

Planning and Development (Technical Plan Variation—Residential Zones Code) Notice 2008 (No 2)*

Notifiable instrument NI2008–542

Technical Variation No 2008-10

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

This instrument (and the plan variation in it) commences on the day after it is notified.

Variation No 2008–10 to the Territory Plan has been approved by the Planning and Land Authority

The variation specifies minor amendments to the Single Dwelling Housing Development Code and the Multi-Unit Housing Development Code as detailed in Annexure A.

Jacqui Lavis
Delegate of the Planning and Land Authority

17 November 2008

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



Planning & Development Act 2007

**Technical Amendment
to the Territory Plan
Code Variation
V2008-10**

Amendments to the
Single Dwelling Housing Development Code and
Multi-unit Housing Development Code

November 2008

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1. INTRODUCTION

Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Land Act 2007* establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

Technical amendments to the Territory Plan are prepared in accordance with the *Planning and Development Act 2007* (the Act). A code variation is a technical amendment that

- (i) would only change a code; and
- (ii) is consistent with the policy purpose and policy framework of the code; and
- (iii) is not an error variation.

Following the release of the code variation under section 90 of the Act, submissions from the public are invited. At the conclusion of the limited consultation period, any representations are considered by the ACT Planning and Land Authority (the Authority). The Authority then determines a day when the code variation is to commence by way of a Commencement Notice.

2. EXPLANATORY STATEMENT

Background

The ACT Planning and Land Authority, with reference to comments received from industry and the community, have been working to ensure that the new Territory Plan (2008) is as easy to interpret as possible. This process has identified some parts of the Residential Zones - Single Dwelling Housing Development Code and Residential Zones - Multi-unit Housing Development Code that could be reworded to clarify uncertainties within the codes. Some changes outlined below have been proposed to reduce the requirements imposed on single dwelling developments.

Proposed Changes and Reasons

A. No Apartments on consolidated standard blocks - reword *Multi-unit Housing Development Code* at Part A(1) R2 and Part A(2) R10.

Variation to the Territory Plan V200 (the Garden City Variation) brought in changes in 2002/03 that restricted multi-unit development in suburban areas and amended the requirements for multi-unit development in suburban core areas. In 2006-07, an evaluation of the Garden City provisions was undertaken which included consultation

with the ACT community. The recommendations were included in the consultation process for the restructured Territory Plan and were subsequently incorporated into the Territory Plan that came into effect on 31 March 2008.

The recommendations included a proposal to require new dwellings to have direct access to ground level private open space, which would effectively prevent apartment-style developments. This requirement was intended to apply to all land previously used for single dwelling purposes in the RZ2 zone (i.e standard blocks). However, the original drafting of the 31 March 2008 version of the Territory Plan had the unintended effect of applying the restriction to all residential zones, not just the RZ2 zone, as well as all blocks, not just standard blocks and the consolidation of standard blocks.

Technical Amendment V2008-02 addressed this issue by amending the wording so that it was only applicable to RZ1 and RZ2 zones and moved the restriction to the zone specific controls to make it clearer. The definition of 'apartment' within the Territory Plan means 'a dwelling located within a building containing two or more dwellings and is not an attached house'. Following this, attached house means 'a dwelling within a building containing two or more dwellings where each dwelling has within its curtilage open space at ground level and private access for the exclusive use of the occupants of the dwelling'. Therefore attached houses are permitted in the RZ2 zone but apartments are not.

The wording of the new rule R10 (b) in V2008-02 makes it unclear whether the rule applies to standard blocks and also the consolidation of standard blocks, as was intended. This code variation proposes to clarify that the rule is intended to apply to standard blocks and blocks resulting from the consolidation of standard blocks but not to non-standard blocks (i.e. existing and planned multi-unit sites as well as sites not previously used for residential purposes).

B. Compact Block provisions – reword *Single Dwelling Housing Development Code* at Part C (3).

Part C(3) of the Single Dwelling Code is currently only applicable to compact blocks (blocks with an area of 250m² or less) in RZ1 – Suburban and RZ2 – Suburban Core Zones. This code variation will amend the title and introduction to clarify that the compact block provisions are applicable in all residential zones and not just in RZ1 and RZ2.

C. Building Height provisions – reword *Single Dwelling Housing Development Code* at Part A(1)-A(4) and *Multi-unit Housing Development Code* at Part A(1)-A(4).

The proposed changes to the wording will improve consistency between the height provisions for each residential zone.

D. Standard Block and Consolidated Standard Blocks provisions – reword *Single Dwelling Housing Development Code* at Part A(1) R4, Part A(2) R6A & R7 and *Multi-unit Housing Development Code* at Part A(1) R6.

To ensure the consistency of the provisions applying to standard blocks also applying to blocks resulting from the consolidation of standard blocks, the rules referred to above will be amended. This change is consistent with the policy intent of these provisions.

E. Interface between walls provision - reword *Multi-unit Housing Development Code* at Part C(1) R68 & R69

The proposed changes will clarify the requirements for the interface between walls and bring it closer to what was included in the previous Territory Plan. The diagrams from the previous Territory Plan will also be added to illustrate these requirements. A reference to the new diagram will also be added to R69

F. Supportive Housing provisions - reword *Multi-unit Housing Development Code* at Part D R260 & R261.

To clarify the requirements applicable to supportive housing, the current R260 will be reworded so that it applies to all blocks in all residential zones as well as making reference to the Access and Mobility General Code. R261 will be reworded to apply to standard blocks as well as blocks resulting from the consolidation of standard blocks in RZ1.

G. Side Setback provisions - reword *Single Dwelling Housing Development Code* at Part C(1), Table 4, R32, Figures C1, C2 & C3 and *Multi-unit Housing Development Code* at Part C(1), Table 4, R56 & Figure C1

The proposed changes will clarify the requirements for setbacks to screened decks and bring it closer to what was included in the previous Territory Plan. Changes to Figures C1, C2 & C3 will also clarify what is meant by FZ, PBZ and RZ.

