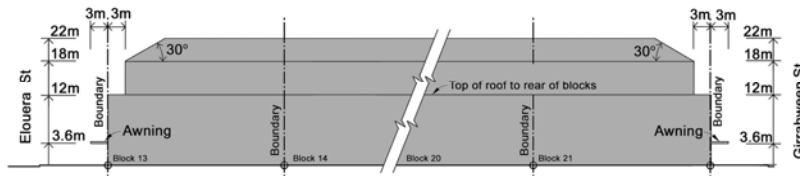


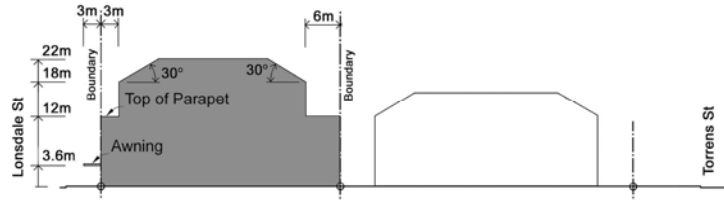
Figure A8 Building Envelope Diagram - Braddon Section 20 (CZ3 Zone)



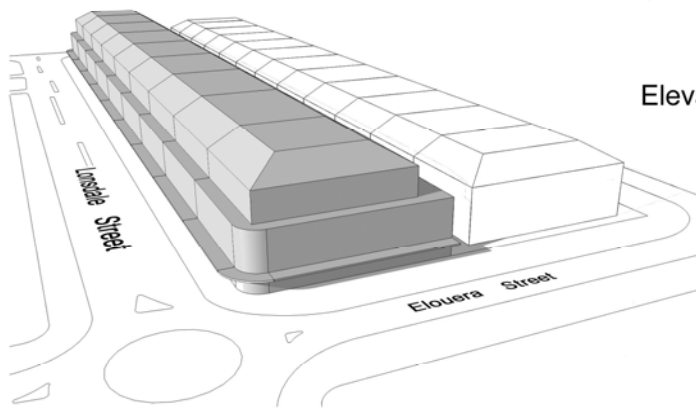
Elevation 1 (Lonsdale Street)



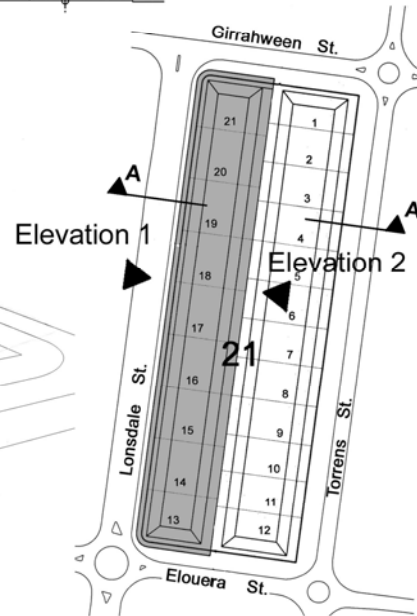
Elevation 2



Section AA



Section 21
Lonsdale Street
Perspective of Envelope



Section 21 Plan

Figure A9 Building Envelope Diagram - Braddon Section 21 Blocks 13 – 21 (CZ3 Zone)

