

Australian Capital Territory

Planning and Development (Draft Variation No 303) Consultation Notice 2010

Residential Zones Development Codes and Lease Variation General Code

Notifiable instrument NI2010–323

Made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

Draft Variation No. 303 to the Territory Plan (see ***Annexure A***) proposes revising the residential zones objectives and development tables, replacing the single dwelling housing development code and the multi unit housing development code, introducing a new residential zones development code and a new lease variation general code, and making changes to the definitions.

You can get copies of draft variation documents:

- online at www.actpla.act.gov.au (note free internet access is available at ACT public libraries)
- at ACTPLA's customer service centre, 16 Challis Street, Dickson between 8.30am and 4.30pm

Written comments from the public are invited by **COB Monday 23 August 2010**.

Comments should include reference to the draft variation, a return postal address and be addressed to Manager, Development Policy Section.

Comments can be:

- delivered to ACTPLA's customer service centre at the above address
- mailed to ACTPLA, GPO Box 1908, Canberra ACT 2601
- emailed to terrplan@act.gov.au

Copies of comments received will be made available for public inspection at ACTPLA's customer service centre in Dickson during business hours for no less than 15 working days after the closing date.

The draft variation does not have interim effect and therefore section 65(3) of the *Planning and Development Act 2007* does not apply. The current Territory Plan will continue to apply while the variation remains in draft form

Kelvin Walsh
Delegate of the ACT Planning and Land Authority

23 June 2010



Planning & Development Act 2007

Draft
Variation to the
Territory Plan
Number 303

Residential development and leasing codes:
Replacement of residential zones objectives,
development tables, and housing development codes
Introduction of Residential Zones Development Code
and Lease Variation General Code
Amendment of Parking and Vehicular Access General
Code

June 2010

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1. INTRODUCTION

1.1 Summary of the Proposal

The purpose of this draft variation is to:

- revise the residential zones objectives
- replace the residential zones development tables with revised versions.
- introduce a Residential Zones Development Code
- introduce a Lease Variation General Code
- replace the current Single Residential Housing Development Code with a new version
- replace the current Multi-unit Housing Development Code with a new version
- add provisions relating to student accommodation to the Parking and Vehicular Access General Code

1.2 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 Development Act 2007* (the P&D Act) establishes the ACT Planning and Land Authority (ACTPLA) as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones; precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the P&D Act. Following the release of the draft variation under section 63 of the P&D Act, submissions from the public are invited. At the conclusion of the consultation period, the ACTPLA submits a report on consultation and a recommended final variation to the Minister for Planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly Standing Committee on Planning, Public Works and Territory and Municipal Services is warranted prior to approval, depending on the nature and significance of the proposal. If the draft

variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts:

- Part 1 - This **introduction**.
- Part 2 - An **explanatory statement**, which gives reasons for the proposed variation and describes its effect.
- Part 3 - The **draft variation**, which details the proposed changes to the Territory Plan.

1.4 Public Consultation

Comments from the public are invited on the draft variation. Subject to consideration of responses received, the ACTPLA proposes to submit this draft variation to the Minister for Planning in accordance with the P&D Act.

The documents relating to this draft variation may be obtained from:

- www.actpla.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/current_territory_plan_variations
- ACTPLA's Customer Service Centre, 16 Challis Street, Dickson between 8:30am to 4:30pm weekdays.

Note that free internet access is available at all ACT Public Libraries.

Written comments from the public are invited on the draft variation by **COB 23 August 2010**. Comments should include reference to this draft variation, a return postal address.

Comments may be submitted via

- Manager, Development Policy Section
GPO Box 1908, Canberra ACT 2601
- ACTPLA's Customer Service Centre (at address above)
- terrplan@act.gov.au

Copies of all written comments received from the public will be made available for public inspection at the ACTPLA's Customer Service Centre, Dickson, during normal office hours for a period of not less than 15 working days after the closing date listed above.

2. EXPLANATORY STATEMENT

2.1 Background

As part of the reform of the ACT planning system, a restructured Territory Plan came into effect on 31 March 2008. Residential housing codes were reformatted, but no significant policy changes were made, in response to a commitment by the ACT government at the time.

In 2009 the ACT Planning and Land Authority (ACTPLA) commenced a general review of the policy content of the Territory Plan, including policy relating to all forms of development in residential zones. The desirability of a general code applicable to the varying of leases also emerged during this process.

In response to broad commitments made by the ACT Government, a key focus of the Territory Plan review is improving solar performance, particularly of housing. The policy initiatives contained in this draft variation, and the separate but related draft variation containing the Estate Development Code (DV301), are based largely on a comprehensive review of solar access policy undertaken by ACTPLA in 2009.

The commencement date referred to in this document is the date on which this variation comes into force. It is nominated by the Minister for Planning following his approval of the variation and its passage through the Legislative Assembly, as outlined in section 1.2 above.

In this document, unless the context suggests otherwise, R1, R2, R3 ... refer to rules consecutively numbered in a code. Similarly C1, C2, C3 ... refer to criteria.

2.2 Current Territory Plan provisions

Planning controls for residential zones are found in section 3 of the Territory Plan. Each zone has a list of zone objectives and a development table. Two development codes are pertinent – Single Residential Housing Development Code and Multi-unit Housing Development Code. Provisions for non-residential

development in residential zones are found in the Multi-unit Housing Development Code.

2.2.1 Zone objectives

Zone objectives provide context to the formulation of proposals to vary the plan, including the preparation of codes. Their key role is in the assessment of development proposals in the merit and impact tracks under sections 120 and 129 of the P&D Act.

2.2.2 Development tables

Under section 54 of the P&D Act development tables have four functions:

1. identify the minimum assessment track (ie code, merit or impact) applicable to a particular proposal
2. identify development that is exempt from requiring development approval
3. identify development that is prohibited
4. specify the code relevant to a particular development proposal.

Currently the Territory Plan contains a development table for each residential zone.

2.2.3 Single Dwelling Housing Development Code

The current Single Dwelling Housing Development Code applies to development for single dwelling housing in residential zones, commercial zones and NUZ2 rural zone.

2.2.4 Multi-unit Housing Development Code

The current Multi-unit Housing Development Code applies to chiefly multi unit housing in residential zones. Part C(5) of the code applies to multi unit housing in commercial zones, and part D applies to non-residential development (eg. home business) and other forms of residential development (eg. supportive housing).

2.2.5 Definitions

Definitions of terms used in the Territory Plan are found in section 13 of that plan, in the P&D Act and in the P&D Regulation.

2.2.6 Parking and Vehicular Access General Code

The Parking and Vehicular Access General Code contains, among other things, parking provision rates for particular types of development, sometimes by locality.

2.3 Summary of key changes

2.3.1 Zone Objectives

Zone objectives have been modified to more fully describe the “desired character” of urban development in each zone, and to recognise the importance of good solar access. The objectives for RZ1, for example, reflect that the nature of initial development is low rise and predominantly low density and, once the pattern of urban development is established, that this pattern should be protected. The protection of the established pattern is an indication of “desired character”, which is defined under this draft variation as follows

desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives

Many of the criteria found in the proposed development codes list “consistency with the desired character” as a matter to be considered when determining whether that criterion is achieved. Because “desired character” relates to the zone objectives, it is important that these objectives make a clear statement of the “desired character” of each zone. In some zones, notably RZ1, the desired character will ordinarily be a continuation of the current pattern of development. By contrast, the desired character in other zones, such as RZ4, may reflect quite a different form of urban development, ie higher density housing.

The objective of promoting good solar access is proposed to apply to all residential zones.

The proposed residential zones objectives are at **Appendix A**.

2.3.2 Development tables

It is proposed to replace the current development tables. Their layout is similar to the current tables, with the following key changes.

Code track

The list of development under the code track is expanded to include the following types of lease variations

1. expressing the number of units (dwellings)
2. removing easements (with the relevant approvals)
3. authorising a secondary residence

Assessment is to be made under the proposed lease variation general code, which is part of this draft variation.

Merit track

An updated list of development in the merit track takes account of changes in development definitions associated with this draft variation. For example, the list reflects the proposal to replace the terms “relocatable unit” and “habitable suite” with “secondary residence”, as described in section 2.3.3 below.

Prohibited development

Development and use listed under prohibited development in the development table cannot be added to a lease as a permitted use or, in the case of unleased territory land, a development application cannot be lodged for a prohibited use or development.

Two items are proposed to be removed from the list of prohibited development – “MAJOR UTILITY INSTALLATION” (an umbrella term) and “playing field”. Whilst unusual in a residential zone, major utility installations are not inconsistent with zone objectives. By removing this use from prohibited development and not adding it to the merit track list (as proposed), any development application will be considered under the impact track and thus subject to an environmental impact statement.

Playing field is removed because it is a type of “outdoor recreation facility” which is already listed as a prohibited use.

Leasehold

The proposed development tables acknowledge the role of leases in the regulation of land use in the Territory. The current tables give the impression that an assessable development (ie a development in either the code, merit or impact track) is permitted, subject to a development application. In fact, a development is permitted only where it is authorised by a lease. A note has been added under the “Assessable Development” heading to this effect.

Conversely, all development not authorised by a lease is prohibited. Accordingly a note has been added to the “Prohibited Development” list advising that the uses listed cannot be added to a lease. This is a more accurate reflection of the role of leases in authorising development.

Code relevant to a particular development proposal

For the purpose of specifying the codes relevant to a specific development proposal, the proposed development tables refer to the Residential Zones Development Code. As outlined in the next section, this code contains rules and criteria relevant to certain development proposals or refers to other codes such as the Multi-unit Housing Development Code or Single Dwelling Housing Development Code.

The proposed residential development tables are at **Appendix A**.

2.3.3 Residential Zones Development Code

The proposed Residential Zones Development Code is an entirely new code which is intended to be the overarching code for all development in residential zones. It largely contains provisions transferred from other codes, notably from part D of the current Multi-unit Housing Development Code. In many cases they have been reworded for clarity and consistency without significantly altering the underlying policy. Notable exceptions are the introduction of controls for “secondary residences” and “student accommodation” which are found in part B of the new code.

“Secondary residences” are a new form of residential development replacing the current “relocatable units” and “habitable suites”. A secondary residence can only be associated with an existing single dwelling. It is restricted to a gross floor area of 70m², to large blocks (ie over 500m²) and cannot be further subdivided (including subdivision under the *Unit Titles Act*). There is no restriction on the type of occupant of a secondary residence. A resident does not need to be a relative of the residents of the principal dwelling, nor does the resident need to be under any particular type of care.

“Student accommodation” is also addressed in the draft code and seeks to provide for the increasing demand for the accommodation of students. It includes provisions for the location and size of accommodation units, individual or common study area, meals, laundry, storage, open space and recreational facilities. Special parking provisions for student accommodation will be added to the Parking and Vehicular Access General Code through this draft variation.

Following an introduction and a list of relevant codes, the draft code contains the following parts:

Part A - Residential Housing Development

Part B – Other Forms of Residential Development

Includes controls applicable to other forms of residential development, such as supportive housing, secondary residences and student housing.

Part C – Demolition

Part D – Subdivision

Contains provisions relating to residential subdivision that are not covered by the Estate Development Code (ie. subdivisions that do not involve the provision of public infrastructure).

Part E – Non-Residential Development

Includes controls applicable to forms of non-residential development located in residential zones, such as home business.

The draft Residential Zones Development Code is at **Appendix B**.

2.3.4 Single Dwelling Housing Development Code

A new Single Dwelling Housing Development Code is proposed to replace the current code of the same name. All rules and criteria have been reviewed and many re-worded for clarity and consistency.

The major policy change is the introduction of solar access provisions that limit overshadowing of neighbouring residential properties.

From 1 July 2010, amendments to the Building Code of Australia will require all new single dwelling houses to achieve an energy rating equivalent to at least a 6 star energy rating. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency. Provisions in the draft code that limit the overshadowing of residential blocks will facilitate passive solar design (see the discussion under “building envelopes” below).

The following elements contain provisions with major or notable policy implications.

Element 1: Building and site controls

These controls seek to achieve a built form that is compatible with the desired character of the zone, with reasonable access to sunlight, reasonable privacy and limited overshadowing of neighbouring residential properties.

Plot ratio

R1 retains a maximum 50% plot ratio for large *single dwelling blocks*. The term *single dwelling block* replaces the term *standard block* but, because single dwelling block encompasses all blocks originally leased or used for single residential purposes, rather than just those over 500m², the rule now contains reference to large blocks.

The relevant new definitions are -

Large block means a block with an area of 500m² or greater

Mid-sized block means a block with an area of 250m² or greater but less than 500m²

Compact block means a block with an area less than 250m²

Single dwelling block means a block with one of the following characteristics

- a) originally leased or used for the purpose of single dwelling housing
- b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing

Building envelopes

R5 to R10 introduce a building envelope designed to restrict overshadowing of neighbouring properties to no more than the shadow cast by a 1.8m fence on the boundary. The building envelope on the northern boundary of an adjoining residential block (or the southern boundary of the block in question) is formed by a plane from a line 1.8m above the boundary at the apparent sun angle at noon on the winter solstice (21 June). Whilst the actual sun angle is at 32° to the horizontal at noon on the winter solstice, the apparent angle changes according to the orientation of the boundary, up to 41° where the boundary is 45° to the east or west of north. Table 1 of the code lists the apparent sun angle according to boundary orientation.

On other side and rear boundaries the building envelope is defined by planes at 45° from a line 3.5m above the boundary. In a departure from the current code, this approach does not distinguish between principal building zone and rear building zone (although this distinction remains for the purposes of boundary setbacks). The changed policy effectively allows for additional building bulk adjacent to boundaries other than the northern boundary of an adjoining residential block subject, of course, to boundary setback and building height controls.

These provisions apply to

- all large blocks (ie 500m² or larger)
- all blocks in the Molonglo Valley
- all blocks in any subdivision approved on or after the commencement date of this variation

They do not apply to mid-sized blocks approved before the commencement date. The current provisions apply in this case.

No building envelopes currently apply to compact blocks. This policy is retained in the new code for blocks approved before the commencement date. However,

the new building envelopes will apply to all compact blocks approved on or after the commencement date.

Setbacks

R14 largely retains current front boundary setbacks except that the upper level from boundary setback for blocks approved before 18 October 1993 is reduced from 7.5m to 6m, which is consistent with upper level front boundary setbacks applying to all other residential blocks.

Similarly R15 retains most side boundary setbacks. Among the major change is a nil setback for garages to one side boundary for large blocks, provided that the total length of the garage wall on the boundary does not exceed 8m. Garages at nil setbacks are commonly approved, but currently only as departures from the current 1.5m minimum setback. This change will allow for complying proposals with nil setbacks to garages to be exempt from development approval.

On mid-sized blocks an allowance is made for a nil upper floor level side boundary setback where the proposed building is part of an integrated housing development.

Setbacks to unscreened elements

Provisions applying to the separation of *unscreened elements* (see definition below) are currently not consistent across the Territory Plan. For example the minimum separation for buildings with 4 storeys is 12m while the upper floor level separation for smaller buildings is 18m. The new provisions will introduce a consistent approach to this issue.

Side and rear boundary setbacks associated with R15 are based on a 12m separation between *unscreened elements* at *upper floor levels*, ie a 6m boundary setback.

Unscreened element means unscreened windows, decks, balconies and external stairs

Upper floor level (UFL) means a finished floor level, which is greater than 1.8 metres above datum ground level at any point

General

Other elements largely retain previous provisions, with most amended for clarity and consistency.

Document

The draft Single Dwelling Housing Development Code is at **Appendix C**.

2.3.5 Multi-unit Housing Development Code

The current Multi-unit Housing Development Code is proposed to be replaced by a new code of the same name. As a result of a thorough review of the code, many rules and criteria have re-worded for clarity and consistency.

From 1 July 2010, amendments to the Building Code of Australia will require all new multi unit housing to achieve at least the equivalent of a 6 star energy rating on average, with no dwelling achieving an energy efficiency of less than the equivalent of 5 stars. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency. Provisions in the draft code that limit the overshadowing of residential blocks will facilitate passive solar design (see the discussion under “building envelopes” below).

The following elements contain provisions with major or notable policy implications.

Part A – General controls

Element 1: Restrictions on use

Minimum block size for dual occupancy in RZ1

R1 contains a significant departure from the current code in that it reduces the minimum size of a *single dwelling block* for *dual occupancy* in RZ1 from 800m² to 700m².

This policy change was first proposed in 1994 under *Residential redevelopment review* (also known as the Lansdown Report).

It was subsequently proposed in the “garden city” variation (DV200) in 2002 but not progressed due, at least in part, to concerns raised by the public.

In 2004 the ACT Government adopted *The Canberra Spatial Plan*. One of its key goals is to create and maintain a healthy community, and among the related actions is a review of residential policies to address the need for “small scale residential development within existing suburbs to provide affordable and adaptable housing and allow ageing in place” (spatial plan p.37). A reduction in the minimum block size for dual occupancy development is consistent with *The Canberra Spatial Plan* by making many more blocks in established areas available for additional housing, and achieving a greater dispersal of dual occupancy housing.

Table 1 shows the current block sizes by zone. It shows that 20,003 additional blocks will be available for dual occupancy development in RZ1 should the current 800m² threshold be reduced to 700m² as proposed. This is in addition to 44,488 blocks currently available for this form of development.

Table 1: ACT block size by zone

block size (m ²)	number					proportion of total (%)				
	RZ1	RZ2	RZ3	RZ4	RZ5	RZ1	RZ2	RZ3	RZ4	RZ5
500 - 599	3728	600	1226	64	0	4.87	4.93	51.40	10.67	0
600 – 699	8287	1239	555	92	0	10.83	10.18	23.27	15.33	0
700 - 799	20003	3489	234	119	3	26.15	28.66	9.81	19.83	2.91
800 - 1199	37821	5802	267	148	36	49.44	47.67	11.19	24.67	34.95
1200 - 1399	3226	398	23	13	12	4.22	3.27	0.96	2.17	11.65
1400 +	3441	644	80	164	52	4.50	5.29	3.35	27.33	50.49
Totals	76506	12172	2385	600	103	100	100	100	100	100

Minimum block size for dual occupancy and multi-unit housing in RZ2

R2 applies to RZ2. For reasons similar to those applying to R1, the draft code seeks to reduce the minimum block size for dual occupancies in RZ2 from 800m² to 700m², and for multi-unit housing with three dwellings or more, from 1400m² to 1200m². **Table 1** shows that an additional 398 blocks will be available for development for three or more dwellings in RZ2 if the threshold is reduced from 1,400m² to 1,200m². This figure does not include blocks resulting from the consolidation of smaller blocks.

R3 maintains the current rule which effectively restricts multi-unit housing development with 3 or more dwellings to blocks (or the consolidation of blocks) with a frontage of more than 20m in established areas.

Element 3: Building and site controls

Plot ratio – RZ1

R9 introduces a *plot ratio* of 50% for multi-unit housing on *large blocks* in RZ1, other than *single dwelling blocks*. Currently, instead of *plot ratio* controls, the bulk and scale of buildings is determined by a combination of building height and setback controls. In keeping with the objectives and *desired character* of the RZ1 zone, a *plot ratio* of 50% is proposed. This achieves a more lineal progression from RZ1 (50%), to RZ2 (65%), to RZ3 (80%), even though RZ1 and RZ2 share a two storey limitation on building height. In some cases this rule may result in lower dwelling yields on blocks initially set aside for multi-unit housing development in green field areas, to be balanced against increased block open space.

Building envelopes

R15 to R18 introduce a building envelope for multi-unit housing with three storeys or less similar to the building envelope applying to single residential housing described above.

Privacy

The consistent approach to the separation of unscreened elements (such as windows to living areas and balconies), described in 2.3.4 above, is applied in the draft multi unit code. R46 and R47 apply the principle of a 12m separation between certain unscreened elements to dwellings on the same block, in addition to boundary setback provisions that achieve the same separation across boundaries.

In a departure from the current code, the measurement of separation for privacy is based on a person's standing vantage point (ie. an eye height of 1.5m). This allows for a variety of vantage points to be assessed, notably from a balcony. It also allows for lines of sight away from the horizontal (eg. from an upper floor balcony to another dwelling's principal private open space).

Principal private open space

R44 and the associated Table A5 prescribe minimum areas of private open space based on the principle that private open space should increase with dwelling size (number of bedrooms) and should be larger in lower density residential zones (eg RZ1 and RZ2).

Principal private open space means private open space that is directly accessible from a habitable room other than a bedroom.

Approaches to basement car parking

R61 is a new rule that seeks to avoid vehicle conflicts at combined entrance/exits to basement car parking by requiring waiting areas and/or traffic signals.

Delivery and removalist vans

Compared with the current rule, R65 reduces the threshold from 50 dwelling to 40 dwellings in relation to requirements for short stay parking of delivery and removalist vans.

Part B – Additional controls for multi-unit housing with 4 or more storeys

As the name suggests, this part contains additional controls that apply to residential buildings with 4 or more storeys in any zone. The introduction to this part advises that where there is an inconsistency between part A and part B, the provision in part B shall prevail to the extent of that inconsistency.

Element 10: Building and site design

R79 and the associated table B1 specify side and rear boundary setbacks based on the building interface provisions of the current code as shown in figure C3. The revised side and rear boundary setbacks retain the principle that side and rear boundary setbacks should increase with building height for buildings with 4 or more storeys. The new setbacks also assume that there is no need to

distinguish between *external walls* and *unscreened elements* at setbacks of 6m or more, consistent with other similar provisions in the draft code (ie a minimum 12m separation of unscreened elements).

Unscreened element means unscreened windows, decks, balconies and external stairs

External wall means a wall that may also incorporate

- a) windows with sill heights $\geq 1.7\text{m}$ from the floor, or
- b) screened decks, or
- c) fixed pane windows with obscure glass and/or awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal.

Circulation areas

R80 increases the circulation area from 2m x 2m under the current code (Rule 212) to 2.7m x 2.7m to allow better access to lifts.

Part C – Additional controls for multi-unit housing in commercial zones

Part C contains additional controls that apply to residential buildings in commercial zones. It contains only one provision relating to ground floor commercial use. It is consistent with current Rule 178.

Broadly, there are two options for the regulation of building setbacks for residential development in commercial zones. The first, which is adopted by the draft Multi Unit Housing Development Code, is to nominate setbacks to residential buildings in commercial zones that would ordinarily apply in residential zones. Setbacks more typical of commercial zones, including nil front and side boundary setbacks could be applied through precinct codes.

The second option is to make no provision in the draft code for residential buildings in commercial zones. This approach would see residential buildings in commercial zones built to commercial building setbacks, unless overridden by a precinct code.

Document

The draft Multi Unit Housing Development Code is at **Appendix D**.

2.3.6 Lease Variation General Code

The draft Lease Variation General Code seeks to provide a regulatory framework for the assessment of applications to vary leases. Currently such applications are predominantly considered in the merit track and assessed only against the matters listed in s120 of the P&D Act, as follows

120 Merit track—considerations when deciding development approval

In deciding a development application for a development proposal in the merit track, the decision-maker must consider the following:

- (a) the objectives for the zone in which the development is proposed to take place;
- (b) the suitability of the land where the development is proposed to take place for a development of the kind proposed;
- (c) each representation received by the authority in relation to the application that has not been withdrawn;
- (d) if an entity gave advice on the application in accordance with section 149 (Requirement to give advice in relation to development applications)—the entity’s advice;

Note Advice on an application is given in accordance with section 149 if the advice is given by an entity not later than 15 working days (or shorter prescribed period) after the day the application is given to the entity. If the entity gives no response, the entity is taken to have given advice that supported the application (see s 150).

- (e) if the proposed development relates to land that is public land—the plan of management for the land;
- (f) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.

The draft code introduces more specific matters for consideration for particular variations including the provision of car parking, traffic generation, waste management and disposal, and noise generation. It also provides rules by which the following lease variations can be assessed under the code track

- expressing the number of units
- removing easements
- authorising a secondary residence

The draft Lease Variation General Code is at **Appendix E**.

2.3.7 Precinct codes

Both the Multi-unit Housing Development Code and Single Dwelling Housing Development Code make reference at various places to precinct codes. For example, R50 of the Multi-unit Housing Development Code refers to blocks identified in a precinct code as “potentially affected by noise from external sources”.

DV303 does not propose additional precinct codes. These will be added to the Territory Plan in due course, ordinarily through a technical variation associated with lifting the future urban area overlay following approval of the relevant estate development plan.

2.3.8 Definitions

The draft variation seeks to introduce new definitions arising from the proposed codes, delete redundant definitions and modify some current definitions.

Among the new definitions is a definition for *datum ground level*.

Datum ground level means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

This is intended to eventually replace *datum ground level* in many instances throughout the Territory Plan. The new definition establishes a datum at the conclusion of greenfield development in an effort to more accurately reflect the surface condition. This means that the height of building, for example, will henceforth be measured from the surface level immediately following estate development, and will not be affected by subsequent filling or excavation. ACTPLA is currently exploring mechanisms by which datum ground levels can be made publicly available.

Draft changes to the definitions in the Territory Plan are at **Appendix F**.

2.3.9 Parking and Vehicular Access General Code

The draft variation seeks to add parking provision rates for student accommodation to the Parking and Vehicular Access General Code. In summary the proposed parking provisions for student accommodation are:

Civic – nil

Town Centres, Turner, O'Connor, Braddon, Bruce - 0.5 car parking spaces per bedroom, plus 1 car parking space for each on-site employee

Elsewhere – as for multi unit housing.

2.4 Planning context

2.4.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP. ACTPLA is of the view that the draft variation is not inconsistent with the NCP.

2.4.2 Territory Plan

The proposal is consistent with the Territory Plan's Statement of Strategic Directions in terms of environmental, economic and social sustainability, and spatial planning and urban design principles such as:

- reduce energy consumption by solar efficient siting and design of buildings
- support preferred pattern of development and efficient use of land

2.4.3 The Canberra Spatial Plan

The Canberra Spatial Plan outlines the strategic direction for growth to achieve social, environmental and economic sustainability for Canberra. Through the introduction of the proposed codes the following objectives of the plan (Spatial Plan p17) will be advanced:

- provide opportunities for a diverse range of housing for the full range of household types and lifestyle preferences
- facilitate a high quality built environment

2.5 Interim effect

This draft variation does not have interim effect.

2.6 Consultation with government agencies

Under section 61(b) of the P&D Act, ACTPLA is required to consult with each of the following in relation to the proposed draft variation

- i. National Capital Authority
- ii. ACT Conservator of Flora And Fauna
- iii. ACT Environment Protection Authority
- iv. ACT Heritage Council
- v. if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The NCA provided the following comments on 4 June 2010.

The National Capital Authority (NCA) has no objection to Draft Variation 303 proceeding

Response

Noted

Conservator of Flora and Fauna

The Conservator made the following comments on 21 May 2010.

No comment other than to note that statutory provisions for the protection of “protected trees” remain unchanged.

Response

Noted

Environment Protection Authority

The Environment Protection Authority provided the following comments on 28 May 2010

Residential Zones Development Code

Element 13: Home Business

The EPA is supportive of the inclusions in this section that take into account the potential disturbance that a home business might cause to neighbours. (E.g. C61, C63, C64.)

Response

Noted

Element 14: Community Uses

Community activity centres or community halls are often used as function venues which means they have the potential to generate a high level of noise.