H. Building Envelope provisions - reword *Multi-unit Dwelling Housing Development Code* at Part C(3), Element 2, R106 & R108

As it is unclear that the building envelope relates only to the side and rear boundaries, the proposed changes will clarify that the structures can not encroach into the front zone.

I. Entity referrals – reword *Single Dwelling Housing Development Code* at Part B R28

To reduce the amount of documentation that is required to be submitted for single dwelling applications, changes are proposed to the Code. The requirement to get clearance from the gas utility provider is proposed to be removed from the Code.

J. Erosion and Sediment Control provisions – reword *Single Dwelling Housing Development Code* at Part B, R23 & 24.

Changes are proposed to the Code to provide clearer guidance regarding the documentation that is required to be submitted for single dwelling applications.

K. Waste Management provisions – reword *Single Dwelling Housing Development Code* at Part B, R26 and *Multi Unit Housing Development Code* at Part B, R50.

To reduce the amount of documentation that is required to be submitted for development applications, changes are proposed to the code. This will require a waste management endorsement from Territory and Municipal Services only when a development will generate a total of 20 cubic metres or greater of demolition waste for single residential development, and a total of 20 cubic metres or greater of demolition and/or construction waste and/or excavation material for multi unit development.

L. Water Sensitive Urban Design requirements – reword *Multi Unit Housing Development Code* at Part B, Element 6 R47, R48, C48 & R49.

The current wording for the Water Sensitive Urban Design – Stormwater Quality and Quantity provisions means it applies to all developments on sites greater than 2000m². Amendments to the rules and criteria will make it consistent with the provisions in the WaterWays: Water Sensitive Urban Design General Code which makes it applicable to all residential developments with 3 or more dwellings.

M. Width of garage – reword *Multi Unit Housing Development Code* at Part C(1), Element 4 R84.

While the intent of R84 is to restrict the width of a garage, the 6m external width of the garage has been raised as being too restrictive for standard double garages. This technical amendment proposes to add a maximum garage opening width.

N. Associated changes – changes will be made to the subtitles and page numbers contained in the contents pages for the *Single Dwelling Housing Development Code* and the *Multi-unit Dwelling Housing Development Code* to reflect the changes outlined above.

3. TECHNICAL AMENDMENT

Variation to the Territory Plan Single Dwelling Housing Development Code

Amend the Territory Plan at Part 3.2, Residential Zones - Single Dwelling Housing Development Code as follows:

- 1) At Introduction – Structure of Codes - substitute the existing dot point titled ‘Part C(3) Single dwelling housing – Compact Blocks in New Estates’ with the following:

Part C(3) Single dwelling housing – Compact Blocks in New Estates provide the controls for single dwelling housing on residential blocks with a site area of 250m² or less in new estates.

- 2) At Part A(1) – RZ1 – Suburban Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
<p>R2</p> <p>Buildings do not exceed 2 storeys.</p> <p>On a <i>standard block</i> attics or basement car parking are not permitted where they are located directly above or below any 2 storey element of the dwelling.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

- 3) At Part A(2) – RZ2 – Suburban Core Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
<p>R5</p> <p>Buildings do not exceed 2 storeys. An attic and/or basement may be permitted in addition to 2 storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

- 4) At Part A(2) – RZ2 – Suburban Core Zone - substitute the existing section 2.3 titled ‘Plot Ratio on Standard Blocks’ with the following:

Rules	Criteria
2.3 Plot Ratio	
<p>R6A</p> <p>Maximum site density, on a standard block (or a block resulting from the consolidation of these blocks), does not exceed a plot ratio of 50%</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

- 5) At Part A(2) – RZ2 – Suburban Core Zone - substitute the existing section 4.1 titled ‘Vehicle Access’ with the following:

Rules	Criteria
4.1 Vehicle Access	
<p>R7</p> <p>On a standard block (or a block resulting from the consolidation of these blocks), ramps accessing basement car parking are not permitted forward of the building line, where the block is less than 30 m wide. Ramps comply with the relevant Australian Standard.</p>	<p>C7</p> <p>Ramps to be limited in their extent to maintain streetscape amenity and allow safe and efficient vehicle and pedestrian movement.</p>

- 6) At Part A(3) – RZ3 – Urban Residential Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
R8 Buildings do not exceed 2 storeys. An attic and/or basement may be permitted in addition to 2 storeys.	This is a mandatory requirement. There is no applicable criterion.

- 7) At Part A(4) – RZ4 – Medium Density Residential Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
R10 Buildings do not exceed 3 storeys. An attic and/or basement may be permitted in addition to 3 storeys.	This is a mandatory requirement. There is no applicable criterion.

- 8) At Part B – General Development Controls – in the existing section 6.3 titled ‘Erosion and Sediment Control’ substitute R23 and C23 with the following:

Rules	Criteria
6.3 Erosion and Sediment Control	
R23 For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the <i>Best Practice Guidelines – Prevent Pollution From Residential Building Sites, March 2006</i> .	C23 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> .

- 9) At Part B – General Development Controls - substitute the existing section 7.1 titled ‘Waste Management’ with the following:

Rules	Criteria
7.1 Waste Management	
<p>R26</p> <p>Where the development will generate a total of 20 cubic metres or greater of demolition waste, 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>C26</p> <p>Development is in accordance with the current version of the <i>Development Control Code for Best Practice Water Management in the ACT</i>. If the development will generate a total of 20 cubic metres or greater of demolition waste and 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> for assessment against the above code.</p>

- 10) At Part B – General Development Controls - substitute the existing section 7.3 titled ‘Utilities’ with the following:

Rules	Criteria
7.2 Utilities	
<p>R28</p> <p>A Statement of Compliance from each relevant utility provider (for water, sewerage, electricity and stormwater) 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 1: If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMS (Asset Acceptance) is not required to be obtained</p> <p>Note 2: Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions</p>	<p>C28</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>

11) At Part C – Single Dwelling Housing –substitute the final sentence with the following:

Part C(3) provide the controls for single dwelling housing on residential blocks with a site area of 250m² or less in new estates.