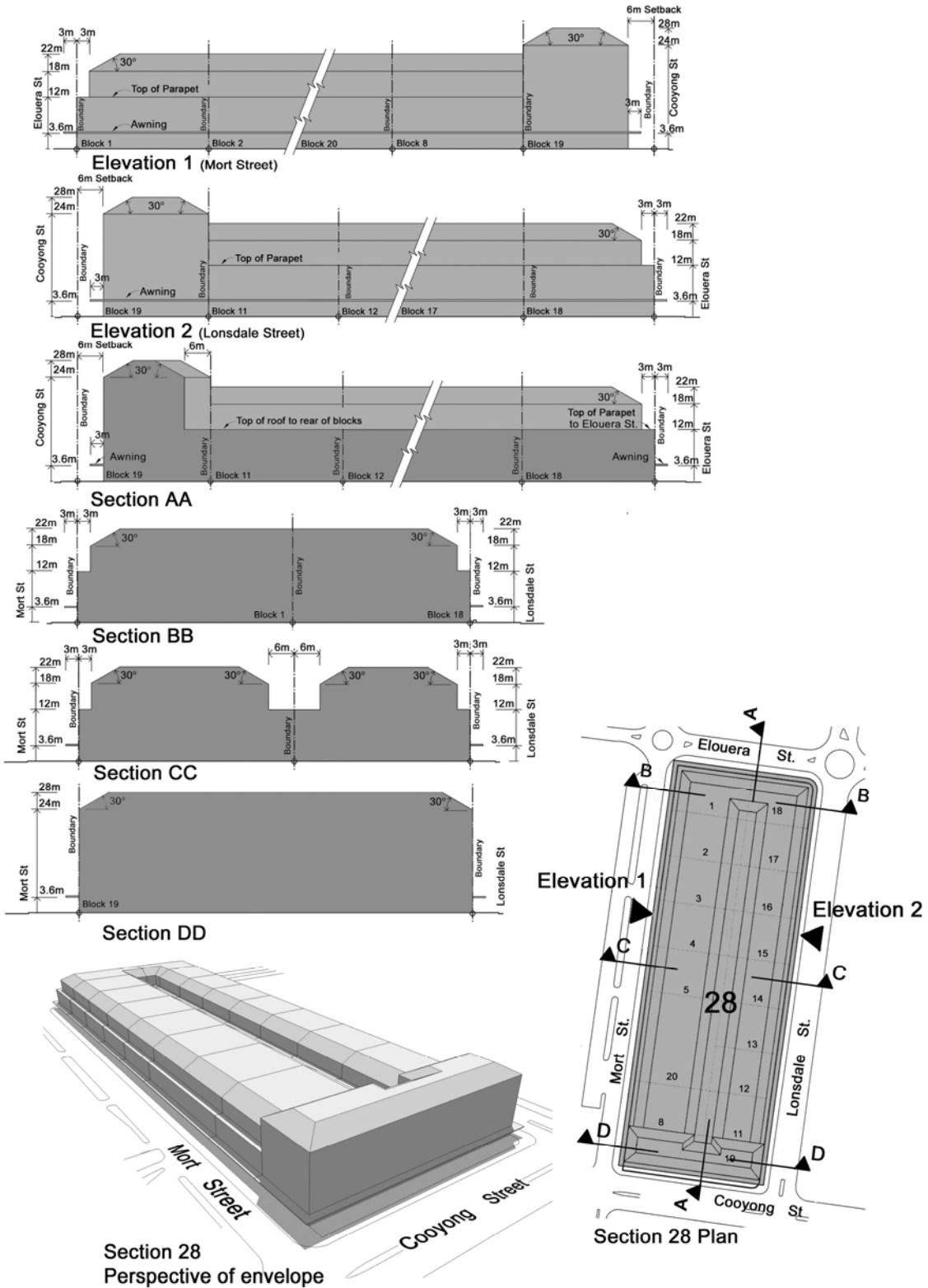


Figure A10 Building Envelope Diagram - Braddon Section 28 (CZ3 Zone)