When a Development Application for a community hall is referred to the EPA our practice is to request for the applicant to submit a noise management plan. This requirement should most likely be included under this section of the code.

E.g. Rule: "For Community Halls: The application is accompanied by a noise management plan, prepared by a suitably qualified person, and endorsed by the Environment Protection Authority."

Criteria: "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."

Response

A rule and associated criteria has been added. Their focus is on attenuating noise to acceptable levels through the use of suitable building materials and construction techniques. Development approvals cannot deal with the use of buildings or land. Rather, these are matters for the *Environment Protection Act 1997*.

Element 16: Shops

Element 16 should incorporate similar measures to Element 13 in the way of addressing the amenity of the surrounding area. The EPA recommends that noise, odour and light pollution are required to be addressed in development applications for shops. For example, noise from air-conditioning units or odour from kitchen exhausts.

Response

A rule and associated criteria has been added. Their focus is on attenuating noise, odour and light emissions to acceptable levels through the use of suitable building materials and construction techniques. Development approvals cannot deal with the use of buildings or land. Rather, these are matters for the *Environment Protection Act 1997*.

It should be noted that development applications for shops in residential zones are rarely lodged, chiefly because very few leases authorise such a use.

Lease Variation General Code

Element 1: Variations generally

The EPA suggests that a note is inserted beneath the existing criteria explaining what factors contribute to the suitability of land.

For example: "Note: examples that can affect suitability of land for a particular use include land capability, contamination, adjacent uses, heritage, ecology, etc".

At the moment C1 ii) is quite general and it may be helpful for both applicants and assessors to have a list of factors to refer to when addressing this criterion (similar to the inclusion of a note for C2).

It is my understanding that all lease variation proposals are referred to the EPA, although it is unclear what triggers the referral as only the EPA would be able to assess land use suitability in relation to land contamination. In the interests of ensuring that contamination issues are appropriately addressed, please continue to refer lease variation proposals to us unless they only involve technical/minor

changes or adding dual occupancy. Also, please advise of the mechanism in place to ensure this happens (both current and proposed).

Response

A rule and associated criteria has been added. Their focus is on attenuating noise, odour and light emissions to acceptable levels through the use of suitable building materials and construction techniques. Development approvals cannot deal with the use of buildings or land. Rather, matters relating to use, such as operating hours and noise levels from outdoor areas, are regulated under the *Environment Protection Act 1997*.

Element 2: Particular variations

C2 iv) The EPA suggests that this point is expanded to include other issues such as odour and light pollution. As an example, perhaps the wording could say "will not cause pollution such as noise, odour or light that would unreasonably affect the amenity of occupants of dwellings on the block or in close proximity to the block."

Also, please note the suggested change in wording from "occupants of dwellings on the block or on adjoining blocks" to "occupants of dwelling on the block or in close proximity to the block". This is a minor change, but reflects the reality that noise, odour etc can affect people even if they are not immediately adjacent to the source.

C4 iv) The same comments as C2 iv) apply.

Response

Amendments have been made to element 2 of the draft code.

Heritage Council

The Heritage Council provided the following comments on 25 May 2010

...the proposal will not result in adverse heritage impacts.

Response

Noted

Land Custodian

Not applicable to this draft variation.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan is varied as follows

a) Residential Zones

Substitute RZ1, RZ2, RZ3, RZ4 and RZ5 Objectives with the relevant items in Appendix A

Substitute RZ1, RZ2, RZ3, RZ4 and RZ5 Development Tables with the relevant items in Appendix A.

Insert Residential Zones Development Code at Appendix B.

Substitute Residential Zones – Single Dwelling Housing Development Code with Single Dwelling Housing Development Code at Appendix C

Substitute Residential Zones – Multi-unit Housing Development Code with Multi Unit Housing Development Code at Appendix D

b) General Codes

Insert Lease Variation General Code at Appendix E

c) Definitions

Omit the definitions listed in Appendix F1

Substitute the definitions listed in Appendix F2

Insert the definitions listed in Appendix F3

d) Parking and Vehicular Access General Code

i) Replace section 3.1.4 Locational requirements with:

3.1.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operational parking (ie vehicles used directly as part of the operation within the development, eg fleet cars).

Development	Long Stay Parking	Short Stay Parking	Operational Parking
Residential use	On-site	On-site or within 100 metres	On-site
Child care	On-site or adjacent	On-site or within 100 metres	On-site
Residential care accommodation, special dwelling	On-site	On-site or within 100 metres	On-site
Student Accommodation	On-site	On-site or within 100 metres	On-site
All other uses excluding those listed in (i), (ii) and (iii) above	On-site or within 200 metres	On-site or within 100 metres	On-site

ii) Insert at 3.1.5 Schedules of parking provision rates for residential zones, Schedule 1 - Residential zones:

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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Draft Residential Zones Objectives and Development Tables

RZ1 – Suburban Zone

Zone Objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly single dwelling and low density in character
- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

RZ1 – Suburban Zone Development Table

EXEMPT DEVELOPMENT	
On leased land, development must be authorised by a lease. Development Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required. On leased land, development must be authorised by a lease.	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> 1. express the number of units 2. remove easements 3. authorise a secondary residence 	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	residential care accommodation
boarding house	retirement complex
child care centre	sign
community activity centre	single dwelling housing (where not exempt development or code track assessable)
consolidation	secondary residence
demolition	special dwelling
guest house	student accommodation
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
parkland	
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
site identifier	additional development
O'Malley (land edged heavy black in Figure 1)	diplomatic residence chancellery
Turner Block 1 Section 42	COMMUNITY USE
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).	

2.	a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

Development listed below is prohibited development except where it is assessable development listed elsewhere in this development table. (eg. A car park is not prohibited development where it is an ancillary use associated with another assessable development.)

agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
development listed under the heading "area specific prohibited development" below for the sites specified	recyclable materials collection
drink establishment	recycling facility
drive-in cinema	religious associated use
educational establishment	restaurant
emergency services facility	sand and gravel extraction
farm tourism	scientific research establishment
freight transport facility	serviced apartment
funeral parlour	service station
general industry	SHOP
group or organised camp	stock/sale yard
hazardous industry	store
hazardous waste facility	tourist facility
hospital	tourist resort
hotel	transport depot
incineration facility	vehicle sales
indoor entertainment facility	veterinary hospital
indoor recreation facility	warehouse

industrial trades	waste transfer station
land fill site	woodlot
land management facility	variation of a lease to add a use listed as “prohibited development” in this development table.
light industry	zoological facility
Area specific prohibited development	
site Identifier	use
RELEVANT CODE	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

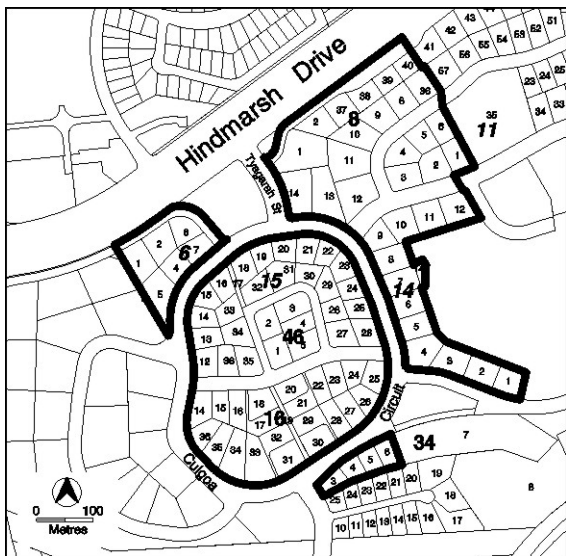


Figure 1 O'Malley

RZ2 – Suburban Core Zone

Zone Objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres
- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Contribute to the support and efficient use of existing social and physical infrastructure and services in residential areas close to commercial centres
- e) Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- f) Provide opportunities for home based employment consistent with residential amenity
- g) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- h) Promote good solar access
- i) Promote energy efficiency and conservation
- j) Promote sustainable water use

RZ2 – Suburban Core Zone Development Table

EXEMPT DEVELOPMENT	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required Development must be authorised by a lease, unless the land is unleased	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> 1. express the number of units 2. remove easements 3. authorise a secondary residence 	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	residential care accommodation
boarding house	retirement complex
child care centre	sign
community activity centre	single dwelling housing (where not exempt development or code track assessable)
consolidation	secondary residence
demolition	special dwelling
guest house	student accommodation
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
parkland	
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
Fisher Section 13 Blocks 1 & 6	COMMUNITY USE
Hackett Section 18 Blocks 4 & 5	
Monash Section 47 Blocks 2, 4 & 5	
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	

1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).
2. a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3. development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4. development that is authorised by a lease and listed as a prohibited use in this table.
5. development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6. varying a lease add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

These uses cannot be added to a lease within a residential zone.
For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.

agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse

land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	
RELEVANT CODE	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

RZ3 – Urban Residential Zone

Zone Objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly medium density in character and particularly in areas that have good access to facilities and services and/ or frequent public transport services
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

RZ3 – Urban Residential Zone Development Table

EXEMPT DEVELOPMENT	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required Development must be authorised by a lease, unless the land is unleased	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> 1. express the number of units 2. remove easements 3. authorise a secondary residence 	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	residential care accommodation
boarding house	retirement complex
child care centre	sign
community activity centre	single dwelling housing (where not exempt development or code track assessable)
consolidation	secondary residence
demolition	special dwelling
guest house	student accommodation
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
parkland	
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
No additional development identified	
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).	

2.	a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

These uses cannot be added to a lease within a residential zone.
For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.

agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot

light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	
RELEVANT CODE	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

RZ4 - Medium Density Residential Zone

Zone Objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is medium rise (maximum three storeys) and predominantly medium density in character and particularly in areas that have very good access to facilities and services and/ or frequent public transport services
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

RZ4 – Medium Density Residential Zone Development Table

EXEMPT DEVELOPMENT	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required Development must be authorised by a lease, unless the land is unleased	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> 1. express the number of units 2. remove easements 3. authorise a secondary residence 	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	residential care accommodation
boarding house	retirement complex
child care centre	sign
community activity centre	single dwelling housing (where not exempt development or code track assessable)
consolidation	secondary residence
demolition	special dwelling
guest house	student accommodation
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
parkland	
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
RZ4 - Inner North Canberra (Figure 1)	business agency office restaurant shop
Barton Section 17 Block 4	restaurant take-away food

MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
1.	a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).
2.	a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.
PROHIBITED DEVELOPMENT	
These uses cannot be added to a lease within a residential zone. For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot

indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	
RELEVANT CODE	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

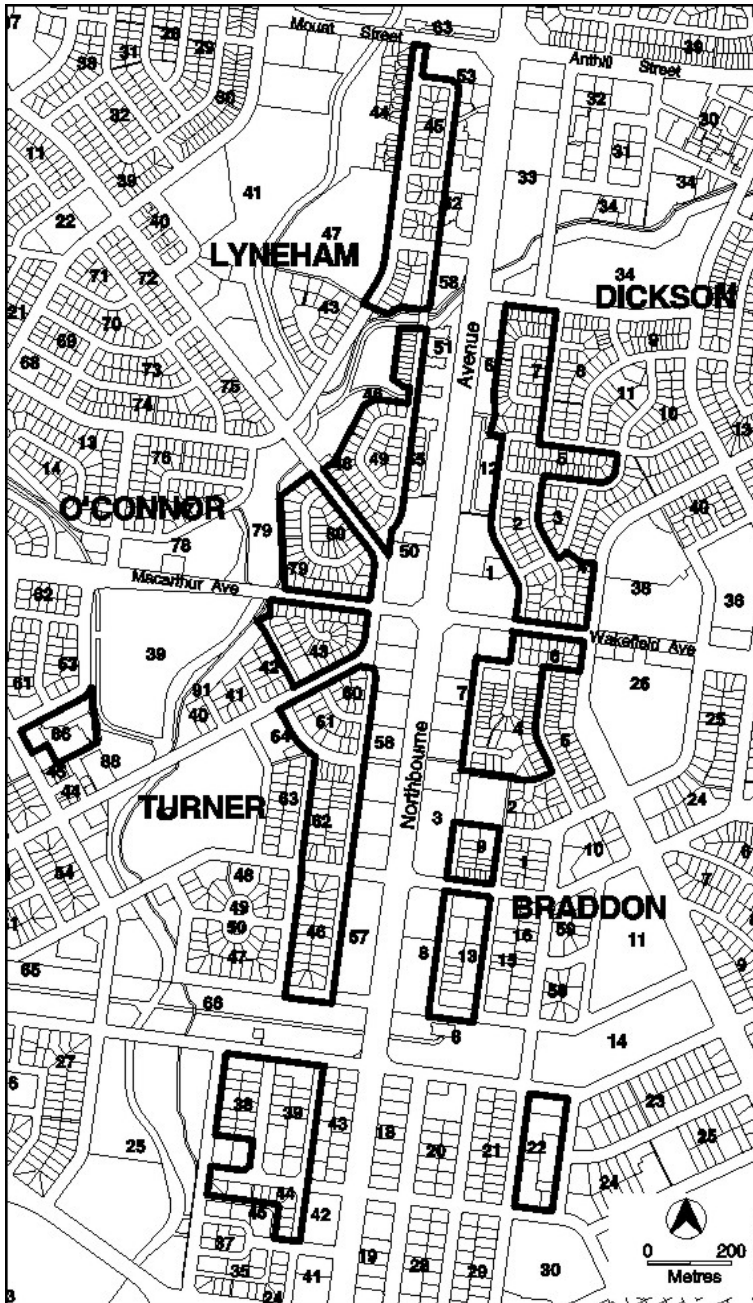


Figure 1 RZ4 - Inner North Canberra

RZ5 - High Density Residential Zone

Zone Objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is generally high density in character and taller than three storeys particularly in areas that have very good access to facilities and services and/ or frequent public transport services
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

RZ5 – High Density Residential Zone Development Table

EXEMPT DEVELOPMENT	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required Development must be authorised by a lease, unless the land is unleased	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> 1. express the number of units 2. remove easements 3. authorise a secondary residence 	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	residential care accommodation
boarding house	retirement complex
child care centre	sign
community activity centre	single dwelling housing (where not exempt development or code track assessable)
consolidation	secondary residence
demolition	special dwelling
guest house	student accommodation
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
parkland	
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
No additional development identified	
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).	

2.	a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

These uses cannot be added to a lease within a residential zone.
For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.

agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot

light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	
RELEVANT CODE	
Development proposals in residential zones must comply with the Residential Zones Development Code.	



Residential Zones Development Code

Draft June 2010

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Introduction

Name

The name of this code is Residential Zones Development Code.

Application

This code applies to all development in the following residential zones

RZ1 – Suburban Zone

RZ2 – Suburban Core Zone

RZ3 - Urban Residential Zone

RZ4 - Medium Density Residential Zone

RZ5 - High Density Residential Zone

National Capital Plan

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 cannot be 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.

Purpose

This code provides additional planning, design and environmental controls to support the objectives of the relevant residential zone.

It will be used by the Authority to assess development applications. It also offers guidance to intending applicants in designing development proposals and preparing development applications, and makes reference to other relevant codes, where appropriate.

Structure

This code has an introduction, a reference to other relevant codes and the following five parts:

Part A – Residential Housing Development makes reference to other development codes for single dwelling housing development and multi-unit housing development, as well as provisions for redevelopment in residential zones.

Part B – Other Forms of Residential Development

Part C – Demolition

Part D – Subdivision contains provisions relating to residential subdivision that are not covered by the Estate Development Code.

Part E – Non-Residential Development provide controls that are applicable to forms of non-residential development located in a residential zone, but only where such uses are authorised by the P&D Act or a *lease*.

Assessment tracks

Assessment track for a particular developments are specified in the relevant residential zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate, through supporting drawings and/or written documentation, that the relevant criterion is satisfied. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

Code hierarchy

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

Definitions

Defined terms, references to legislation and references to other documents are italicised.

Definitions of terms used in parts A, B, C, D and E are listed in the appendix, or appended to the respective rule.

Relevant Development Codes and General Codes

Development codes that may be relevant to certain development or use in the residential zone are marked Y in table A1. Where more than one development code applies, and there is an inconsistency between the provisions of the codes, the residential zones development code shall prevail to the extent of that inconsistency.

Table A1 – Development codes applicable to development and uses in residential zones.

development/ use	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
childcare centre	Y		
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business	Y		
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement complex	Y	Y	
secondary residence	Y		Y
shop	Y		
sign	Y		
single dwelling housing	Y		Y
special dwelling (one dwelling)	Y		Y
special dwelling (more than one dwelling)	Y	Y	
student accommodation	Y	Y	
subdivision	Y		
supportive housing	Y	Y	

In addition to the **development codes** specified above, **general codes** may be relevant. 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
Lease Variation 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

Development must comply with all relevant codes, subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11.

Part A – Residential housing development

This part refers to the relevant codes for single dwelling housing and multi-unit housing development. It also includes controls that apply to the subdivision of existing residential blocks.

Element 1: Single dwelling housing development

Rules	Criteria
1.1 Single dwelling housing development code	
R1 <i>Single dwelling housing</i> complies with the Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

Element 2: Multi unit housing development

Rules	Criteria
2.1 Multi unit housing development code	
R2 <i>Multi unit housing</i> complies with the Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

Element 3: Redevelopment

3.1 Redevelopment generally – RZ1 and RZ2	
There is no applicable rule.	C3 In RZ1 and RZ2, residential re-development on blocks originally used for <i>multi-unit housing</i> may be approved subject to consideration of adverse impacts on adjoining properties resulting from any increase in building bulk.
3.2 Plot ratio – redevelopment	
There is no applicable rule.	C4 On land where a lawfully constructed building exceeds the stipulated maximum plot ratio, a new building or buildings up to the same plot ratio may be permitted provided that all of the following are achieved: a) the development does not involve an increase in the number of dwellings on the site b) there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.
3.3 Number of storeys – redevelopment – RZ1, RZ2, RZ3, RZ4 and RZ5	

<p>There is applicable rule.</p>	<p>C5</p> <p>In all residential zones, where the number of <i>storeys</i> in a lawfully constructed building exceeds the maximum stipulated in the relevant code, a new building or buildings with no more <i>storeys</i> than the existing building may be permitted provided there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</p>
<p>3.4 Height of buildings – redevelopment</p>	
<p>There is no applicable rule.</p>	<p>C6</p> <p>In all residential zones, where a lawfully constructed building exceeds the <i>height of building</i> stipulated in the relevant code, a new building or buildings up to the height of the existing building may be permitted provided there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</p>

Part B – Other forms of residential development

This part applies to development applications for residential development other than *single dwelling housing* and *multi-unit housing* in all residential zones.

Element 4: Supportive housing

Rules	Criteria
4.1 Design and siting	
There is no applicable rule.	<p>C7</p> <p>Buildings accommodating <i>supportive housing</i> achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> d) compatibility with exterior building materials of existing buildings in the locality.
<p>R8</p> <p>All <i>dwellings</i> for the purpose of <i>supportive housing</i> meet both of the following:</p> <ul style="list-style-type: none"> a) Australian Standard <i>AS4299 Adaptable housing</i> (Class C) b) Access and Mobility General Code. 	This is a mandatory requirement. There is no applicable criterion.
<p>R9</p> <p>In RZ1, on a <i>single dwelling block</i> containing <i>supportive housing</i> the maximum <i>plot ratio</i> for the whole block is 35%.</p>	This is a mandatory requirement. There is no applicable criterion.

Element 5: Secondary residences

Rules	Criteria
5.1 Design and siting	
<p>R10</p> <p>A secondary residence is developed only in association with single dwelling housing.</p>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>R11</p> <p>The maximum gross floor area of a secondary residence is 70m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R12</p> <p>The minimum <i>gross floor area</i> of a <i>secondary residence</i> is 40m².</p>	<p>C12</p> <p>A <i>secondary residence</i> is of a size sufficient to meet the needs of a typical resident.</p> <p>Access to facilities shared with the residents of the primary residence within the dwelling such as storage or a laundry may be considered when determining compliance with this criterion.</p>
<p>R13</p> <p>The minimum block size for <i>secondary residence</i> is 500m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R14</p> <p>The <i>plot ratio</i> for all buildings on a block with a <i>secondary residence</i> does not exceed the maximum <i>plot ratio</i> for <i>single dwelling housing</i> on the <i>block</i>, as prescribed in Element 1 of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R15</p> <p><i>Secondary residences</i> comply with Element 1 of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R16</p> <p>No <i>block</i> contains more than one <i>secondary residence</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R17</p> <p>A <i>secondary residence</i> complies with <i>Australian Standard AS 4299 Adaptable housing (Class C)</i>.</p>	<p>C17</p> <p>Secondary residence is easily adaptable to suit the needs of people with disabilities.</p>
<p>There is no applicable rule.</p>	<p>C18</p> <p>The development is consistent with the <i>desired character</i>.</p>
<p>5.2 Subdivision</p>	
<p>R19</p> <p><i>Subdivision</i> to provide separate title to a <i>secondary residence</i>, including <i>subdivision</i> under the <i>Unit Titles Act 2001</i>, is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>5.3 Parking</p>	
<p>R20</p> <p>At least one parking space is provided in addition</p>	<p>This is a mandatory requirement. There is no</p>

Rules	Criteria
to that required for the primary residence.	applicable criterion.
R21 The parking space associated with the <i>secondary residence</i> is not located in the <i>front zone</i> .	This is a mandatory requirement. There is no applicable criterion.

Element 6: Residential care accommodation

Rules	Criteria
6.1 Design and siting	
R22 <i>Residential care accommodation</i> comprising 2 or more <i>dwellings</i> complies with Element 3 of the Multi Unit Housing Development Code, except provisions applying to <i>plot ratio</i> .	This is a mandatory requirement. There is no applicable criterion.
R23 <i>Residential care accommodation</i> comprising one dwelling complies with Element 1 of the Single Dwelling Housing Development Code, except for provisions relating to <i>plot ratio</i> .	This is a mandatory requirement. There is no applicable criterion.
R24 For <i>residential care accommodation</i> developments, the maximum plot ratio is specified in Table B1.	C24 Buildings accommodating <i>residential care accommodation</i> achieve all of the following: <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> d) compatibility with exterior building materials of existing buildings in the locality.
6.2 Distribution	
R25 No <i>section</i> has more than one <i>residential care accommodation</i> development.	C25 <i>Residential care accommodation</i> developments are distributed to protect the amenity of residential areas.

Element 7: Boarding houses

Rules	Criteria
7.1 Design and siting	
<p>R26</p> <p>The minimum <i>gross floor area</i> of a boarding room is:</p> <p>a) for a single occupant – 12m²</p> <p>b) for 2 or more occupants – 16m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R27</p> <p>If a <i>boarding house</i> is to be occupied by five or more adults, at least one communal living room of at least 16m² with a minimum dimension of 3 metres is to be provided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R28</p> <p>The maximum plot ratio for <i>boarding houses</i> is specified in Table B1.</p>	<p>C28</p> <p><i>Boarding houses</i> achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility with exterior building materials of existing buildings in the locality.</p>
<p>R29</p> <p>Except where otherwise provided for above, <i>boarding houses</i> comply with Multi Unit Housing Development Code Elements 3, 4, 6 and 8.</p> <p>Note: Adequate bathroom and kitchen facilities are provided within the boarding house for the use of residents. Individual boarding rooms may have kitchen and/or bathroom facilities, but these are not mandatory.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
7.2 Subdivision	
<p>R30</p> <p>The land is held as a single undivided parcel. <i>Subdivision</i> to provide separate title to an individual boarding room, including subdivision under the <i>Unit Titles Act 2001</i>, is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

7.3 Distribution	
R31 No <i>section</i> has more than one <i>boarding house</i> .	C31 The amenity of the area is protected by restricting the agglomeration of non-residential activities.

Element 8: Student accommodation

Rules	Criteria
8.1 Design and siting	
R32 This rule applies to <i>student accommodation</i> . Accommodation units have following minimum floor areas: a) studio unit (no separate bedroom) - 40m ² b) 1 bedroom - 50m ² c) 2 bedroom - 70m ² d) 3+ bedrooms - 95m ² .	C32 Each <i>student accommodation</i> unit provides sufficient space for a student's needs (i.e. space for a desk and computer, bed, book shelves and other storage).
R33 In buildings containing <i>student accommodation</i> , common indoor living spaces (such as lounges, media rooms, or games rooms) are provided at a rate of not less than 3m ² per student.	C33 Indoor living spaces (including common areas such as lounges, media rooms, or games rooms) meet the reasonable needs of students. The size and configuration of proposed accommodation units may be considered when determining compliance with this criterion.
R34 On blocks containing <i>student accommodation</i> , common open space complies with all of the following: a) an area equivalent to the greater of the following - i) 75m ² ii) 4m ² per student b) a minimum dimension of 3m c) one area to the side or rear of the building complying with all of the following - i) a minimum area of 35m ² ii) a minimum dimension of 5m.	C34 A lesser provision of common open space may be approved where one of the following is achieved: a) communal indoor living spaces are provided in accordance with Rule 33 b) the development is located within one or more of the following: c) Civic or a town centre d) 400m walking distance of a tertiary education institution with outdoor recreation facilities e) 400m walking distance to a town or district park or neighbourhood oval.

Rules	Criteria
<p>R35</p> <p>On blocks containing <i>student accommodation</i>, storage areas comply with all of the following:</p> <p>a) are located to comply with one of the following -</p> <p style="padding-left: 20px;">i) within an accommodation unit</p> <p style="padding-left: 20px;">iii) in a secure location within the development</p> <p>b) minimum volume as follows -</p> <p style="padding-left: 20px;">i) studio unit (no separate bedroom) - 6m³</p> <p style="padding-left: 20px;">iv) 1 bedroom unit - 8m³</p> <p style="padding-left: 20px;">v) 2 bedroom unit - 10m³</p> <p style="padding-left: 20px;">vi) 3 bedroom unit - 12m³.</p>	<p>C35</p> <p>Reasonable storage spaces are provided.</p> <p>Storage opportunities within respective accommodation units may be considered when determining compliance with this criterion.</p>
<p>R36</p> <p>Except where otherwise provided for in this element, <i>student accommodation</i> complies the Multi Unit Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.2 Subdivision	
<p>R37</p> <p>The land containing <i>student accommodation</i> is held as a single undivided parcel.</p> <p><i>Subdivision</i> to create a separate title to individual accommodation units, including subdivision under the <i>Unit Titles Act 2001</i>, is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 9: Diplomatic residences

This element applies only to *leases* that authorise *diplomatic residences*.

Rules	Criteria
9.1 Design and Siting	
<p>R38</p> <p>There is no applicable rule.</p>	<p>C38</p> <p><i>Diplomatic residences</i> achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p>

Rules	Criteria
	d) compatibility of exterior building materials with existing buildings in the locality.
R39 The maximum <i>plot ratio</i> for a <i>diplomatic residence</i> is 35%.	This is a mandatory requirement. There is no applicable criterion.
9.2 Distribution	
R40 No section has more than one <i>diplomatic residence</i> .	C40 The amenity of the area is protected by restricting the agglomeration of non-residential activities.

Element 10: Guest houses

Rules	Criteria
10.1 Design and siting	
R41 Except where otherwise provided for in this code <i>guest houses</i> comply with the Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
10.2 Distribution	
R42 No <i>section</i> has more than one <i>guest house</i> . This rule does not apply to the following parcels: <ul style="list-style-type: none"> i) Belconnen Section 55 Block 37 ii) Belconnen Section 66 iii) Belconnen Section 67 Block 3 and part Block 2 iv) Belconnen Section 88 part Block 1. 	This is a mandatory requirement. There is no applicable criterion.