12) At Part C(1) – Single Dwelling Housing - substitute note ‘*’ under ‘Table 4: Side Setbacks for Upper Floors (refer Figures C1-3)’ with the following:

* Where design incorporates blank walls, windows with sill heights ≥ 1.7m from the floor, windows with permanently fixed panes of obscure glass or screened decks.

13) At Part C(1) – Single Dwelling Housing - substitute the existing section 2.3 titled ‘Rear Setback’ with the following:

Rules	Criteria
2.3 Rear Setback	
<p>R32</p> <p>Rear setbacks are a minimum of:</p> <ul style="list-style-type: none"> a) 3 m to the lower floor level b) 6m* or 9m** to the upper floor level. c) Refer Figures C1-3 <p>* Where design incorporates blank walls, windows with sill heights ≥ 1.7m from the floor, windows with permanently fixed panes of obscure glass or screened decks</p> <p>** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.</p>	<p>C32</p> <p>Buildings and other structures are sited and reflect residential (suburban) scale, height and length to ensure:</p> <ul style="list-style-type: none"> a) sufficient spatial separation between adjoining developments b) the protection of a reasonable amount of privacy and solar access to the dwelling (or adjacent dwellings) and outdoor spaces (or adjacent outdoor spaces).

14) At Part C(1) – Single Dwelling Housing - substitute the existing figures titled ‘Figure C1 Setbacks – Front Boundary less than 15m wide’, ‘Figure C2 Setbacks – Front Boundary more than 15m wide’ and ‘Figure C3 Setbacks – Corner Blocks’ with the following figures (one per page):

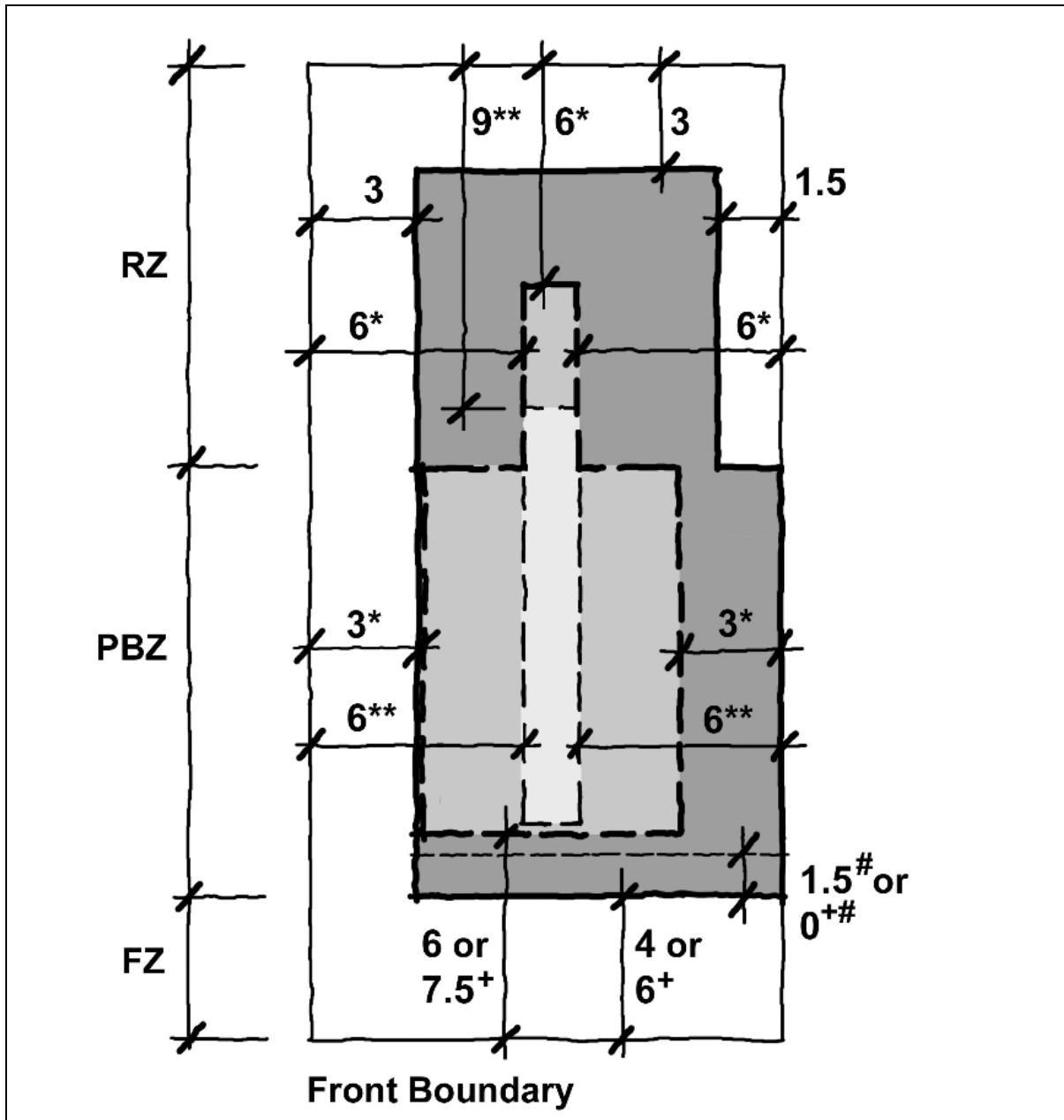


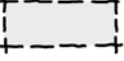


Figure C1 Setbacks - Front Boundary less than 15m wide

	Lower Floor Level Setbacks	
	Upper Floor Level Setbacks	* Where design incorporates blank walls, windows with sill heights > 1.7m, windows with permanently fixed panes of obscure glass or screen walls.
	Upper Floor Level Setbacks	** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.
<p>+ Front setbacks on blocks in subdivisions approved prior to 18 October 1993.</p> <p># Front street setback to garages (refer Table 2)</p>		
RZ = Rear Zone	PBZ = Primary Building Zone	FZ = Front Zone