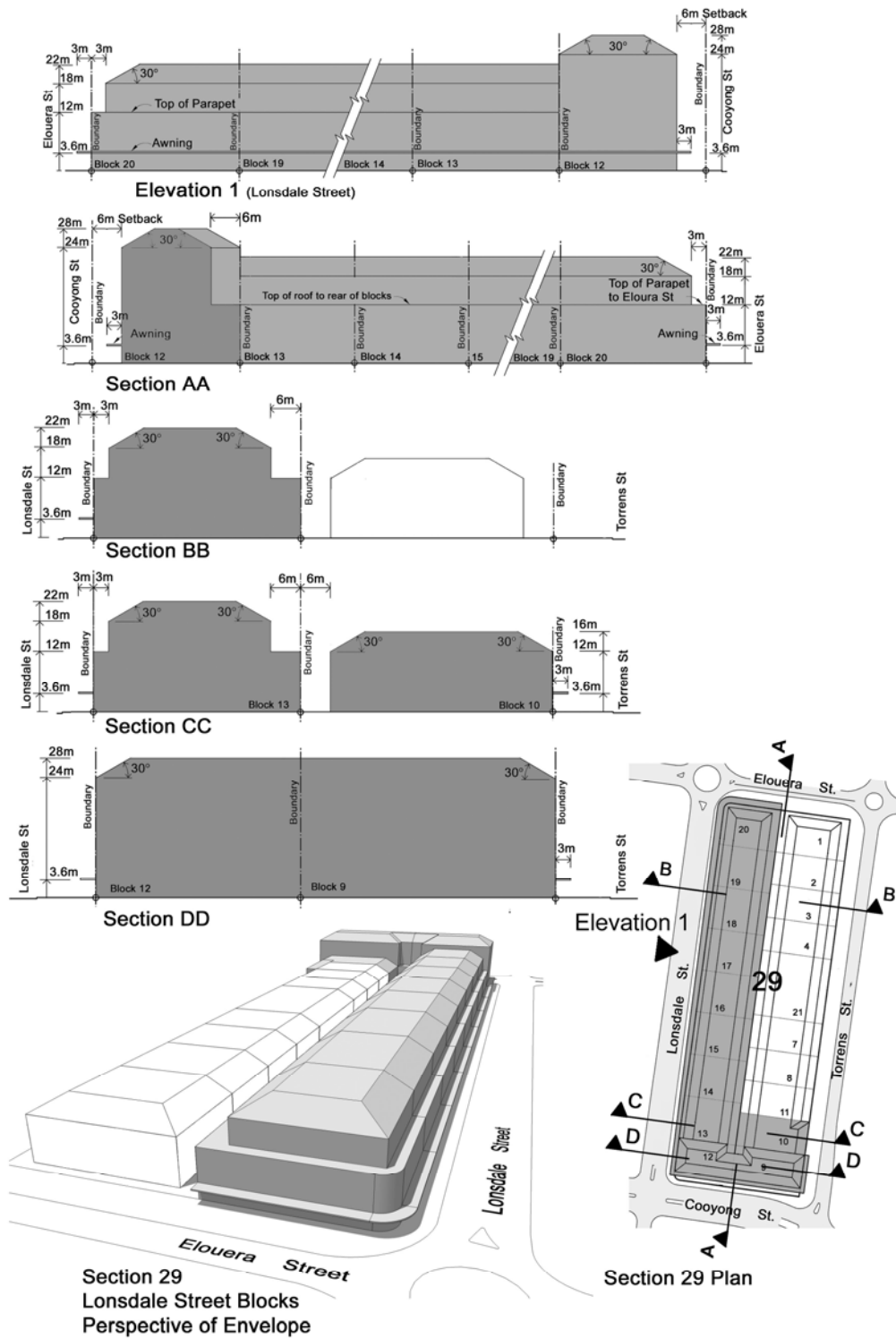


Figure A11 Building Envelope Diagram - Braddon Section 29 blocks 9, 10, 12 – 20 (CZ3 Zone)

