



ACT Planning &
Land Authority

Northbourne Avenue Precinct Code

March 2008

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Introduction

Application of this code

This Precinct Code applies to all development in the CZ2 and CZ5 Commercial Zones within Northbourne Avenue Precinct (Figure A1) identified in the zones' Development Tables as being within the code, merit and impact assessment tracks.

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.

The Northbourne Avenue Precinct Code overrides any provisions in other codes which may be inconsistent. The City Centre Precinct Code and the CZ5 Mixed Use Development Code do not apply to land covered by the Northbourne Avenue Precinct 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 Northbourne Avenue Precinct Code is divided into 2 Parts:

Part A – Zone Specific Controls provide any specific controls for each Zone within the Northbourne Avenue Precinct (CZ2 and CZ5 Commercial Zones).

Part B – General Development Controls provide general controls that are applicable to the whole Precinct.

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

m² = metres squared

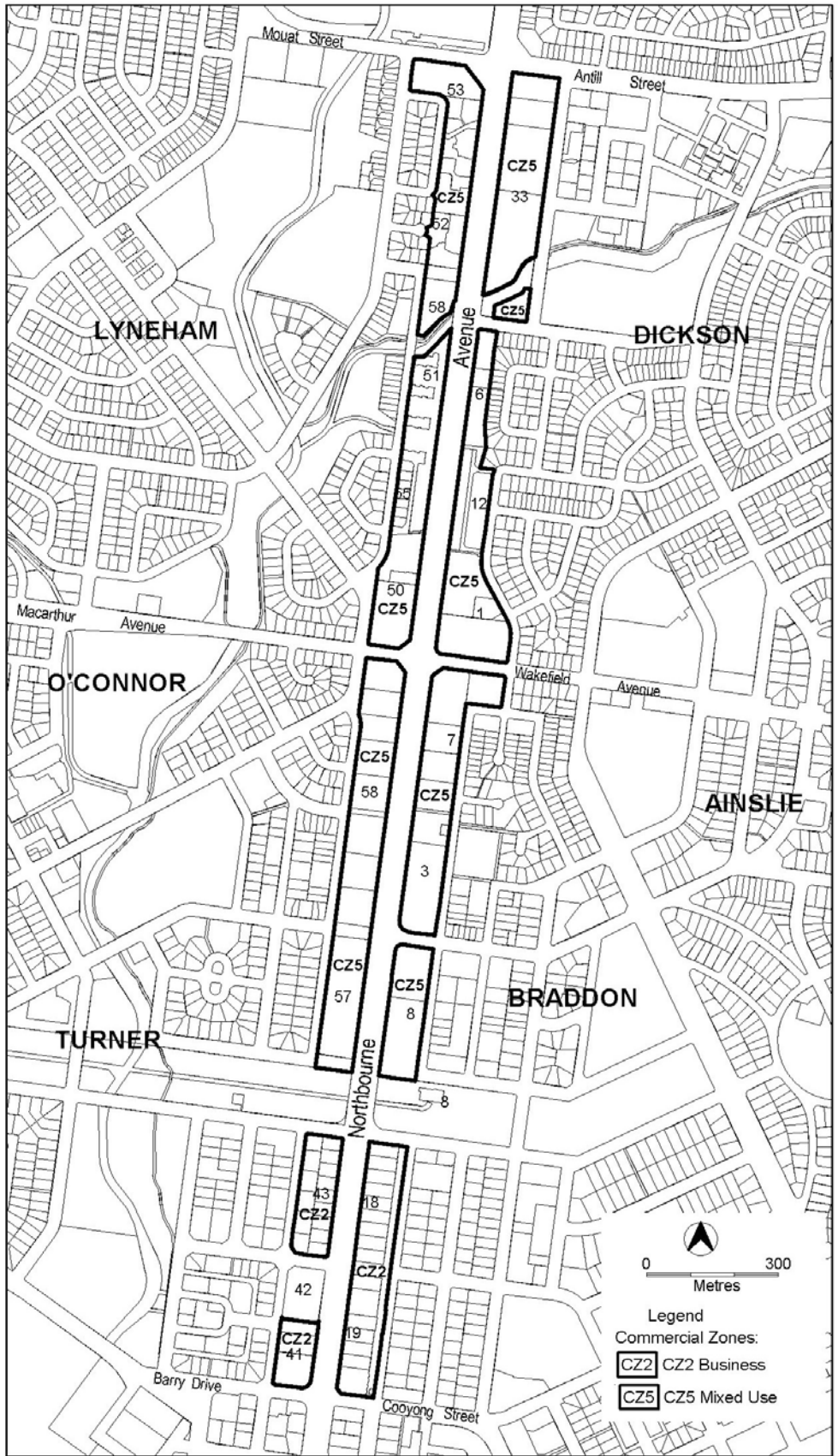


Figure A1 Northbourne Avenue Precinct

Part A – Zone Specific Controls

This part provides the specific controls that apply to each individual Zone. It should be read in conjunction with part B.

A(2) - Commercial C2 – Business Area

Element 2: Building and Site Controls

Intent:

- a) To provide opportunities for development of prestige buildings in a unique setting consistent with a main avenue location

| Rules | Criteria |
|---|--|
| 2.1 Height - Turner, Section 43 | |
| R1 Within 20 metres of Moore Street, the maximum height of buildings is the lesser of three storeys or 12 metres. | C1 Where the height of an existing building exceeds that, alterations or rebuilding up to the height of the existing building is permitted. |
| 2.2 Setbacks – Turner Sections 41 and 43 | |
| R2 a) For Turner Section 41 minimum setback is 5 m along Moore Street. | This is a mandatory requirement. There is no applicable criterion. |