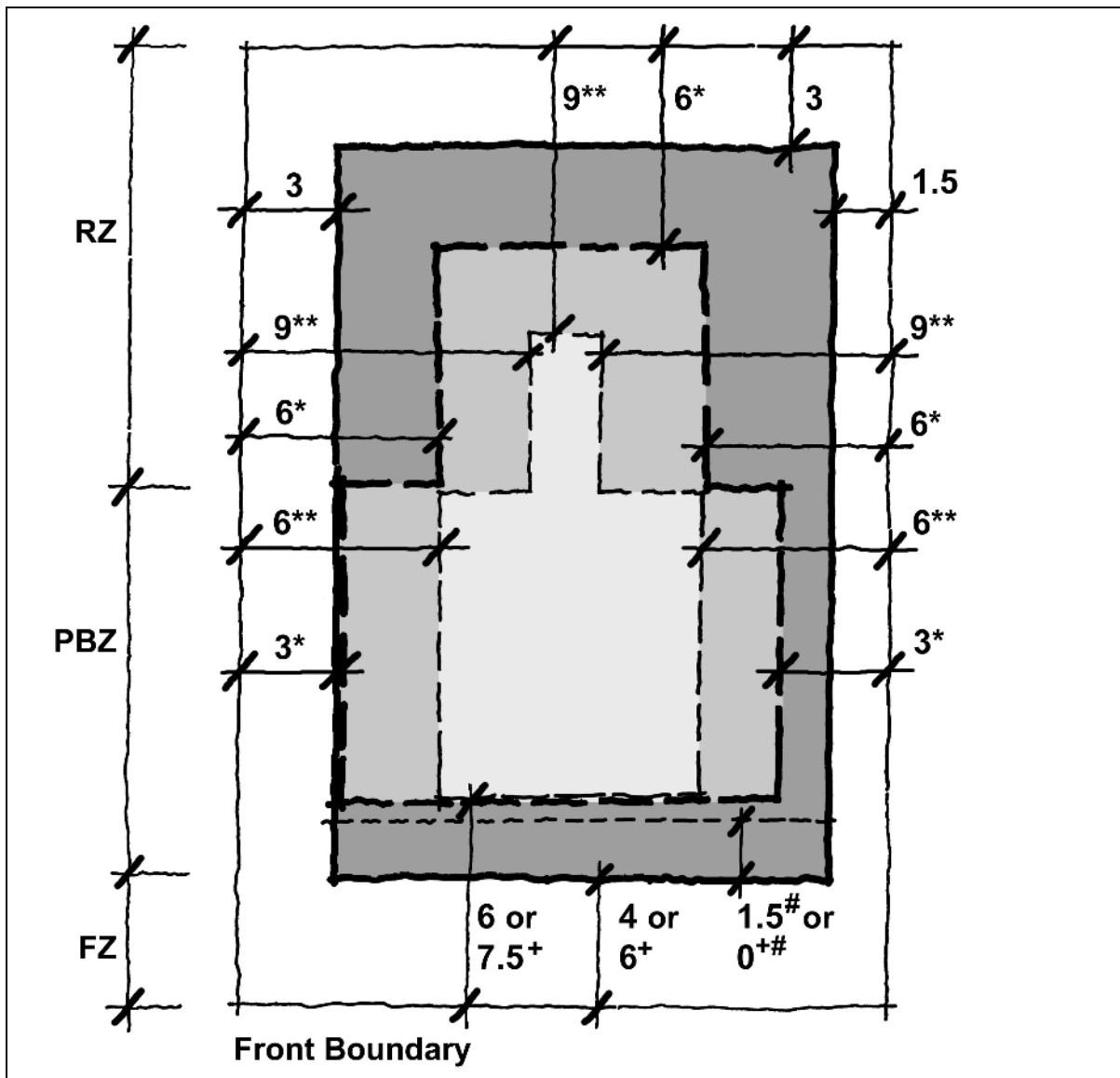





Figure C2 Setbacks - Front Boundary more than 15m wide

	Lower Floor Level Setbacks	
	Upper Floor Level Setbacks	* Where design incorporates blank walls, windows with sill heights > 1.7m, windows with permanently fixed panes of obscure glass or screen walls.
	Upper Floor Level Setbacks	** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.
<p>† Front setbacks on blocks in subdivisions approved prior to 18 October 1993. # Front street setback to garages (refer Table 2)</p>		
RZ = Rear Zone	PBZ = Primary Building Zone	FZ = Front Zone