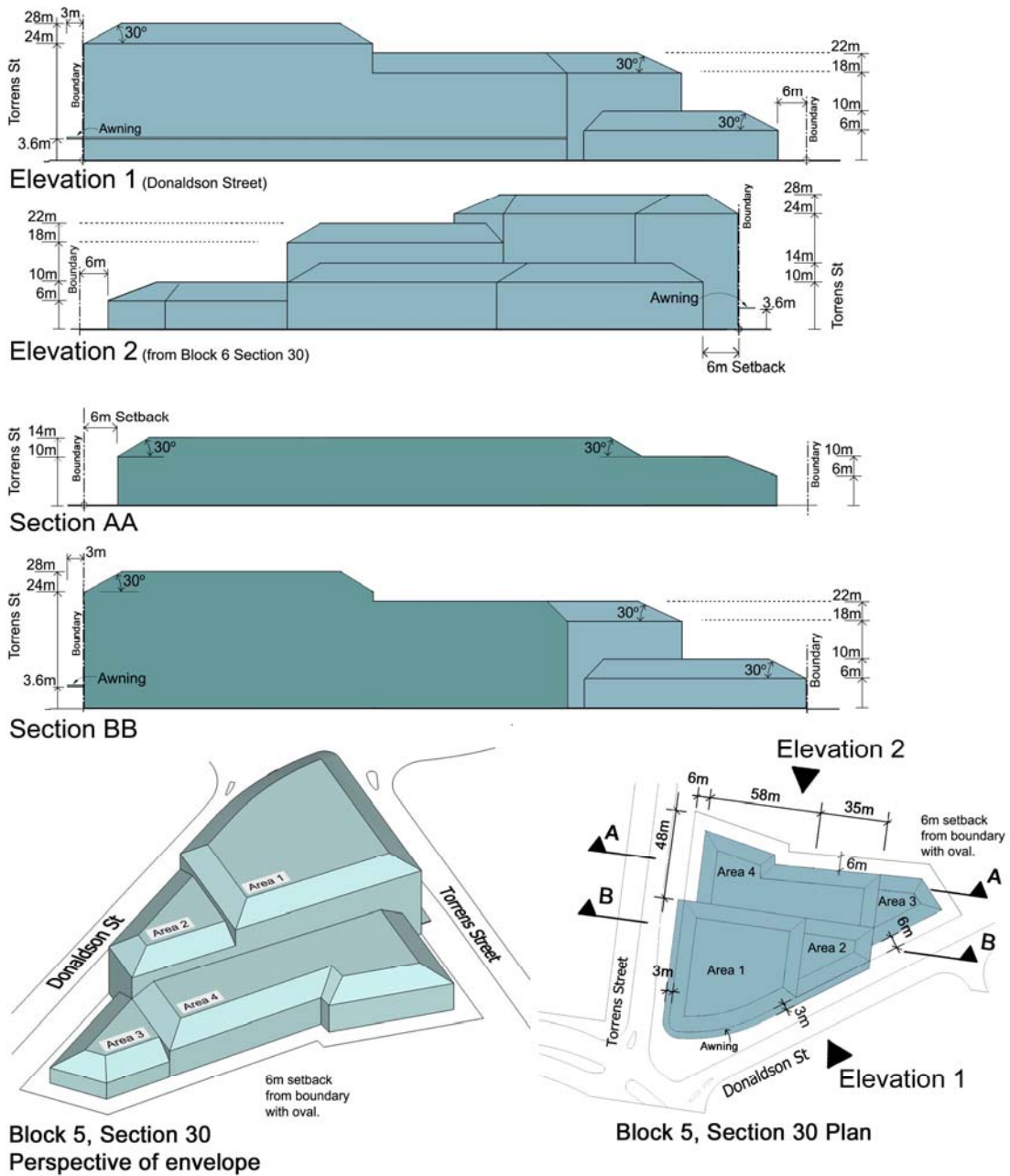


Figure A12 Building Envelope Diagram - Braddon Section 30 (CZ3 Zone)

Part B – General Development Controls

Element 1: Restrictions on Use

Intent:

- a) To ensure that community and recreation facilities remain available to the community
- b) To ensure there is sufficient off-road parking to serve commercial centres
- c) To provide opportunities for higher density residential development, while protecting existing commercial uses and the amenity of residents living in commercial zones

Rules	Criteria
1.1 Existing Community and Recreation Sites	
<p>R55</p> <p>A development proposal does not reduce the range of community or recreation facilities available within the City Centre.</p>	<p>C55</p> <p>A proposal that reduces the range of community or recreation facilities available within a centre demonstrates through a social impact assessment that there is enough land or sufficient other facilities in the locality to meet anticipated demand.</p>
1.2 Existing Car Parks	
<p>R56</p> <p>Development on existing car parks (Figure B1) complies with all of the following:</p> <ul style="list-style-type: none"> a) retains the existing level of car parking b) accommodates onsite any additional demand for car parking that is generated by the development c) ensures that car parking remains available for public access d) complies with the Parking and Vehicular Access General Code. 	<p>C56</p> <p>Development on existing car parks (Figure B1) may be considered where it meets all of the following:</p> <ul style="list-style-type: none"> a) in accordance with the Parking and Vehicular Access General Code, there is enough car parking for the needs of the centre as a whole b) the development does not adversely affect the overall function of the centre in terms of economic, social, traffic and parking and urban design impacts.
1.3 Residential Use	
<p>R57</p> <p>All multi-unit housing is designed to comply with Part C (5) of the Residential Zones Multi Unit Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R58</p> <p>All single dwelling housing is designed to comply with the relevant parts of the Residential Zones Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R59</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 Development Code and the relevant Australian Standard or Building Code for Adaptable Housing.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R59A</p> <p>Where more than one development code applies to a development, this development code takes precedence when there is inconsistency of provisions between codes.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

