



ACT Planning &  
Land Authority

# Parks and Recreation Zones Development Code



# Contents

Introduction .....	1
Relevant codes.....	3
<b>Part A – Zone Specific Controls .....</b>	<b>4</b>
<b>Part A(1) - PRZ1 – Urban Open Space Zone.....</b>	<b>4</b>
<b>Element 1: Restrictions on Use .....</b>	<b>4</b>
1.1 Municipal Depot .....	4
1.2 Community Activity Centre, Outdoor Recreation Facility and Municipal Depot.....	4
1.3 Community Activity Centre and Outdoor Recreation Facilities .....	4
<b>Element 2: Building and Site Controls.....</b>	<b>5</b>
2.1 Height .....	5
2.2 Setbacks .....	5
2.3 Gross Floor Area .....	5
2.4 Communications Facility.....	6
<b>Part A (2) - PRZ2 - Restricted Access Recreation Zone.....</b>	<b>7</b>
<b>Element 1: Restrictions on Use .....</b>	<b>7</b>
1.1 Club, Educational Establishment, Guest House, Hotel, Motel .....	7
<b>Element 2: Building and Site Controls.....</b>	<b>7</b>
2.1 Height .....	7
2.2 Setbacks .....	7
2.3 Scale of Development .....	7
<b>Part B – General Development Controls.....</b>	<b>8</b>
<b>Element 1: Restrictions on Use .....</b>	<b>8</b>
1.1 Location Requirements.....	8
1.2 Plans of Management.....	8
1.3 Major Utility Installation.....	8
<b>Element 2: Building and Site Controls.....</b>	<b>9</b>
2.1 Subdivision .....	9
2.2 Demolition.....	9
2.3 National Capital Plan .....	10
<b>Element 3: Built Form .....</b>	<b>11</b>
3.1 Materials and Finish .....	11
3.2 Interface.....	11
3.3 Crime Prevention Through Environmental Design .....	11
3.4 Access and Mobility .....	11
3.5 Location Requirements for Community and Recreation Facilities .....	12
<b>Element 4: Parking and Site Access .....</b>	<b>12</b>
4.1 Traffic Generation.....	12
4.2 Vehicle Access and Parking.....	12
4.3 Bicycle Parking .....	12
4.4 Pedestrian Movement.....	12
<b>Element 5: Amenity .....</b>	<b>13</b>
5.2 Lighting .....	13
5.3 Signs.....	13
5.4 Neighbourhood Plan.....	13
<b>Element 6: Environment.....</b>	<b>14</b>
6.1 Assessment of Environmental Effects.....	14
6.2 Water Sensitive Urban Design – Mains Water Consumption.....	15
6.3 Water Sensitive Urban Design – Stormwater Quality.....	15
6.4 Water Sensitive Urban Design – Stormwater Quantity .....	16
6.5 Heritage .....	17
6.6 Contamination.....	17

6.7	Trees.....	17
6.8	Erosion and Sediment Control.....	18
6.9	Hazardous Material .....	18
6.10	Water Use.....	19
<b>Element 7:</b>	<b>Services .....</b>	<b>20</b>
7.1	Waste Management .....	20
7.2	Waste Water .....	20
7.3	Utilities .....	20
7.4	Storage .....	21
7.5	Servicing and Site Management.....	21

# Introduction

## Application of this code

This Development Code applies to all development in the Parks and Recreation Zones identified in the zones' Development Tables as being within the code, merit and impact assessment tracks.

## Purpose of codes

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

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

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

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

## Structure of codes

The Parks and Recreation Zones Development Code is divided into two Parts:

**Part A – Zone Specific Controls** provide any specific controls for each of the Parks and Recreation Zones (PRZ1 – Urban Open Space Zone and PRZ2 – Restricted Access Recreation Zone).

**Part B – General Development Controls** provide general controls that are applicable to all development within the Parks and Recreation Zones.

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

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

6. Environment

7. Services

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

**Intent** describes the purpose of the development controls

**Rules** provide the quantitative, or definitive, controls for development

**Criteria** provide the qualitative controls for development

In some instances, there are rules that are mandatory. For clarity of use, the mandatory rules are emphasized by the following words: “**This is a mandatory requirement. There are no applicable criteria**”. Non-compliance with these provisions will result in the refusal of a development application. Conversely, the words “**There is no rule applicable**” 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.

## Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

**Precinct codes** are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

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

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

# Part A – Zone Specific Controls

## Part A(1) - PRZ1 – Urban Open Space Zone

### Element 1: Restrictions on Use

Intent:

- a) To provide for small-scale community and ancillary uses, which do not significantly detract from the open space character or impact on surrounding development

Rules	Criteria
<b>1.1 Municipal Depot</b>	
R1 Municipal depot may be used only for the purpose of park maintenance depots.	This is a mandatory rule. There is no criterion.
There is no applicable rule.	C1A Development of a municipal depot for the purpose of park maintenance depot provides landscaping and screen fences around any outside storage area.
<b>1.2 Community Activity Centre, Outdoor Recreation Facility and Municipal Depot</b>	
R2 Maximum proportion of gross area of any single open space parcel to be used for Community activity centre, Outdoor recreation facility, and Municipal depot purposes – 15%.	C2 Development for these purposes in the PRZ1 urban open space zone meets all of the following: <ul style="list-style-type: none"> <li>a) Does not unreasonably restrict access to recreation space</li> <li>b) Is of an appropriate scale and compatible with its open space setting.</li> </ul>
<b>1.3 Community Activity Centre and Outdoor Recreation Facilities</b>	
There is no applicable rule.	C3 A Community Activity Centre or Outdoor Recreation Facilities are permitted as follows: <ul style="list-style-type: none"> <li>a) The proposed location is suitable in terms of the catchment to be served and access routes for users</li> <li>b) There is a community requirement for such a facility</li> <li>c) There will be adequate opportunities for the public or community to use the facilities</li> <li>d) The nature of landscape works to be carried out is consistent with the surrounding open space or identified landscape theme</li> </ul>



Rules	Criteria
	e) Public access to adjoining open space is adequate and sufficient open space is retained for other future purposes f) The proposal will not have an adverse impact on the open space environment in terms of design and aesthetics g) The proposal will not adversely affect naturally occurring plant communities and patterns of wildlife movement h) Important natural and cultural features including existing mature trees are conserved i) There are no adverse noise and safety impacts on adjoining residential areas.

## Element 2: Building and Site Controls

### Intent:

- a) To ensure development in the PRZ1 - Urban Open Space Zone is compatible with, and does not adversely impact on, the urban environment

Rules	Criteria
<b>2.1 Height</b>	
R4 Maximum height of buildings adjacent to Residential Zones: one storey	C4 The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.
<b>2.2 Setbacks</b>	
R5 Minimum setback of building from boundary of blocks adjacent to Residential Zones: 6 m	C5 The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.
<b>2.3 Gross Floor Area</b>	
R6 Maximum gross floor area of enclosed structures: 200 m <sup>2</sup>	C6 The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.

Rules	Criteria
<b>2.4 Communications Facility</b>	
There is no applicable rule.	<p>C6A</p> <p>Development of land for a Communications facility is compatible with the use of the surrounding open space and nearby residential areas by ensuring that:</p> <ul style="list-style-type: none"> <li>a) sufficient surrounding open space is retained to meet the recreational and social needs of the community</li> <li>b) existing public access to surrounding open space is maintained</li> <li>c) any detrimental impacts on the site and surrounding area are minimised</li> <li>d) development complies with the Communications Facilities and Associated Infrastructure General Code</li> </ul>

## Part A (2) - PRZ2 - Restricted Access Recreation Zone

### Element 1: Restrictions on Use

**Intent:**

- a) To provide for high quality recreation facilities without adverse effects on the amenity of the locality

Rules	Criteria
<b>1.1 Club, Educational Establishment, Guest House, Hotel, Motel</b>	
<p>R7</p> <p>Development for these purposes meets one of the following:</p> <p>a) Is ancillary to the use of the land for recreation purposes</p> <p>b) The proportion of the land area of any discrete PRZ2 restricted access recreation zone (i.e. not separated by another zone) used for these purposes and associated car parking and other site facilities is a maximum of 15%.</p>	<p>C7</p> <p>Development for these purposes in the PRZ2 restricted access recreation zone meets all of the following:</p> <p>a) Does not unreasonably restrict the availability of land in the zone for recreation purposes</p> <p>b) Is of an appropriate scale and compatible with the recreational purposes of the zone.</p>

### Element 2: Building and Site Controls

**Intent:**

- a) To ensure development in the PRZ2 – Restricted Access Recreation Zone is compatible with, and does not adversely impact on, the urban environment

Rules	Criteria
<b>2.1 Height</b>	
<p>R8</p> <p>Maximum height of buildings in blocks adjacent to Residential Zones: two storeys or 10 m</p>	<p>C8</p> <p>The building height minimises the impact of developments on adjoining residential zones.</p>
<b>2.2 Setbacks</b>	
<p>R9</p> <p>Minimum setback of building from boundaries to Residential Zones: 6m</p>	<p>C9</p> <p>The building setback minimises the impact of developments on adjoining residential zones.</p>
<b>2.3 Scale of Development</b>	
<p>There is no applicable rule.</p>	<p>C10</p> <p>The development is of an appropriate scale and form, and is compatible with surrounding development and the anticipated use.</p>