Table B1: Plot ratios

zone	RZ 1	RZ 2	RZ 3	RZ 4	RZ 5
<i>plot ratio</i>	35%	50%	65%	80%	not specified

Part C – Demolition

This part applies to demolition in all residential zones

Element 11: Demolition

Rules	Criteria
11.1 Statement of endorsement	
<p>R43</p> <p>The <i>development application</i> for demolition is accompanied by a statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with section 148 of the <i>Planning and Development Act 2007</i> confirming all of the following:</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>This is a mandatory requirement. There is no applicable criterion.</p>
11.2 Hazardous materials survey	
<p>R44</p> <p>This rule applies to one of the following:</p> <ul style="list-style-type: none"> a) the demolition of <i>multi-unit housing</i> (including <i>garages</i> and <i>carports</i>) for which a certificate of occupancy was issued prior to 1985 b) demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005. <p>Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority.</p> <p>A hazardous materials survey includes, as a</p>	<p>C44</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
<p>minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following:</p> <ul style="list-style-type: none"> i) is a licensed disposal facility in the ACT ii) another site outside the ACT. <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site.</p> <p>An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p>Note: If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</p>	

Part D – Subdivision

This part applies to the *subdivision* of existing residential blocks, but not to subdivisions that are affected by an *estate development plan*.

Element 12: Subdivision and consolidation

The next element (element 13) applies to blocks that are registered or provisionally registered under the Heritage Act 2004.

Rules	Criteria
12.1 Consolidation of single dwelling blocks - RZ1	
<p>R45</p> <p>In RZ1 <i>consolidation</i> involving one or more <i>single dwelling blocks</i> is permitted only where the development is for <i>supportive housing</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
12.2 Subdivision of single dwelling blocks - RZ1	
<p>R46</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1. <i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ol style="list-style-type: none"> a) were lawfully constructed on or before 1 September 2003 b) were subject to <i>development approval</i> issued on or before 1 September 2003 c) were the subject of a <i>development application</i> lodged on or before 1 September 2003 that was subsequently approved. <p>This rule does not apply to <i>single dwelling blocks</i> in RZ1 that were subject to the A10 residential core area specific policy under Territory Plan 2002 at the time the development was approved.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
12.3 Subdivision of blocks other than single dwelling blocks – all residential zones	
<p>R47</p> <p>This rule applies to <i>blocks</i> other than <i>single dwelling blocks</i>.</p> <p><i>Subdivision</i> is only permitted where one or more of the following apply:</p> <ol style="list-style-type: none"> a) all the <i>dwellings</i> on the land are lawfully constructed b) the proposed development complies with all 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>of the following -</p> <ul style="list-style-type: none"> i) it is part of an <i>integrated housing development</i> ii) it is demonstrated that any building on a consequent lease is or can be designed in accordance with the relevant sections of this code. <p>Note: In this rule subdivision does not include a minor boundary adjustment but only if no new blocks are created.</p>	
12.4 Consolidation of blocks other than single dwelling blocks – all residential zones	
<p>R48</p> <p>This rule applies to <i>blocks</i> other than <i>single dwelling blocks</i>.</p> <p><i>Consolidation</i> is only permitted where one or more of the following apply:</p> <ul style="list-style-type: none"> a) all the <i>dwellings</i> on the land are lawfully constructed b) the proposed development complies with all of the following - <ul style="list-style-type: none"> i) it is part of an <i>integrated housing development</i> ii) it is demonstrated that any building on a consequent <i>lease</i> is or can be designed in accordance with the relevant sections of this code. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
12.5 Subdivision under the Unit Titles Act – all residential zones	
<p>R49</p> <p><i>Subdivision</i> under the <i>Unit Titles Act 2001</i> is permitted only where the <i>lease</i> expressly provides for the number of units or <i>dwellings</i> provided for in the proposed <i>subdivision</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
12.6 Subdivision of a dual occupancy – other than RZ1	
<p>R50</p> <p>This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none"> i) located in a residential zone other than RZ1 ii) the site of an approved and constructed <i>dual occupancy development</i>. <p><i>Subdivision</i> is permitted only where all of the</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>following are met:</p> <ul style="list-style-type: none"> a) not more than 2 <i>leases</i> are created b) each proposed <i>block</i> contains a lawfully constructed <i>dwelling</i> c) new boundaries created as a result of the <i>subdivision</i> are located such that the buildings comply with the relevant <i>setback</i> and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundaries d) each <i>block</i> is provided with separate utility services. <p><i>Blocks</i> created under this rule cannot be further subdivided.</p>	
12.7 Requirements for access and utility easements	
<p>R51</p> <p>For developments involving shared access ways, the <i>leases</i> created as a consequence of the <i>subdivision</i> specify the location of any necessary easements for access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R52</p> <p>For developments involving utility services crossing adjoining leases (including electricity, gas, telecommunications, stormwater, sewer and water supply), the <i>leases</i> created as a consequence of the subdivision specify the location and width of any necessary utility service easements.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
12.8 Restrictions on irregular shaped blocks	
<p>R53</p> <p><i>Blocks</i> created by the <i>subdivision</i> of a <i>single dwelling block</i> are rectangular or battleaxe in shape.</p>	<p>C53</p> <p>Where possible, <i>blocks</i> created by the <i>subdivision</i> a <i>single dwelling block</i> have a regular shape without multiple corners or bends.</p>

Element 13: Subdivision and consolidation – heritage listed

This element applies to blocks that are registered or provisionally registered under the *Heritage Act 2004*. It applies despite the provisions of the previous element. If there is an inconsistency between the provisions of this element and the previous element, the provisions of this element shall prevail to the extent of that inconsistency.

Rules	Criteria
13.1 Consolidation of single dwelling blocks - RZ1	
<p>R54</p> <p>In RZ1, <i>consolidation</i> involving one or more <i>single dwelling blocks</i> registered or provisionally registered under the <i>Heritage Act 2004</i> is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
13.2 Subdivision of single dwelling blocks – heritage registered - RZ1	
<p>R55</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1 that are registered or provisionally registered under the <i>Heritage Act 2004</i>.</p> <p><i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ul style="list-style-type: none"> a) were lawfully constructed on or before 1 September 2002 b) were subject to <i>development approval</i> issued on or before 1 September 2002 c) were the subject of a <i>development application</i> lodged on or before 1 September 2002 that was subsequently approved. <p>This rule does not apply to <i>single dwelling blocks</i> in RZ1 that were subject to the A10 residential core area specific policy under Territory Plan 2002 at the time the development was approved.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
13.3 Subdivision or consolidation of blocks – other than RZ1	
<p>R56</p> <p>This rule applies to blocks other than blocks in RZ1 that are registered or provisionally registered under the <i>Heritage Act 2004</i>.</p> <p><i>Subdivision</i> or <i>consolidation</i> of <i>blocks</i> is permitted only where the <i>subdivision</i> or <i>consolidation</i> is not specifically prohibited by a guideline, order or agreement made under that</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
act.	

Part E – Non-residential development

This part applies to development applications for non-residential development in all residential zones.

Element 14: Home business

Rules	Criteria
14.1 Use	
<p>R57</p> <p>In a <i>home business</i> at least one worker is a bona fide resident of the associated <i>dwelling</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R58</p> <p>Not more than 3 people (including resident workers) are employed at any one time in the <i>home business</i>.</p>	<p>C58</p> <p><i>Home business</i> achieves all of the following:</p> <ul style="list-style-type: none"> a) primacy of residential use on the block b) consistency with the <i>desired character</i>, particularly in relation to vehicle parking and manoeuvring areas.
<p>R59</p> <p>The total area of the site used for a <i>home business</i> is not more than the greater of the following:</p> <ul style="list-style-type: none"> i) one third of the ground floor area of the <i>dwelling</i> ii) 40m². <p>For this rule the area used by a <i>home business</i> includes all of the following:</p> <ul style="list-style-type: none"> a) the floor area designated for the <i>home business</i> in any building b) any substantially enclosed storage areas <ul style="list-style-type: none"> i) but does not include any of the following: <ul style="list-style-type: none"> ii) kitchen, bathroom and toilet facilities shared by the <i>home business</i> and the <i>dwelling</i> iii) areas for car parking iv) areas used that do not contribute to the <i>gross floor area</i>. 	<p>C59</p> <p><i>Home business</i> achieves all of the following:</p> <ul style="list-style-type: none"> a) reasonable <i>amenity</i> for <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i> b) primacy of residential use on the block c) consistency with the <i>desired character</i>, particularly in relation to vehicle parking and manoeuvring areas d) The residential character of the area is protected by ensuring e) the scale of <i>home business</i> is ancillary to the primary use of the lease as a residence f) the retention of car parking for the residents of the block g) the retention of on-street car parking.
14.2 Storage	
<p>R60</p> <p>The storage of all goods and materials associated with the business complies with at least one of the following:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>a) stored in a lawfully erected building or structure on the lease</p> <p>b) located behind the building line so that storage area cannot be seen or is visually screened from the street.</p>	
14.3 Parking	
<p>There is no applicable rule.</p>	<p>C61</p> <p>Any vehicles for the purpose of the <i>home business</i> are parked to achieve the following:</p> <p>a) on the <i>block</i> in one or more of the following -</p> <ul style="list-style-type: none"> i) driveway ii) garage iii) carport <p>b) other locations provided they are screened and compatible with the <i>streetscape</i></p> <p>c) if the business is operated from a unit under the <i>Unit Titles Act 2001</i> — in the parking space or spaces assigned to the unit</p> <p>d) safe and efficient manoeuvring</p> <p>e) configured to allow vehicles to exit the block in a forward direction</p> <p>f) in parking spaces with appropriate drainage and materials to encourage on-site infiltration of stormwater run-off.</p>
14.4 Distribution	
<p>R62</p> <p>No <i>section</i> has more than 2 <i>home businesses</i>.</p>	<p>C62</p> <p>The amenity of the area is protected by restricting the agglomeration of non-residential activities.</p>
14.5 Amenity	
<p>There is no applicable rule.</p>	<p>C63</p> <p>Retailing associated with the <i>home business</i> does not, or is unlikely to generate an increase in the traffic, parking demand or noise, which is unreasonably deleterious to the amenity of the surrounding area.</p>
<p>There is no applicable rule.</p>	<p>C64</p> <p>Traffic generated by the <i>home business</i> does not unacceptably affect the flow of traffic or residential character of the area.</p>
	<p>C65</p>

Rules	Criteria
There is no applicable rule.	The operation of the <i>home business</i> does not cause unreasonable annoyance, offence, nuisance or danger to any tenant or occupant of adjacent dwellings or leases. Note: <i>Environmental Protection Act 1997</i> regulates amenity and environmental impacts such as noise, air and other emissions. Compliance with standards for residential areas will be required under the <i>Environmental Protection Act</i> .
R66 External lighting for home business is in accordance with <i>AS 4282: Control of the Obtrusive Effects of Outdoor Lighting</i> .	C66 Outdoor lighting, including security and car park lighting limits light spill to adjacent dwellings through screening or location of lighting.
14.6 Signs	
There is no applicable rule.	C67 Signage meets the requirements of the Signs General Code.

Element 15: Community uses

Rules	Criteria
15.1 Distribution	
R68 No section has more than one of the following: a) <i>child care</i> centre b) <i>community activity centre</i> c) <i>health</i> facility. This rule does not apply to <i>child care centres</i> or <i>health facilities</i> on the following parcels: i) Belconnen Section 55 Block 37 ii) Belconnen Section 66 iii) Belconnen Section 67 Block 3 and part Block 2 iv) Belconnen Section 88 part Block 1.	C68 Community uses are distributed to avoid the concentration of non-residential uses in residential zones.
There is no applicable rule.	C69 Buildings accommodating <i>community uses</i> achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>

Rules	Criteria
	<ul style="list-style-type: none"> c) reasonable solar access to <i> dwellings </i> on adjoining <i> residential blocks </i> and their associated <i> private open space </i> d) compatibility of exterior building materials with existing buildings in the locality.
<p>R70</p> <p>For <i> child care centres </i> and <i> community activity centres </i>, the maximum plot ratio is specified in Table E1.</p>	<p>C70</p> <p>Child care centres and community activity centres achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i> desired character </i> b) reasonable levels of privacy for <i> dwellings </i> on adjoining <i> residential blocks </i> and their associated <i> private open space </i> c) reasonable solar access to <i> dwellings </i> on adjoining <i> residential blocks </i> and their associated <i> private open space </i> d) compatibility with exterior building materials of existing buildings in the locality.
<p>R71</p> <p>The design of <i> community activity centres </i> is in accordance with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority.</p> <p>A noise management plan shall address, as a minimum:</p> <ul style="list-style-type: none"> a) anticipated noise levels from the use of proposed building b) appropriate noise thresholds for dwellings in the vicinity c) building construction measures that will attenuate the expected noise to levels at or below the identified thresholds. 	<p>C71</p> <p>Buildings intended to be used as <i> community activity centres </i> attenuate noise from expected uses to a level that does not unreasonably diminish the residential amenity of <i> dwellings </i> in the vicinity.</p> <p>All of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> a) a noise management plan prepared on behalf of the applicant by a suitably qualified person b) advice from the Environment Protection Authority.

Element 16: Non-retail commercial uses

This element applies only to *leases* that authorise *NON-RETAIL COMMERCIAL* uses.

Rules	Criteria
16.1 Size and location	
<p>R72</p> <p><i>NON-RETAIL COMMERCIAL</i> uses comply with all of the following:</p> <ul style="list-style-type: none"> a) the total <i>gross floor area</i> used for <i>NON-RETAIL COMMERCIAL</i> uses in any section does not exceed 100m² b) the use is part of an integrated mixed-use development that includes <i>multi-unit housing</i> c) on approval of the subject development, the proportion of the total land area of the section that has been approved for <i>multi-unit housing</i> is not less than 75%. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 17: Shops

This element applies only to *leases* that authorise *SHOPS*.

Rules	Criteria
17.1 Size and location	
<p>R73</p> <p><i>SHOPS</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) the total <i>gross floor area</i> used for <i>SHOPS</i> any section does not exceed 100m² in total b) the use part of an integrated mixed use development that includes <i>multi-unit housing</i> c) on approval of the subject development, the proportion of the total land area of the section that has been approved for <i>multi-unit housing</i> is not less than 75%. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
17.2 Amenity	
<p>R74</p> <p>The design of <i>SHOPS</i> is in accordance with a noise, odour and light emission management plan prepared by a suitably qualified person or persons and endorsed by the Environment Protection Authority.</p> <p>A management plan shall address, as a minimum:</p>	<p>C74</p> <p>Buildings intended to be used <i>SHOPS</i> attenuate noise, odour and light emission from expected uses to a level that does not unreasonably diminish the residential amenity of <i>dwellings</i> in the vicinity.</p> <ul style="list-style-type: none"> a) All of the following matters may be considered when determining compliance with this criterion:

Rules	Criteria
<p>a) anticipated noise, odour and light emission levels from the use of proposed building</p> <p>b) appropriate noise, odour and light emission thresholds for dwellings in the vicinity</p> <p>c) building construction measures that will attenuate the expected noise, odour and light emission to levels at or below the identified thresholds.</p>	<p>b) a noise, odour and light emission management plan prepared on behalf of the applicant by a suitably qualified person or persons</p> <p>c) advice from the Environment Protection Authority.</p>

Element 18: Chancellery

This element applies only to *leases* that authorise *chancelleries*.

Rules	Criteria
18.1 Design and siting	
There is no applicable rule	<p>C75</p> <p>A <i>chancellery</i> achieves all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility with exterior building materials of existing buildings in the locality.</p>
<p>R76</p> <p>A <i>chancellery</i> complies with all relevant building envelope, boundary setbacks and height of building provisions found in the Single Dwelling Housing Development Code.</p>	This is a mandatory requirement. There is no applicable criterion.

Table E1: Plot ratios

zone	RZ 1	RZ 2	RZ 3	RZ 4	RZ 5
<i>plot ratio</i>	35%	50%	65%	80%	not specified

Appendix 1 – Definitions of terms used in this code

Block means a parcel of land, whether or not the subject of a *lease*.

Boarding house means the use of land to principally provide long term accommodation where meals, laundry or other services are provided only to those residents of the *boarding house*, and which is not licensed to sell liquor.

Carpport means a car shelter wholly or partly enclosed on not more than two sides.

Chancellery means an *office* attached to an embassy, high commission, consulate, legation or *diplomatic residence* which is specifically for diplomatic use.

Child care centre means the use of land for the purpose of supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the *Children and Young People Act 2008* and which does not include residential care.

Community activity centre means the use of land by a public authority or a body of persons associated for the purpose of providing for the social well being of the community.

Consolidation means the surrender of 2 or more leases held by the same lessee and the grant of a new lease or leases to the lessee to consolidate the parcels of land comprised in the surrendered leases.

Desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

Development application means an application in relation to a development proposal made under chapter 7 of the *Planning and Development Act 2007*.

Development approval means a development approval under chapter 7 of the *Planning and Development Act 2007*.

Diplomatic residence means a *dwelling* specifically for the residential use of diplomatic staff of an embassy, a high commission, a legation or a consulate.

Dwelling means a building or part of a building used as a self contained residence which must include

- food preparation facilities
- a bath or shower, and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a dwelling.

Estate development plan means a plan setting out the proposed pattern of subdivision and infrastructure works for an estate and which is required to be approved prior to the undertaking of the works and the granting of leases for the subdivided blocks and may include a Streetscape Concept Plan and/or Building Envelope Plan.

Garage means a car shelter wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.

Gross floor area (GFA) means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking.

Guest house means the use of land for one or more *commercial accommodation units* and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non occupant members of the public.

Health facility means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to out-patients only.

Height of building means the vertical distance between *natural ground level* to the highest point or points of the *building*.

Home business means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land.

Integrated housing development means development where the developer:

- a) is responsible for the planning, design and building of all the housing and associated facilities; or
- b) undertakes the site planning and development of infrastructure as well as establishing general requirements for building design without actually constructing the dwellings.

Lease has the same meaning as in the *Planning and Development Act 2007*.

Multi unit housing means the use of land for more than one *dwelling* and includes but is not limited to *dual occupancy housing* and *triple occupancy housing*.

NON RETAIL COMMERCIAL USE is an “umbrella term” which is defined in section 13 of the Territory Plan.

Plot ratio means the *gross floor area* in a *building* divided by the area of the *site*.

Private open space means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

Residential block means a *block* that has at least one of the following characteristics –

- (a) zoned residential
- (b) affected by a *lease* which authorises residential use.

Residential Care Accommodation means the use of land by an agency or organisation that exists for the purposes of providing accommodation and services such as the provision of meals, domestic services and personal care for persons requiring support. Although services must be delivered on site, management and preparation may be carried out on site or elsewhere.

Section means an area of land comprising of a logical grouping of individual blocks identified as a Section pursuant to the *Districts Act 1966*.

Secondary residence means the use of land for a small subsidiary residence that extends the housing capacity of a dwelling but is not necessarily physically integrated with the other parts of the dwelling. The secondary residence may be permanent or temporary.

SHOP means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services.

Single dwelling block means a *block* with one of the following characteristics

- a) originally leased or used for the purpose of *single dwelling housing*
- b) created by a consolidation of *blocks*, at least one of which was originally leased or used for the purpose of *single dwelling housing*.

Single dwelling housing means the use of land for residential purposes for a single *dwelling* only.

Special dwelling means a *dwelling* used or to be used by a government agency or community organisation receiving government funding or housing assistance, to provide shelter and support for persons with special accommodation needs.

Storey means a space within a *building* that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an *attic* or a *basement*.

Student accommodation means the use of land to provide accommodation for people undertaking a recognised course of study at an educational establishment which is operated by the ACT Government or which is otherwise registered or constituted in accordance with relevant territory, state or Commonwealth legislation. A manager or caretaker of the housing may also live on site.

Subdivision means

- (a) the surrender of 1 or more leases held by the same lessee, and the grant of new leases held by the same lessee, and the grant of new leases to the lessee to subdivide the parcels of land in the surrendered leases; but
- (b) does not include the subdivision of land under the *Unit Titles Act 2001*.

Supportive Housing means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and personal care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained dwellings.



ACT Planning &
Land Authority

Single Dwelling Housing Development Code

Draft June 2010

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Introduction

Name

The name of this code is **Single Dwelling Housing Development Code**.

Application

This code applies to *single dwelling housing* in all zones.

National Capital Plan

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 must not be 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.

Purpose

This code provides additional planning, design and environmental controls to support the objectives of the relevant zone.

It will be used by the *Authority* to assess development applications. It also offers guidance to applicants in designing development proposals and preparing development applications.

Structure

This code has a number of elements. Each element has one or more rules, each having an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls. In contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Assessment tracks

Assessment track for a particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate that the relevant criterion is satisfied, through supporting drawings and/or written documentation. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

Code hierarchy

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

Related codes

Residential Zones Development Code

Applies to all forms of development in residential zones and makes reference to development codes and general codes that may also apply.

Precinct codes

May contain additional provisions that apply to certain specified *blocks*. Precinct codes are found in part 10.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in the appendix, or associated with the respective rule.

Relevant Development Codes and General Codes

Development codes that may be relevant to housing development or development associated with housing development are marked Y in Table 1.

Table 1 – Development codes applicable to residential and related development.

development/ use	this code	Residential Zones Development Code	Multi Unit Housing Development Code
boarding house	Y	Y	Y
demolition		Y	
diplomatic residence	Y	Y	
guest house		Y	Y
home business		Y	
multi unit housing		Y	Y
residential care accommodation	Y	Y	Y
retirement complex		Y	Y
secondary residence	Y	Y	
sign		Y	
single dwelling housing	Y	Y	
special dwelling (one dwelling)	Y	Y	
special dwelling (more than one dwelling)		Y	Y
supportive housing		Y	Y

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to housing development.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Crime Prevention through Environmental Design General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Water Ways: Water Sensitive Urban Design General Code

Element 1: Building and site controls

Related code: Planning for Bushfire Risk Mitigation General Code

Rules	Criteria
1.1 Plot ratio – single dwelling blocks	
<p>R1</p> <p>On single dwelling blocks that are large blocks, plot ratio is not more than 50%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.2 Number of storeys	
<p>R2</p> <p>The number of <i>storeys</i> does not exceed:</p> <p>a) in RZ1, RZ2 and RZ3 – 2</p> <p>b) in RZ4 – 3.</p> <p>Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.3 Attics and basements – single dwelling blocks - RZ1	
<p>R3</p> <p>In RZ1, on <i>single dwelling blocks</i>, <i>attics</i> or <i>basement</i> car parking are not permitted where they are located directly above or below any 2 storey element of the <i>single dwelling house</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.4 Height of buildings	
<p>R4</p> <p>Maximum <i>height of building</i> is:</p> <p>a) in RZ1, RZ2 and RZ3 – 8.5m</p> <p>b) in RZ4 – 12m.</p>	<p>C4</p> <p>Buildings are consistent with the <i>desired character</i>.</p>

1.5 Building envelope - large blocks approved before (commencement date) except in Molonglo Valley	
<p>R5</p> <p>This rule applies to all <i>large blocks</i> with one of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an <i>estate development plan</i> before (commencement date) b) for which a <i>lease</i> was granted before (commencement date) c) but does not apply to <i>blocks</i> located in the district of Molonglo Valley. <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule.</p> <p>Refer Figure 1.</p>	<p>C5</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.
<p>R6</p> <p>This rule applies to all <i>large blocks</i> with one of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an <i>estate development plan</i> before (commencement date) b) for which a <i>lease</i> was granted before (commencement date) c) but does not apply to <i>blocks</i> located in the district of Molonglo Valley. <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in Table 1.</p> <p>Refer Figure 1.</p>	<p>C6</p> <p>Buildings achieve all of the following</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>

1.6 Building envelope – mid sized blocks approved before (commencement date) except in Molonglo Valley

R7

This rule applies to *mid-sized blocks* with one of the following characteristics:

- i) approved under an *estate development plan* before (commencement date)
- ii) for which a *lease* was granted before (commencement date)
- iii) but does not apply to *blocks* located in the district of Molonglo Valley.

Buildings are sited wholly within the building envelope formed by projecting planes over the subject *block* comprising:

- a) within the *primary building zone* -
 - i) lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 4.5m above each side boundary, except for *northern boundaries* of adjoining *residential blocks*
 - ii) from *northern boundaries* of adjoining *residential blocks*, lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.
 - iii) despite item ii), where a wall is located on a *northern boundary* lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above these boundaries.
- b) within the *rear zone* -
 - i) lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for *northern boundaries* of adjoining *residential blocks*
 - ii) from *northern boundaries* of *adjoining residential blocks*, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.

Refer Figure 2.

C7

Buildings achieve all of the following:

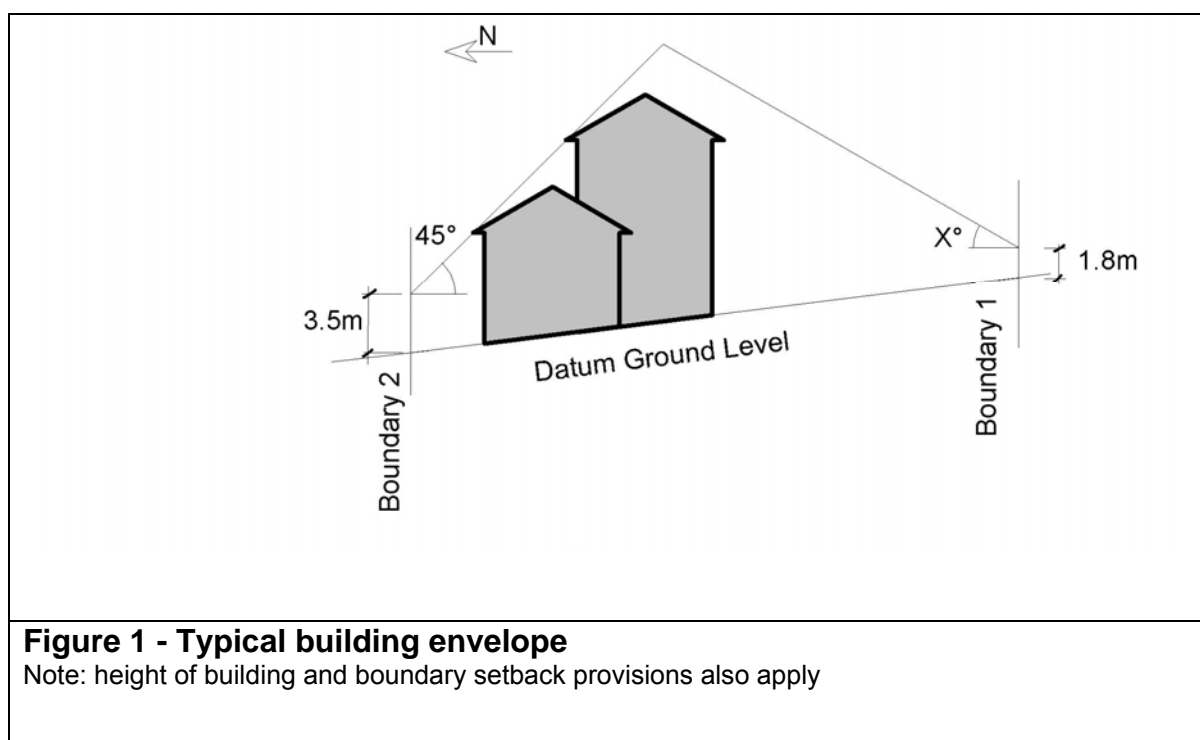
- a) consistency with the *desired character*
- b) reasonable levels of privacy for *dwellings* and their associated *private open space* on adjoining *residential blocks*
- c) reasonable solar access to *dwellings* and their associated *private open space* on adjoining *residential blocks*.