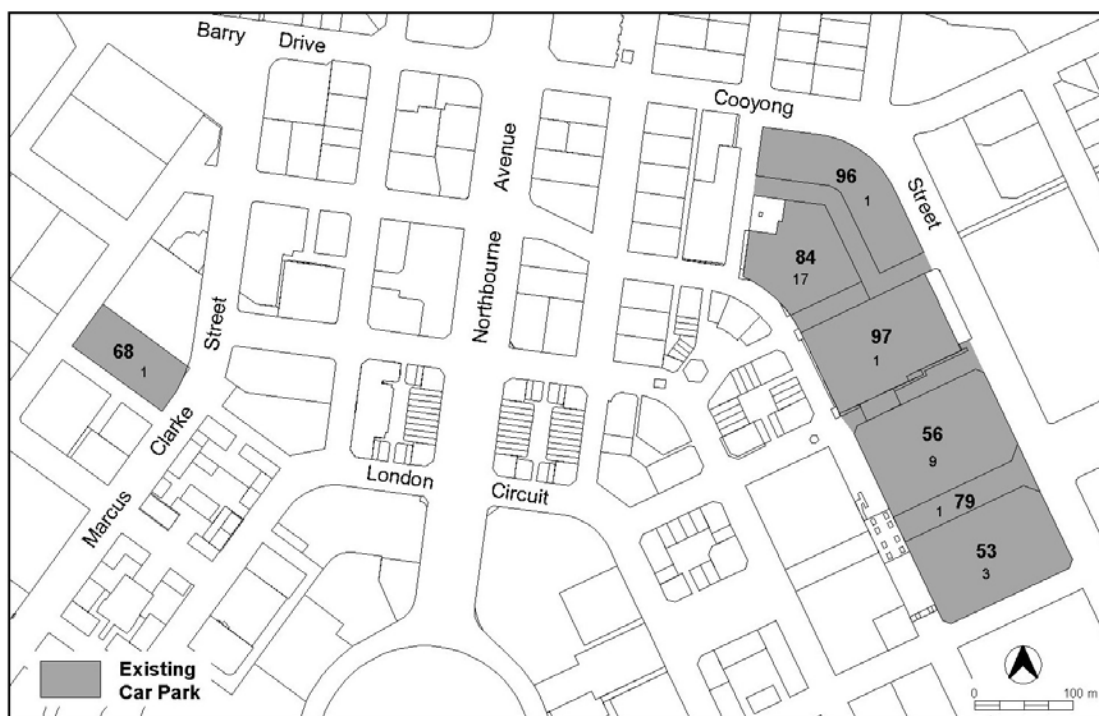


Figure B1 City Centre – Existing Car Parks

Element 2: Building and Site Controls

Intent:

- a) To ensure that development is compatible with, and does not adversely impact on, the environment

Rules	Criteria
2.1 Subdivision	
<p>R60</p> <p>Subdivision is only permitted where it meets all of the following:</p> <ul style="list-style-type: none"> 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 sections of this Code. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Demolition	
<p>R61</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 utilities (including Water, Sewerage, Stormwater, Electricity and Gas) stating that:</p> <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. 	<p>C61</p> <p>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>.</p>

Rules	Criteria
2.3 National Capital Plan Requirements	
There is no applicable rule.	<p>C62</p> <p>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 is not 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.</p>

Element 3: Built Form

Intent:

- a) To ensure that the massing, scale, colours and materials used for buildings results in harmonious and high quality urban design outcomes.
- b) To provide for buildings that promote a safe and accessible urban environment

Note: Under the Building Act 2004, most 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	
There is no applicable rule.	<p>C63</p> <p>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.</p>
There is no applicable rule.	<p>C64</p> <p>Buildings are of permanent construction.</p>
3.2 Crime Prevention Through Environmental Design	
There is no applicable rule.	<p>C65</p> <p>The development meets the requirements of the Crime Prevention Through Environmental Design General Code.</p>

Rules	Criteria
3.3 Access and Mobility	
There is no applicable rule.	<p>C66</p> <p>The development meets the requirements of the Access and Mobility General Code.</p>
3.4 Car Parking Structures	
There is no applicable rule.	<p>C67</p> <p>Car parking structures are designed to integrate with the built form of adjacent existing development.</p>
3.5 Materials and Finishes	
There is no applicable rule.	<p>C68</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"> a) transparency is maximized b) reflectivity is minimized c) shadow profiles or visible joint detailing are included d) visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows or deep framing profiles.
3.6 Location Requirements for Community and Recreation Facilities	
There is no applicable rule.	<p>C68A</p> <p>The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.</p>