| R3 For Turner Section 43 along Moore Street: a) For buildings up to 3 storeys, front setbacks are as specified in Table 1. b) Minimum setback for buildings, or parts of buildings, over 3 storeys 20 m. | This is a mandatory requirement. There is no applicable criterion. |
| 2.3 Setbacks – Mort Street | |
| R4 The minimum setback for buildings in Mort Street is zero metres. | This is a mandatory requirement. There is no applicable criterion. |
| 2.4 Subdivision – Braddon Sections 18 and 19 | |
| R5 Where blocks are amalgamated, a single building fronting Northbourne Avenue must not occupy more than two single blocks existing at 1 January 1990. | This is a mandatory requirement. There is no applicable criterion. |

Element 4: Parking and Site Access

Intent:

- a) To provide for a high quality landscape setting in the front setback

| Rules | Criteria |
|---|---|
| 4.1 Parking | |
| <p>R6</p> <p>Parking structures must have a minimum setback of 20 m from the front boundary and must be screened from Northbourne Avenue.</p> | <p>C6</p> <p>Minor encroachments of basement car parking may be considered only where located under a driveway or other paved area and does not detract from the landscape treatment.</p> |

Table 1 – Setbacks to Other Streets

| | Lower Floor Level | Upper Floor Level |
|--|------------------------------|-------------------------|
| Adjacent to undeveloped blocks or non-residential development setback ≥ 3 m | 3.0 m | 5.5 m |
| Adjoins development setback < 3 m | = Adjoining development | +2 m |
| Adjoins residential development setback 3–4 m | 4.0 m | 6.0 m |
| Adjoins residential development setback 4.5–7 m | 4.0 m | 6.0 m |
| Adjoins residential development setback 7–9 m | 5.0 m | 6.0 m |
| Adjoins residential development setback ≥ 9 m | 6.0 m | 6.0 m |
| Heritage Conservation Area | = Adjoining development | = Adjoining development |
| Adjoining open space or laneway | 4.0 m | 4.0 m |
| Garages and carports | 1 m behind the building line | |

A(5) - Commercial C5 – Residential Mixed Use

Element 1: Restrictions on Use

Intent:

- a) To provide for uses ancillary to the predominant use of the Zone, at a scale appropriate to the local workforce

| Rules | Criteria |
|--|--|
| 1.1 Business Agency, Office, Restaurant, Shop | |
| <p>R7</p> <p>On Braddon Section 3 Block 1 and Section 8, Dickson Sections 6 and 12 and Section 1 Block 6, Turner Section 57 and Section 58 Blocks 5, 6, 10, 13, and 14 and Lyneham Sections 51, 52, 55 and 58, and Section 53 Blocks 3-6:</p> <p>a) maximum GFA is 100 m² per establishment</p> <p>b) no more than two of the above uses (business agency, office, restaurant, shop) per section are permitted.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>There is no applicable rule.</p> | <p>C8</p> <p>Other than on the above blocks, SHOP must be ancillary to the other permitted uses or at a scale appropriate to serving the local workforce only.</p> |
| 1.2 Service Station | |
| <p>R9</p> <p>Service stations are not permitted on blocks fronting Northbourne Avenue.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

Element 2: Building and Site Controls

Intent:

- a) To provide for a consistent high quality urban environment, with landscaping and street planting to create a prestige setting
- b) To provide for the concept of landmark development at prominent nodes along the corridor

| Rules | Criteria |
|---|--|
| 2.1 Height | |
| <p>R10</p> <p>Within 20m of any street other than Northbourne Avenue, the maximum building height is 3 storeys and 12m.</p> | <p>C10</p> <p>Where the height of an existing building exceeds that, alterations or rebuilding up to the height of the existing building is permitted.</p> |

| 2.2 Heights – Intersections with Antill/Mouatt Streets and Wakefield/Macarthur Avenues | |
|--|---|
| <p>R11</p> <p>Maximum building height, to the top of the parapet, is 32 m at:</p> <ul style="list-style-type: none"> a) Braddon Section 7 Block 9 b) Dickson Section 1 Block 1 c) Dickson Section 33 Block 15 d) Lyneham Section 50 Block 12 e) Lyneham Section 53 Block 1 f) Turner Section 58 Block 8 <p>The maximum height excludes roof top plant where it is set back and screened.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 2.3 Setbacks to Northbourne Avenue | |
| <p>R12</p> <p>Braddon Sections 3 and 7: buildings form a 20m building line setback.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>R13</p> <p>Dickson Section 33 Block 15 and Lyneham Section 53 Block 1: buildings form a 25m building line setback.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 2.4 Setbacks from Intersection with Wakefield Avenue/Macarthur Avenue | |
| <p>R14</p> <p>Within 40 m of the intersection of the boundaries of the road reservations of Northbourne Avenue and Wakefield and Macarthur avenues the building line setback is 25 m.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 2.5 Front Setbacks – Buildings on Other Streets | |
| <p>R15</p> <p>For buildings up to 3 storeys, front setbacks are as specified in Table 1.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>R16</p> <p>Buildings, or parts of buildings, over 3 storeys have a minimum front setback of 20m.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

Element 4: Parking and Access

Intent:

- a) To provide for safe pedestrian access and movement between the major transport corridor and the commercial and residential areas

| Rules | Criteria |
|---|---|
| 4.1 Pedestrian Movements | |
| <p>R17</p> <p>Pedestrian access to Northbourne Avenue is provided within or in close proximity to these sites:</p> <ol style="list-style-type: none">a) Dickson Section 6 Block 43b) Dickson Section 33 Block 2c) Lyneham Section 53 Block 3. | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

Part B – General Development Controls

This part provides rules and criteria for elements common to all development within the Northbourne Avenue Precinct.