<p>R8</p> <p>This rule applies to <i>mid-sized blocks</i> and <i>compact blocks</i> with one of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an <i>estate development plan</i> before (commencement date) b) for which a <i>lease</i> was granted before (commencement date) c) but does not apply to blocks located in the district of Molonglo Valley. <p>Where a garage wall is located on, or setback from, the <i>northern boundary</i> of an adjoining <i>residential block</i>, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane comprising lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above the respective boundary.</p> <p>Refer Figure 2.</p>	<p>C8</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i> c) reasonable solar access to <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.
<p>1.7 Building envelope – all blocks approved on or after (commencement date) and in Molonglo Valley</p>	
<p>R9</p> <p>This rule applies to one or more of the following:</p> <ul style="list-style-type: none"> a) blocks approved under an estate development plan on or after (commencement date) b) blocks located in the district of Molonglo Valley. <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject block comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for northern boundaries of adjoining residential blocks, which are dealt with by the next rule.</p> <p>Refer Figure 1.</p>	<p>C9</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.
<p>R10</p> <p>This rule applies to one or more of the following:</p> <ul style="list-style-type: none"> a) blocks approved under an estate development plan on or after (commencement date) 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>b) blocks located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in Table 1.</p> <p>Refer Figure 1.</p>	
1.8 Approved lease and development conditions	
<p>R11</p> <p>This rule applies to <i>blocks</i> affected by approved and current <i>lease and development conditions</i>.</p> <p>The development proposal complies with approved and current <i>lease and development conditions</i> applying to the site. Where there is an inconsistency between the relevant <i>lease and development conditions</i> and the provisions of this code, the former shall take precedence, but only to the extent of that inconsistency.</p>	<p>C11</p> <p>The development meets the intent of approved and current <i>lease and development conditions</i> applying to the site.</p>
1.9 Development proposals where there is a precinct code	
<p>R12</p> <p>The development proposal complies with all relevant rules in any relevant precinct code.</p>	<p>C12</p> <p>The development meets all relevant criteria in any relevant precinct code.</p>
1.10 Bushfire	
<p>R13</p> <p>Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire-prone areas</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Table 1 – Apparent sun angle (X) at noon on the winter solstice (21 June)

Aspect of <i>northern boundary</i> or <i>north facing window</i> (bearing of line drawn perpendicular to the boundary or window)	Angle (X)
North 0-9° East North 0-9° West	32°
North 10-19° East North 10-19° West	35°
North 20-29° East North 20-29° West	37°
North 30-39° East North 30-39° West	39°
North 40-50° East North 40-50° West	41°



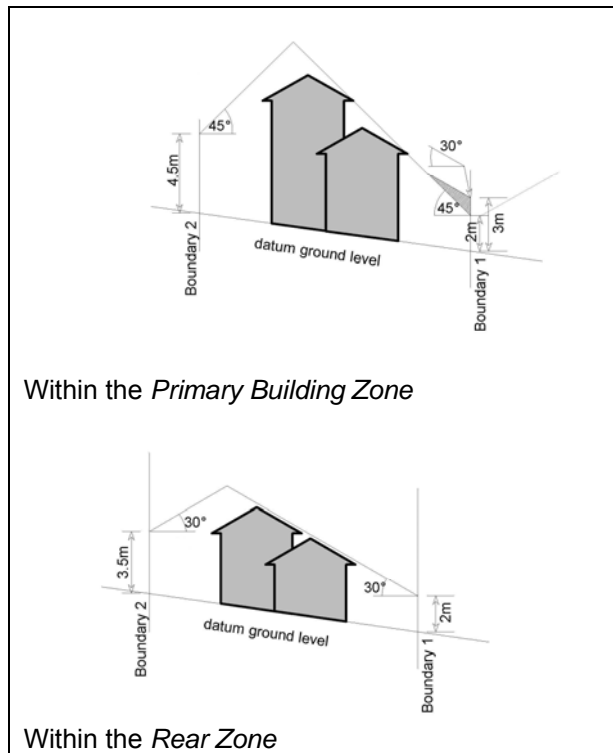


Figure 2 - Typical building envelope - mid sized blocks approved before (commencement date) – except in Molonglo Valley
 Note: height of building and boundary setback provisions also apply

1.11 Front boundary setbacks – all blocks	
<p>R14</p> <p>Front boundary setbacks comply with the following:</p> <ul style="list-style-type: none"> a) <i>large blocks</i> - Tables 2A, 2B or 2C, as applicable b) <i>mid-sized blocks</i> - Tables 3A, 3B or 3C, as applicable c) <i>compact blocks</i> - Tables 3A, 3B or 4A, as applicable. <p>The minimum boundary setbacks for corner <i>blocks</i> apply only to one street frontage nominated by the applicant or nominated in a precinct code as a <i>secondary street frontage</i>. Nomination by a precinct code takes precedence.</p> <p>Chamfers may be included in the <i>secondary street frontage</i>, but only if the length of the chamfer is less than the length of the front boundary.</p> <p>Note: Chamfers are ordinarily found at the corner of a <i>block</i> at the junction of streets.</p>	<p>C14</p> <p>Front boundary setbacks achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable amenity for residents c) pedestrian scale at street level d) space for street trees to grow to maturity.

Table 2A: Front boundary setbacks – large blocks in subdivisions approved before 18 October 1993 (refer Appendix 2 Figure)

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	6m	4m	4m
<i>upper floor level</i>	6m	6m	4m
<i>garage</i>	6m	5.5m	4m

Table 2B: Front boundary setbacks – large blocks in subdivisions approved on or after 18 October 1993 but before 31 March 2008 (refer Appendix 2 Figure)

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	4m	4m	4m
<i>upper floor level</i>	6m	6m	4m
<i>garage</i>	5.5m with a minimum of 1.5 m behind the front building line	5.5m	4m

Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer Appendix 2 Figure)

	minimum front boundary setback	exceptions		
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m	minimum front boundary setback to rear lane front boundary or pedestrian paths less than 6m wide
<i>lower floor level</i>	4m	3m	4m	nil
<i>upper floor level</i>	6m	3m	4m	nil
<i>garage</i>	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		4m	nil

Table 3A: Front boundary setbacks – mid sized and compact blocks in subdivisions approved before 18 October 1993 (refer Appendix 2 Figure)

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	6m	3m	4m
<i>upper floor level</i>	6m	3m	4m
<i>garage</i>	6m	5.5m	4m

Table 3B: Front boundary setbacks – mid sized and compact blocks in subdivisions approved on or after 18 October 1993 but before 31 March 2008 (refer Appendix 2 Figure)

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	4m	3m	4m
<i>upper floor level</i>	6m	3m	4m
<i>garage</i>	5.5m with a minimum of 1.5 m behind the front building line	5.5 m	4m

Table 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008 (refer Appendix 2 Figure)

	minimum setback to front boundary	exceptions		
		minimum setback to <i>secondary street frontage</i>	minimum setback to open space or pedestrian paths wider than 6m	minimum setback to rear lane or pedestrian paths less than 6m wide
<i>all floor levels</i>	4m	3m	3m	nil
<i>articulation elements – all floor levels</i>	3m	not applicable	not applicable	not applicable
<i>garage</i>	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		3m	nil

Table 4A: Front boundary setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer Appendix 2 Figure)

	minimum setback to front boundary	exceptions		
		minimum setback to <i>secondary street frontage</i>	minimum setback to open space or pedestrian paths wider than 6m	minimum setback to rear lane or pedestrian paths less than 6m wide
all floor levels	3m	3m	3m	nil
garage	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		3m	nil

Note: see Tables 3A and 3B for compact *blocks* in subdivisions approved before 31 March 2008

1.12 Side and rear setbacks – all blocks	
<p>R15</p> <p>Side and rear setbacks for:</p> <p>a) <i>large blocks</i> - comply with Table 5</p> <p>b) <i>mid-sized blocks</i> - comply with Tables 6A or 6B, as applicable</p> <p>c) <i>mid-sized blocks</i> nominated for alternative side boundary setbacks in a precinct code - comply with Table 6C</p> <p>d) <i>compact blocks</i> - comply with Table 7.</p> <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code. A <i>northern boundary</i> is always side boundary 1, unless otherwise specified in this code or in a precinct code.</p> <p>Ordinarily a corner block has a front boundary, a secondary frontage, two or more side boundaries, but no rear boundary.</p>	<p>C15</p> <p>Buildings and other structures are sited to achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable separation between adjoining developments</p> <p>c) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i></p> <p>d) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i></p> <p>e) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</p>
1.13 Nil setback	
<p>R16</p> <p>Where nil setback is permitted, the <i>external wall</i> is either on the boundary or setback a minimum 900mm.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Table 5: Side and rear setbacks – large blocks (refer Appendix 2 Figure)

	minimum side boundary setback within the <i>primary building zone</i>		minimum side boundary setback within the <i>rear zone</i>		minimum rear boundary setback
	side boundary 1 or <i>northern boundary of adjoining residential block</i>	side boundary 2	side boundary 1 or <i>northern boundary of adjoining residential block</i>	side boundary 2	
<i>lower floor level – external wall</i>	3m	1.5m	3m	1.5m	3m
<i>upper floor level – external wall</i>	3m	3m	6m	6m	6m
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m
<i>garage or carport</i>	3m	nil*	3m	nil*	3m

* Provided the total length of a wall or walls on the boundary or at a 900mm setback does not exceed 8m.

Table 6A: Side and rear setbacks – mid sized blocks in subdivisions approved before 2 October 2009 (refer Appendix 2 Figure)

	minimum side boundary setback within the <i>primary building zone</i>		minimum side boundary setback within the <i>rear zone</i>		minimum rear boundary setback
	side boundary 1 or <i>northern boundary of adjoining residential block</i>	side boundary 2	side boundary 1	side boundary 2	
<i>lower floor level – external wall</i>	3m	>15m frontage 1.5m <15m frontage nil	3m	1.5m	3m
<i>upper floor level – external wall</i>	3m	3m	6m	6m	6m
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m

Note: Minimum side boundary setbacks requirements apply to buildings and Class 10 structures, except for side boundary 2 on blocks >800m², where the minimum side boundary setback for Class 10 structures is 1.5m.

Table 6B: Side and rear setbacks – mid sized blocks in subdivisions approved on or after 2 October 2009 (refer Appendix 2 Figure)

	minimum side boundary setback within the <i>primary building zone</i>		minimum side boundary setback within the <i>rear zone</i>		minimum rear boundary setback
	side boundary 1 or northern boundary of an adjoining residential block	side boundary 2***	side boundary 1 or northern boundary of an adjoining residential block	side boundary 2***	
<i>lower floor level – external wall</i>	1.5m	1.5m nil*	3m	0.9	3m
<i>upper floor level – external wall</i>	3m	1.5m nil**	6m	6m	6m
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m

* Provided the total length of the wall on the boundary or at a 900mm setback does not exceed 13m and does not extend more than 2.5m into the rear zone. Blank walls on boundaries may include walls to garages and non *habitable rooms* and cavity walls to *habitable rooms*.

** Only where the proposed building is part of an integrated housing development, and a nil setback is appropriate.

*** Side boundary 2 is identified in Figure 2

Table 6C: Alternative side and rear setbacks – mid sized blocks in subdivisions approved on or after 2 October 2009 – applicable only to *blocks* nominated in a precinct code as an alternative boundary setback block (refer Appendix 2 Figure)

	minimum side boundary setback within the <i>primary building zone</i>		minimum side boundary setback within the <i>rear zone</i>		minimum rear boundary setback
	side boundary 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2 ^{***}	side boundary 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2 ^{***}	
<i>lower floor level – external wall</i>	1.5m 4m [^]	1.5m nil [*]	1.5 4m [^]	1.5	3m
<i>upper floor level – external wall</i>	3m	1.5m nil ^{**}	not applicable		
<i>upper floor level – unscreened element</i>	6m	6m			

* Provided the total length of the wall on the boundary or at a 900mm setback does not exceed 13m and does not extend more than 2.5m into the rear zone. Blank walls on boundaries may include walls to garages and non *habitable rooms* and cavity walls to *habitable rooms*.

** Only where the proposed building is part of an integrated housing development, and a nil setback is appropriate.

*** Side boundary 2 is identified in Figure 2

[^] Applicable only to the *northern boundary* of an adjoining *residential block* – minimum setback applies to not less than 50% of the building length from a point 4m rearwards of the front building line.

Figure 2 – Nominated side boundary 2 - applies only to mid sized blocks in subdivisions approved on or after 2 October 2009 but before (commencement date) (refer Table 6C)

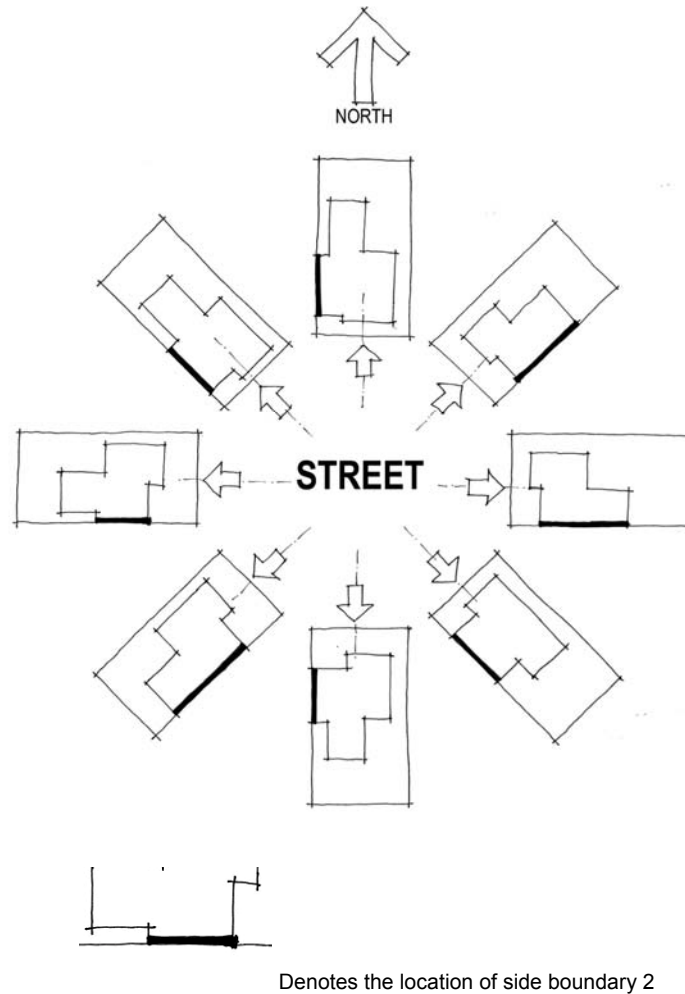


Table 7: Side and rear setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer Appendix 2 Figure)

	minimum side boundary setback		Minimum rear boundary setback
	side boundary 1	side boundary 2	
lower floor level – <i>external wall</i>	nil	nil	3m
lower floor level – <i>unscreened element</i>	nil	1.5	3m
upper floor level – <i>external wall</i>	nil	nil	4m
upper floor level – <i>unscreened element</i>	nil	1.5m	4m
garage or carport	nil	nil	not applicable

1.14 Allowable encroachments - setback and building envelope	
<p>R17</p> <p>Encroachments into one or more of the following:</p> <ul style="list-style-type: none"> i) minimum side setback ii) minimum rear setback iii) the space outside the building envelope <p>are permitted for one or more of the following building elements -</p> <ul style="list-style-type: none"> a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level. 	<p>C17</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i>dwellings</i> and their associated <i>private open space</i> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.

R18	Encroachments into one or more of the following minimum front setback are permitted for one or more of the following building elements: a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, light fittings, sun blinds c) landings, steps or ramps, none of which are more than 1m above finished ground level.	C18	Buildings and other structures achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i>dwellings</i> and their associated <i>private open space</i> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .
1.15 Surveillance blocks			
R19	Where identified in a precinct code or current and approved <i>lease and development conditions</i> as a surveillance block, provide <i>habitable room(s)</i> above the garage with windows facing and overlooking the rear lane.		This is a mandatory requirement. There is no applicable criterion.
1.16 Blocks between 500m² and 550m²			
R20	The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m ² or greater but less than 550m ² that are identified in a precinct code as <i>mid-sized blocks</i> .		This is a mandatory requirement. There is no applicable criterion.

Element 2: Building design

Related legislation: *Common Boundaries Act 1981*

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
2.1 Materials and finishes	
R21	C21
Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i> .	Structures and plant and equipment situated on the roof that are not exempt under <i>Planning and Development Act 2007</i> achieve all of the following: a) do not diminish the value of the <i>streetscape</i> b) do not diminish residential amenity of neighbouring <i>blocks</i> .
2.2 Fencing – large blocks and mid sized blocks	
R22	C22
For <i>large blocks</i> and <i>mid-sized blocks</i> , walls or	Fences comply with the Residential Boundaries

Rules	Criteria
<p>fencing are not permitted forward of the building line except where they comply with one or more of the following:</p> <ul style="list-style-type: none"> a) a previously approved estate development plan b) a relevant precinct code c) form a gate to a maximum height of 1.8m in an established, vigorous hedge d) otherwise complies with this code (eg courtyard wall provisions) e) is exempt under the <i>Planning and Development Act 2007</i>. 	<p>Fences General Code.</p>
2.3 Courtyard walls - large blocks	
<p>R23</p> <p>For <i>large blocks</i>, courtyard walls forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> a) total length complies with one of the following - <ul style="list-style-type: none"> i) not more than 50% of the width of the <i>block</i> ii) not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m b) setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i> c) height does not exceed 1.8m d) constructed only of brick, <i>block</i> or stonework, any of which may be combined with feature panels e) incorporate shrub planting between the wall and the front boundary f) do not obstruct site lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>. 	<p>C23</p> <p>Courtyard walls forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> a) consistent with the <i>desired character</i> b) the dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into account <ul style="list-style-type: none"> i) height ii) relationship to verge footpath iii) total proportion relative to the building width iv) colour and design features v) transparency vi) articulation vii) protection of existing desirable landscape features viii) tree and shrub planting forward of the wall c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>The Australian Standard for Off-Street Parking</i>.
2.4 Courtyard walls – mid sized blocks	
<p>R24</p> <p>For <i>mid-sized blocks</i>, courtyard walls forward of</p>	<p>C24</p> <p>Courtyard walls forward of the building line</p>

Rules	Criteria
<p>the building line comply with all of the following:</p> <ul style="list-style-type: none"> a) have a total length not exceeding 50% of the width of the <i>block</i>, or 70% where the width of the <i>block</i> at the line of the wall is less than 12m b) have a minimum setback from the front boundary of not less than the lesser of the following - <ul style="list-style-type: none"> i) 50% of the minimum front setback applying to the <i>block</i> ii) 1m, provided the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height c) do not exceed 1.8m in height d) are constructed of one of the following - <ul style="list-style-type: none"> i) only of brick, <i>block</i> or stonework, any of which may be combined with feature panels ii) finished to match or complement the <i>single dwelling house</i> e) incorporate shrub planting between the wall and the front boundary f) do not obstruct site lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>. 	<p>achieve all of the following:</p> <ul style="list-style-type: none"> a) consistent with the <i>desired character</i> b) the dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into account <ul style="list-style-type: none"> i) height ii) relationship to verge footpath iii) total proportion relative to the building width iv) colour and design features v) transparency vi) articulation vii) protection of existing desirable landscape features viii) tree and shrub planting forward of the wall c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i>.
2.5 Front fences and courtyard walls – compact blocks	
<p>R25</p> <p>For <i>compact blocks</i>, courtyard walls forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> a) have a total length not exceeding 50% of the width of the <i>block</i>, or 60% where the width of the <i>block</i> at the line of the wall is less than 12m b) have a minimum setback from the front boundary of not less than - <ul style="list-style-type: none"> i) 1m where the courtyard encloses north facing <i>principal private open space</i> ii) 2m in all other cases 	<p>C25</p> <p>Courtyard walls forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into account: <ul style="list-style-type: none"> i) height ii) relationship to verge footpath iii) total proportion relative to the building width

Rules	Criteria
<p>c) have a minimum height of -</p> <ul style="list-style-type: none"> i) 1.5m where the courtyard encloses <i>principal private open space</i> ii) 1.8m where both of the following apply <ul style="list-style-type: none"> a) the courtyard encloses <i>principal private open space</i> b) the <i>block</i> is a corner <i>block</i> iii) 1.2m in all other cases <p>d) comply with one or more of the following -</p> <ul style="list-style-type: none"> i) constructed of brick, block or stonework, any of which may be combined with feature panels ii) constructed and finished to match or complement the <i>single dwelling house</i> <p>e) provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</p>	<ul style="list-style-type: none"> iv) colour and design features v) transparency vi) articulation vii) protection of existing desirable landscape features viii) tree and shrub planting forward of the wall <p>c) sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i>.</p>
<p>R26</p> <p>For <i>compact blocks</i>, front fences and side fences forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> a) do not exceed one of the following - <ul style="list-style-type: none"> i) where located adjacent to the dwelling's <i>principal private open space</i> – 1.5m in height ii) where located adjacent to the dwelling's <i>principal private open space</i>, where the <i>block</i> is a corner <i>block</i> - 1.8m in height iii) in all other cases – 1.2m in height b) A2890.1-<i>The Australian Standard for Off-Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways. 	<p>C26</p> <p>Front and side fences forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) appropriate proportions and character with respect to - <ul style="list-style-type: none"> i) height ii) relationship to verge footpath iii) total proportion relative to the building width iv) colour and design features v) transparency and articulation vi) protection of existing desirable landscape features c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i>.
<p>R27</p> <p>If approved <i>lease and development conditions</i> affecting the block provide for one or more of the</p>	<p>C27</p> <p>The development meets the intent any current,</p>

Rules	Criteria
<p>following matters, such provisions shall take precedence over this code, but only to the extent of any inconsistency:</p> <ul style="list-style-type: none"> a) plot ratio b) building envelope c) building height d) front street setback e) side setback f) rear setback g) building design h) materials and finish i) interface j) vehicle access k) parking l) solar access m) private open space n) water sensitive urban design o) landscaping. <p>Note: the provisions of lease and development conditions will cease to have effect after 31 March 2013.</p>	<p>relevant <i>lease and development conditions</i>.</p>

Element 3: Parking and site access

Related code: Parking and Access General Code

Rules	Criteria
<p>3.1 Pedestrian access</p>	
<p>R28</p> <p>For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>3.2 Vehicle access</p>	
<p>R29</p> <p>Driveway verge crossings comply with all of the following:</p> <ul style="list-style-type: none"> a) 1.2m horizontally clear of stormwater sumps and other services b) 1.5m horizontally clear of transformers, bus stops, public light poles 	<p>C29</p> <p>Driveway verge crossings are endorsed by Department of Territory and Municipal Services.</p>

Rules	Criteria
<ul style="list-style-type: none"> c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance) d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb e) at a right angle to the kerb line with a maximum 10% deviation f) for <i>large blocks</i> and <i>compact blocks</i>, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb g) for <i>compact blocks</i>, 3m wide at the front street boundary h) outside of the drip line of mature trees i) minimum of 3m clear of small and new street trees h) compliant with Australian Standard AS2890.1- <i>Parking facilities</i> as amended from time to time, having particular regard for sightlines and cross fall of the site i) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence). j) If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original. 	
3.3 Parking	
<p>R30</p> <p>The minimum number of car parking spaces provided on the <i>block</i> complies with the following:</p> <ul style="list-style-type: none"> a) for a <i>single dwelling</i> house on <i>compact blocks</i> containing not more than 1 bedroom – 1 b) in all other cases - 2. 	<p>C30</p> <p>Car parking provided on the <i>block</i> is adequate for residents and visitors.</p>
<p>R31</p>	<p>C31</p>

Rules	Criteria
<p>Dimensions of car parking spaces are not less than the following:</p> <ul style="list-style-type: none"> a) single roofed space - 6m x 3m b) double roofed space - 6m x 5.5m c) single unroofed space - 5.5m x 3m d) multiple unroofed spaces side by side - 5.5m x 2.6m e) parallel parking spaces - 6.7m x 2.3m f) 2.1m minimum clearance to any overhead structure. 	<p>Car parking spaces are sized to allow for all of the following:</p> <ul style="list-style-type: none"> a) convenient access to the vehicle by the driver and passengers b) reasonable side and overhead clearance to vehicles c) reasonable access by vehicles (ie minimal turning movements).
<p>R32</p> <p>Car parking spaces on the <i>block</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are not located in the <i>front zone</i>, except on <i>compact blocks</i> b) do not encroach any property boundaries c) at least one car parking space is roofed and is behind the <i>front zone</i> d) comply with sightlines for off-street car-parking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>. 	<p>C32</p> <p>Car parking and related access on <i>block</i> achieve all of the following:</p> <ul style="list-style-type: none"> a) reasonable amenity of neighbouring <i>residential blocks</i> b) consistency with the value of the <i>streetscape</i> c) public safety especially in relation to pedestrians and cyclists d) reasonable surveillance of parking spaces.
<p>R33</p> <p>In RZ1 and RZ2, on <i>single dwelling blocks</i> ramps accessing <i>basement</i> car parking are behind the building line, where the <i>block</i> is less than 30 m wide as measured at the street frontage. Ramps comply with the relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>C33</p> <p>Ramps to <i>basement</i> car parking maintain the value of the <i>streetscape</i> and allow safe and efficient vehicle and pedestrian movement.</p>
<p>R34</p> <p>Car parking is not permitted on verges.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R35</p> <p>This rule applies to street frontages except frontages to laneways.</p> <p>The maximum total width of garage doors and external width of carports the lesser of the following:</p> <ul style="list-style-type: none"> a) 6m b) 50% of the frontage. 	<p>C35</p> <p>Garages or carports achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>streetscape</i> b) consistency with the <i>desired character</i> c) compatibility with the façade of the associated <i>dwelling</i>.