Element 4: Parking and Site Access

Intent:

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

Rules	Criteria
4.1 Traffic Generation	
There is no applicable rule.	C69 The existing road network can accommodate the amount of traffic that is likely to be generated by the development.
4.2 Main Pedestrian Areas and Routes	
There is no applicable rule.	C70 Main pedestrian areas and routes are retained unless it can be shown that as part of any change, the pedestrian access, circulation system, structure and legibility of the City Centre is adequately maintained.
4.3 Access	
There is no applicable rule.	C71 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary.
R72 Loading docks or vehicular entries to buildings are not located on frontages to the street.	C72 Loading docks and vehicular entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.
There is no applicable rule.	C73 Site access complies with the requirements of the Parking and Vehicular Access General Code.
4.4 Parking	
There is no applicable rule.	C74 Car Parking complies with the requirements of the Parking and Vehicular Access General Code.
There is no applicable rule.	C75 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.

Rules	Criteria
4.5 Circulation	
<p>R76</p> <p>Onsite provision is made for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.</p> <p><i>Note: Loading, unloading and associated manoeuvring area is in addition to minimum parking requirements.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 5: Amenity

Intent:

- a) To promote a high level of amenity through consideration of personal safety, landscaping and visual impact

Rules	Criteria
5.1 Landscape	
<p>There is no applicable rule.</p>	<p>C77</p> <p>A documented landscape design concept shows how landscape associated with the development addresses all of the following:</p> <ul style="list-style-type: none"> a) is sensitive to site attributes, including streetscapes and landscapes of documented heritage significance b) is of an appropriate scale relative to the road reserve width and building bulk c) uses vegetation types and landscaping styles which complement the streetscape d) integrates with parks, reserves and public transport corridors e) does not adversely affect the structure of the proposed buildings or adjoining buildings f) contributes 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 g) improves privacy and minimises overlooking between buildings h) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground utilities i) provides adequate sight lines for vehicles

Rules	Criteria
	<p>and pedestrians, especially near street corners and intersections</p> <p>j) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</p>
There is no applicable rule.	<p>C78</p> <p>Tree planting in and around car parks provides shade and softens the visual impact of parking areas.</p>
5.2 Lighting	
<p>R79</p> <p>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>.</p>	<p>C79</p> <p>External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code.</p>
<p>R80</p> <p>All external lighting provided is in accordance with <i>AS 4282 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>C80</p> <p>All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.</p>
5.3 Signs	
There is no applicable rule.	<p>C81</p> <p>Signs comply with the Signs General Code.</p>
5.4 Neighbourhood Plans	
There is no applicable rule.	<p>C82</p> <p>Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.</p>

Element 6: Environment

Intent:

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

Rules	Criteria
<p>6.1 Water Sensitive Urban Design Note: Refer to the Water Ways: Water Sensitive Urban Design General Code for more information on Water Sensitive Urban Design</p>	
<p>R83</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.</p> <p>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>R84</p> <p>R1All sites of size greater than 2,000m² need to provide evidence of stormwater storage greater than or equal to the volume of 1.4kL per 100m² of impervious area and release over a period of 1 to 3 days. 50% of the volume of rainwater tanks with a toilet connection may be regarded as contributing towards this requirement.</p> <p>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>C84</p> <p>Evidence is provided that demonstrates that for all sites of size greater than 2,000m², a reduction of 1-in-3 month stormwater peak run off flow to pre-development levels with release of captured flow over a period of 1 to 3 days can be achieved.</p> <p>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>