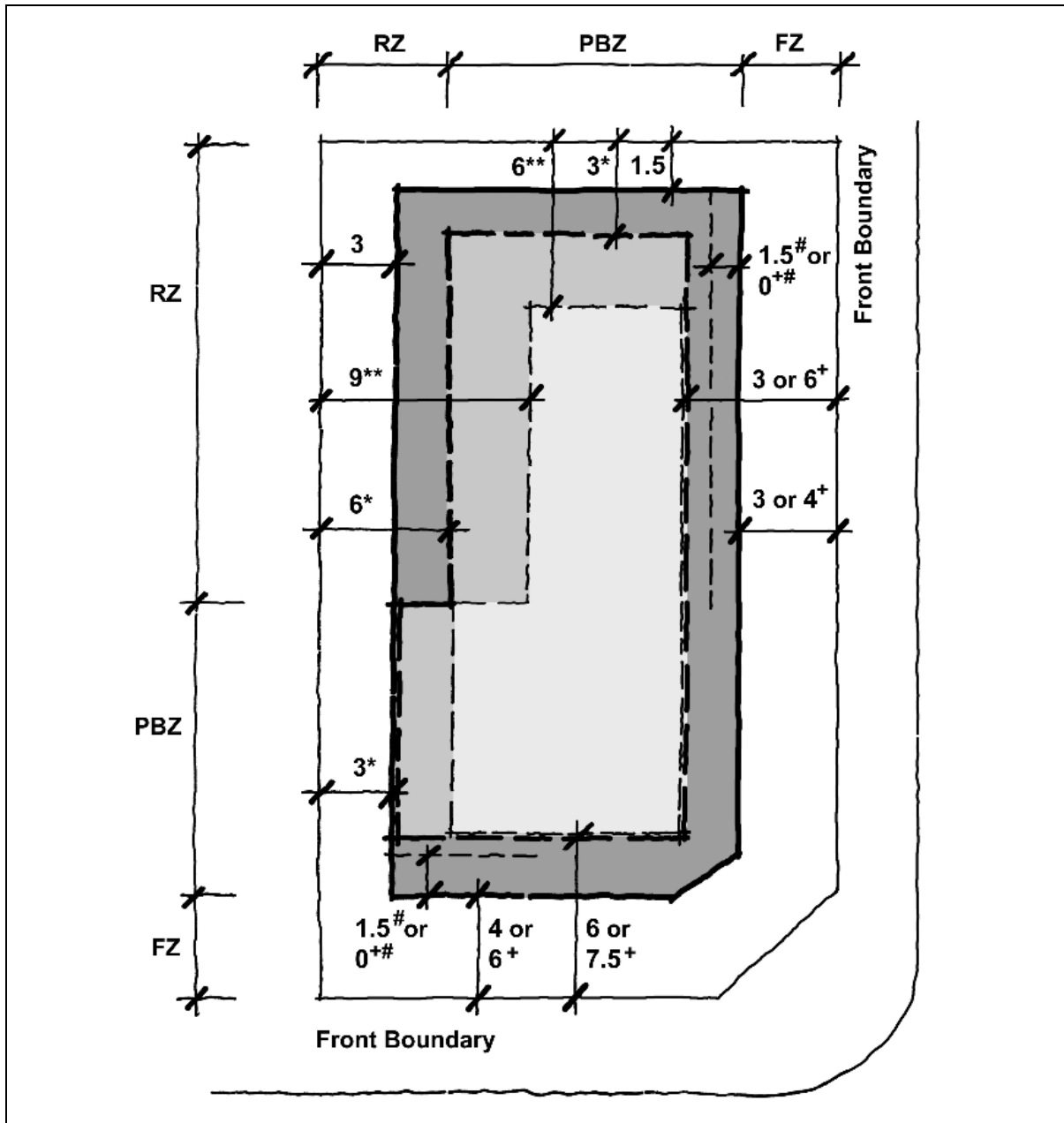


Figure C3 Setbacks - Corner Blocks

	Lower Floor Level Setbacks	
	Upper Floor Level Setbacks	* Where design incorporates blank walls, windows
	Upper Floor Level Setbacks	** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.
<p>+ Front setbacks on blocks in subdivisions approved prior to 18 October 1993. # Front street setback to garages (refer Table 2)</p>		
RZ = Rear Zone	PBZ = Primary Building Zone	FZ = Front Zone

- 15) At Part C(3) – Single Dwelling Housing – Compact Blocks in New Estates, RZ1 – Suburban and RZ2 Suburban Core Zones - substitute the heading and first two paragraphs with the following:

Part C(3) - Single Dwelling Housing - Compact Blocks in New Estates

This part of the Code applies to development applications for single dwelling housing on Compact Blocks, ie. blocks having a site area 250m² or less. Part B of the Code also applies. Part A of the Code does not apply.

Residential compact blocks provide opportunities within Residential Zones for small household blocks of up to, and including, 250m². Residential compact blocks aim to increase the range of housing alternatives in new estates and entry price points to meet the diverse housing requirements of the Canberra community. Single dwelling housing on compact blocks is one tool for the delivery of affordable housing.

- 16) Update the Single Dwelling Housing Development Code Contents page.

Variation to the Territory Plan Multi-unit Housing Development Code

Amend the Territory Plan at Part 3.3, Residential Zones – Multi-unit Housing Development Code as follows:

17) At Part A(1) – RZ1 – Suburban Zone - substitute the existing section 1.2 titled ‘Additional Dwellings on a Standard Block’ with the following:

Rules	Criteria
1.2 Additional Dwellings on a Standard Block	
<p>R2</p> <p>On a standard block (or a block resulting from the consolidation of these blocks):</p> <p>a) the maximum number of dwellings permitted is two, unless the development is for the purpose of supportive housing.</p> <p>b) no new apartments are permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

18) At Part A(1) – RZ1 – Suburban Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
<p>R5</p> <p>Buildings do not exceed 2 storeys.</p> <p>Attics or basement car parking are not permitted where they are located directly above or below any 2 storey element of the dwelling.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

19) At Part A(1) – RZ1 – Suburban Zone - substitute the existing section 2.2 titled ‘Height of Dwelling/s at the Rear of Block’ with the following:

Rules	Criteria
2.2 Height of Dwelling/s at the Rear of Block	
<p>R6</p> <p>On a standard block (or a block resulting from the consolidation of these blocks), multi unit housing that does not directly front a public road from which vehicular access is permitted is single storey with no basement car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

20) At Part A(2) – RZ2 – Suburban Core Zone - substitute the existing section 1.1 titled ‘Additional Dwellings on a Standard Block’ with the following:

Rules	Criteria
1.1 Additional Dwellings on a Standard Block	
<p>R10</p> <p>On a standard block (or a block resulting from the consolidation of these blocks):</p> <p>a) the maximum number of dwellings permitted is three, unless the block boundary fronting a street from which vehicular access is permitted is greater than 20m wide.</p> <p>b) no new apartments are permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

21) At Part A(2) – RZ2 – Suburban Core Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
<p>R13</p> <p>Buildings do not exceed 2 storeys. An attic and/or basement may be permitted in addition to 2 storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

22) At Part A(3) – RZ3 – Urban Residential Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
<p>R18</p> <p>Buildings do not exceed 2 storeys. An attic and/or basement may be permitted in addition to 2 storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

23) At Part A(4) – RZ4 – Medium Density Residential Zone - substitute the existing section 2.1 titled ‘Height’ with the following:

Rules	Criteria
2.1 Height	
R22 Buildings do not exceed 3 storeys. An attic and/or basement may be permitted in addition to 3 storeys.	This is a mandatory requirement. There is no applicable criterion.