Element 4: Amenity

Rules	Criteria
<p>4.1 Private open space</p>	
<p>R36</p> <p>For <i>large blocks</i>, <i>private open space</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) has a minimum area equal to 60% of the block area, less 50m² b) has a minimum dimension of 6m for an area not less than 10% of the block c) at least 50% of the minimum area in a) is <i>planting area</i>. 	<p>C36</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <ul style="list-style-type: none"> a) limits site coverage of buildings and vehicle parking and manoeuvring areas b) provides space for planting c) facilitates on-site infiltration of stormwater run-off d) provides outdoor areas that are readily accessible by residents for a range of uses and activities e) provides space for service functions such as clothes drying and domestic storage.
<p>R37</p> <p>For <i>mid-sized blocks</i>, <i>private open space</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) a minimum area equal to 40% of the block area, less 50m² b) a minimum dimension as follows - <ul style="list-style-type: none"> i) blocks that are identified in a precinct code as an alternative boundary setback block – 4m for an area not less than 20% of the block area ii) in all other cases - 6m for an area not less than 10% of the block c) at least 50% of the minimum area specified in a) is <i>planting area</i>. 	<p>C37</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <ul style="list-style-type: none"> a) limits site coverage of buildings and vehicle parking and manoeuvring areas b) provides space for planting c) facilitates on-site infiltration of stormwater run-off d) provides outdoor areas that are readily accessible by residents for a range of uses and activities e) provides space for service functions such as clothes drying and domestic storage.
<p>R38</p> <p>For <i>compact blocks</i>, <i>private open space</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) a minimum area as follows - <ul style="list-style-type: none"> i) blocks is identified in a precinct code as an alternative side boundary 	<p>C38</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <ul style="list-style-type: none"> a) limits site coverage of buildings and vehicle parking and manoeuvring areas

Rules	Criteria
<p>setback block - 40% of the block area</p> <p>ii) in all other cases - 60% of the block area, less 50m²</p> <p>b) minimum dimension as follows -</p> <p>i) blocks that are identified in the <i>territory plan map</i> as an alternative boundary setback block – 4m for an area not less than 20% of the block area</p> <p>ii) in all other cases - 6m for an area not less than 10% of the block</p> <p>c) at least 50% of the minimum area specified in a) is <i>planting area</i>.</p>	<p>b) provides space for planting</p> <p>c) facilitates on-site infiltration of stormwater run-off</p> <p>d) provides outdoor areas that are readily accessible by residents for a range of uses and activities</p> <p>e) provides space for service functions such as clothes drying and domestic storage.</p>
4.2 Principal private open space	
<p>R39</p> <p>At least one area of <i>principal private open space</i> on the block complies with all of the following:</p> <p>a) minimum area and dimensions specified in Table 8.</p> <p>b) at ground level</p> <p>c) directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom</p> <p>d) screened from adjoining public streets and public open space</p> <p>e) located behind the building line, except where enclosed by a courtyard wall</p> <p>f) is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June).</p>	<p>C39</p> <p><i>Principal private open space</i> achieves all of the following:</p> <p>a) is proportionate to the size of the dwelling</p> <p>b) capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation, and it is directly accessible from the dwelling</p> <p>c) accommodates service functions such as clothes drying and mechanical services</p> <p>is screened from public streets and public open space with pedestrian or cycle paths.</p>

Table 8: Principal Private Open Space

Zone	Dwelling Size	Minimum Area	Minimum Dimension
RZ1	1 or 2 Bedrooms	28m ²	4m
RZ2	3 or more Bedrooms	36m ²	6m
RZ3	all	24m ²	4m
RZ4			

4.3 Noise attenuation – external sources	
<p>R40</p> <p>Where a <i>block</i> is identified in a precinct code as being potentially affected by noise from external sources the building complies with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> a) AS/NZS 3671 <i>Acoustics – Road traffic Noise Intrusion, Building Siting and Construction</i> b) AS/NZS 2107 <i>Acoustics – Recommended design sound levels and reverberation terms for building interiors</i> c) ACT Environment Protection Regulation 2005. <p>A report prepared by a suitably qualified acoustics consultant that is a member of the Australian Acoustic Society and has experience in assessing noise effects demonstrates compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 5: Environment

Water Ways: Water Sensitive Urban Design General Code

Rules	Criteria
5.1 Water sensitive urban design	
<p>R41</p> <p>This rule applies to all new single <i>dwellings</i>, except <i>minor extensions</i>.</p> <p>The development complies with one of the following:</p> <ul style="list-style-type: none"> i) Option A 	<p>C41</p> <p>Evidence is provided that 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. The 40% target is met without any reliance on</p>

Rules	Criteria
<p>ii) Option B</p> <p>For this rule</p> <p>Option A is:</p> <p>a) on <i>compact blocks</i> -</p> <p>i) no minimum water storage requirement</p> <p>ii) minimum ★★★ rated plumbing fixtures</p> <p>b) on <i>mid-sized blocks</i> -</p> <p>i) minimum on site water storage of water from roof harvesting is 2,000 litres</p> <p>ii) 50% or 75m² of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps</p> <p>c) on <i>large blocks</i> up to 800m² -</p> <p>i) minimum on site water storage of water from roof harvesting is 4,000 litres</p> <p>ii) 50% or 100m² of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps</p> <p>d) on <i>large blocks</i> 800m² or greater -</p> <p>i) minimum on site water storage of water from roof harvesting is 5,000 litres</p> <p>ii) 50% or 125m² of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps.</p> <p>Option B is:</p> <p>A greywater system captures all bathroom and laundry greywater and treats it to Class A standard. The treated greywater is connected to all laundry cold water, toilet flushing and all external taps.</p> <p>For this rule</p> <p>minor extension means an extension where the increase in the combined roof plan area, driveway, car manoeuvring areas and car parking areas is less than 25% of the total of the areas of</p>	<p>landscaping measures to reduce consumption.</p>

Rules	Criteria
these components at the date of lodgement of the development application.	
5.2 Heritage	
<p>R42</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the <i>Heritage Act 2004</i> are accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i>.</p> <p>Note: If advice from the Heritage Council is required but not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.</p>	This is a mandatory requirement. There is no applicable criterion.
5.3 Trees	
<p>R43</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 is accompanied by a tree management plan approved under the <i>Tree Protection Act 2005</i>.</p> <p>Note 1: 'Protected tree' is defined under the Tree Protection Act 2005.</p> <p>Note 2: If an approved tree management plan is required but not provided, 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 Planning and Development Act 2007.</p>	This is a mandatory requirement. There is no applicable criterion.
5.4 Erosion and sediment control	
<p>R44</p> <p>For sites less than 3,000m², development complies with the Environment Protection Authority, <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>, August 2007.</p>	This is a mandatory requirement. There is no applicable criterion.
<p>R45</p> <p>For sites 3,000m² or larger, the application is accompanied by an erosion and sediment control plan endorsed by the ACT Environment Protection Authority.</p>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>Note: If an erosion and sediment control plan is required but not provided, the application will be referred to the ACT Environment Protection Authority to the Heritage Council before the determination of the application.</p>	

Element 6: Services

Rules	Criteria
<p>6.1 Waste management</p>	
<p>R46</p> <p>Where residential development is likely to generate a 20m³ or more of demolition waste and/or construction waste and/or excavation material, waste facilities and management associated with the development comply with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>6.2 Utilities</p>	
<p>R47</p> <p>There is no applicable rule.</p>	<p>C47</p> <p>Where a development encroaches into a registered easement the application will be referred to the relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Appendix 1 – Definitions of terms used in this code

Articulation element means a building component that would not otherwise be counted as part of the building's *gross floor area*, and may include verandahs, porches, *balconies*, awnings, shade devices, pergolas and the like, but not carports.

Attic means any habitable space contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the *storey* immediately below, except for minor elements such as dormer windows and the like.

Authority means the Planning and Land Authority established by section 7 of the *Planning and Land Act 2002*.

Balcony means a small outdoor area, raised above the ground, directly accessible from within the *building* and open except for a balustrade on at least one side.

Basement means a space within a *building* where the floor level of the space is predominantly below *datum ground level* and where the *finished floor level* of the level immediately above the space is less than 1.0 metre above *datum ground level*.

Block means a parcel of land, whether or not the subject of a *lease*.

Building line means a line drawn parallel to any *front boundary* along the front face of the *building* or through the point on a *building* closest to the *front boundary*. Where a terrace, landing, porch, *balcony* or verandah is more than 1.5 metres above the adjoining *finished ground level* or is covered by a roof, it shall be deemed to be part of the *building*.

Carport means a car shelter wholly or partly enclosed on not more than two sides.

Communal open space means common outdoor open space for recreation and relaxation of residents of a housing development.

Compact block means a *block* with an area less than 250m².

Datum ground level means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

Desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

Dual occupancy housing means the use of land that was originally used or leased for the purposes of *single dwelling housing* for two *dwellings*.

Dwelling means a building or part of a building used as a self contained residence which must include:

- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a dwelling.

Estate Development Plan means a plan setting out the proposed pattern of subdivision and infrastructure works for an estate and which is required to be approved prior to the undertaking of the works and the granting of leases for the subdivided *blocks* and may include a *Streetscape Concept Plan* and/or *Building Envelope Plan*.

External wall means an external wall that may also incorporate

- (a) windows with sill heights $\geq 1.7\text{m}$ from the floor, or
- (b) screened decks, or
- (c) fixed pane windows with obscure glass and/or awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal.

Front Zone means the area of a *block* between the *front boundary* and the *building line* or at the minimum front setback for the *block* whichever is greater. (Note: for the purpose of this definition, the *front zone* shall not extend more than 10m from the *front boundary*).

Height of building means the vertical distance between *datum ground level* to the highest point or points of the *building*.

Garage means a car shelter wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.

Gross floor area (GFA) means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking.

Habitable room means any room within a dwelling used or adapted to be used for the purpose of living, sleeping, or the eating or cooking of food and includes lounge rooms, family rooms, dining rooms, rumpus rooms, bedrooms, kitchens, but does not include bathrooms, laundries, *garages*, or garden sheds.

Large block means a *block* with an area of 500m^2 or greater.

Lease has the same meaning as in the *Planning and Development Act 2007*.

Lease and development condition means a condition, other than a condition contained in the lease or an agreement collateral to the lease, that—

- (a) was approved by the Territory when the lease was granted; and
- (b) relates to the development or use of the land that is subject to the lease.

Lower floor level (LFL) means a *finished floor level* which is 1.8 metres or less above *datum ground level* at any point.

Mid sized block means a *block* with an area of 250m^2 or greater but less than 500m^2 .

Multi-unit housing means the use of land for more than one *dwelling* and includes but is not limited to *dual occupancy housing* and *triple occupancy housing*.

Northern boundary means a boundary of a *block* where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.

Plot ratio means the *gross floor area* in a *building* divided by the area of the *site*.

R77 Planting area means an area of land within a *block* that is not covered by *buildings*, vehicle parking and manoeuvring areas or any other form of impermeable surface and that is available for landscape planting.

R78

R79 Principal private open space means *private open space* that is directly accessible from a *habitable room* other than a bedroom.

Primary building zone means the area between the *front zone* and a line projected 12m distant.

Primary window means the main window of a *habitable room*.

Private open space means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas. Up to 25 per cent of any part of private open space may be roofed, except that a *balcony* may be entirely roofed.

Rear zone means the area of a *block* behind the *primary building zone*.

Residential block means a *block* that has at least one of the following characteristics –

- (c) zoned residential
- (d) affected by a *lease* which authorises *residential use*.

Screening device means a permanent structure that comprise one or more of the following

- a) opaque or translucent glazing
- b) solid panels
- c) perforated panels or trellises with a maximum 25% openings.

Secondary street frontage means the frontage of a corner *block* nominated in a precinct code or, if not so nominated, nominated by the applicant.

Single dwelling housing means the use of land for residential purposes for a single *dwelling* only.

Single dwelling block means a *block* with one of the following characteristics -

- c) originally leased or used for the purpose of *single dwelling housing*
- d) created by a consolidation of *blocks*, at least one of which was originally leased or used for the purpose of *single dwelling housing*.

Site means a *block*, *lease* or other lawful occupation of land, or adjoining *blocks*, *leases* or lawful occupancies in the event of these being used for a single undertaking or operation, but excludes the area of any access driveway or right-of-way.

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an *attic* or a *basement*.

Streetscape includes the visible components within a street (or part of a street) including the private land between facing *buildings*, including the form of *buildings*, treatment of *setbacks*, fencing, existing trees, landscaping, driveway and street layout and surfaces, utility services and street furniture such as lighting, *signs*, barriers and bus shelters.

Supportive Housing means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and personal care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained dwellings.

Undercroft Parking means that portion of a building set aside for car parking.

R80

R81 **Unscreened element** means unscreened windows, decks, *balconies* and external stairs.

R82

Upper floor level (UFL) means a *finished floor level*, which is greater than 1.8 metres above *datum ground level* at any point.

Appendix 2 – Boundary setback diagrams

Figure 1: Large blocks approved in 1992 to 18 October 1993 (Table 2A + 5)

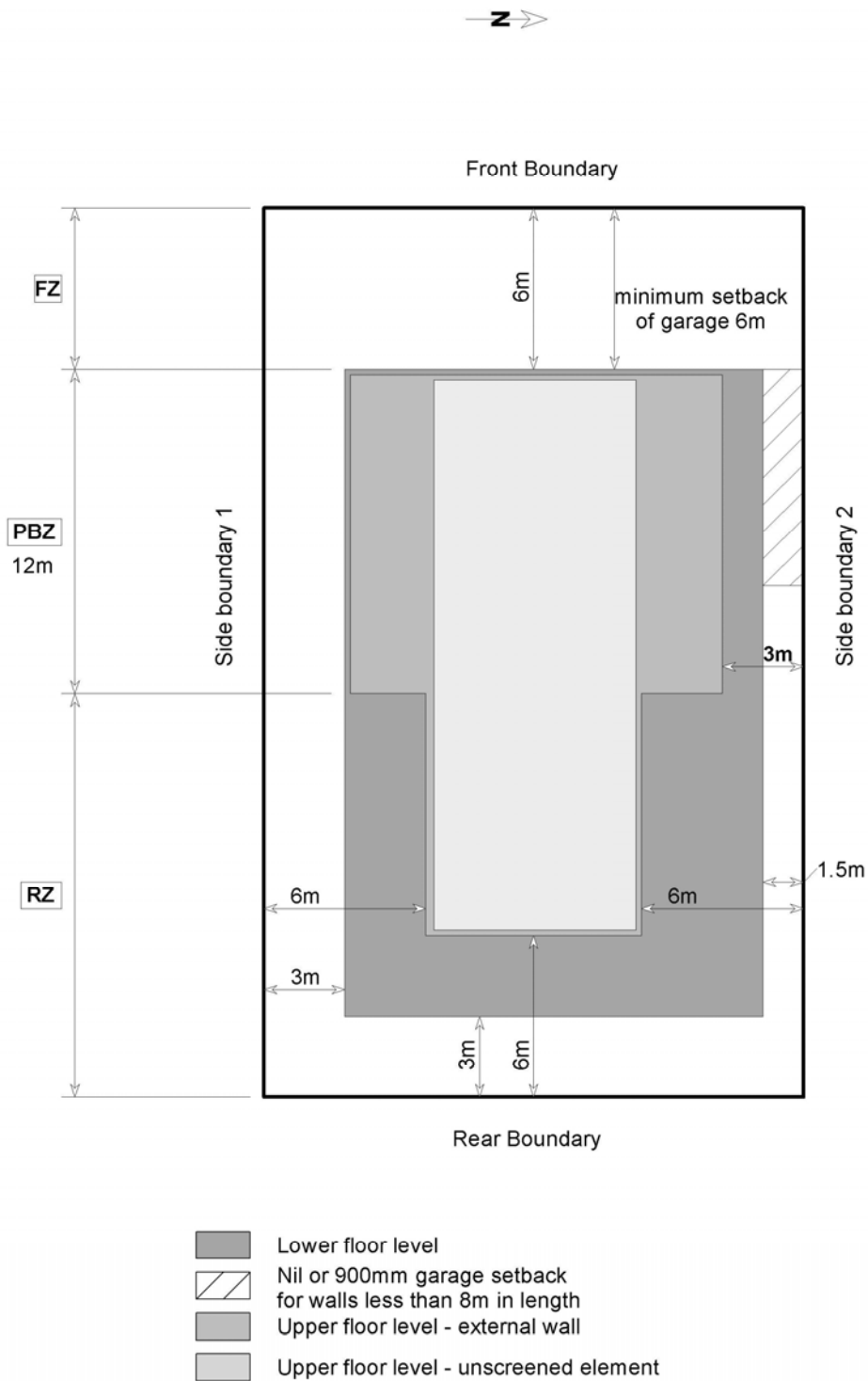


Figure 2: Large blocks approved on or after 18 October 1993 but before 31 March 2008 (Table 2B + 5)

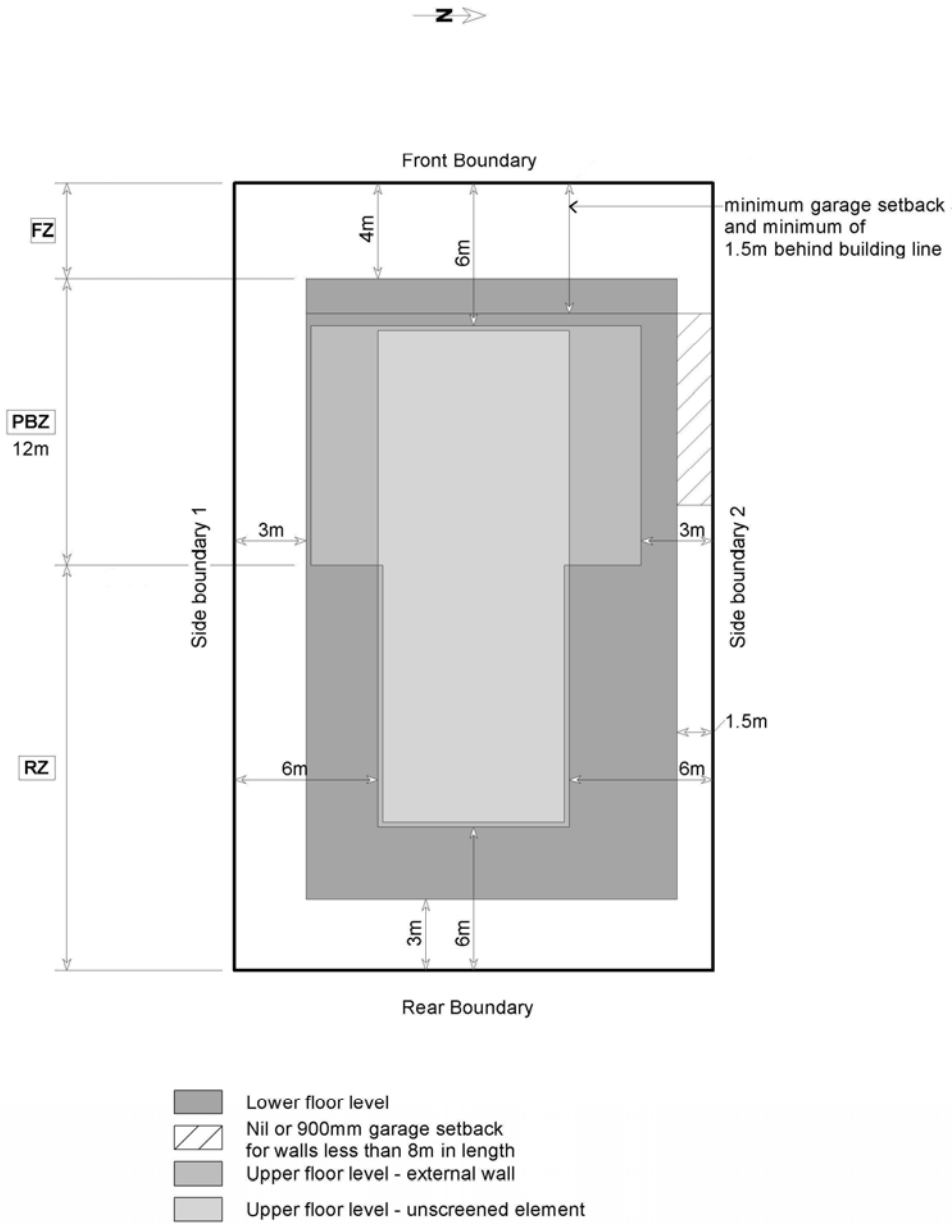


Figure 3: Large blocks approved on or after 31 March 2008 before 2 October 2009 (Table 2C + 5)

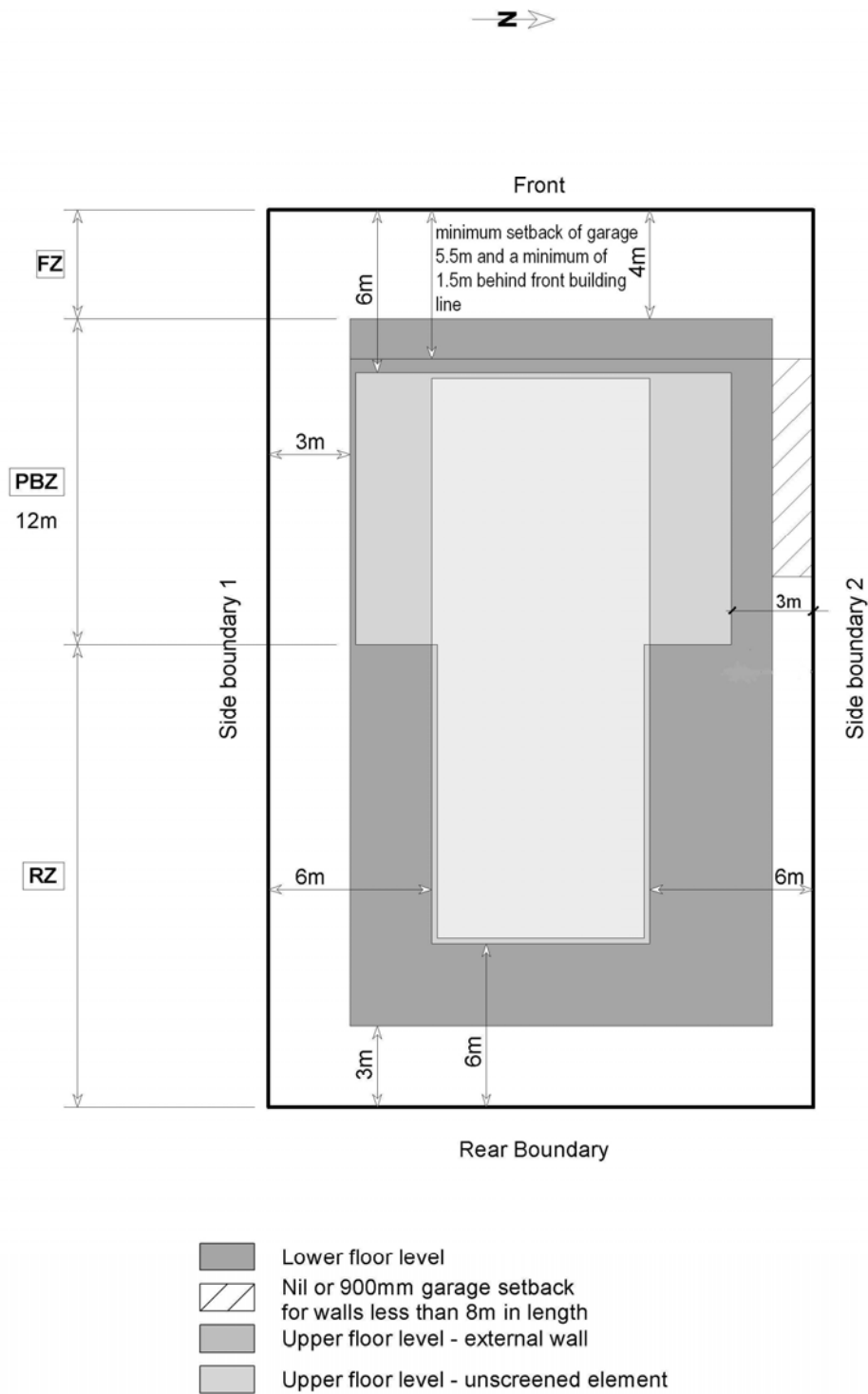


Figure 3: Large blocks approved on or after 2 October 2009 (Table 2C + 5)

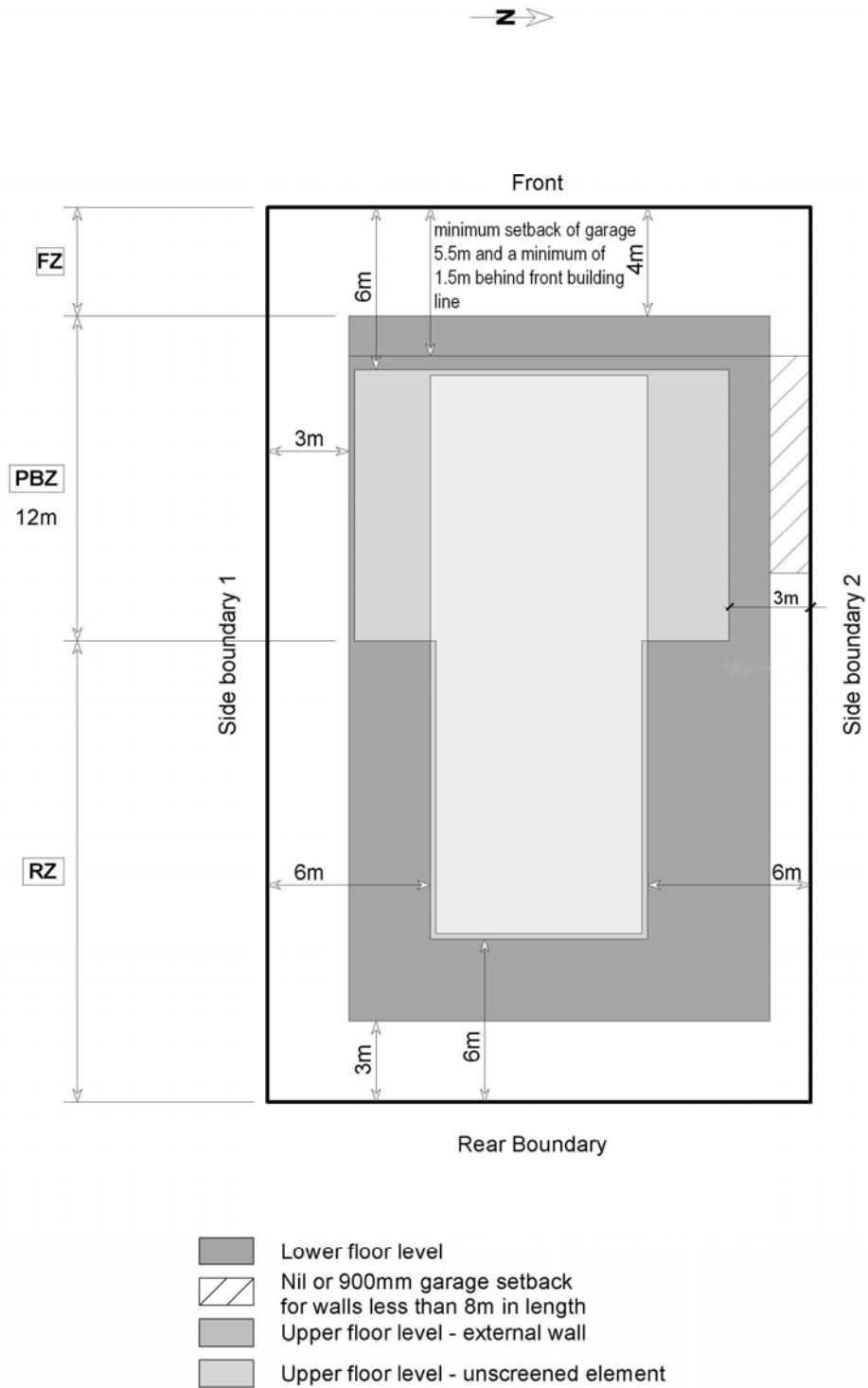


Figure 5: Mid-sized Blocks approved before 18 October 1993 (Table 3A + 6A)

