



ACT Planning &
Land Authority

Non-Urban Zones Development Code

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Introduction

Application of this code

This Development Code applies to all development in the Non-Urban 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 Non-Urban Zones Development Code is divided into two Parts:

Part A – Zone Specific Controls provide any specific controls for each Non-Urban Zone (NUZ1 Broadacre Zone, NUZ2 Rural Zone, NUZ3 Hills, Ridges and Buffer Zone, NUZ4 River Corridor Zone, NUZ5 Mountains and Bushland Zone).

Part B – General Development Controls provide general controls that are applicable to all Non-Urban Zones.

Part C – Site Specific Controls provide any additional specific controls for particular non-urban 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 are is 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 Development Application 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

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 each of the Non-Urban zones.

Part A(1) – NUZ1 - Broadacre Zone

Element 1: Restrictions on Use

Intent:

- a) To provide opportunities for residential care accommodation where such facilities should be isolated from urban areas
- b) To provide an appropriate level of on-site services for residential care accommodation in rural settings

Rules	Criteria
1.1 Residential Care Accommodation	
There is no applicable rule.	<p>C1</p> <p>The development is larger than dwelling size and provides the following:</p> <ul style="list-style-type: none"> a) temporary or permanent accommodation b) care from on-site staff to persons requiring supervision, treatment and/or specialist care.
There is no applicable rule.	<p>C2</p> <p>Where the development does not meet the requirements of C1, the development provides the following:</p> <ul style="list-style-type: none"> a) shelter, support, supervision and/or treatment for residents; b) cooking, dining, laundry, cleaning and other facilities on a shared basis.
There is no applicable rule.	<p>C2A</p> <p>Residential care accommodation meets all of the following:</p> <ul style="list-style-type: none"> a) demonstrates need for an environment isolated from urban areas b) need for isolated facilities must be for demonstrated health or community safety reasons c) the reasons are to be contained in a report endorsed by a suitably qualified medical professional who has expertise regarding the conditions proposed to be treated on-site.

Element 2: Building and Site Controls

Intent:

- a) To provide for protection of the general character of the landscape
- b) To reinforce a clear definition between urban and rural landscape to avoid a diminution of the rural setting at the urban interface

Rules	Criteria
2.1 Scale and Type of Development	
There is no applicable rule.	C3 Development is of a scale and type that: <ul style="list-style-type: none">a) requires a large site that is not available within the urban area, orb) requires or would benefit from a non-urban location for reasons of safety or effective operation.

Part A(2) – NUZ2 - Rural Zone

Element 1: Restrictions on Use

Intent:

- a) To provide for uses that are compatible with rural and agricultural amenity

Rules	Criteria
1.1 Outdoor Recreation Facility	
R4 Outdoor recreation facility excludes motor sport facilities, racecourses, stadiums, showgrounds.	This is a mandatory requirement. There is no applicable criterion.

Element 2: Building and Site Controls

Intent:

- a) To conserve and protect the scale of development and rural landscape character

Rules	Criteria
2.1 Siting	
There is no applicable rule.	C6 Building works: a) are essential to the carrying on of a permitted use b) form part of an integrated complex of buildings where there are existing and previously approved buildings.

Part A(3) – NUZ3 - Hills, Ridges and Buffer Areas Zone

Element 1: Restrictions on Use

Intent:

- a) To conserve the significant cultural and natural heritage resources and a diversity of habitats and wildlife corridors.
- b) To provide recreation, environmental education and scientific research opportunities.
- c) To provide for uses which are compatible with rural amenity.

Rules	Criteria
1.1 Outdoor Recreation Facility	
R7 Outdoor recreation facility excludes motor sport facilities, racecourses, stadiums, showgrounds.	This is a mandatory requirement. There is no applicable criterion.

Part A(4) – NUZ4 - River Corridor Zone

Element 1: Restrictions on Use

Intent:

- a) To make provision for commercial, community, recreation and tourist activities directly related to the use of the river
- b) To ensure development is kept to a minimum required to service the visiting public and is confined to the perimeter of environmentally sensitive areas

Rules	Criteria
1.1 Recreational Development	
There is no applicable rule.	C8 Land in the River Corridor Zone is planned, developed and managed as an interconnected open space system within which recreation is a key land use.
There is no applicable rule.	C9 There is a demonstrated need for recreational and associated facilities such as kiosks, and the development does not adversely impact on the environment.
There is no applicable rule.	C10 Unless it requires siting adjacent to the river, development is located at an appropriate distance from the riverbank.
There is no applicable rule.	C11 Intensive riverside recreational uses are only developed where the river and sandy beaches allow safe swimming and where the terrain is suitable for recreation, road access and parking.

Part A(5) – NUZ5 - Mountains and Bushland

Element 1: Restrictions on Use

- a) To provide for tourist facilities that are compatible with the natural character of the landscape
- b) To protect environmentally sensitive areas including water supplies

Rules	Criteria
1.1 Tourist Facility	
There is no applicable rule.	C12 Buildings are low rise with emphasis on integration of the development into the landscape and compatibility with related environmentally sensitive areas. Buildings comprise lodge style and self-contained cabins.
1.3 Environmental Protection	
There is no applicable rule.	C15 Development is kept to the minimum required to support land management activities and to service the visiting public and where possible confined to the perimeter of environmentally sensitive areas or to adjacent areas.