Element 1: Restrictions on Use

Intent:

- a) 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 Residential Use | |
| R18 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. |
| R19 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. |
| R20 All dwellings for the purposes of supportive housing and/or residential care accommodation are designed to comply with the relevant parts of the Residential Zones Development Code and the relevant Australian Standard or Building Code for Adaptable Housing. | This is a mandatory requirement. There is no applicable criterion. |

Element 2: Building and Site Controls

Intent:

- a) To maintain and enhance the urban design quality of Northbourne Avenue as a major avenue
 b) To ensure that development is compatible with, and does not adversely impact on, the environment

| Rules | Criteria |
|--|--|
| 2.1 Height | |
| R21 For new buildings: a) the minimum height is three storeys b) the maximum height, to the top of the parapet, is 25 m. The maximum height excludes rooftop plant where they are set back and screened. | C21 Where the height of an existing building exceeds 25 m, alterations or rebuilding to the existing building height may be considered. |

| Rules | Criteria |
|--|---|
| <p>R22</p> <p>Buildings facing Northbourne Avenue have a mandatory parapet height of as close as practicable, but not exceeding: 25 m.</p> | <p>C22</p> <p>Where the height of an existing building exceeds 25 m, alterations or rebuilding to the existing building height may be considered.</p> |
| <p>2.2 Front Setbacks – Northbourne Avenue</p> | |
| <p>R23</p> <p>Unless stated elsewhere, new buildings facing Northbourne Avenue have a 10 m building line setback to the Avenue.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>2.3 Front Setbacks – Streets intersecting with Northbourne Avenue</p> | |
| <p>R24</p> <p>Unless stated elsewhere, the minimum setback is 10 m.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>2.4 Setbacks – Side and Rear Boundary</p> | |
| <p>R25</p> <p>For 3 storey buildings, a minimum side and rear boundary setback of 1m is provided for walls at ground level unless the wall is built to the boundary.</p> <p>Where upper floor levels contain windows with a sill height of less than 1.7m or have unscreened decks, balconies or external stairs, the minimum side and rear setbacks are 9m at the second storey and 12m at the third storey.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>R26</p> <p>For buildings taller than three storeys, the following minimum site and rear setbacks apply:</p> <ul style="list-style-type: none"> a) To any northern boundary: 5 m b) To any southern boundary: 5 m, provided a minimum of 2 hours of direct sunlight between 9am–4pm is afforded to all habitable rooms in adjoining residential or commercial accommodation developments c) To any west or east boundary: 10 m. | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| 2.5 Subdivision | |
|---|---|
| <p>R27</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> |
| 2.6 Demolition | |
| <p>R28</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Endorsement from utilities (including Water, Sewerage, Stormwater, Electricity and Gas) stating that:</p> <ul style="list-style-type: none"> a) All network infrastructure on or immediately adjacent the site has been identified on the plan b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) All required network disconnections have been identified and the disconnection works comply with utility requirements d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements. | <p>C28</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> |
| 2.7 National Capital Plan Requirements | |
| <p>There is no applicable rule.</p> | <p>C29</p> <p>Where a development is subject to Special Requirements under the National Capital Plan (including any relevant Development Control Plan) the development is not inconsistent with the Special Requirements.</p> |

Element 3: Built Form

Intent:

- a) To provide for a consistent and high quality frontage to Northbourne Avenue
- 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 ensure that the massing, scale, colours and materials used for buildings results in harmonious and high quality urban design outcomes
- d) To promote a safe and accessible urban environment

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

| Rules | Criteria |
|------------------------------|--|
| 3.1 Building Design | |
| There is no applicable rule. | C30 Balconies and awnings may extend up to 1.5 m within the minimum setback provided they are lightweight in appearance and predominantly transparent. |
| There is no applicable rule. | C31 Porticos and canopies covering set down areas may extend beyond minimum setbacks provided the visual integrity of the building line is retained. |
| There is no applicable rule. | C32 Plant installations and service structures are integrated with the building design, so they are set back from the building facade and screened from public areas. |

