



ACT Planning &
Land Authority

CZ5 Mixed Use Zone Development Code

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Introduction

Application of this code

The CZ5 Mixed Use Zone Development Code applies to development within the all areas zoned CZ5. This code is intended to ensure that the type and form of development within the CZ5 Zone is responsive and sympathetic to the character, or proposed character, of the locality. This code does not apply to areas 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 CZ5 Mixed Use Zone Development Code is divided into two Parts:

Part A – General Development Controls provide general controls that are applicable to all development within the CZ5 Mixed Use Zone

Part B – Site 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.

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, Tuggeranong, Gungahlin 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 – General Development Controls

The CZ5 Mixed Use Zone includes those areas that provide for a variety of land uses in a highly urbanised and interactive environment. The CZ5 Zone combines residential and commercial accommodation with uses such as offices and small-scale shops and restaurants in the form of multi-use or mixed use development. Multi-use development refers to multiple uses within a single building; mixed-use development refers to a combination of single-use buildings with a range of possible adjacent uses. The Zone is located in highly accessible areas close to transport corridors and commercial and employment centres. The controls set out below apply to the areas included in the CZ5 Zone on the Territory Plan Map except for those areas covered by the Northbourne Avenue Precinct Code.

Element 1: Restrictions on Use

Intent:

- a) To ensure that community and recreation facilities remain available to the community
- b) 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	
R1 A development proposal does not reduce the range of community or recreation facilities available.	C1 A proposal that reduces the range of community or recreation facilities available demonstrates through a social impact assessment that there is enough land or sufficient other facilities in the locality to meet anticipated demand.
1.2 Residential Use	
R2 All multi-unit housing is designed to comply with Part C (5) of the Residential Zones Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
R3 All single dwelling housing is designed to comply with the relevant parts of the Residential Zones Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
R3A The development proposal complies with any relevant pre-existing approved Lease and Development Conditions and any required developer's consent has been provided. To the extent of any inconsistency, the requirements of the Lease and Development Conditions will take precedence over any Rules in the Multi Unit	C3A The development meets the intent of the Lease and Development Conditions.

Rules	Criteria
<p>Housing Development Code as listed below.</p> <ul style="list-style-type: none"> • Plot Ratio • Building Envelope • Building Height • Site Area Requirements • Parking • Water Sensitive Urban Design • Front Street Setback • Side Setback • Rear Setback • Building Design • Materials and Finish • Interface • Vehicle Access • Solar Access • Private Open Space • Landscaping 	
<p>R4</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 for Adaptable Housing.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

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 desired future character of the area established within the Plan
- b) To ensure that development is compatible with, and does not adversely impact on, the environment

Rules	Criteria
2.1 Height - General	
There is no applicable rule.	<p>C5</p> <p>Building heights comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing, or future desired character of, adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts including overshadowing and excessive scale.
2.2 Subdivision	
<p>R6</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>
2.3 Demolition	
<p>R7</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 	<p>C7</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
<p>c) All required network disconnections have been identified and the disconnection works comply with utility requirements</p> <p>d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</p>	
2.4 National Capital Plan Requirements	
<p>There is no applicable rule.</p>	<p>C8</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 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 provide for buildings that promote a safe and accessible 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 and Materials	
There is no applicable rule.	<p>C9</p> <p>Development contributes to the amenity and character of the adjacent public spaces by addressing all of the following:</p> <ul style="list-style-type: none"> a) providing interesting, functional and attractive facades that contribute positively to the streetscape setting and pedestrian experience b) minimising the visual impact of reflected sunlight c) incorporating articulated building forms to compliment the existing, or future desired character of, adjacent development d) integrating plant installations and service structures with the building design, so they are set back from the building facade and screened from public areas.
3.2 Crime Prevention Through Environmental Design	
There is no applicable rule.	<p>C10</p> <p>The development meets the requirements of the Crime Prevention Through Environmental Design General Code.</p>
3.3 Access and Mobility	
There is no applicable rule.	<p>C11</p> <p>The development meets the requirements of the Access and Mobility General Code.</p>

Rules	Criteria
3.4 Car Parking Structures	
There is no applicable rule.	C12 Car parking structures are designed to integrate with the built form of adjacent existing development.
3.5 Location Requirements for Community and Recreation Facilities	
There is no applicable rule.	C12A The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.