Rules	Criteria
<p>R85</p> <p>Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual stormwater pollutant export load of:</p> <ul style="list-style-type: none"> a) suspended solids by 60% b) total phosphorous by 45% c) total nitrogen by 40% <p>compared to an urban catchment with no water quality management controls, using the MUSIC model to demonstrate compliance.</p> <p>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>C85</p> <p>Sites of size greater than 5,000m² need to provide evidence showing a reduction in average annual stormwater pollutant export load of:</p> <ul style="list-style-type: none"> a) suspended solids by 60% b) total phosphorous by 45% c) total nitrogen by 40% <p>compared to an urban catchment with no water quality management controls, using any other method.</p> <p>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>R86</p> <p>All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing pipe (minor) stormwater connection to the site is not exceeded in the 1-in-20 year storm event.</p> <p>All sites of size greater than 2,000m² and subject to redevelopment need to ensure that the capacity of the existing overland (major) stormwater system to the site is not exceeded in the 1-in-100 year storm event.</p> <p>For estate and multiple block developments larger than 5,000m², retardation of stormwater to meet the above requirements are to be met at the estate scale rather than by measures on individual blocks.</p>	<p>C86</p> <p>Evidence is provided by a suitably qualified person that shows that for all sites of size greater than 2,000m² and subject to redevelopment</p> <p>EITHER</p> <p>a reduction of 1-in-5 year and 1-in-100 year stormwater peak run off flow to pre-development levels. See WaterWays General Code for more detail.</p> <p>OR</p> <p>That the capacity of the downstream piped stormwater system to its outlet with an open channel is not exceeded in the 1-in-20 year storm event.</p> <p>For estate and multiple block developments larger than 5,000m², retardation of stormwater to meet the above requirements are to be met at the estate scale unless it can be demonstrated that this is less feasible than measures on individual blocks.</p>
<p>6.2 Heritage</p>	
<p>R87</p> <p>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>.</p>	<p>C87</p> <p>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>.</p>

Rules	Criteria
6.3 Trees	
<p>R88</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 <i>Tree Protection Act 2005</i>.</p>	<p>C88</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>
<p>R89</p> <p>Trees on development sites may be removed only with the prior agreement in writing of the Territory.</p>	<p>C89</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p>
6.4 Hazardous Material	
<p>R90</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> <ol style="list-style-type: none"> a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT 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 c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site. <p>* construction date means the date when the Certificate of Occupancy was issued.</p>	<p>C90</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
6.5 Contamination	
<p>R91</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>C91</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>
6.6 Erosion and Sediment Control	
<p>R92</p> <p>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>.</p>	<p>C92</p> <p>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>.</p>
<p>R93</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>C93</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>
6.7 Excavation	
<p>There is no applicable rule.</p>	<p>C94</p> <p>Onsite cut and fill is minimised and managed to ameliorate negative off site impacts.</p>
6.8 Wind	
<p>There is no applicable rule.</p>	<p>C95</p> <p>For buildings higher than 19 m but less than 28 m, a wind assessment report prepared by a suitably qualified person demonstrates that the development will not impact adversely on safety and comfort in the public realm and other open spaces associated with the development.</p>

Rules	Criteria
<p>R96</p> <p>For buildings higher than 28 m, a report on wind testing conducted by a suitably qualified person establishes that the following wind speeds are met by the development:</p> <p>a) main pedestrian areas and routes: 10 m/s, and</p> <p>b) all other streets and public places: 16 m/s.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
6.9 Air Emissions - Odours	
<p>R97</p> <p>A statement is provided that all exhaust and ventilation systems for food retail premises are installed and operated to comply with <i>AS1668.1 The Use of Ventilation and Air-conditioning in Buildings</i></p>	<p>C97</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
6.10 Noise	
<p>R98</p> <p>A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses:</p> <ul style="list-style-type: none"> -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility -restaurant <p>The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours.</p>	<p>C98</p> <p>If an endorsed Noise Management 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>

Element 7: Services

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

Rules	Criteria
7.1 Waste Management	
<p>R99</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications are to be 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 current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i>.</p>	<p>C99</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>
<p>R100</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>C100</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>
7.2 Servicing and Site Management	
<p>R101</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>C101</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>R102</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>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</p>	<p>C102</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>

Rules	Criteria
<p>R103</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>
7.4 Waste Water	
<p>R104</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>C104</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
7.5 Storage	
<p>R105</p> <p>Outdoor storage areas address all of the following:</p> <ul style="list-style-type: none"> a) are located behind the building line b) are screened from view from any road or other public area c) do not encroach on car-parking areas, driveways, or landscape areas. 	<p>C105</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>
7.6 Easements	
<p>R106</p> <p>There is no encroachment over easements or rights of way.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>