24) At Part B – General Development Controls - substitute the existing section 6.4 titled ‘Contamination’ with the following:

Rules	Criteria
6.4 Contamination	
R42 For all residential developments with 3 or more dwellings, or sites that are located adjacent to a potentially polluting source (including a service station), 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 Policy 2000</i> , and it is demonstrated that the land is suitable for the proposed development	C25 For all residential developments with 3 or more dwellings, or sites that are likely to have contaminated groundwater due to location adjacent to a potentially polluting source (including a service station), 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> .

25) At Part B – General Development Controls - substitute the existing section 6.8 titled ‘Water Sensitive Urban Design – Stormwater Quality’ and existing section 6.9 titled ‘Water Sensitive Urban Design – Stormwater Quantity’ with the following:

6.8 Water Sensitive Urban Design – Stormwater Quality and Quantity	
R47 Evidence is provided that demonstrates that for all developments with 3 or more dwellings, 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.
R48 Evidence is provided that demonstrates that for all developments with 3 or more dwellings, a reduction in average annual stormwater pollutant export load of:	C48 For all developments with 3 or more dwellings the development is demonstrated to achieve a reduction in average annual stormwater pollutant export load of:

<p>a) suspended solids by 60%</p> <p>b) total phosphorous by 45%</p> <p>c) total nitrogen by 40%</p> <p>using the MUSIC model to demonstrate compliance.</p>	<p>a) suspended solids by 60%</p> <p>b) total phosphorous by 45%</p> <p>c) total nitrogen by 40%</p> <p>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.</p>
<p>R49</p> <p>Evidence is provided that shows that all developments with 3 or more dwellings achieves 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 or TAMS OSD spreadsheet, to demonstrate compliance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

26) At Part B – General Development Controls - substitute the existing section 7.1 titled ‘Waste Management’ with the following:

Rules	Criteria
7.1 Waste Management	
<p>R50</p> <p>Where the development will generate a total of 20 cubic metres or greater of demolition and/or construction waste and/or excavation material, 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>C50</p> <p>Development is in accordance with the current version of the <i>Development Control Code for Best Practice Water Management in the ACT</i>. If the development will generate a total of 20 cubic metres or greater of demolition and/or construction waste and/or excavation material and 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> for assessment against the above code.</p>

27) At Part C(1) – Multi Unit Housing - substitute note ‘*’ under ‘Table 4: Side Setbacks for Upper Floors (refer Figure C1)’ with the following:

* Where design incorporates blank walls, windows with sill heights $\geq 1.7\text{m}$ from the floor, windows with permanently fixed panes of obscure glass or screened decks.

28) At Part C(1) – Multi Unit Housing - substitute the existing section 2.3 titled ‘Rear Setback’ with the following:

Rules	Criteria
2.3 Rear Setback	
<p>R56</p> <p>Rear setbacks are a minimum of:</p> <ul style="list-style-type: none"> a) 3 m to the lower floor level b) 6m* or 9m** to the upper floor level. c) Refer Figures C1-3 <p>* Where design incorporates blank walls, windows with sill heights ≥ 1.7m from the floor, windows with permanently fixed panes of obscure glass or screened decks</p> <p>** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.</p>	<p>C56</p> <p>Buildings and other structures are sited and reflect residential (suburban) scale, height and length to ensure:</p> <ul style="list-style-type: none"> a) sufficient spatial separation between adjoining developments b) the protection of a reasonable amount of privacy and solar access to the dwelling (or adjacent dwellings) and outdoor spaces (or adjacent outdoor spaces).

29) At Part C(1) – Multi Unit Housing - substitute the existing figure titled ‘Figure C1 Setbacks’ with the following figure (all on the same page):