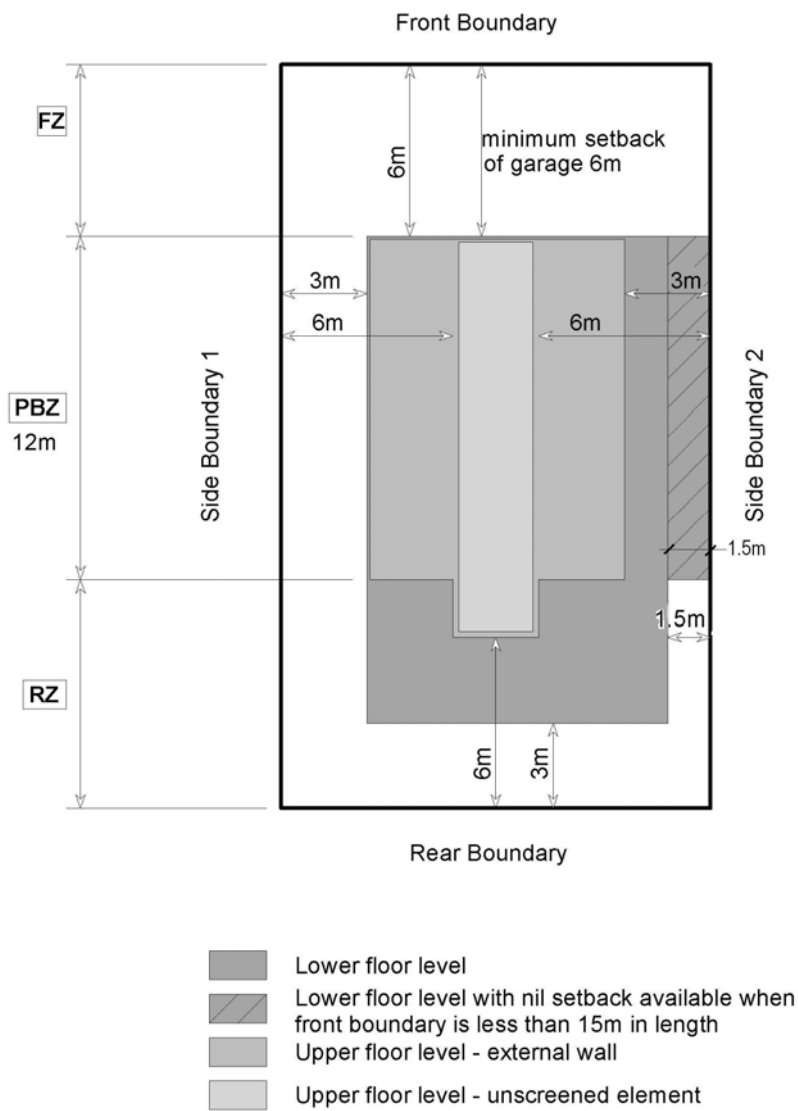


Figure 6 : Mid-sized blocks approved on or after 18 October 1993 but before 31 march 2008 (Table 3B + 6A)

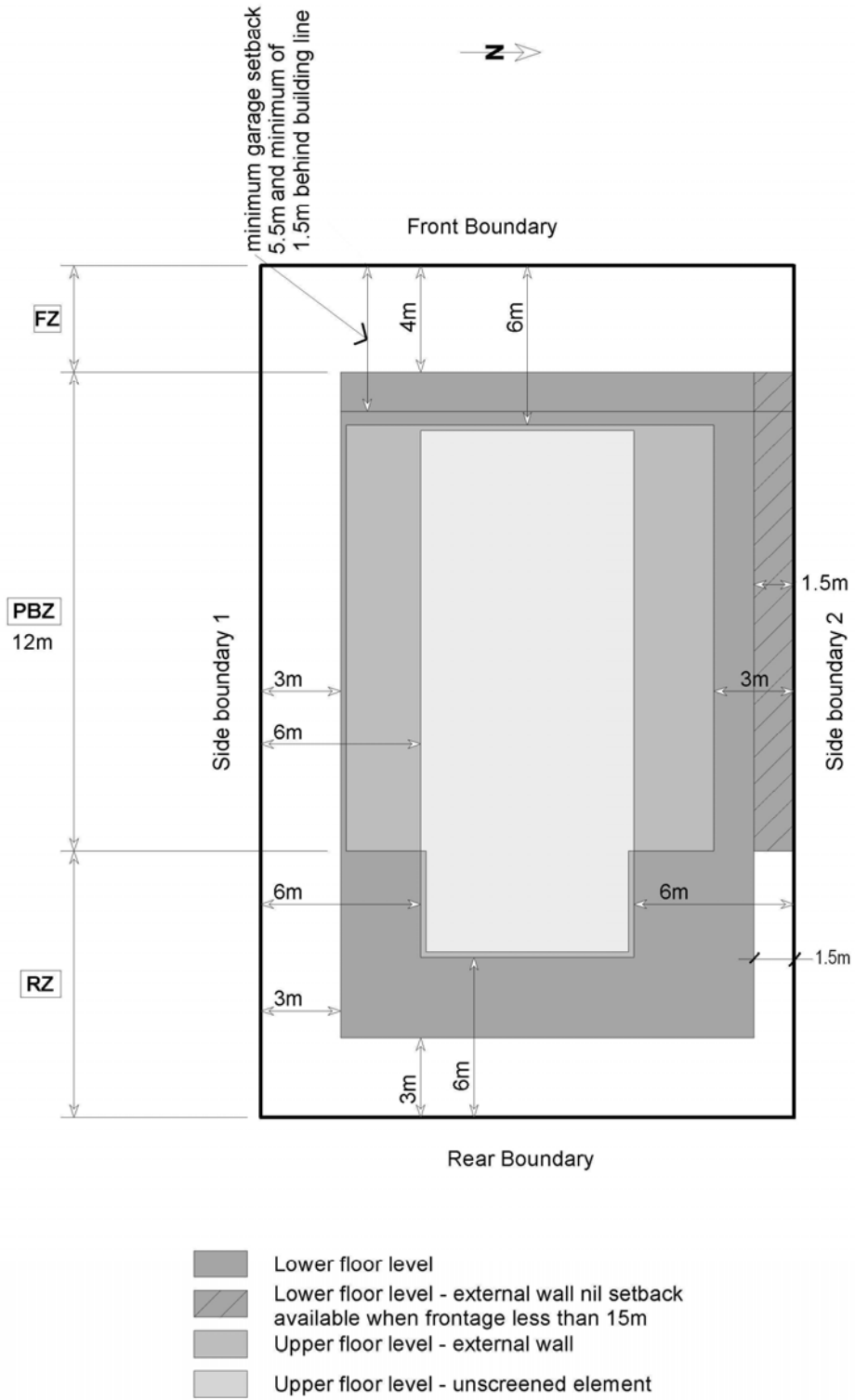
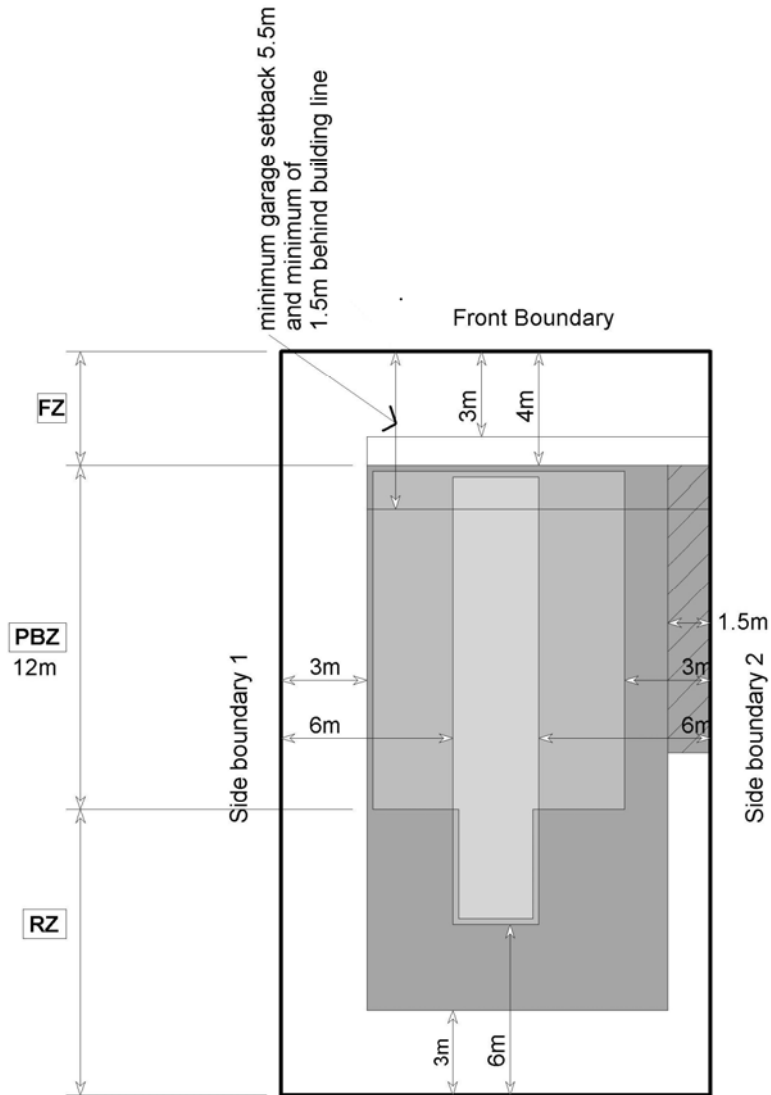


Figure 7 : Mid-sized blocks approved on or after 31 March 2008 before 2 October 2009 (Table 3C + 6A)








-  Articulation Element all levels
-  Lower floor level
-  Lower floor level - external wall nil setback available when frontage less than 15m
-  Upper floor level - external wall
-  Upper floor level - unscreened element

Figure 8 : Mid-sized blocks approved on or after 2 October 2009 (Table 3C + 6B)

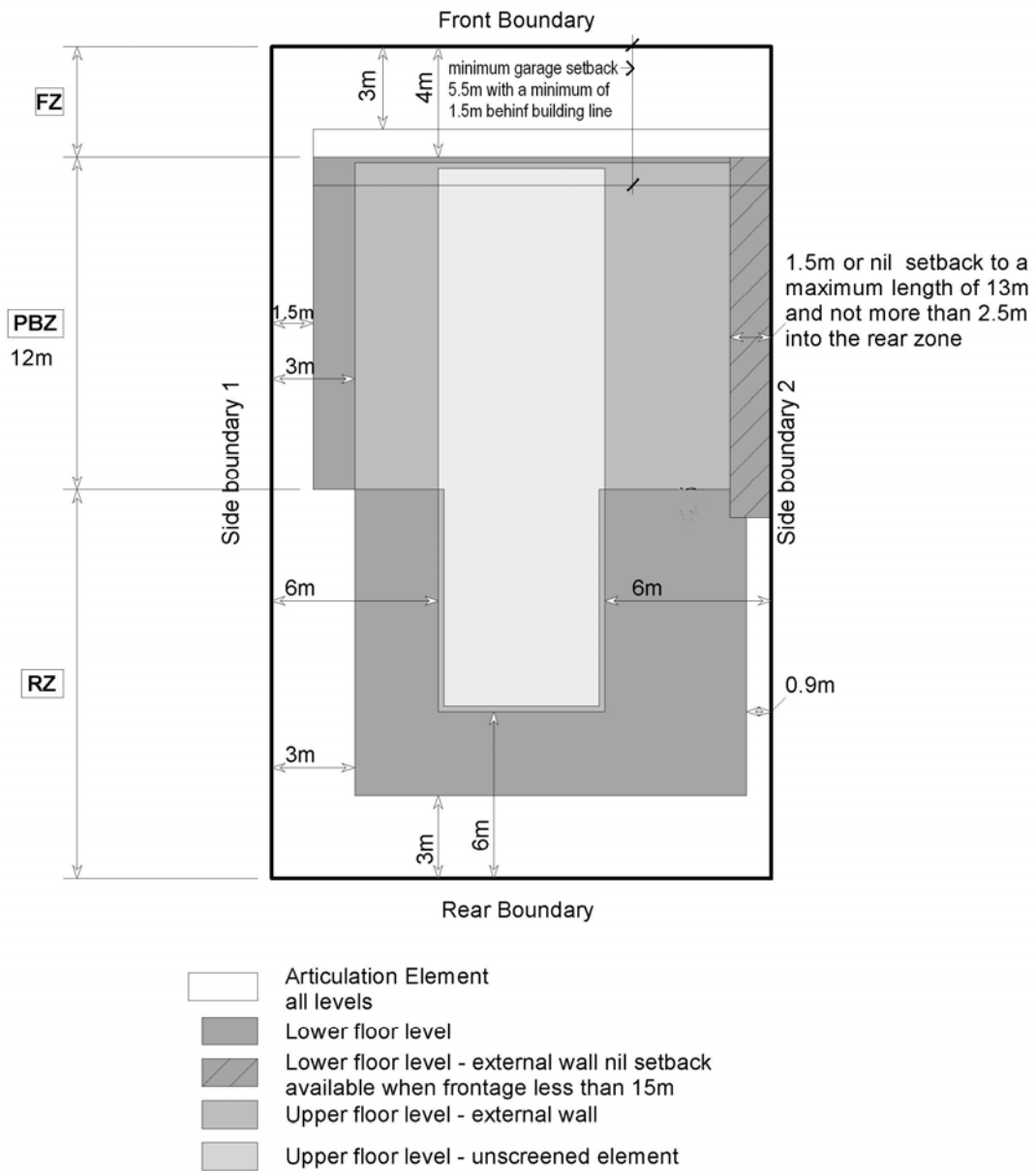
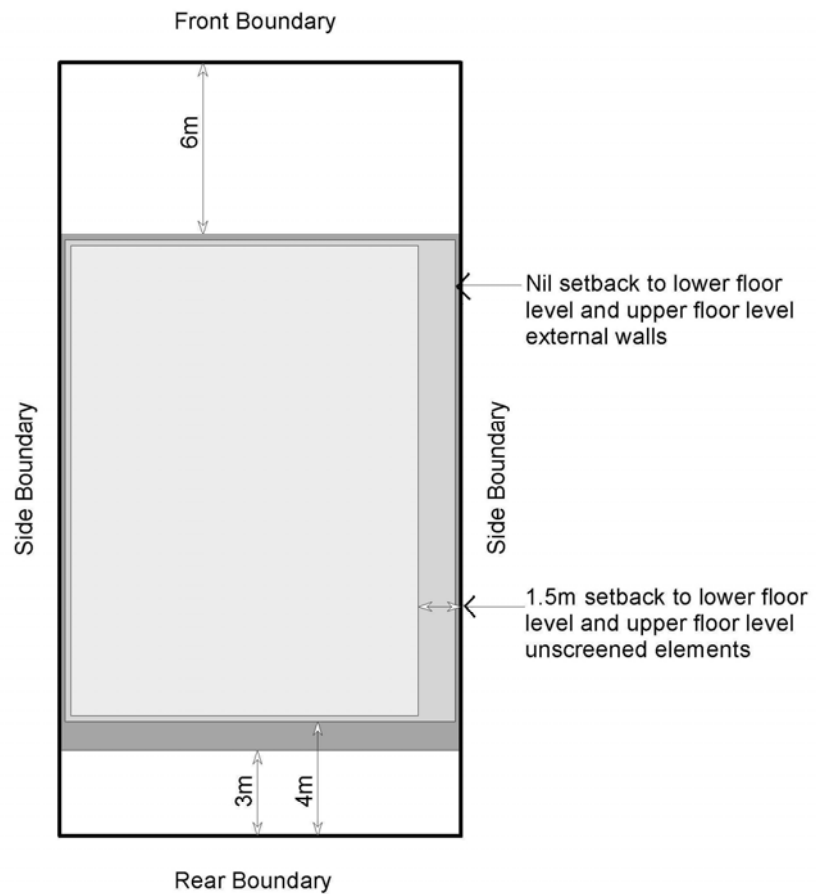


Figure 9 : Compact blocks approved 1992 to 18 October 1993 (Table 3A + 7)



- Lower floor level - external wall and unscreened element
- Upper floor level - external wall
- Upper floor level - unscreened element

Figure 10 : Compact blocks approved on or after 18 October 1993 but before 31 March 2008 (Table 3B + 7)

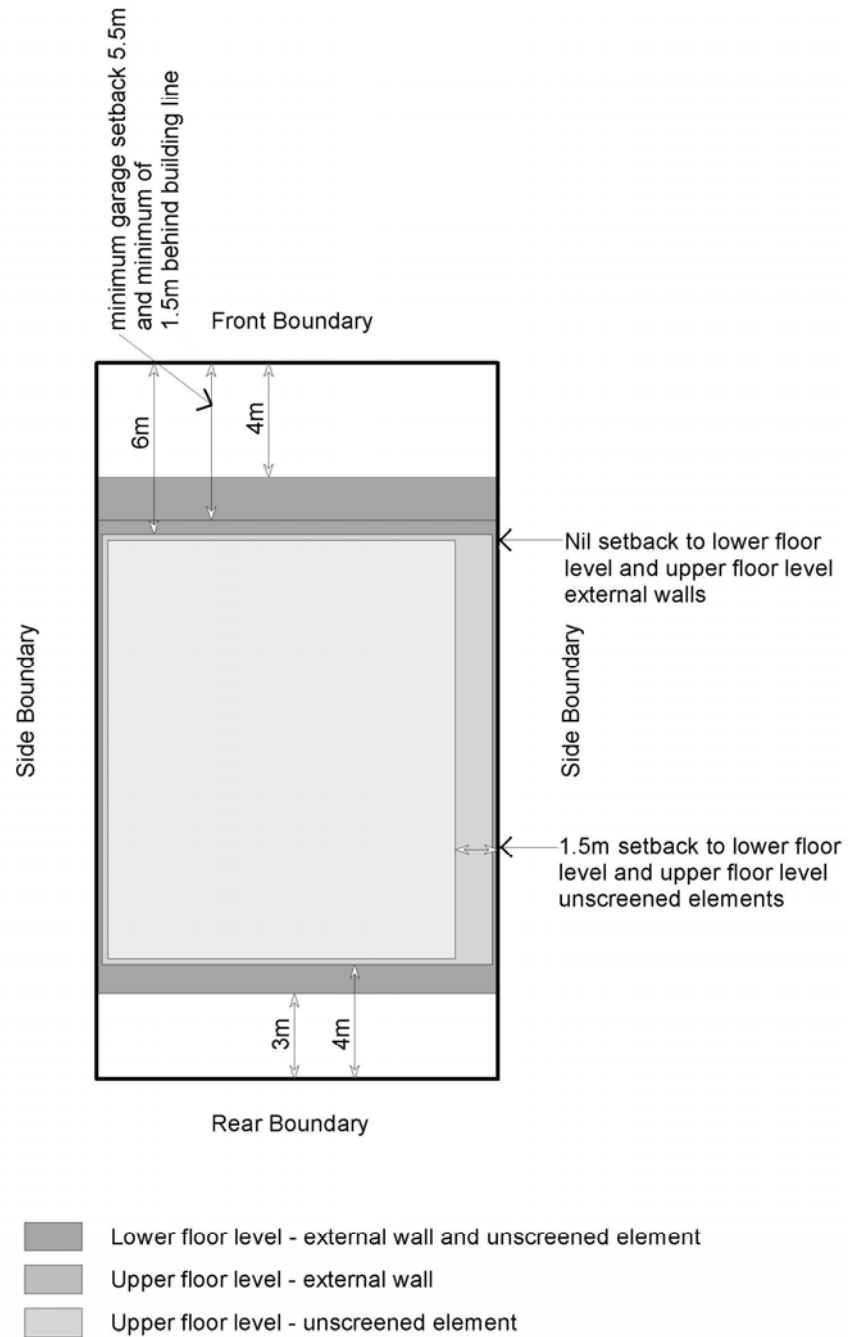


Figure 11: Compact blocks approved on or after 31 March 2008 before 2 October 2009 (Table 4A + 7)

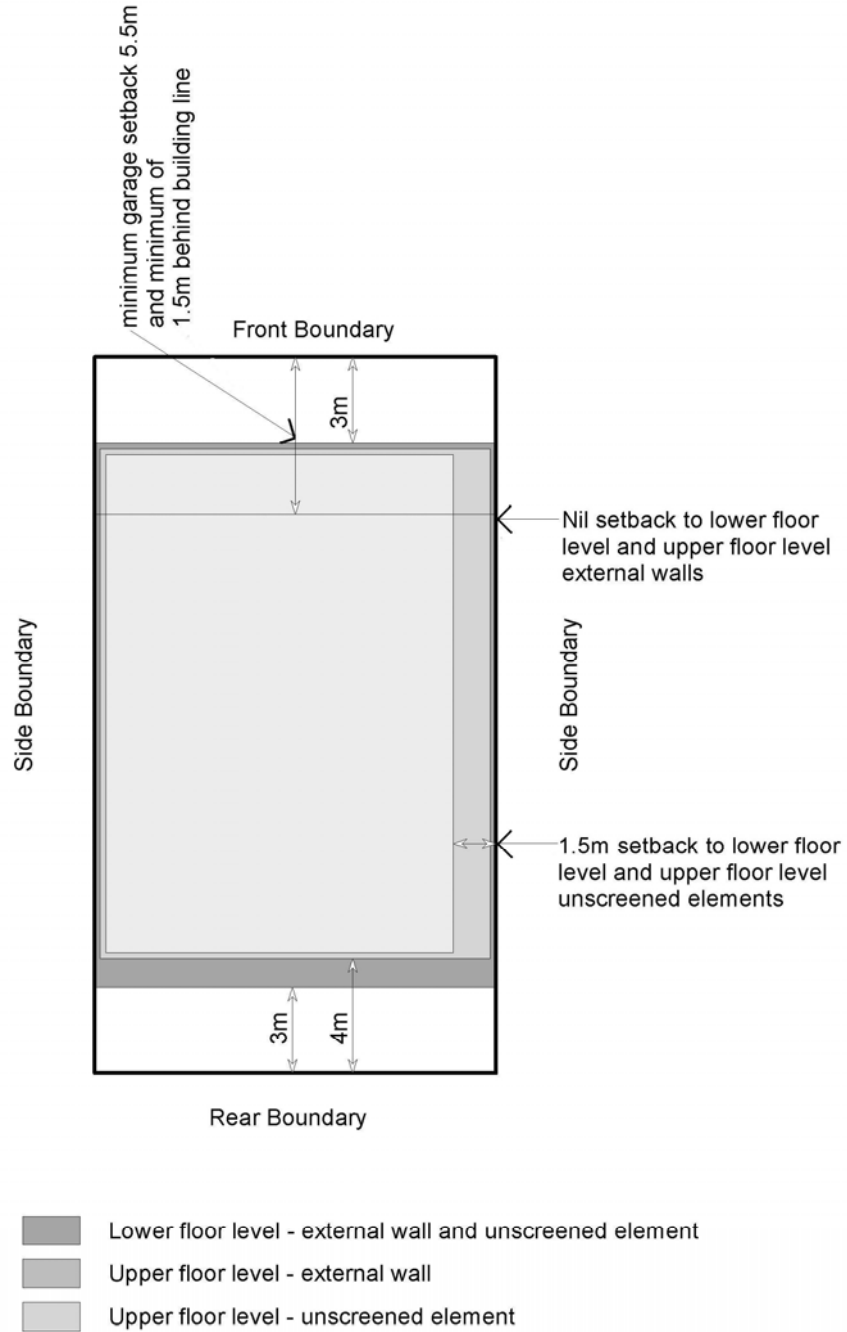
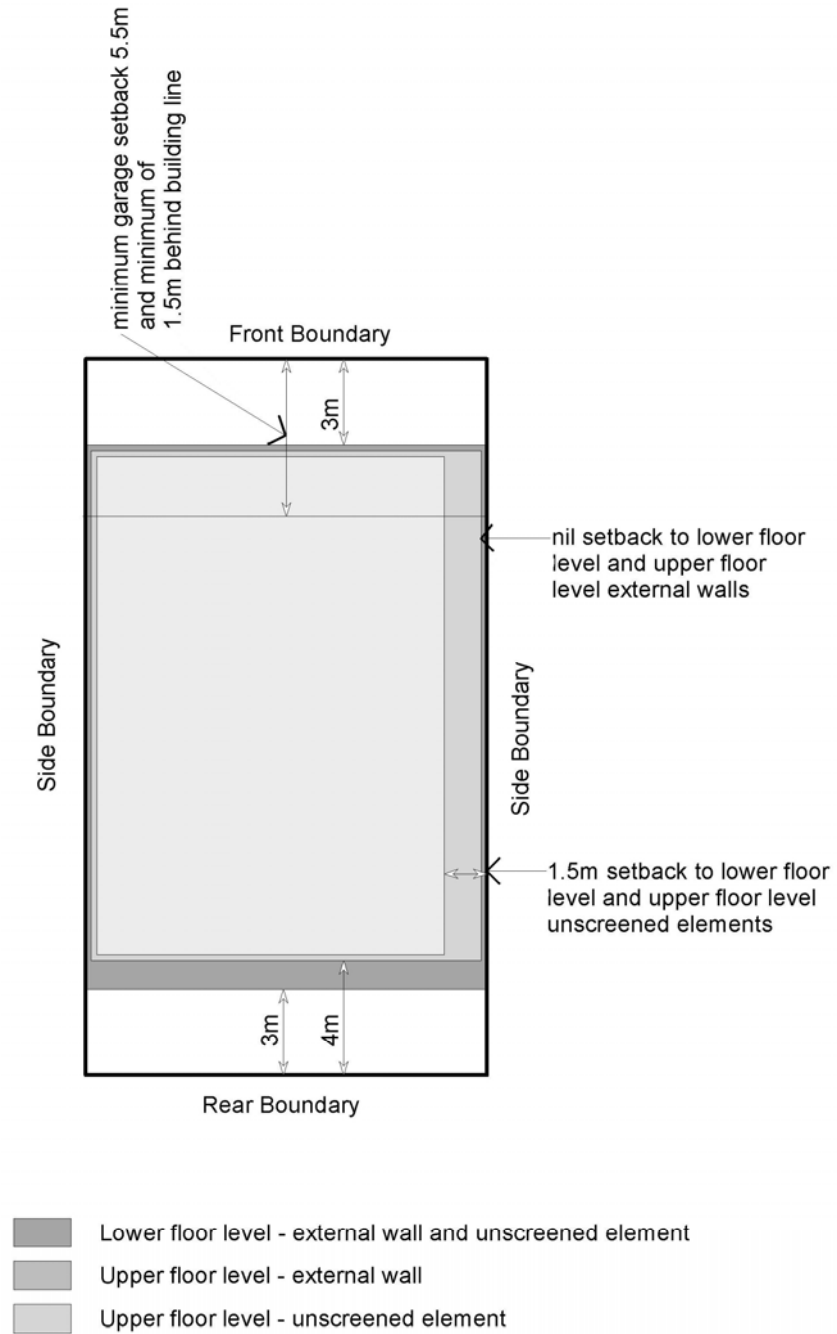


Figure 12: Compact blocks approved on or after 2 October 2009 (Table 4A + 7)





ACT Planning &
Land Authority

Multi Unit Housing Development Code

Draft June 2010

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Introduction

Name

The name of this code is **Multi Unit Housing Development Code**.