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.	C13 The existing road network can accommodate the amount of traffic that is likely to be generated by the development.
4.2 Pedestrian Areas and Routes	
There is no applicable rule.	C14 Main pedestrian areas and routes are retained unless it can be shown that as part of any change, the legibility of the pedestrian system is adequately maintained.
4.3 Access	
There is no applicable rule.	C15 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary.
R16 Loading docks or vehicular entries to buildings are not located on frontages to the street.	C16 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.	C17 Site access complies with the requirements of the Parking and Vehicular Access General Code.
4.4 Parking	
There is no applicable rule.	C18 Car Parking complies with the requirements of the Parking and Vehicular Access General Code.
There is no applicable rule.	C19 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.

Rules	Criteria
4.5 Service Access and Delivery	
<p>R20</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>C20</p> <p>Provision is made for associated loading and unloading of goods which complies with all of the following:</p> <ul style="list-style-type: none"> a) demonstrates adequate justification for the proposed arrangements when not entering and exiting in a forward direction b) does not unreasonably compromise the safety of pedestrian and traffic movement and operation of any adjoining facilities such as road, cycleway or pedestrian pathway, and on-street and off-street parking c) provides adequate space for the manoeuvring of vehicles d) is endorsed by the Department of Territory and Municipal Services.

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>C21</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 and pedestrians, especially near street corners and intersections j) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.

Rules	Criteria
There is no applicable rule.	C22 Tree planting in and around car parks provides shade and softens the visual impact of parking areas.
5.2 Lighting	
R23 External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard AS1158.3.1 <i>Pedestrian Lighting</i> .	C23 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code.
R24 All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	C24 All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.
5.3 Signs	
There is no applicable rule.	C25 Signs comply with the Signs General Code.
5.4 Neighbourhood Plans	
There is no applicable rule.	C26 Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

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>R27</p> <p>Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: Water Sensitive Urban Design General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption.</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>C27</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R28</p> <p>All 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>C28</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>R29</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>C29</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>R30</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-10 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 5000 m², 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>C30</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-10 year storm event.</p> <p>For estate and multiple block developments larger than 5000 m², 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>

Rules	Criteria
6.2 Heritage	
<p>R31</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>C31</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>
6.3 Trees	
<p>R32</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) requires groundwork within the tree protection zone of a <i>protected tree</i> b) is likely to cause damage to or removal of any <i>protected trees</i> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Under the <i>Planning and Development Regulation 2008</i> a development application for a <i>declared site</i> under the <i>Tree Protection Act 2005</i>, must be referred to the Conservator of Flora and Fauna. 2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the <i>Planning and Development Act 2007</i>. 3. <i>Protected tree</i> and <i>declared site</i> are defined under the <i>Tree Protection Act 2005</i>. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R33</p> <p>Trees on development sites may be removed only with the prior agreement in writing of the Territory.</p>	<p>C33</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p>
6.4 Hazardous Material	
<p>R34</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</p>	<p>C34</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
<p>endorsed by Environment Protection.</p> <p>The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <ul 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>	
6.5 Contamination	
<p>R35</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>C35</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>R36</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>C36</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>

Rules	Criteria
<p>R37</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>C37</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>C38</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>C39</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>
<p>R40</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>R41</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>C41</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
6.10 Noise	
<p>R42</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> <p>-club</p>	<p>C42</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>

Rules	Criteria
<p>-drink establishment</p> <p>-hotel</p> <p>-industry (except light industry)</p> <p>-indoor entertainment facility</p> <p>-restaurant</p> <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>	

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>R43</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>C43</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>R44</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>C44</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>R45</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>C45</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>

Rules	Criteria
7.3 Utilities	
<p>R46</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>C46</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>R47</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>R48</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>C48</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
7.5 Storage	
<p>R49</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>C49</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>R50</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>

Part B – Site Specific Controls

Element 1: Restrictions on Use

Intent:

- a) To co-locate compatible uses to achieve an acceptable noise environment for people living in mixed use areas
- b) To ensure that development in mixed-use areas does not undermine the function of commercial centres
- c) To encourage a range of uses that reflects the urban character and diverse nature of mixed use areas