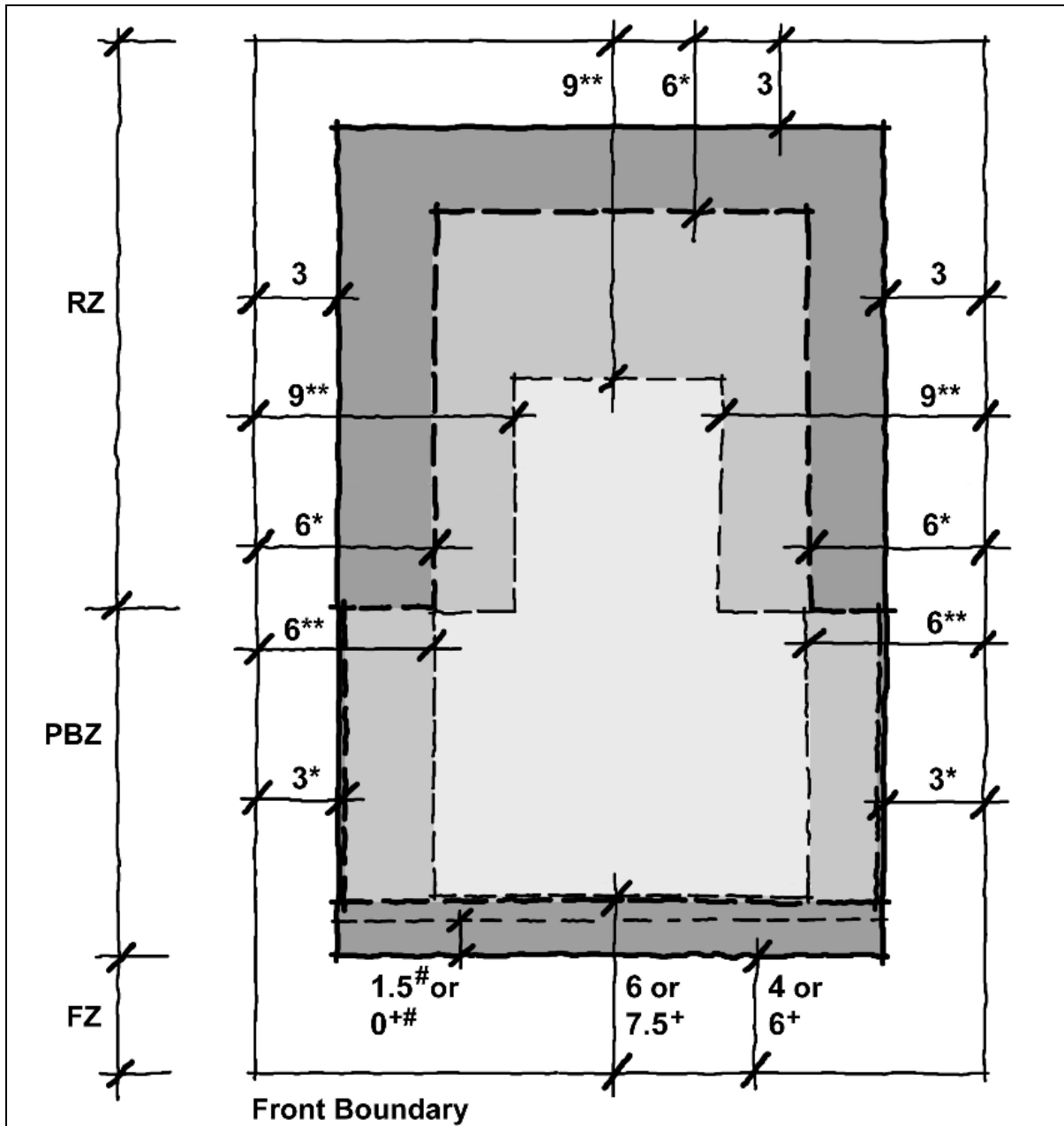





Figure C1 Setbacks

	Lower Floor Level Setbacks	
	Upper Floor Level Setbacks	* Where design incorporates blank walls, windows with sill heights > 1.7m, windows with permanently fixed panes of obscure glass or screen walls.
	Upper Floor Level Setbacks	** Where design incorporates other walls, outer faces or unscreened decks, balconies and external stairs.
<p>+ Front setbacks on blocks in subdivisions approved prior to 18 October 1993. # Front street setback to garages (refer Table 2)</p>		
RZ = Rear Zone	PBZ = Primary Building Zone	FZ = Front Zone

30) At Part C(1) – Multi Unit Housing - substitute R68, C68, R69 and C69 in the existing section 3.3 titled ‘Interface’ with the following:

<p>R68</p> <p>The minimum interfacing distance (refer figure C1A):</p> <p>a) of balconies, unscreened decks or windows (other than fixed obscure glazing) or glazed doors to a habitable room in a dwelling from the external wall of any other dwelling on the subject site is:</p> <p>(i) 6 m if both dwellings at lower floor level and a screen wall provided</p> <p>(ii) 12 m otherwise</p> <p>(iii) or where the external wall of the other dwelling is a blank wall and is not located to the north, north-east or north-west of the first dwelling, the minimum distance is:</p> <p>i. 3 m if external wall at lower floor level</p> <p>ii. 6 m if external wall at upper floor level</p> <p>b) of windows to other than habitable rooms and fixed obscure glazing from the external wall of any dwelling on the subject site is:</p> <p>(i) 1.5 m if both dwellings at lower floor level</p> <p>(ii) 3 m otherwise</p> <p>c) between blank walls of dwellings on the subject site where a party wall is not provided is 1 m.</p>	<p>C68</p> <p>The dwellings are to be designed and located to:</p> <p>a) receive adequate daylight and sunlight</p> <p>b) protect the living rooms of adjacent dwellings on the subject site from direct overlooking.</p>
<p>R69</p> <p>Outlook from windows, balconies, stairs, landings and decks or other private, communal or public areas within a development are designed, screened or obscured to prevent overlooking of more than 50% of the private open space of another dwelling on the same block (refer figure C1A)</p>	<p>C69</p> <p>Direct overlooking of private open spaces of other dwellings is limited by building layout, location and design of windows and balconies, screening devices and landscape, or remoteness.</p>

31) At Part C(1) – Multi Unit Housing – insert the following diagram under section 3.3 titled ‘Interface’:

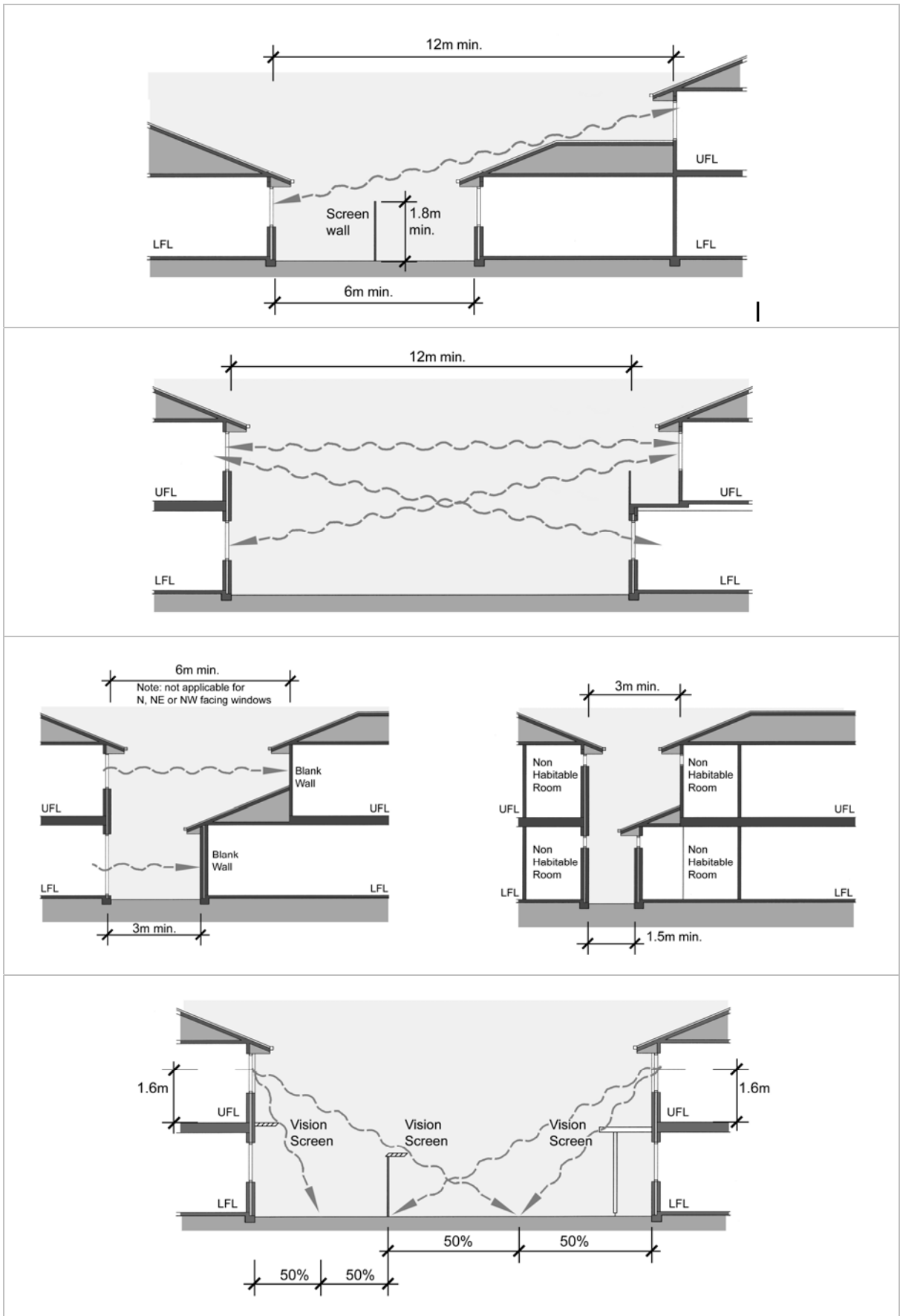


Figure C1A - Setbacks

32) At Part C(1) – Multi Unit Housing – substitute R84 and C84 in the existing section 4.2 titled ‘Parking’ with the following:

Rules	Criteria
4.2 Parking	
<p>R84</p> <p>The maximum total width of garage door openings and external width of carports is 6m, or 50% of the frontage of the dwelling, whichever is less.</p>	<p>C84</p> <p>Parking complies with the requirements of the Parking and Vehicular Access General Code and ensures:</p> <ul style="list-style-type: none"> a) the amenity of neighbouring residential areas and streetscapes is not unacceptably affected by the provision of parking and access b) no traffic hazards are created by the provision of access and parking facilities for a development c) the safety of all users, especially pedestrians and cyclists, is considered d) the creation of community surveillance of car parking areas by people using neighbouring areas e) parking generated by a development does not unacceptably affect the safe and efficient functioning of traffic and access to neighbouring areas f) adequate supply of parking for the level of demand generated by the development g) safe and efficient access for all users, with the needs of residents and visitors being catered for by the on-site provision of adequate parking.

33) At Part C(3) – Multi Unit Housing – Inner North Canberra and Gungahlin District – RZ3 and RZ4 Zones - substitute the existing sections 2.3 titled ‘Side and Rear Setbacks’ and 2.4 titled ‘Building Envelope’ with the following:

2.3 Side and Rear Setback	
R106 A minimum side boundary setback of 1 m where the wall is not built to the boundary.	This is a mandatory requirement. There is no applicable criterion.
R107 Where upper floor levels contain windows with a sill height of less than 1.7 m, or have unscreened decks, balconies or external stairs, the minimum rear and side setbacks are 9 m at the second storey and 12 m at any level at or above three storeys.	C107 Setbacks are progressively increased as the height of the wall/building increases so that the built form does not adversely impact on the amenity of neighbouring properties and the streetscape by means such as: a) reducing building bulk; b) minimising the length and height of boundary walls; c) providing sufficient spatial separation between upper floor levels of adjoining development d) protecting a reasonable amount of privacy and solar access to adjacent dwelling and their associated private open space
2.4 Building Envelope (in relation to side and rear boundaries)	
R108 a) The following building elements may extend within the minimum side or rear setback or extend beyond the building envelope (provided the distance of the building element to the boundary is not less than 1 m): i) Fascias, gutters, downpipes ii) Eaves up to 0.75 m wide iii) Masonry chimneys, flues, pipes iv) Domestic fuel tanks v) Cooling or heating appliances or other services b) Development that may extend within the minimum side or rear setback, without restriction, are: i) Pergolas, screens or sunblinds ii) Light fittings, electricity connections	C108 Structures are sited and reflect residential (suburban) scale, height and length to ensure: a) sufficient spatial separation between adjoining developments b) the protection of a reasonable amount of privacy and solar access to the dwelling (or adjacent dwellings) and outdoor spaces (or adjacent outdoor spaces)

iii) Unroofed terraces, landings, steps or ramps not more than 1m in height	
There is no applicable rule.	<p>C109</p> <p>Building to the boundary may be considered where the walls are limited in length and height and where it is demonstrated that building to the boundary is necessary to maximise privacy for neighbouring dwellings and their associated private open space</p>

34) At Part D – Development Type Controls – Other Forms of Residential Development and Non-Residential Development - substitute R260 and R261 in the existing section 1.6 titled ‘Supportive Housing’ with the following:

<p>R260</p> <p>All dwellings for the purpose of supportive housing are designed to meet the relevant Australian Standard for adaptable housing and any relevant considerations in the Access and Mobility General Code</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R261</p> <p>In the RZ1 Zone, on a standard block (or a block resulting from the consolidation of these blocks), the maximum plot ratio is 35% where supportive housing is included on the block.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

35) Update the Multi-Unit Housing Development Code Contents page.

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