Application

This code applies to *multi unit housing* in all zones.

National Capital Plan

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 must not be 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.

Purpose

This code provides additional planning, design and environmental controls to support the objectives of the relevant zone.

It will be used by the *Authority* to assess development applications. It also offers guidance to applicants in designing development proposals and preparing development applications.

Structure

This code has 3 parts

Part A – General multi unit housing controls provide general controls for multi-unit housing in all zones

Part B – Additional controls for multi unit housing with 4 or more storeys

Part C – Additional controls for multi unit housing in commercial zones

Generally, each part is divided into one or more elements. Each element has one or more rules, each having an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls, while criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Assessment tracks

Assessment track for a particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate that the relevant criterion is satisfied, through supporting drawings and/or written documentation. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

Code hierarchy

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

Related codes

Residential Zones Development Code applies to all forms of development in residential zones and makes reference to development codes and general codes that may also apply.

Precinct codes may contain additional provisions that apply to certain specified blocks. Precinct codes are found in part 10.

Definitions

Defined terms and references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in the appendix, or associated with the respective rule.

Relevant Development Codes and General Codes

Development codes that may be relevant to housing development or development associated with housing development are marked Y in Table 1.

Table 1 – Development codes applicable to residential and related development.

development/ use	this code	Residential Zones Development Code	Single Dwelling Housing Development Code
boarding house	Y	Y	
demolition		Y	
diplomatic residence		Y	Y
guest house	Y	Y	
home business		Y	
multi unit housing	Y	Y	
residential care accommodation	Y	Y	
retirement complex	Y	Y	
secondary residence		Y	Y
sign		Y	
single dwelling housing		Y	Y
special dwelling (one dwelling)			Y
special dwelling (more than one dwelling)	Y	Y	
supportive housing	Y	Y	

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to housing development.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Crime Prevention through Environmental Design General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Water Ways: Water Sensitive Urban Design General Code

Development must comply with all relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11.

Part A – General Controls

This part applies to all multi-unit housing development irrespective of zone. Part B contains additional controls that apply to multi-unit housing with four or more storeys. Part C contains additional controls that apply to multi-unit housing in commercial zones.

Element 1: Restrictions on use

Rules	Criteria
1.1 Dual occupancy housing - single dwelling blocks – RZ1	
<p>R1</p> <p>In RZ1, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is 700m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.2 Dual occupancy and multi unit housing - single dwelling blocks – RZ2	
<p>R2</p> <p>In RZ2, the minimum area of <i>single dwelling blocks</i> is:</p> <p>a) for dual occupancy housing - 700m²</p> <p>b) for multi-unit housing (other than dual occupancy) - 1200m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.3 Additional dwellings - single dwelling blocks - RZ1 and RZ2	
<p>R3</p> <p>This rule applies to single dwelling blocks.</p> <p>The maximum number of dwellings permitted on each block is:</p> <p>a) in RZ1 - 2</p> <p>b) in RZ2 on blocks with a street frontage of 20m or less - 3</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.4 Additional apartments - single dwelling blocks - RZ1 and RZ2	
<p>R4</p> <p>In RZ1 or RZ2 on single dwelling blocks, no new apartments are permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.5 Supportive housing - single dwelling blocks - RZ1 and RZ2	
<p>R5</p> <p>This rule applies to single dwelling blocks in RZ1 or RZ2.</p> <p>Despite any other rule in this element, 2 or more dwellings are permissible for the purpose of supportive housing.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 2: Lease and development conditions

2.1 Development proposals affected by approved lease and development conditions - all zones	
<p>R6</p> <p>Where approved <i>lease and development conditions</i> affecting the <i>block</i> provide for one or more of the following matters:</p> <ul style="list-style-type: none"> a) plot ratio b) building envelope c) building height d) front street setback e) side setback f) rear setback g) building design h) materials and finish i) interface j) vehicle access k) parking l) solar access m) private open space n) water sensitive urban design o) landscaping <p>such provisions shall take precedence over this code, but only to the extent of any inconsistency.</p> <p>Note: the provisions of lease and development conditions will cease to have effect after 31 March 2013.</p>	<p>C6</p> <p>The development meets the intent of any current, relevant <i>lease and development conditions</i>.</p>

Element 3: Building and site controls

Rules	Criteria
3.1 Plot ratio – single dwelling blocks in RZ1	
<p>R7</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1</p> <p>The maximum <i>plot ratio</i> for <i>dual occupancy housing</i> is determined by the formula:</p> $P = (140/B + 0.15) \times 100.$ <p>In RZ1 the maximum <i>plot ratio</i> where any additional new <i>dwelling</i> which is part of a <i>dual occupancy</i> and does not directly front a public road from which vehicular access is permitted is</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>the lesser of the following:</p> <p>a) the <i>plot ratio</i> determined by the formula</p> $P = (140/B + 0.15) \times 50$ <p>b) 17.5%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p> <p>For the formulae used in this rule:</p> <p>P is the maximum permissible <i>plot ratio</i> expressed as a percentage</p> <p>B is the <i>block</i> area in square metres.</p>	
3.2 Plot ratio – single dwelling blocks – RZ2, RZ3 and RZ4	
<p>R8</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2, RZ3 and RZ4.</p> <p>a) In RZ2 the maximum <i>plot ratio</i> is:</p> <p>i) for <i>dual occupancy housing</i> or <i>triple occupancy housing</i> where at least one <i>dwelling</i> does not directly front a public road from which vehicular access is permitted – 35%</p> <p>ii) in every other case – 50%.</p> <p>b) In RZ3 the maximum <i>plot ratio</i> is 65%.</p> <p>c) In RZ4 the maximum <i>plot ratio</i> is 80%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.3 Plot ratio – other than single dwelling blocks – RZ1, RZ2, RZ3 and RZ4	
<p>R9</p> <p>This rule applies to <i>large blocks</i> other than <i>single dwelling blocks</i> in RZ1, RZ2, RZ3 and RZ4.</p> <p>The maximum <i>plot ratio</i> is:</p> <p>a) In RZ1 and RZ2 - 50%</p> <p>b) In RZ3 - 65%</p> <p>c) In RZ4 - 80%.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	
3.4 Number of storeys – single dwelling blocks - RZ1	
<p>R10</p> <p>In RZ1 on <i>single dwelling blocks</i> buildings comply with all of the following:</p> <ul style="list-style-type: none"> a) contain no more than 2 storeys b) attics or basement car parking are not permitted where they are located directly above or below any 2 storey element of the dwelling c) for dual occupancy housing that does not directly front a public road from which vehicular access is permitted, buildings are no more than single storey with no apartment car parking. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.5 Number of storeys –other than single dwelling blocks - RZ1	
<p>R11</p> <p>In RZ1 on blocks other than <i>single dwelling blocks</i>, the maximum number of <i>storeys</i> is 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.6 Number of storeys – RZ2, RZ3, and RZ4	
<p>R12</p> <p>The number of <i>storeys</i> does not exceed:</p> <ul style="list-style-type: none"> a) in RZ2 and RZ3 – 2 b) in RZ4 – 3. <p>Rooftop plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.7 Number of storeys – RZ5	
<p>R13</p> <p>In RZ5, number of <i>storeys</i> does not exceed the following:</p> <ul style="list-style-type: none"> a) that part of the building within 50m of the boundaries of blocks in RZ1, RZ2 or RZ3 - 3 b) that part of the building within 40m of the boundaries of blocks in CFZ, PRZ1 or PRZ2 - 3 	<p>C13</p> <p>Buildings achieve consistency with the <i>desired character</i>.</p>

Rules	Criteria
<p>c) that part of the building within 9 m of the boundaries of blocks in RZ4 - 4</p> <p>d) in all other cases – 6.</p> <p>Roof top plant that is set back and screened from the street is not included in the number of storeys.</p>	
3.8 Height of buildings – RZ1, RZ2, RZ3 and RZ4	
<p>R14</p> <p>This rule applies to RZ1, RZ2, RZ3 and RZ4.</p> <p>Maximum <i>height of building</i> is:</p> <p>a) in RZ1, RZ2 and RZ3 – 8.5m</p> <p>b) in RZ4 – 12m.</p>	<p>C14</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
3.9 Building envelope - buildings with 3 storeys or fewer - all blocks approved before (commencement date) except in Molonglo Valley – all zones	
<p>R15</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on one of the following:</p> <p>a) <i>blocks</i> approved under an <i>estate development plan</i> before (commencement date)</p> <p>b) <i>blocks</i> for which a <i>lease</i> was granted before (commencement date).</p> <p>but does not apply to blocks located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule.</p> <p>Refer Figure A1.</p>	<p>C15</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
<p>R16</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on one of the following:</p> <p>a) <i>blocks</i> approved under an <i>estate development plan</i> before (commencement date)</p> <p>b) <i>blocks</i> for which a <i>lease</i> was granted before</p>	<p>C16</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p> <p>c) reasonable solar access to <i>dwelling</i>s on</p>

Rules	Criteria
<p>(commencement date)</p> <p>but does not apply to blocks located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in Table A1.</p> <p>Refer Figure A1.</p>	<p>adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
<p>3.10 Building envelope – buildings with 3 storeys or fewer - blocks approved on or after (commencement date) and in Molonglo Valley – all zones</p>	
<p>R17</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on all <i>blocks</i> with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an <i>estate development plan</i> on or after (commencement date) b) located in the district of Molonglo Valley. <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule.</p> <p>Refer Figure A1.</p>	<p>C17</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.
<p>R18</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on all <i>blocks</i> with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an <i>estate development plan</i> on or after (commencement date). b) located in the district of Molonglo Valley. <p>For any <i>northern boundary</i> of an adjoining <i>residential block</i> buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table A1.</p> <p>Refer Figure A1.</p>	

Table A1 – Apparent sun angle at noon on the winter solstice

Aspect of <i>northern boundary</i> or <i>north facing window</i> (bearing of line drawn perpendicular to the boundary or window)	Angle (X)
North 0-9° East	32°
North 0-9° West	
North 10-19° East	35°
North 10-19° West	
North 20-29° East	37°
North 20-29° West	
North 30-39° East	39°
North 30-39° West	
North 40-50° East	41°
North 40-50° West	

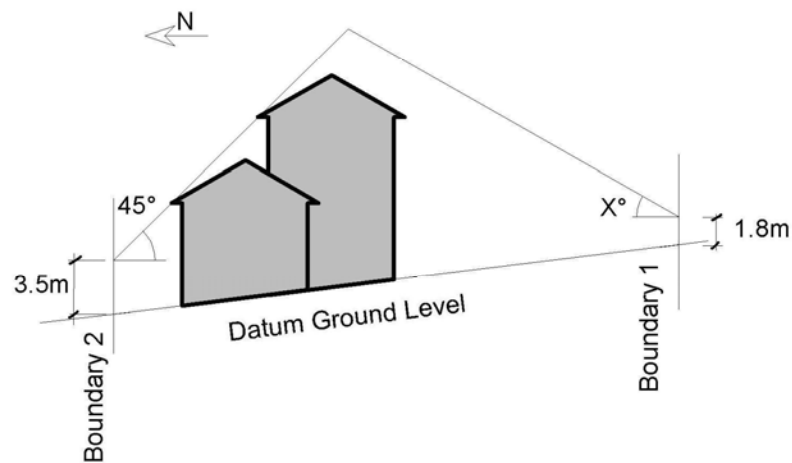


Figure A1 - Typical Building Envelope

Note: boundary setbacks and building height controls also apply.

3.11 Front boundary setbacks – all zones	
<p>R19</p> <p>Front boundary setbacks comply with Table A2.</p> <p>Minimum boundary setbacks for corner <i>blocks</i> apply only to the street frontage nominated as a <i>secondary street frontage</i>. If street frontages on corner <i>blocks</i> are of equal length, the minimum setbacks apply only to one <i>secondary street frontage</i>. Chamfers may be included in the <i>secondary street frontage</i>.</p> <p>Refer also to Figure AN.</p>	<p>C19</p> <p>Front boundary setbacks achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable amenity for residents c) pedestrian scale at street level d) space for street trees to grow to maturity.

Table A2: All Zones - Front Boundary Setbacks – (refer Appendix 2)

Minimum front boundary setbacks					
floor level	blocks in subdivisions approved after 18 October 1993	blocks in subdivisions approved before 18 October 1993	exceptions		
			corner blocks		public open space or pedestrian paths wider than 6m
			<i>secondary street frontage - mid-sized blocks</i>	<i>secondary street frontage - large blocks</i>	
<i>lower floor level</i>	4m	6m	3m	4m	4m
<i>upper floor levels</i>	6m	6m	3m	6m	4m
<i>garage</i>	5.5 m with a minimum of 1.5 m behind the front building line	6m	5.5m	5.5m	4m

3.12 Side and rear boundary setbacks – all Zones	
<p>R20</p> <p>Side and rear boundary setbacks comply with the following:</p> <p>a) in RZ1 and RZ2 - Table A3</p> <p>b) in RZ2, RZ3, RZ5 and commercial zones - Table A4.</p>	<p>C20</p> <p>Buildings and other structures are sited to achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable separation between adjoining developments</p> <p>c) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i></p> <p>d) reasonable privacy for principal private open space on adjoining residential blocks</p> <p>e) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</p>

Table A3: RZ1 and RZ2 - Side and Rear Boundary Setbacks (refer Appendix 2)

	Minimum side boundary setback within the <i>primary building zone</i>	Minimum side boundary setback within the <i>rear zone</i>	Minimum rear boundary setback
<i>Lower floor level – external wall and unscreened element</i>	3m	3m	3m
<i>Upper floor level – external wall</i>	3m	6m	6m
<i>Upper floor level – unscreened element</i>	6m	6m	6m

Table A4: RZ3, RZ4, RZ5 and commercial zones - Side and Rear Boundary Setbacks (refer Appendix 2)

	Minimum side boundary setback within the <i>primary building zone</i>	Minimum side boundary setback within the <i>rear zone</i>	Minimum rear boundary setback
<i>lower floor level – external wall</i>	nil	3m	3m
<i>lower floor level – unscreened element</i>	1m	3m	3m
<i>first upper floor level – external wall</i>	nil	3m	6m
<i>first upper floor level – unscreened element</i>	6m	6m	6m
<i>second upper floor level – external wall</i>	nil	6m	6m
<i>second upper floor level – unscreened element</i>	6m	6m	6m

3.13 Allowable setback encroachments – all zones	
<p>R21</p> <p>Encroachments into one or more of the following:</p> <ul style="list-style-type: none"> vii) minimum side setback viii) minimum rear setback ix) the space outside the building envelope <p>are permitted for one or more of the following building elements -</p> <ul style="list-style-type: none"> a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level. 	<p>C21</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i> dwellings</i> and their associated <i>private open space</i> c) reasonable solar access to <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.
<p>R22</p> <p>Encroachments into one or more of the following minimum front setback are permitted for one or more of the following building elements:</p> <ul style="list-style-type: none"> a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, light fittings, sun blinds c) landings, steps or ramps, none of which are more than 1m above finished ground level. 	<p>C22</p> <p>Buildings and other structures achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i> dwellings</i> and their associated <i>private open space</i> c) reasonable solar access to <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.

Element 4: Site design

4.1 Site design – all zones	
<p>R23</p> <p>For developments of 40 <i> dwellings</i> or more, the design of the common areas, pedestrian and vehicle access areas (other than <i>apartments</i>) comply with all of the following provisions of the Estate Development Code:</p> <ul style="list-style-type: none"> a) public realm standards for on-street parking b) pedestrian paths 	<p>C23</p> <p>Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following:</p> <ul style="list-style-type: none"> a) safety b) functionality c) residential amenity

<p>c) verge landscaping</p> <p>d) water sensitive urban design.</p>	<p>d) appropriate landscaping beside internal driveways</p> <p>e) provision for pedestrians</p> <p>f) off-street parking.</p>
4.2 Site open space - RZ1 and RZ2	
<p>R24</p> <p>This rule applies to RZ1 and RZ2.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <p>a) <i>communal open space</i> that is not less than 2.5m wide</p> <p>b) <i>private open space</i> that complies with all of the following -</p> <p style="margin-left: 20px;">x) is not less than 2.5m wide</p> <p style="margin-left: 20px;">xi) is associated with dwellings at the <i>lower floor level</i>.</p> <p>Not less than 20% of the total site area is <i>planting area</i>.</p>	<p>C24</p> <p>Open space on the site achieves all of the following:</p> <p>a) sufficient space for the recreation and relaxation of residents</p> <p>b) sufficient space for planting, particularly trees with deep root systems</p> <p>c) on-site infiltration of stormwater run-off</p> <p>d) outdoor areas that are readily accessible by residents for a range of uses and activities.</p> <p>e) One or more of the following matters may be considered when determining compliance with this criterion:</p> <p>f) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the site</p> <p>g) whether any adjoining or adjacent public open space is readily available for the use of residents.</p>
4.3 Site open space – RZ3, RZ4, RZ5 and commercial zones	
<p>R25</p> <p>This rule applies to RZ3, RZ4, RZ5 and commercial zones.</p> <p>Not less than 20% of the total site area is allocated to the following:</p> <p>a) for developments with fewer than 20 <i>dwellings</i>, none of which are <i>apartments</i>, one or more of the following -</p> <p style="margin-left: 20px;">i) <i>communal open space</i> that complies with all of the following</p> <p style="margin-left: 40px;">a) is not less than 2.5m wide</p> <p style="margin-left: 40px;">b) is directly accessible from common entries and pathways</p> <p style="margin-left: 20px;">ii) <i>private open space</i> that complies with all of the following</p> <p style="margin-left: 40px;">a) is not less than 2.5m wide</p>	<p>C25</p> <p>Open space on the site achieves all of the following:</p> <p>a) sufficient space for the recreation and relaxation of residents</p> <p>b) sufficient space for planting, particularly trees with deep root systems</p> <p>c) contribution to on-site infiltration of stormwater run-off</p> <p>d) accessibility to all residents</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <p style="margin-left: 20px;">i) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the</p>

<p>b) is associated with <i>dwelling</i>s at the <i>lower floor level</i></p> <p>b) in all other cases, <i>communal open space</i> that complies with all of the following -</p> <p>a) is not less than 2.5m wide</p> <p>b) is directly accessible from common entries and pathways.</p> <p>Not less than 10% of the total site area is <i>planting area</i>.</p>	<p>site</p> <p>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</p>
4.4 Landscape design – all zones	
<p>There is no applicable rule.</p>	<p>C26</p> <p>Landscape and site design achieves all of the following:</p> <p>a) trees of semi-mature stock</p> <p>b) trees with a minimum mature height of 4m</p> <p>c) a contribution to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car-parking areas, and admitting winter sunlight to outdoor and indoor living areas, especially to the north</p> <p>d) reasonable residential amenity</p> <p>e) reasonable visibility along paths and driveways</p> <p>f) visual interest in pavement materials and finishes</p> <p>g) species with appropriate growth habits and mature height in relation to site conditions.</p>
4.5 Fences – all zones	
<p>R27</p> <p>Fences are permitted forward of the <i>apartment</i> only where they comply with any of the following:</p> <p>a) it is a gate to a maximum height of 1.8m and 1m width in an established hedge</p> <p>b) exempt under the <i>Planning and Development Act 2007</i></p> <p>c) permitted under the <i>Common Boundaries Act 1981</i>.</p>	<p>C27</p> <p>Fences may be permitted where the proposal meets the requirements contained in the Residential Boundaries Fences General Code.</p>
4.6 Courtyard walls – all zones	
<p>R28</p> <p>Courtyard walls are permitted forward of the</p>	<p>C28</p> <p>Courtyard wall achieve all of the following:</p>

<p><i>building line</i> where they comply with all of the following:</p> <ul style="list-style-type: none"> a) maximum height of 1.8m above <i>datum ground level</i> b) a minimum setback to the front boundary complying with the following: <ul style="list-style-type: none"> i) where the wall encloses the <i>principal private open space</i> of a ground floor <i>dwelling</i> that is located to the west, north-west, north, north-east or east of the <i>dwelling</i> – 0.7m xii) in all other cases - half the front boundary setback nominated elsewhere in this code ii) trees and/or shrubs between the wall and the front boundary, in accordance with an approved landscape plan iii) a variety of materials or indentations not less than 15m apart where the indents are not less than 1m in depth and 4m in length iv) constructed of brick, <i>block</i> or stonework, any of which may be combined with timber or metal panels that include openings not less than 25% the surface area of the panel v) maintain clear sightlines between vehicles on driveways in and pedestrians on public paths in accordance with A2890.1- <i>The Australian Standard for Off-Street Parking</i>. 	<ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) visual softening through associated planting c) a barrier to traffic noise, where necessary d) reasonable privacy to <i>lower floor level</i> windows e) opportunities for natural surveillance of public areas and the street f) the articulation of elements g) a variety of materials h) reasonable solar access to <i>principal private open space</i>.
4.7 External facilities – all zones	
<p>There is no applicable rule.</p>	<p>C29</p> <p>The following external facilities or equipment are screened or adequately separated from public areas:</p> <ul style="list-style-type: none"> a) external storage areas b) waste storage enclosures c) mechanical services (including air conditioners and hot water storage units) d) clothes drying areas.
	<p>C30</p>

There is no applicable rule.	Mailboxes are located for convenient access by residents and deliverers with passive surveillance from the street or from active uses. To demonstrate compliance with this criterion a site plan is submitted with the application showing the location and design of mail boxes.
4.8 Electrical and telecommunication facilities – all zones	
R31 Electrical and telecommunication reticulation within existing residential areas or streets with residential access complies with all of the following: a) do not form continuous rows of supply poles erected on residential streets b) for developments involving up to 2 <i>blocks</i> or 2 <i>dwellings</i> are underground or along the rear spine or side of <i>blocks</i> c) for developments involving more than 2 <i>blocks</i> or 2 <i>dwellings</i> are underground d) there is no overhead cabling within site connecting to <i>dwellings</i> .	C31 Electrical and telecommunication reticulation within existing residential areas or streets with residential access limits the amount of visual clutter in the <i>streetscape</i> , particularly from supply poles and overhead cabling.
There is no applicable rule.	C32 Ground level electrical and telecommunication facilities (such as electrical substations, switching stations, telecommunications nodes) within existing residential areas or streets with residential access are screened from public view whilst allowing for reasonable for service providers.

Element 5: Building design

Related code: Access and Mobility General Code

Rules	Criteria
5.1 Surveillance – all zones	
R33 This rule applies to buildings facing any adjoining public street or public open space. a) Buildings have all of the following: b) at least one window to a habitable room that is not screened by a courtyard wall c) at least one door with roofed element such	C33 Buildings achieve passive surveillance of all of the following: a) adjoining streets b) adjoining <i>public open space</i> .

Rules	Criteria
as a verandah or balcony.	
5.2 Building entries – all zones	
<p>R34</p> <p>Common entries to <i>dwelling</i>s have all of the following features:</p> <ul style="list-style-type: none"> a) an external sheltered area outside the entrance b) a direct line of sight between the front door and the public footpath or road c) finished floor levels at or above the level of the adjoining verge d) separate access to any non-residential uses, which are clearly distinguishable and secured after hours. 	<p>C34</p> <p>Common entries to <i>dwelling</i>s achieve all of the following:</p> <ul style="list-style-type: none"> a) a transitional area from the street b) secure, all-weather access c) surveillance of public areas (including between buildings and open space areas, paths, <i>dwelling</i> entries, car parking areas and driveways) d) safety, security and convenience for residents and visitors e) the separation of residential entries and commercial entries.
5.3 Building design – all zones	
<p>R35</p> <p>This rule applies to buildings containing more than 2 <i>dwelling</i>s.</p> <p>Maximum length of unarticulated walls in buildings containing is 15m.</p> <p>Wall articulation is provided by at least one of the following:</p> <ul style="list-style-type: none"> a) changes in wall planes of a minimum 1m in depth and 4m in length b) inclusion of balconies, bay windows, verandas, fin walls, etc. c) horizontally stepping facades by at least 1m. 	<p>C35</p> <p>Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between <i>dwelling</i>s when viewed from adjoining public spaces and adjoining <i>residential blocks</i>.</p>
<p>R36</p> <p>This rule applies to buildings containing more than 2 <i>dwelling</i>s.</p> <p>Maximum length of an unarticulated roof is 15m.</p>	<p>C36</p> <p>Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between <i>dwelling</i>s when viewed from adjoining public spaces and adjoining <i>residential blocks</i>.</p>
<p>R37</p> <p>Garages and carports within 15m of the front boundary are constructed with the same material as the corresponding elements of the <i>dwelling</i>.</p>	<p>C37</p> <p>The exterior colours and finishes of garages and carports achieve all of the following:</p> <ul style="list-style-type: none"> a) compatibility with the <i>dwelling</i> design when viewed from public spaces

Rules	Criteria
	b) integration with the overall design c) a contribution to the articulation of the building.
5.4 Basements and undercroft parking	
R38 This rule applies to all of the following: <ul style="list-style-type: none"> i) <i>basements</i> ii) <i>undercroft parking</i>. External <i>walls</i> comply with all of the following: <ul style="list-style-type: none"> a) except for ventilation openings, are finished in the same manner as the building b) where ventilation openings are provided, they are treated as part of the façade with grilles and screens. 	C38 <i>Basements and undercroft parking</i> structures achieve all of the following: <ul style="list-style-type: none"> a) visual interest through architectural elements, features or modulation b) visual softening by landscaping c) avoidance of prominent ventilation openings.
5.5 Adaptability of buildings for use by disabled persons – all zones	
R39 For <i>multi-unit</i> housing comprising more than 9 units, not fewer than 1 <i>dwelling</i> for each 10 units (or part thereof) are designed to meet to meet Australian Standard <i>AS4299 – Adaptable Housing</i> (Class C).	C39 The development meets the objectives and intent of the Access and Mobility General Code.
5.6 Minimum dwelling size – all zones	
R40 Minimum <i>dwelling</i> floor areas are as follows: <ul style="list-style-type: none"> a) <i>studio dwellings</i> - 40 m² b) <i>one-bedroom dwellings</i> - 50 m² c) <i>2-bedroom dwellings</i> - 70 m² d) <i>dwellings with 3 or more bedrooms</i> - 95 m² The minimum <i>dwelling</i> floor area excludes balconies and car parking facilities. Storage within <i>dwellings</i> is included in the area calculations.	C40 <i>Dwelling</i> sizes and layouts provide functional living spaces, flexibility in furniture layout, and adequate storage and service areas. Whether there is compensatory provision of shared facilities, for example, open space, laundry, lounge, storage, may be considered when determining compliance with the criterion.
5.7 Housing diversity – all zones	
R41 For developments containing 40 or more <i>dwellings</i> , a combination of dwelling types, including <i>studio or 1-bedroom dwellings</i> , <i>2-bedroom dwellings</i> , and <i>dwellings with 3 or more</i>	C41 Housing developments comprising multiple <i>dwellings</i> are required to achieve all of the following: <ul style="list-style-type: none"> a) a range of housing types

Rules	Criteria
bedrooms are provided.	b) increased diversity of dwelling types within a neighbourhood.