Rules	Criteria
1.1 Barton Section 27	
<p>R51</p> <p>The following uses are prohibited on land fronting Macquarie Street in Barton - Section 27:</p> <ul style="list-style-type: none"> a) club, COMMERCIAL ACCOMMODATION USE (other than serviced apartment); drink establishment, indoor recreation facility; NON RETAIL COMMERCIAL USE, shop and restaurant. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R52</p> <p>The following GFA restrictions apply in Barton Section 27:</p> <ul style="list-style-type: none"> a) Business agency, financial establishment, public agency or office: total maximum of 7000 m² and a maximum of 3000m² in any one building. b) Shop: <ul style="list-style-type: none"> i) Arts, crafts and sculpture dealer only: a total maximum of 1000 m² ii) All other shops: a total maximum of 1000 m² provided that the maximum GFA of a supermarket (or other shop selling food) does not exceed 400 m². 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.2 Bruce	
<p>R53</p> <p>The following uses are only permitted along Battye Street, Braybrooke Street and Watkin Street (Figure B1):</p> <p>a) club</p> <p>b) hotel.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R54</p> <p>Light industry in Bruce is for the purpose of electronic and micro-electronic systems, computer software and hardware, instrumentation and instruments, electronic communication and telecommunication systems and goods, biological, medical or paramedical goods, or other goods for scientific or technological use.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R55</p> <p>The following maximum GFA restrictions apply in Bruce:</p> <p>a) Shop maximum 500 m² or 200m² for a supermarket</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.3 Deakin	
<p>R56</p> <p>For Deakin, Section 12:</p> <p>a) Restaurant, business agency and shop are only permitted at ground floor level.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C57</p> <p>Development provides an active frontage to Hopetoun Circuit or Grosse Street and pedestrian links to the commercial centre.</p>
<p>R58</p> <p>For Deakin Section 49 Block 13 the maximum GFA for Office is 500 m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.4 Forrest	
<p>R59</p> <p>For Forrest Section 18:</p> <p>Restaurant Shop is only permitted where ancillary to other permitted uses.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C60</p> <p>For Forrest Section 34, the scale of office development is limited to support strategies for locating office employment within existing centres and established out of centre areas in the CZ2 Zone.</p>
1.5 Gungahlin District	
<p>R61</p> <p>The following uses are not permitted in buildings above ground floor level:</p> <p>a) COMMUNITY USE, craft workshop, indoor entertainment facilities, indoor recreation facilities, NON RETAIL COMMERCIAL USE, restaurants and shops.</p>	<p>C61</p> <p>Noise-generating uses are located to minimise impacts on residential or commercial accommodation development.</p>
<p>R62</p> <p>The following GFA restrictions apply:</p> <p>a) COMMUNITY USE, Craft workshop, drink establishment, Indoor entertainment facility, NON RETAIL COMMERCIAL USE, restaurant, shop: maximum 200 m² per establishment or tenancy.</p>	<p>C62</p> <p>Small scale leisure, recreation, community and commercial activities are provided in conjunction with intensive residential development.</p>
1.6 Kingston	
<p>R63</p> <p>For Kingston (Figure B2) only a major utility installation that is essential to the operation of the electricity supply network, the augmentation of the local water and sewerage system or the management of the stormwater system may be approved.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C64</p> <p>To ensure active uses at ground floor level, RESIDENTIAL USE and Office in Kingston are generally restricted to upper levels in precinct 'c' (Figure B2).</p>

Rules	Criteria
<p>R65</p> <p>The following maximum GFA restrictions apply to Office in Kingston (Figure B2):</p> <p>a) areas 'b', 'c' and 'e': 500m² per tenancy, with the total Office GFA not exceeding 2000m² per lease</p> <p>b) area 'd': 2000m² per lease.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C66</p> <p>Shops in Kingston (Figure B2) are:</p> <p>a) limited to a scale that is appropriate to providing convenient services for the local workforce and residents, or</p> <p>b) related to the sale of entertainment and leisure goods such as speciality items or arts, crafts and souvenirs.</p>
<p>R67</p> <p>Shop selling food: maximum 250 m²</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 2: Building and Site Controls

Intent:

- a) To provide opportunities for more intensive development in areas close to transport corridors and commercial and employment centres.
- 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

Rules	Criteria
2.1 Barton	
There is no applicable rule.	<p>C68</p> <p>Development on Barton Section 27 is consistent with relevant requirements in the <i>Section 27 Barton Section Master Plan</i>, October 2006.</p>
<p>R69</p> <p>Buildings in Barton Section 27 are no higher than 591 m above sea level (AHD 591) at the top of the parapet.</p>	<p>C69</p> <ul style="list-style-type: none"> a) Buildings higher than AHD 591 may be considered where buildings fronting Macquarie Street are a maximum of 3 storeys in height, provided that the third storey is set back at least 3 m from the ground floor building line, including at the corner of Macquarie and Bourke Streets b) Buildings fronting Sydney Avenue may extend to a height of AHD 599 (excluding rooftop plant and lift overruns). The built form is configured to establish a defined parapet at a level approximating the parapet level of the adjacent hotel. The built form above this level comprises visually recessive building elements.
2.2 Bruce	
There is no applicable rule.	<p>C70</p> <p>The maximum height of buildings in Bruce (Figure B1) is generally 2 to 3 storeys. Buildings up to 5 storeys may be considered where they:</p> <ul style="list-style-type: none"> a) mark appropriate focal points and key activities in landmark locations such as in the vicinity of Haydon Drive, Battye Street, Watkins Street and Braybrooke Street, or the Intertown Public Transport Route, and b) are compatible with existing, or future desired character of, adjacent development and the visual and physical relationship between Bruce and the surrounding areas including the Belconnen Town Centre.