Part B – General Development Controls

Part B provides the general development controls applicable to all the Non-Urban zones.

Element 1: Restrictions on Use

Intent:

- a) To protect natural site characteristics, visual diversity and the general character of the landscape
- b) To ensure development does not result in degradation of vegetation or soils or have another unacceptable environmental impact on the locality or adjacent water bodies

Rules	Criteria
1.1 Adjunct Uses	
There is no applicable rule.	<p>C16</p> <p>Subject to any requirements of the National Capital Plan, the following developments may be permitted where they are adjunct to the primary permitted use of the land:</p> <ul style="list-style-type: none"> a) Educational establishment b) Cultural facility c) COMMUNITY USE d) Scientific research establishment e) Farm tourism f) Other rural business
1.2 Assessment of Environmental Effects	
There is no applicable rule.	<p>C17</p> <p>The application for development is accompanied by an Assessment of Environmental Effects (section 120(f) <i>Planning and Development Act 2007</i>) addressing, but not limited to, the following:</p> <ul style="list-style-type: none"> a) the amount of traffic likely to be generated and the likely impacts on the road system b) impacts on the amenity of surrounding land uses c) impacts on the role and character of the hills and ridges as a visual backdrop d) impacts on rural character e) provision of landscaping f) impacts on water supply catchments g) impacts of earthworks or rehabilitation works on soil stability and quality.

Rules	Criteria
1.3 Plans of Management	
There is no applicable rule.	C18 Where relevant, the proposed development is consistent with the approved plan of management.

Element 2: Building and Site Controls

- a) To ensure that development limits adverse impact on the environment
- b) To provide for the future viability of agricultural land

Rules	Criteria
2.1 Demolition	
R19 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: <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. 	C19 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> .

Rules	Criteria
2.2 Subdivision	
<p>R20</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>
2.3 National Capital Plan	
<p>There is no applicable rule.</p>	<p>C21</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 development is in character with the rural setting and views from public places to regional features.
- b) To protect the amenity of users with regard to safety, access and security measures.

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 Building Design and Materials	
<p>There is no applicable rule.</p>	<p>C22</p> <p>The development is compatible with the surrounding landscape through sympathetic placement and form of buildings and appropriate materials.</p>

Rules	Criteria
There is no applicable rule.	C23 Materials and finish are of earth tones with low reflectivity.
3.2 Crime Prevention through Environmental Design	
There is no applicable rule.	C24 The development meets the requirements of the ACT Crime Prevention Through Environmental Design General Code.
3.3 Access and Mobility	
There is no applicable rule.	C25 The development meets the requirements of the Access and Mobility General Code.
3.4 Location Requirements for Community and Recreation Facilities	
There is no applicable rule.	C25A The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.

Element 4: Parking and Access

- a) To ensure safe and efficient parking
- b) To ensure adequate parking facilities are provided

Rules	Criteria
4.1 Parking and Access	
There is no applicable rule.	C26 Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.
There is no applicable rule.	C27 Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code.

Element 5: Amenity

Intent:

- a) To provide for protection of the natural character of the landscape

Rules	Criteria
5.1 Signs	
There is no applicable rule.	C28 Signs comply with the Signs General Code.
There is no applicable rule.	C29 Advertising signs are not large, obtrusive or incompatible with the rural character of the locality.
5.2 Lighting	
R30 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard AS1158.3.1 <i>Pedestrian Lighting</i> .	C30 External lighting is provided in accordance with the ACT Crime Prevention and Urban Design Resource Manual.
R31 All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	C31 All lighting, including security and car park lighting, is designed to minimise light spill.

Element 6: Environment

Intent:

- a) To protect woodlands, native grasslands, forests and waterways
- b) To provide for maintenance and strengthening of tree cover along stream and on hills and ridges

Rules	Criteria
6.1 Heritage	
<p>R32</p> <p>This rule applies to land containing places or objects registered or provisionally registered under Part 6 of the <i>Heritage Act 2004</i>. The authority shall refer a development application to the Heritage Council.</p> <p>Note: The authority will consider any advice from the Heritage Council before determining the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
6.2 Water Use	
<p>There is no applicable rule.</p>	<p>C33</p> <p>Where relevant, development complies with the requirements of the Water Use and Catchment General Code.</p>
6.3 Erosion and Sediment Control	
<p>R34</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>C34</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>R35</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>C35</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>

Rules	Criteria
6.4 Contamination	
<p>R36</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>C36</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>
6.5 Hazardous Materials	
<p>R37</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> <p>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</p> <p>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</p> <p>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>* construction date means the date when the Certificate of Occupancy was issued</p>	<p>C37</p> <p>If an endorsed Hazardous Materials Survey is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
6.6 Trees	
<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"> 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>
6.7 Bushfire Risk Mitigation	
<p>There is no applicable rule.</p>	<p>C39</p> <p>Where relevant, development complies with the requirements of the Planning for Bushfire Risk Mitigation General Code.</p>

Element 7: Site Services

Intent:

- a) To ensure the extent of change and nature of landscape works minimises adverse impact on adjacent land

Rules	Criteria
7.1 Waste Management	
<p>R40</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>C40</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 Servicing and Site Management	
<p>R41</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>C41</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>R42</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><i>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</i></p>	<p>C42</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
There is no applicable rule.	C43 Septic systems are approved by the relevant authority.