## Part B – General Development Controls

Part B provides the general development controls applicable to the Urban Parks and Recreation Zones (PRZ1 – Urban Open Space and PRZ2 – Restricted Access Recreation Zones)

### Element 1: Restrictions on Use

**Intent:**

- a) To provide for high quality recreation facilities without adverse effects on the amenity of the locality
- b) To ensure development is consistent with the approved Plan of Management

Rules	Criteria
<b>1.1 Location Requirements</b>	
There is no applicable rule.	C11 The development meets the requirements of the Community and Recreation Facilities Location General Code.
<b>1.2 Plans of Management</b>	
There is no applicable rule.	C12 Where relevant, the proposed development is consistent with the approved Plan of Management.
<b>1.3 Major Utility Installation</b>	
There is no applicable rule.	C12A The development of land for a MAJOR UTILITY INSTALLATION can be integrated with the recreational use of the land and does not result in the exclusion of the land from its use for recreational enjoyment purposes.

## Element 2: Building and Site Controls

### Intent:

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

Rules	Criteria
<b>2.1 Subdivision</b>	
<p>R13</p> <p>Subdivision is only permitted where:</p> <p>a) it is part of a development application for another assessable development</p> <p>b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.2 Demolition</b>	
<p>R14</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 utility providers (including Water, Sewerage, Stormwater, Electricity and Gas) stating that:</p> <p>a) All network infrastructure on or immediately adjacent the site has been identified on the plan</p> <p>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> <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>	<p>C14</p> <p>If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
<b>2.3 National Capital Plan</b>	
There is no applicable rule.	<p>C15</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 provide for buildings that promote a safe and attractive urban environment

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

Rules	Criteria
<b>3.1 Materials and Finish</b>	
There is no applicable rule.	C16 Where the development exposes a blank façade of an adjoining building, a visually interesting architectural treatment is applied to that wall such as through the use of colour, articulation, materials and shadows.
There is no applicable rule.	C17 The development uses high quality materials that are not incompatible with the character of existing adjacent development and the desired architectural character of the area.
<b>3.2 Interface</b>	
There is no applicable rule.	C18 Where appropriate, compatible uses of any existing buildings are integrated with new development and provide physical connections and linkages between buildings, and between buildings and public spaces.
There is no applicable rule.	C19 Elements of the development that present to, or are visible from, the street, promote an attractive and appropriate streetscape.
<b>3.3 Crime Prevention Through Environmental Design</b>	
There is no applicable rule.	C20 The development meets the requirements of the Crime Prevention Through Environmental Design General Code.
<b>3.4 Access and Mobility</b>	
There is no applicable rule.	C21 The development meets the requirements of the Access and Mobility General Code.

Rules	Criteria
<b>3.5 Location Requirements for Community and Recreation Facilities</b>	
There is no applicable rule.	C21A The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.

#### Element 4: Parking and Site Access

##### Intent:

- a) To encourage design of access and parking as part of the overall design of the development
- b) To provide for safe, convenient access to meet the needs of all users and visitors

Rules	Criteria
<b>4.1 Traffic Generation</b>	
There is no applicable rule.	C22 The existing road network can accommodate the amount of traffic likely to be generated by the development.
<b>4.2 Vehicle Access and Parking</b>	
There is no applicable rule.	C23 Vehicle Access and parking complies with the requirements of the Parking and Vehicular Access General Code.
<b>4.3 Bicycle Parking</b>	
There is no applicable rule.	C24 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.
<b>4.4 Pedestrian Movement</b>	
There is no applicable rule.	C25 Safe and convenient movement of public transport passengers, pedestrians and cyclists is provided.



## Element 5: Amenity

### Intent:

- a) To ensure visual and acoustic privacy of users, within and adjacent to the proposed development
- b) To ensure a safe and attractive urban environment is maintained

Rules	Criteria
<b>5.2 Lighting</b>	
R27 External lighting is provided to building frontages, all pathways, roads, laneways and car parking areas in accordance with Australian Standard AS1158.3.1 <i>Pedestrian Lighting</i> .	C27 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code
R28 All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	C28 All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.
<b>5.3 Signs</b>	
There is no applicable rule.	C29 Signs comply with the Signs General Code.
<b>5.4 Neighbourhood Plan</b>	
There is no applicable rule.	C30 Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

## Element 6: Environment

### Intent:

- a) To provide for ecologically sustainable development that does not have adverse impacts on the surrounding environment