| Rules | Criteria |
|---|--|
| 3.2 Materials and Finish | |
| <p>R33</p> <p>Buildings are off-white to light buff/grey in colour.</p> | <p>C33</p> <p>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; and, c) Are minor elements in the building façade, and are subsidiary to the main off-white to light buff/grey materials. |
| <p>There is no applicable rule.</p> | <p>C34</p> <p>Extensive areas of continuous glass façade are not permitted.</p> |
| 3.3 Crime Prevention Through Environmental Design | |
| <p>There is no applicable rule.</p> | <p>C35</p> <p>The development meets the requirements of the Crime Prevention Through Environmental Design General Code.</p> |
| 3.4 Access and Mobility | |
| <p>There is no applicable rule.</p> | <p>C36</p> <p>The development meets the requirements of the Access and Mobility General Code.</p> |
| 3.5 Car Parking Structures | |
| <p>There is no applicable rule.</p> | <p>C37</p> <p>Car parking structures are designed to integrate with the built form of adjacent existing development.</p> |

Element 4: Parking and Site Access

Intent:

- a) To provide for safe and appropriate access to development while maintaining efficient operation of Northbourne Avenue as a major approach road.
- b) To ensure safe and efficient access for vehicles and pedestrians
- c) To ensure adequate parking facilities are provided

| Rules | Criteria |
|--|--|
| 4.1 Traffic Generation | |
| There is no applicable rule. | C38 The existing road network can accommodate the amount of traffic that is likely to be generated by the development. |
| 4.2 Access | |
| R39 Only one verge crossing is permitted for each block existing at 7 November 1998. | C39 Access to blocks from Northbourne Avenue is configured to minimise disruption to operation of the main carriageway. |
| R40 Provision for access by coaches is not permitted for blocks with a frontage of less than 100 m. | This is a mandatory requirement. There is no applicable criterion. |
| There is no applicable rule. | C41 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary. |
| R42 Loading docks or vehicular entries to buildings are not located on frontages to the street. | C42 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. | C43 Site access complies with the requirements of the Parking and Vehicular Access General Code. |
| 4.3 Parking | |
| There is no applicable rule. | C44 Car Parking complies with the requirements of the Parking and Vehicular Access General Code. |

| Rules | Criteria |
|--|---|
| There is no applicable rule. | C45 Bicycle Parking complies with the requirements of the Bicycle Parking General Code. |
| R46 Car parks are not permitted within setbacks to Northbourne Avenue. | C46 Minor encroachments of basement car parking may be considered only where located under a driveway or other paved area and does not detract from the landscape treatment. |
| 4.4 Circulation | |
| R47 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. <i>Note: Loading, unloading and associated manoeuvring area is in addition to minimum parking requirements.</i> | This is a mandatory requirement. There is no applicable criterion. |
| R48 All vehicles are able to leave and enter Northbourne Avenue in a forward direction. | This is a mandatory requirement. There is no applicable criterion. |

Element 5: Amenity

Intent:

- a) To promote a high level of amenity through consideration of personal safety, landscaping and visual impact
- b) To provide an aesthetically pleasing approach to the City Centre and the Central National Area

| Rules | Criteria |
|------------------------------|--|
| 5.1 Landscape | |
| There is no applicable rule. | <p>C49</p> <p>Setbacks to Northbourne Avenue are landscaped with treatments that are predominantly:</p> <ul style="list-style-type: none"> a) Soft and reinforce the median and verge planting b) Eucalyptus planting in an open setting of grass and low ground cover; and c) At a similar level to the verge. |
| There is no applicable rule. | <p>C50</p> <p>Un-landscaped side setbacks are screened from Northbourne Avenue.</p> |
| There is no applicable rule. | <p>C51</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 |