Rules	Criteria
<p>There is no applicable rule.</p>	<p>C71</p> <p>a) For Bruce (Figure B1) plot ratios comply with all of the following:</p> <ul style="list-style-type: none"> i) are compatible with existing adjacent development ii) are appropriate to the scale and function of the use iii) do not cause detrimental impacts, including overshadowing and excessive scale <p>b) The overall plot ratio in Bruce does not exceed 0.8 (80%) excluding public roads and public open space.</p>
<p>R72</p> <p>Minimum front setbacks in Bruce (Figure B1) are:</p> <p>a) Battye Street and Braybrooke Street and Haydon Drive: 10 m</p> <p>b) Thynne Street and Watkin Street: 6 m.</p>	<p>C72</p> <p>a) Development along Thynne Street:</p> <ul style="list-style-type: none"> i) creates a strong built edge to reinforce its circular form, and ii) continues the existing landscaped street setting. <p>b) Development along Battye Street, Braybrooke Street and Watkin Street:</p> <ul style="list-style-type: none"> i) creates a strong built edge to the Bruce mixed use area, and ii) provides space for a landscaped foreground to new buildings.
<p>2.3 City</p>	
<p>R73</p> <p>For City Section 6 Block 2, the maximum building height is 7 storeys.</p>	<p>C73</p> <p>a) For City Section 6 Block 2, the building heights comply with all of the following:</p> <ul style="list-style-type: none"> i) are compatible with existing, or future desired character of, adjacent development ii) are appropriate to the scale and function of the use iii) minimise detrimental impacts including overshadowing and excessive scale <p>b) Part of the building may extend beyond 7 storeys to a maximum of RL 617m.</p>

Rules	Criteria
There is no applicable rule.	C74 Development on City Section 6 Block 2 addresses Edinburgh Avenue and London Circuit.
There is no applicable rule.	C75 Buildings in the City Section 6 Block 2 abut the front property boundary on London Circuit.
2.4 Deakin	
There is no applicable rule.	C76 Setbacks to Deakin Section 12 Block 19 provide for landscaping consistent with a landmark building.
2.5 Forrest	
R77 For Forrest Section 18, the maximum building heights is 4 storeys.	C77 For Forrest Section 18, building heights comply with all of the following: a) are compatible with existing, or future desired character of, adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale d) are no higher than the established tree canopy along main avenues with primarily landscaped frontages.
R78 For Forest Section 18 the minimum front setback is 10 metres.	C78 Setbacks to Forrest Section 18 provide for landscaping consistent with maintaining the character of Canberra Avenue.
There is no applicable rule.	C79 For Forrest Sections 34 and 35 a) Building heights comply with all of the following: i) are compatible with existing, or future desired character of, adjacent development ii) are appropriate to the scale and function of the use iii) minimise detrimental impacts including overshadowing and excessive scale.

Rules	Criteria
	b) Maximum building heights are as follows: <ul style="list-style-type: none"> i) Forrest Section 34: 2 storeys for offices and 3 storeys for RESIDENTIAL USE ii) Forrest Section 35 – existing height.
2.6 Gungahlin District	
R80 Maximum building heights are 3 storeys.	C80 Building heights up to 4 storeys may be permitted where buildings comply with all of the following: <ul style="list-style-type: none"> a) are compatible with existing, or future desired character of, adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts including overshadowing and excessive scale.
2.7 Kingston	
R81 The maximum height of buildings in Kingston (Figure B2) is 4 storeys with a parapet level at the third storey level.	C81 <ul style="list-style-type: none"> a) A limited number of buildings may exceed 4 storeys provided they comply with all of the following: <ul style="list-style-type: none"> i) they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain ii) they do not significantly impact on the landscape of the area iii) their ground floor level is not greater than RL560 m iv) they do not detract or compromise views and vistas to the Power House v) the footprint of the higher building elements is no greater than a 15 x 20 m rectangle. b) To retain significant visual links between the Power House building and East Basin, the roofline of development in area b (Figure B2) is punctuated to frame and emphasise the views of the Power House building. c) The overall maximum height of any building does not exceed the lesser of RL578 m or 20 m.

