



ACT Planning &
Land Authority

Transport and Services Zone Development Code

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Introduction

Application of this code

This Development Code applies to all development in the Transport and Services 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 Transport and Services Zones Development Code is divided into three Parts:

Part A – Zone Specific Controls provide any specific controls for Transport and Services Zones (TSZ1 – Transport Zone and TSZ2 – Services Zone).

Part B – General Development Controls provide general controls that are applicable to all Transport and Services Zones.

Part C – Site Specific Controls provide any additional specific controls for particular transport and service 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 [to be prepared], 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

Residential Boundary Fences 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 provides the detailed development controls for the Transport and Services Zones

TSZ1 - Transport Zone

Element 1: Restrictions on Use

Intent:

- a) To provide for development that does not jeopardise the Inter-town Public Transport Route
- b) To allow flexibility in development that is not inconsistent with the National Capital Plan

Rules	Criteria
1.1 Use and Form	
There is no applicable rule.	C1 A proposal for works on land identified on the map as forming part of the Inter-town Public Transport Route does not jeopardise the future provision of a separate right-of-way within the road reserve to accommodate this service.
There is no applicable rule.	C2 Subject to the National Capital Plan, airspace may be used for a purpose which is permitted on land under an adjoining Zone, where the subject development application will not interfere with the safe operation of the road system.

TSZ2 - Services Zone

Element 2: Building and Site Controls

Intent:

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

Rules	Criteria
2.1 Height	
R3 Maximum building height: two storeys.	C3 Development is of an appropriate scale and compatible with surrounding development.

Rules	Criteria
2.2 Scale	
R4 Maximum plot ratio of buildings is 1:1.	C4 Development is of an appropriate scale and compatible with surrounding development.
2.3 Earthworks	
There is no applicable rule.	C5 Any work carried out by service authorities incorporates restoration work to return all natural features to the condition existing before the work commenced.

Element 6: Environment

Intent:

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

Rules	Criteria
6.1 Earthworks	
There is no applicable rule.	C6 Any work carried out by service authorities incorporates restoration work to return all natural features to the condition existing before the work commenced.

Part B – General Development Controls

Part B provides the general development controls applicable to the Transport and Services Zones.

Element 1: Restrictions on Use

Intent:

- a) To ensure development is consistent with the approved Plan of Management

Rules	Criteria
1.1 Plans of Management	
There is no applicable rule.	C7 Where relevant, the proposed development is consistent with the approved Plan of Management.

Element 2: Building and Site Controls

Intent:

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

Rules	Criteria
2.1 Subdivision	
R8 Subdivision is only permitted where: a) it is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
2.2 Demolition	
<p>R9</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 provider (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>C9</p> <p>If a Statement of Endorsement is not provided the application will be referred to relevant utilities provider in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
2.3 National Capital Plan	
<p>There is no applicable rule.</p>	<p>C10</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 development is compatible with the surrounding landscape, especially in areas of high visibility

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

Rules	Criteria
3.1 Materials and Finish	
There is no applicable rule.	C11 Where 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.	C12 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.
3.2 Crime Prevention Through Environmental Design	
There is no applicable rule.	C13 The development meets the requirements of the Crime Prevention Through Environmental Design General Code.
3.3 Access and Mobility	
There is no applicable rule.	C14 The development meets the requirements of the Access and Mobility General Code.

Element 4: Parking and Site Access

Intent:

- a) To encourage the 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
4.1 Traffic Generation	
There is no applicable rule.	C15 The existing road network can accommodate the amount of traffic that is likely to be generated by the development.
4.2 Vehicle Access and Parking	
There is no applicable rule.	C16 Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.
4.3 Bicycle Parking	
There is no applicable rule.	C17 Bicycle Parking complies with the requirements of the Bicycle Parking General Code.
4.4 Pedestrian Movement	
There is no applicable rule.	C18 Safe and convenient movement of public transport passengers, pedestrians and cyclists is provided.

Element 5: Amenity

Intent:

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

Rules	Criteria
5.1 Lighting	
R19 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> .	C19 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code.
R20 All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	C20 All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.
5.2 Signs	
There is no applicable rule.	C21 Signs comply with the Signs General Code.

Element 6: Environment

Intent:

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

Rules	Criteria
6.1 Assessment of Environmental Effects	
<p>There is no applicable rule.</p>	<p>C22</p> <p>The development application is accompanied by an Assessment of Environmental Effects that addresses the following:</p> <ul style="list-style-type: none"> a) appropriate measures to soften the impact of development on the landscape b) impacts on the character and appearance of any building, area of architectural, historic, aesthetic or scientific interest, or other object or place of special cultural or heritage value c) impacts on public health and safety, including crime prevention d) whether public transport services are necessary and, if so, whether they are available and adequate e) impacts on the likely accessibility to facilities and services for users and consumers f) 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 g) impacts on the watercourses and drainage characteristics of the area, including water quality h) impacts on the amenity of surrounding land uses, including impacts on air quality, noise, overshadowing, privacy, and the level of wind turbulence generated.

Rules	Criteria
6.5 Heritage	
<p>R27</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>C27</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>
6.6 Contamination	
<p>R28</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>C28</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>
6.7 Trees	
<p>R29</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>

Rules	Criteria
6.8 Erosion and Sediment Control	
<p>R30</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>C30</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>R31</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>C31</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>
6.9 Hazardous Materials	
<p>R32</p> <p>For the demolition of single dwelling housing (including garages and carports) constructed* prior to 1985, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person.</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>C32</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>

Element 7: Services

Intent:

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

Rules	Criteria
7.1 Waste Management	
<p>R33</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>C33</p> <p>If a Statement of Compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the <i>Planning and Development Act 2007</i></p>
7.2 Waste Water	
<p>R34</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>C34</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
7.3 Utilities	
<p>R35</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>C35</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
7.4 Storage	
<p>R36</p> <p>Outdoor storage areas are located behind the building line and screened from view from any road or other public area.</p>	<p>C36</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 layout of the site.</p>
<p>R37</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>
7.5 Servicing and Site Management	
<p>R38</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>C38</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>