Rules	Criteria
<b>6.1 Assessment of Environmental Effects</b>	
<p>There is no applicable rule.</p>	<p>C31</p> <p>The development application is accompanied by an Assessment of Environmental Effects that addresses the following:</p> <ul style="list-style-type: none"> <li>a) provision for tree planting and appropriate landscape treatment</li> <li>b) impacts on the character and appearance of any building, area of architectural, historic, aesthetic or scientific interest, or otherwise of special cultural or heritage value</li> <li>c) impacts on public health and safety, including crime prevention</li> <li>d) the amount of traffic likely to be generated and its impact on the movement of traffic on the road system</li> <li>e) whether public transport services are necessary and, if so, whether they are available and adequate</li> <li>f) impacts on the likely accessibility to facilities and services for users and consumers</li> <li>g) any significant short or long-term effect that the relevant authority considers the use or development may have on the environment, including social and economic effects and potential cumulative effects</li> <li>h) impacts on the watercourses and drainage characteristics of the area, including water quality</li> <li>i) impacts on the amenity of surrounding land uses, including impacts on air quality, noise, overshadowing, privacy, and the level of wind turbulence generated.</li> </ul>

Rules	Criteria
<p><b>6.2 Water Sensitive Urban Design – Mains Water Consumption</b></p> <p>Note: Refer to the Water Ways: Water Sensitive Urban Design General Code for more information on Water Sensitive Urban Design</p>	
<p><b>R32</b></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><b>C32</b></p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>6.3 Water Sensitive Urban Design – Stormwater Quality</b></p> <p>Note: Refer to the Water Ways: Water Sensitive Urban Design General Code for more information on Water Sensitive Urban Design</p>	
<p><b>R33</b></p> <p>All sites of size greater than 2,000m<sup>2</sup> need to provide evidence of stormwater storage greater than or equal to the volume of 1.4kL per 100m<sup>2</sup> 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><b>C33</b></p> <p>Evidence is provided that demonstrates that for all sites of size greater than 2,000m<sup>2</sup>, 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>R34</p> <p>Sites of size greater than 5,000m<sup>2</sup> need to provide evidence showing a reduction in average annual stormwater pollutant export load of:</p> <ul style="list-style-type: none"> <li>a) suspended solids by 60%</li> <li>b) total phosphorous by 45%</li> <li>c) total nitrogen by 40%</li> </ul> <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>C34</p> <p>Sites of size greater than 5,000m<sup>2</sup> need to provide evidence showing a reduction in average annual stormwater pollutant export load of:</p> <ul style="list-style-type: none"> <li>a) suspended solids by 60%</li> <li>b) total phosphorous by 45%</li> <li>c) total nitrogen by 40%</li> </ul> <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><b>6.4 Water Sensitive Urban Design – Stormwater Quantity</b></p> <p>Note: Refer to the Water Ways: Water Sensitive Urban Design General Code for more information on Water Sensitive Urban Design</p>	
<p>R35</p> <p>All sites of size greater than 2,000m<sup>2</sup> 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 2,000m<sup>2</sup> 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 m<sup>2</sup>, 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>C35</p> <p>Evidence is provided by a suitably qualified person that shows that for all sites of size greater than 2,000m<sup>2</sup> 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 m<sup>2</sup>, 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
<b>6.5 Heritage</b>	
<p>R36</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>C36</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>
<b>6.6 Contamination</b>	
<p>R37</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>C37</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>
<b>6.7 Trees</b>	
<p>R38</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) requires groundwork within the tree protection zone of a <i>protected tree</i></li> <li>b) is likely to cause damage to or removal of any <i>protected trees</i></li> </ul> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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>.</li> <li>3. <i>Protected tree</i> and <i>declared site</i> are defined under the <i>Tree Protection Act 2005</i>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>6.8 Erosion and Sediment Control</b>	
<p>R39</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>C39</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>R40</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 the ACT Environment Protection Authority.</p>	<p>C40</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>
<b>6.9 Hazardous Material</b>	
<p>R41</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> <ul style="list-style-type: none"> <li>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</li> <li>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</li> <li>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</li> </ul> <p>* construction date means the date when the Certificate of Occupancy was issued</p>	<p>C41</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
<b>6.10 Water Use</b>	
There is no applicable rule.	<p>C42</p> <p>Where relevant, development complies with the requirements of the Water Use and Catchment General Code.</p>

## Element 7: Services

### Intent:

- a) To provide for appropriately serviced developments that meet the needs of service providers and users of the proposed development

Rules	Criteria
<b>7.1 Waste Management</b>	
<p>R43</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the 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>
<b>7.2 Waste Water</b>	
<p>R44</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>C44</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.3 Utilities</b>	
<p>R45</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>C45</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
<b>7.4 Storage</b>	
<p>R46</p> <p>Outdoor storage areas must be screened from view from any road or other public area.</p>	<p>C46</p> <p>Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site.</p>
<p>R47</p> <p>Outdoor storage areas do not encroach on required car-parking spaces, driveways exclusively required for vehicular circulation or landscape areas.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.5 Servicing and Site Management</b>	
<p>R48</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>C48</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>