Rules	Criteria
2.8 Oaks Estate	
There is no applicable rule.	<p>C82</p> <p>a) Building heights comply with all of the following:</p> <ul style="list-style-type: none"> i) are compatible with existing, or future desired character of, adjacent development ii) are appropriate to the scale and function of the use iii) minimise detrimental impacts including overshadowing and excessive scale. <p>b) Maximum building heights are 2 storeys.</p>

Element 3: Built Form

Intent:

- a) To create a built form that reflects the non-suburban character and diverse nature of mixed use areas but does not undermine the function of commercial centres.
- 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

Rules	Criteria
3.1 Bruce	
There is no applicable rule.	<p>C83</p> <p>The ground floor level of residential buildings along Battye, Braybrooke, Watkin and Thynne Streets are designed to be adaptable for commercial use.</p>
3.2 Forrest	
<p>R84</p> <p>For Forrest Section 18, buildings are off-white to light buff/grey in colour.</p>	<p>C84</p> <p>For Forrest Section 18, any alternative colours used:</p> <ul 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 <p>are subsidiary to the main off-white to light buff/grey materials.</p>
Rules	Criteria
There is no applicable rule.	<p>C85</p> <p>For Forrest Section 18, extensive areas of continuous glass façade are not included.</p>

3.3 Kingston

There is no applicable rule.

C86

Buildings in Kingston (Figure B2) incorporate a variety of roof forms materials and finishes, in particular:

- a) the colour scheme of development is generally light in tone, although some highlighting with darker colours may be acceptable where these do not present the dominant colour scheme when viewed from or across Lake Burley Griffin
- b) materials on buildings and structures near the edge of Lake Burley Griffin are high quality, durable and low maintenance
- c) buildings fronting the edge of Lake Burley Griffin generally avoid the use of highly reflective materials.

Element 5: Amenity

Intent:

- a) To ensure the overall impact of lighting does not compete with the lighting of the National Triangle

Rules	Criteria
5.1 Kingston	
There is no applicable rule.	C87 Outdoor lighting in the area should generally use full cut-off light fittings and up-lighting of buildings and structures should be carefully designed to keep night time overspill lighting to a minimum.
There is no applicable rule.	C88 The overall lighting impact should not compete in prominence with the lighting of the National Triangle. The area should be lit predominantly with high pressure sodium light sources for streets and mercury vapour for pedestrian routes. Lake frontage external lighting should use metal halide sources. There should be no flashing or laser beam lighting used on or around buildings fronting Lake Burley Griffin.



Figure B1 Bruce Mixed Use Area

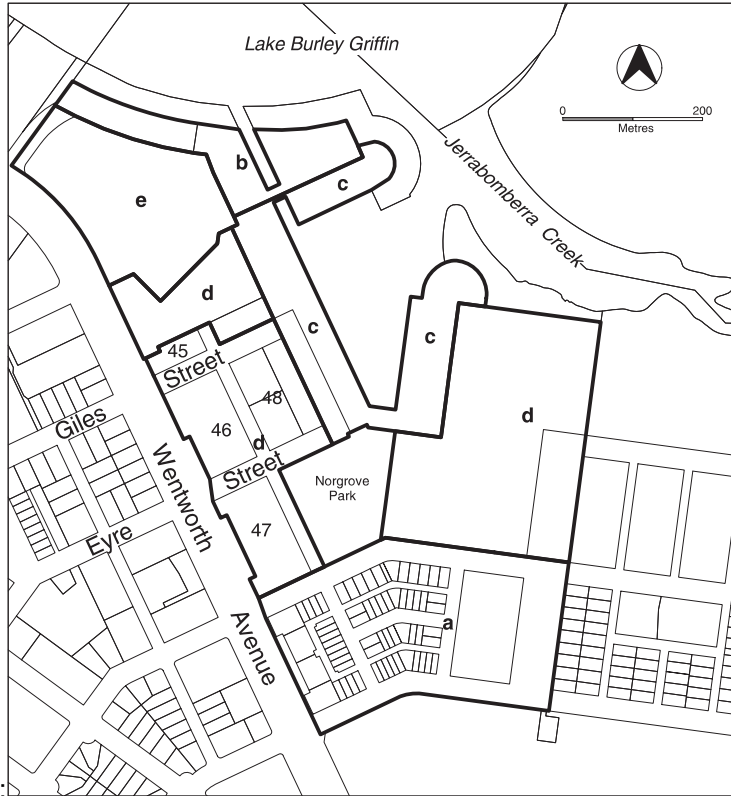


Figure B2 Kingston Mixed Use Area