| Rules | Criteria |
|---|---|
| | <p>g) improves privacy and minimises overlooking between buildings</p> <p>h) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground utilities</p> <p>i) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections</p> <p>j) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</p> |
| There is no applicable rule. | <p>C52</p> <p>Tree planting in and around car parks provides shade and softens the visual impact of parking areas.</p> |
| 5.2 Lighting | |
| <p>R53</p> <p>External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard AS1158.1.3 <i>Pedestrian Lighting</i>.</p> | <p>C53</p> <p>External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code.</p> |
| <p>R54</p> <p>All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i>.</p> | <p>C54</p> <p>All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.</p> |
| 5.3 Signs | |
| There is no applicable rule. | <p>C55</p> <p>Signs comply with the Signs General Code.</p> |
| 5.4 Neighbourhood Plans | |
| There is no applicable rule. | <p>C56</p> <p>Where a Neighbourhood Plan exists development demonstrates response to the key strategies and actions of the relevant Neighbourhood Plan.</p> |

Element 6: Environment

Intent:

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

| Rules | Criteria |
|--|--|
| 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 | |
| R57 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. | This is a mandatory requirement. There is no applicable criterion. |
| R58 Evidence is provided that demonstrates that for developments on sites <2000m ² , 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. | This is a mandatory requirement. There is no applicable criterion. |
| R59 Evidence is provided that demonstrates that for developments on sites >2000m ² , a reduction in average annual stormwater pollutant export load of all of the following: <ul style="list-style-type: none"> a) suspended solids by 60% b) total phosphorous by 45% c) total nitrogen by 40% using the MUSIC model to demonstrate compliance. | C59 For developments on sites >2000m ² the development is demonstrated to achieve a reduction in average annual stormwater pollutant export load of all of the following: <ul style="list-style-type: none"> a) suspended solids by 60% b) total phosphorous by 45% c) total nitrogen by 40% compared to an urban catchment with no water quality management controls, using any other method, eg XP-AQUALM, PURRS, Aquacycle, that can demonstrate, to the satisfaction of the Authority, compliance. |

| Rules | Criteria |
|---|---|
| <p>R60</p> <p>Evidence is provided that shows the development achieves:</p> <p>a) 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, and</p> <p>b) a reduction of 1-in-5 year and 1-in-100 year stormwater peak run off flow to pre-development levels using XP-RAFTS, DRAINS (ILSAX), RORB or WBNM models to demonstrate compliance.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>6.2 Heritage</p> | |
| <p>R61</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>C61</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> |
| <p>6.3 Trees</p> | |
| <p>R62</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application must be accompanied by a Tree Management Plan approved under the <i>Tree Protection Act 2005</i>.</p> <p>Note: "Protected tree" is defined under the <i>Tree Protection Act 2005</i>.</p> | <p>C62</p> <p>If an approved Tree Management Plan is required, but not provided, then a draft Tree Management Plan is to accompany the application. The draft Tree Management Plan will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p> |
| <p>R63</p> <p>Trees on development sites may be removed only with the prior agreement in writing of the Territory.</p> | <p>C63</p> <p>Retained trees are protected and maintained during construction to the satisfaction of the Territory.</p> |

| Rules | Criteria |
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| 6.4 Hazardous Material | |
| <p>R64</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"> 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>C64</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> |
| 6.5 Contamination | |
| <p>R65</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>C65</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>R66</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>C66</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>R67</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>C67</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>C68</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>C69</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>R70</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>R71</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>C71</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| Rules | Criteria |
|---|---|
| 6.10 Noise | |
| <p>R72</p> <p>A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses:</p> <ul style="list-style-type: none"> -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility -restaurant <p>The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours.</p> | <p>C72</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 Planning and Development Act 2007.</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>R73</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 <i>Development Control Code for Best Practice Waste Management in the ACT 1999</i>.</p> | <p>C73</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>R74</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>C74</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 |
|---|---|
| 7.2 Servicing and Site Management | |
| <p>R75</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>C75</p> <p>If a Statement of Endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p> |
| 7.3 Utilities | |
| <p>R76</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>C76</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>R77</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>R78</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p> | <p>C78</p> <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 7.5 Storage | |
| <p>R79</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>C79</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>R80</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> |