Element 6: Amenity

Rules	Criteria
6.1 Privacy – all zones	
<p>R42</p> <p>This rule applies to <i>dwelling</i>s on the same <i>block</i>.</p> <p>The relationship between <i>unscreened elements</i> of one <i>dwelling</i> and the <i>primary windows</i> of another <i>dwelling</i> complies with one of the following:</p> <p>a) a person (with an eye height of 1.5m) standing any and every point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight into the <i>primary window</i> of any other <i>dwelling</i></p> <p>b) the direct line of sight referred to in item a) is more than 12m.</p>	<p>C42</p> <p>Reasonable privacy between <i>dwelling</i>s on the same <i>block</i> is achieved.</p>
<p>R43</p> <p>This rule applies to <i>principal private open space</i> on the same <i>block</i> and on adjacent <i>blocks</i>.</p> <p>The relationship between <i>unscreened elements</i> of one <i>dwelling</i> and the <i>principal private open space</i> of another <i>dwelling</i> complies with one of the following:</p> <p>a) a person (with an eye height of 1.5m) standing at any and every point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight to more than 50% of the minimum <i>principal private open space</i> of any other <i>dwelling</i></p> <p>b) the direct line of sight referred to in item a) is more than 12m.</p>	<p>C43</p> <p>Reasonable privacy of <i>principal private open space</i> of each <i>dwelling</i> is achieved.</p>
6.2 Principal private open space – all zones	
<p>R44</p> <p>At least one area of <i>principal private open space</i> for each <i>dwelling</i> is provided on site that complies with all of the following:</p> <p>a) has minimum area and dimensions specified</p>	<p>C44</p> <p><i>Principal private open space</i> for each <i>dwelling</i> achieves all of the following:</p> <p>a) an area proportionate to the size of the <i>dwelling</i></p>

Rules	Criteria
<p>in Table A5</p> <p>b) is screened from adjoining public streets and public open space</p> <p>c) is directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom</p> <p>d) is not located to the south, south-east or south-west of the <i>dwelling</i>, unless it achieves one or more of the following -</p> <p>i) not less than 3 hours of direct sunlight onto 50% of the ground between the hours of 9am and 3pm on the winter solstice (21 June)</p> <p>ii) located at an <i>upper floor level</i> and overlooks a public street or public open space.</p>	<p>b) an extension of the function of the <i>dwelling</i> for relaxation, dining, entertainment, recreation</p> <p>c) directly accessible from the <i>dwelling</i></p> <p>d) service functions such as clothes drying and mechanical services</p> <p>e) reasonable privacy</p> <p>f) reasonable solar access.</p>

Table A5 - Principal Private Open Space

		<i> dwellings wholly or partially at lower floor level</i>		<i> dwellings located entirely on an upper floor level</i>	
zone	dwelling size	minimum area	minimum dimension	minimum area	minimum dimension
RZ1 RZ2	1 or 2 bedrooms	28m ^{2*}	4m	6m ² plus 2m ² for service functions**	1.8m
	3 bedrooms	36m ^{2*}	6m	36m ^{2*}	2.5m
	4 or more bedrooms	45m ^{2*}	6m	45m ^{2*}	2.5m
RZ3 RZ4	1 or 2 bedrooms	24m ^{2*}	4m	6m ² plus 2m ² for service functions**	1.8m
	3 or more bedrooms			24m ^{2*}	2.5m
RZ5 and commercial zones		24m ^{2*}	4m	6m ² plus 2m ² for service functions**	1.8m

* Includes allowance of 2m² area for service functions such as clothes drying and air conditioners and require screening from public areas as described under Rule R37.

** Service functions include clothes drying and air conditioners and require screening from public areas. Service functions may be provided on a separate balcony to the *principal private open space*.

6.3 Setbacks to blank walls – all zones	
R45 The minimum separation between <i>unscreened element</i> and an <i>external wall</i> on the same <i>block</i> or an adjoining <i>block</i> , is 3m.	C45 The outlook from an <i>unscreened element</i> is not unreasonably impeded by <i>external walls</i> on the same or adjoining <i>blocks</i> .
R46 The separation between <i>external walls</i> at the <i>lower floor level</i> on the same <i>block</i> or an adjoining <i>block</i> is one of the following: a) not less than 1m b) nil.	C46 The separation between blank walls on the same or adjoining blocks at ground level achieves one of the following: a) reasonable access for maintenance b) reasonable management of rodents.
6.4 Balustrades – all zones	
R47 This rule applies to balconies with both of the following characteristics: iii) located on the third <i>upper floor level</i> or	C47 Balustrades achieve reasonable privacy for residents and screen household items from adjoining public streets and public open space.

<p>lower (ie the first four storeys)</p> <p>iv) facing public streets or public open space.</p> <p>Balustrades are constructed of one or more of the following:</p> <p>a) obscure glass panels</p> <p>b) solid panels</p> <p>c) with a total of all openings not more than 25% of the surface area of the balustrade.</p>	
6.5 Storage – all zones	
<p>R48</p> <p>An enclosed storage area is provided for each dwelling complying with all of the following:</p> <p>a) at least 2m in height and 0.6m internal dimension</p> <p>b) an area of not less than -</p> <p style="padding-left: 20px;">i) in RZ1 and RZ2 - 4m²</p> <p style="padding-left: 20px;">ii) in all other zones -1.5m²</p> <p>c) one of the following -</p> <p style="padding-left: 20px;">i) accessible externally from the dwelling</p> <p style="padding-left: 20px;">ii) adjacent to a dedicated car space.</p>	<p>C48</p> <p>All <i>dwelling</i>s are provided with adequate and secure storage areas for all of the following:</p> <p>a) equipment such as gardening, sporting, leisure and fitness equipment</p> <p>b) accommodate bicycles as per Bicycle Parking Code.</p>
6.6 Noise attenuation – external sources - all zones	
<p>R49</p> <p>Where a <i>block</i> is in one or more of the following categories:</p> <p style="padding-left: 20px;">i) identified in a precinct code as being potentially affected by noise from external sources</p> <p style="padding-left: 20px;">ii) adjacent to a <i>major road</i></p> <p style="padding-left: 20px;">iii) located in a commercial zone</p> <p>the building design and construction complies with the relevant sections of all of the following -</p> <p>a) <i>AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i></p> <p>b) <i>AS/NZS 2107 - Acoustics – Recommended design sound levels and reverberation terms for building interiors</i></p> <p>c) ACT Environment Protection Regulation 2005.</p> <p>A report by a suitably qualified person</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

demonstrates compliance with this rule.

Element 7: Parking and vehicular access

Related codes: Parking and Access General Code, Bicycle Parking General Code

Rules	Criteria
7.1 Ramps to basement car parking – RZ1 and RZ2	
<p>R50</p> <p>This rule applies to blocks will all of the following characteristics:</p> <ul style="list-style-type: none">a) zoned RZ1 or RZ2b) single dwelling blocksc) less than 30 m wide at the street frontage. <p>Ramps accessing <i>basement</i> car parking are not permitted forward of the <i>building line</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
7.2 Driveway verge crossings – all zones	
<p>R51</p> <p>This rule applies to previously undeveloped <i>blocks</i>.</p> <p>No more than one driveway verge crossing is provided to each <i>block</i>.</p>	<p>C51</p> <p>More than one driveway verge crossing to each <i>block</i> may be allowed in one of the following circumstances:</p> <ul style="list-style-type: none">a) where forward entry to roads carrying more than 3000 vehicles per day is desirableb) where all of the following are achieved:c) compatibility with the <i>streetscape</i>d) priority for pedestrians and cyclistse) retention of existing street tressf) protection of existing landscape featuresg) public safety.
<p>R52</p> <p>This rule applies to previously developed <i>blocks</i> or the consolidation of previously developed <i>blocks</i>.</p> <p>No additional driveway verge crossings are permitted.</p>	<p>C52</p> <p>Additional driveway verge crossings may be allowed in one of the following circumstances:</p> <ul style="list-style-type: none">a) where forward entry to roads carrying more than 3000 vehicles per day is desirableb) where all of the following are achieved -<ul style="list-style-type: none">i) compatibility with the <i>streetscape</i>ii) priority for pedestrians and cyclistsiii) retention of existing street tressiv) protection of existing landscape features

Rules	Criteria
	v) public safety.
<p>R53</p> <p>This rule applies to previously developed <i>blocks</i> or the consolidation of previously developed <i>blocks</i>.</p> <p>Redundant driveway verge crossings are removed, and the verge and kerb restored.</p> <p>Note: a condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R54</p> <p>Driveway verge crossings comply with all of the following:</p> <ul style="list-style-type: none"> a) 1.2m horizontally clear of stormwater sumps and other services b) 1.5m horizontally clear of transformers, bus stops, public light poles c) 6m horizontally clear of the tangent point of the radius of the curve on a corner block (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance) d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb e) at a right angle to the kerb line with a maximum 10% deviation f) a maximum of 5.5m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb g) except for blocks 250m² or less, 3m wide at the front street boundary h) outside of the drip line of mature trees i) a minimum of 3m clear of small and new street trees j) compliant with <i>Australian Standard AS2890.1 – Off Street Parking</i>, having particular regard for sightlines and cross fall of the site k) where there is a public footpath across the driveway verge crossing, the footpath is 	<p>C54</p> <p>Driveway verge crossings are endorsed by Department of Territory and Municipal Services.</p>

Rules	Criteria
<p>continuous (i.e. the footpath is to have precedence)</p> <p>l) if the existing footpath is replaced, it is to be constructed at the same level in the same material and colour as the original.</p> <p>Note: a condition of development approval may be imposed to ensure compliance with this rule.</p>	
7.3 Internal driveways – all zones	
<p>R55</p> <p>This rule applies to internal driveways that are used by residents of more than one <i>dwelling</i>.</p> <p>Internal driveways comply with all of the following:</p> <p>a) are setback from external <i>block</i> boundaries by not less than 1m</p> <p>b) are setback from the <i>external walls</i> of buildings on the site by not less than 1m</p> <p>c) the setbacks referred to in items a) and b) are planted to a width of not less than 1m</p> <p>d) windows to <i>habitable rooms</i> within 1.5 of an internal driveway have at least one of the following -</p> <p>i) an intervening fence or wall not less than 1.5m high</p> <p>ii) a window sill height not less than 1.5m above the driveway</p> <p>e) are not less than 5m wide for a distance of 7m from the boundary when the driveway has one or more of the following characteristics -</p> <p>i) serves more than 10 car spaces</p> <p>ii) connects to a public road</p> <p>f) the relevant requirements in Australian Standard <i>AS2890.1 - Off Street Parking</i> for sightlines and gradients</p> <p>g) provide internal radius of at least 4m at changes in direction and intersections</p> <p>h) have turning spaces to allow vehicles to enter and leave in a forward direction when driveways have one or more of the following characteristics -</p>	<p>C55</p> <p>Internal driveways achieve all of the following:</p> <p>a) sufficient space for planting along property boundaries</p> <p>b) sufficient space for planting between internal driveways and buildings</p> <p>c) reasonable residential amenity, particularly in relation to the intrusion of light and noise into <i>habitable rooms</i>.</p>

Rules	Criteria
<ul style="list-style-type: none"> i) serve 4 or more car parking spaces ii) connect to a major road i) have a surface treatment that is distinct from car parking spaces. 	
<p>There is no applicable rule.</p>	<p>C56</p> <p>Internal driveways are designed to be safely used by both pedestrians and vehicles, including emergency vehicles.</p> <p>Measures to reduce vehicle speed on internal driveways will be considered when determining compliance with this criterion, including one or more of the following:</p> <ul style="list-style-type: none"> a) changes in pavement materials b) the lack of kerb and gutters c) difference in height to adjacent streets d) avoiding long lengths of driveway e) suitable planting f) signage.
7.4 Residents' car parking – all zones	
<p>R57</p> <p>Car-parking spaces on the site for residents comply with all of the following:</p> <ul style="list-style-type: none"> a) located behind the <i>front zone</i> (except for <i>apartment</i> car parking) b) can be in tandem where they belong to the same <i>dwelling</i>, except for visitor parking where required c) do not encroach any property boundaries d) one car space per <i>dwelling</i> is roofed and located behind the <i>front zone</i> e) are separated by not less than 1.5m from windows to <i>habitable rooms</i> of <i>dwellings</i> that are not associated with the parking space. 	<p>C57</p> <p>Car parking for residents achieves all of the following:</p> <ul style="list-style-type: none"> a) reasonable residential amenity b) consistency with the <i>desired character</i> c) public safety d) reasonable opportunities for surveillance e) the reasonable requirements of residents for car parking f) reasonable privacy.
<p>R58</p> <p>Shared resident car parking spaces are located within 50m walking distance of the associated <i>dwelling</i>.</p>	<p>C58</p> <p>Car parking spaces are located close to, and with convenient access to <i>dwellings</i>.</p>
<p>R59</p>	<p>C59</p>

Rules	Criteria
<p>The maximum total width of garage door openings and external width of <i>carports</i> facing a street complies with the following:</p> <p>a) for up to 3 <i>dwellings</i>, the lesser of -</p> <ul style="list-style-type: none"> i) 6m ii) 50% of the total length of the building façade facing that street <p>b) for more than 3 <i>dwellings</i>, 50% of the total length of the building façade facing that street.</p>	<p>Garages and car parking structures do not dominate the streetscape.</p>
<p>R60</p> <p>The maximum total width of an entry and/or exit to <i>basement</i> car parking facing the street is 8m.</p>	<p>C60</p> <p>Entries to <i>basements</i> do not dominate the <i>streetscape</i>.</p>
<p>R61</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> i) all zones ii) developments containing 10 <i>dwellings</i> or more iii) development with a combined entry and exit to <i>apartment</i> car parking less than 6m wide. <p>Approaches to <i>basements</i> containing car parking comply with one of the following:</p> <ul style="list-style-type: none"> a) include sufficient areas for vehicles to wait to allow for an entering or leaving vehicle to pass b) at least one waiting area and traffic signals. 	<p>C61</p> <p>Approaches to <i>basements</i> achieve all of the following:</p> <ul style="list-style-type: none"> a) public safety b) convenience for all users.
7.5 Visitor parking – all zones	
<p>R62</p> <p>Visitor car-parking spaces on the site comply with all of the following:</p> <ul style="list-style-type: none"> a) located behind the <i>front zone</i> (except for <i>apartment</i> car parking) b) do not encroach any property boundaries c) are separated by not less than 1.5m from windows to <i>habitable rooms</i> of <i>dwellings</i> d) are not less than 50m walking distance to all common building entries. 	<p>C62</p> <p>Visitor parking achieves all of the following:</p> <ul style="list-style-type: none"> a) accessible for all visitors b) safe and direct visitor entry to common building entries.
<p>R63</p>	<p>C63</p>

Rules	Criteria
<p>Visitor car parking complies with one of the following:</p> <p>a) is located outside of any security barriers</p> <p>b) an intercom and remote barrier release system allows access to visitor parking located behind security barriers.</p>	<p>Visitor parking is accessible to all visitors.</p>
<p>7.6 Delivery and removalist vans – all zones</p>	
<p>R64</p> <p>For developments with more than 40 <i>dwelling</i>s, at least one short stay parking space and associated access is provided for delivery trucks such as furniture delivery and removalist vans.</p>	<p>C64</p> <p>Reasonable provision is made for short stay parking for delivery trucks.</p>

Element 8: Environment

Related codes: Water Ways: Water Sensitive Urban Design General Code, Planning for Bushfire Risk Mitigation General Code.

Rules	Criteria
<p>8.1 Water sensitive urban design – all zones</p>	
<p>R65</p> <p>This rule applies to all multi-unit residential development except for <i>minor extensions</i>.</p> <p>The development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003, without any reliance on landscaping measures.</p> <p>A report by a suitably qualified person using the ACTPLA on-line assessment tool or another tool referred to in the Water Ways: Water Sensitive Urban Design General Code demonstrates compliance with this rule.</p> <p>For this element:</p> <p>minor extension means an extension where the increase in the combined roof plan area, driveway, car manoeuvring areas and car parking areas is less than 25% of the total of the areas of these components at the date of lodgement of the development application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R66</p> <p>This rule applies to all <i>multi-unit housing</i> except <i>minor extensions</i>.</p>	<p>C66</p> <p>On sites larger than 2,000m² all of the following stormwater management measures are achieved:</p>

Rules	Criteria
<p>On sites larger than 2,000m² stormwater management measures comply with all of the following:</p> <p>a) provision for the retention of stormwater on the <i>block</i> is equivalent to at least 1.4kl per 100m² of impervious area</p> <p>b) the retained stormwater complies with one or more of the following -</p> <p>v) it is stored for later reuse</p> <p>vi) it is released to the stormwater system over a period of not less than 1 day.</p> <p>Rainwater tanks connected to at least the toilet and all external taps may be counted towards this requirement.</p>	<p>a) the equivalent of 1-in-3 month stormwater peak pre-development stormwater run-off is retained on the <i>block</i></p> <p>b) the retained stormwater complies with one or more of the following -</p> <p>i) it is stored for later reuse</p> <p>ii) its is released to the stormwater system over a reasonable period.</p> <p>A report by a suitably qualified person demonstrates compliance with this criterion.</p>
<p>R67</p> <p>This rule applies to all <i>multi-unit housing</i> except <i>minor extensions</i>.</p> <p>For <i>blocks</i> 5,000m² or larger, the average annual stormwater pollutant export is reduced for all of the following:</p> <p>a) suspended solids by at least 60%</p> <p>b) total phosphorous by at least 45%</p> <p>c) total nitrogen by at least 40%</p> <p>compared with an urban catchment with no water quality management controls.</p> <p>A report by a suitably qualified person, using the MUSIC model or another nationally recognised model, demonstrates compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R68</p> <p>On previously developed <i>blocks</i> larger than 2,000m² the capacity of the existing pipe (minor) stormwater connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland stormwater system is not exceeded in 1-in-100 year storm event.</p> <p>A report by a suitably qualified person demonstrates compliance with this rule.</p>	<p>C68</p> <p>On previously developed <i>blocks</i> larger than 2,000m² the 1-in-5 year and 1-in-100 year stormwater peak run off does not exceed pre-development levels.</p> <p>A report by a suitably qualified person demonstrates compliance with this criterion.</p>

8.2 Heritage – all zones	
<p>R69</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the <i>Heritage Act 2004</i> are accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i>.</p> <p>Note: If advice from the Heritage Council is required but not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.3 Trees – all zones	
<p>R70</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 is accompanied by a tree management plan approved under the <i>Tree Protection Act 2005</i>.</p> <p>Note 1: Protected tree is defined under the Tree Protection Act 2005.</p> <p>Note 2: If an approved tree management plan is required but not provided, 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 Planning and Development Act 2007.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.4 Bushfire – all zones	
<p>R71</p> <p>Where identified in a precinct code or <i>lease and development conditions</i> as being within a bushfire prone area, buildings are to be constructed in accordance with the relevant Building Code of Australia bushfire provisions.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.5 Contamination– all zones	
<p>R72</p> <p>The site is assessed for land contamination in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>ACT Environment Protection Policy 2000</i>.</p> <p>If land contamination is identified, the development complies with the requirements of</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Environment Protection Authority. Note: If no evidence of assessment of the site for land contamination is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	
8.6 Erosion and sediment control – all zones	
R73 For sites less than 3,000m ² , the development complies with the Environment Protection Authority, <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i> . Note: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	This is a mandatory requirement. There is no applicable criterion.
R74 For sites 3,000m ² or larger, the development complies with an erosion and sediment control plan endorsed by the ACT Environment Protection Authority. Note: If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	This is a mandatory requirement. There is no applicable criterion.

Element 9: Services

Rules	Criteria
9.1 Waste management – all zones	
R75 Where residential development is likely to generate 20m ³ or more of demolition waste and/or construction waste and/or excavation material, waste facilities and management associated with the development comply with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i> .	This is a mandatory requirement. There is no applicable criterion.
9.2 Servicing and site management – all zones	
R76 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> . Note: If a statement of endorsement is required but not provided, the application will be referred to the relevant	This is a mandatory requirement. There is no applicable criterion.

agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	
9.3 Utilities – all zones	
There is no applicable rule.	<p>C77</p> <p>Where a development encroaches into a registered easement the application will be referred to the relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<p>R78</p> <p>A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater 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 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>Note 3: 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>This is a mandatory requirement. There is no applicable criterion.</p>

Part B – Additional Controls for Multi-unit Housing with 4 or more storeys

Part B contains rules and criteria additional to those in part A. They apply to *multi-unit housing* with 4 or more storeys.

To remove any doubt, the provisions of this part apply to the whole building, including the first 3 storeys.

Where there is an inconsistency between part A and part B, the latter shall prevail to the extent of that inconsistency.

Element 10: Building and site design – buildings with 4 or more storeys

10.1 Side and rear boundary setbacks - buildings with 4 or more storeys	
R79 In RZ5 side and rear boundary setbacks comply with Table B1.	C79 Buildings and other structures are sited to achieve all of the following: <ul style="list-style-type: none">a) consistency with the <i>desired character</i>b) reasonable separation between adjoining developmentsc) reasonable privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i>d) reasonable privacy for principal private open space on adjoining residential blockse) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.

Table B1: Side and Rear Boundary Setbacks - buildings with 4 or more storeys

parts of buildings	minimum side boundary setback	minimum rear boundary setback
<i>first 4 storeys - external wall</i>	3m	3m
<i>first 4 storeys - unscreened element</i>	6m	6m
<i>between 5 and 8 storeys - external wall</i>	4.5m	4.5m
<i>between 5 and 8 storeys - unscreened element</i>	6m	6m
<i>9 storeys or more - external wall or unscreened element</i>	6m	6m

10.2 Circulation – buildings with 4 or more storeys	
<p>R80</p> <p>A common lobby area with a minimum floor space measuring 2.7m x 2.7m is provided at the lift or stair entry.</p> <p>This rule does not apply to a fire stair which is in addition to a lift or a main stair access.</p>	<p>C80</p> <p>Access areas (such as lobbies and corridors) provide all of the following:</p> <ul style="list-style-type: none"> a) a high level of public amenity b) size and proportions capable of accommodating the anticipated number of users c) security and safety, through clear sightlines d) convenient movement of people and furniture. e) This criterion does not apply to a fire stair which is in addition to a lift or a main stair access.
<p>R81</p> <p>No more than 9 <i>apartments</i> on each floor are accessible from a single common lift or stair lobby.</p>	<p>C81</p> <p>Convenient access to <i>apartments</i> is achieved.</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> a) whether there is a high level of public amenity and safety in common lobbies b) whether spaces are well-proportioned with clear sightlines c) whether there is a high proportion of dual aspect <i>apartments</i>

	d) whether there is a high proportion of <i>apartments</i> with northern orientation.
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Part C – Additional Controls for Multi-unit Housing in Commercial Zones

Element 11: Ground floor commercial use

11.1 Ground floor commercial use in commercial zones	
<p>R82</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none">a) commercial zonesb) <i>blocks</i> nominated in a precinct code for ground floor commercial usec) buildings containing one or more <i>dwellings</i>d) the <i>building line</i> for any ground floor <i>dwelling</i> is less than 6m <p>The ground floor finished floor level to finished ceiling level height is not less than 3.6m.</p> <p>Note: Noise attenuation provisions in part B may also apply.</p>	<p>C82</p> <p>In commercial zones, buildings afford the opportunity to accommodate non-residential uses, including office and retail, at the ground floor.</p>

Appendix 1 – Definitions of terms used in this code

Apartment means a *dwelling* located within a *building* containing two or more *dwellings* and which is not an attached house.

Attic means any habitable space contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the *storey* immediately below, except for minor elements such as dormer windows and the like.

Authority means the Planning and Land Authority established by section 7 of the *Planning and Land Act 2002*.

Balcony means a small outdoor area, raised above the ground, directly accessible from within the building and open except for a balustrade on at least one side.

Basement means a space within a *building* where the floor level of the space is predominantly below *datum ground level* and where the *finished floor level* of the level immediately above the space is less than 1.0 metre above *datum ground level*.

Block means a parcel of land, whether or not the subject of a *lease*.

Building line means a line drawn parallel to any *front boundary* along the front face of the *building* or through the point on a *building* closest to the *front boundary*. Where a terrace, landing, porch, *balcony* or verandah is more than 1.5 metres above the adjoining *finished ground level* or is covered by a roof, it shall be deemed to be part of the *building*.

Carpport means a car shelter wholly or partly enclosed on not more than two sides.

Communal open space means common outdoor open space for recreation and relaxation of residents of a housing development.

Compact block means a *block* with an area less than 250m².

Datum ground level means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

Desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

Dual occupancy housing means the use of land that was originally used or leased for the purposes of *single dwelling housing* for two *dwellings*.

Dwelling means a building or part of a building used as a self contained residence which must include:

- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a *dwelling*.

Estate Development Plan means a plan setting out the proposed pattern of subdivision and infrastructure works for an estate and which is required to be approved prior to the undertaking of the works and the granting of *leases* for the subdivided *blocks* and may include a *Streetscape Concept Plan* and/or *Building Envelope Plan*.

External wall means an external wall that may also incorporate

- a) windows with *sill heights* $\geq 1.7\text{m}$ from the floor, or
- b) screened decks, or
- c) fixed pane windows with obscure glass and/or awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal.

Front zone means the area of a *block* between the *front boundary* and the *building line* or at the minimum front setback for the *block* whichever is greater. (Note: for the purpose of this definition, the *front zone* shall not extend more than 10m from the *front boundary*).

Habitable room means any room within a dwelling used or adapted to be used for the purpose of living, sleeping, or the eating or cooking of food and includes lounge rooms, family rooms, dining rooms, rumpus rooms, bedrooms, kitchens, but does not include bathrooms, laundries, *garages*, or garden sheds.

Height of building means the vertical distance between *datum ground level* to the highest point or points of the *building*.

Front boundary means any boundary of a *block adjacent* to a public road, public reserve or public pedestrian way.

Garage means a car shelter wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.

Gross floor area means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or *apartment car* parking.

Large block means a *block* with an area of 500m² or greater.

Lease has the same meaning as in the *Planning and Development Act 2007*.

Lease and development condition means a condition, other than a condition contained in the *lease* or an agreement collateral to the *lease*, that—

- (a) was approved by the Territory when the *lease* was granted; and
- (b) relates to the development or use of the land that is subject to the *lease*.

Lower floor level (LFL) means a *finished floor level* which is 1.8 metres or less above *datum ground level* at any point.

Major road means a road zoned TSZ1.

Mid-sized block means a *block* with an area of 250m² or greater but less than 500m².

Multi unit housing means the use of land for more than one *dwelling* and includes but is not limited to *dual occupancy housing* and *triple occupancy housing*.

Northern boundary means a boundary of a *block* where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.

Plot ratio means the *gross floor area* in a *building* divided by the area of the *site*.

Planting area means an area of land within a *block* that is not covered by buildings, vehicle parking and manoeuvring areas or any other form of impermeable surface and that is available for landscape planting.

Principal private open space means private open space that is directly accessible from a habitable room other than a bedroom.

Primary window means the main window of a habitable room.

Private open space means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas. Up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over.

Residential block means a *block* that has at least one of the following characteristics –

- (a) zoned residential
- (b) affected by a lease which authorises residential use.

Secondary street frontage means the frontage of a corner *block* nominated in a precinct code or, if not so nominated, nominated by the applicant.

Side boundary means a *block* boundary extending from a street frontage and *adjacent* to one other *block* only.

Sill height means the vertical height of a window sill above the *finished floor level* which it serves.

Single dwelling housing means the use of land for residential purposes for a single *dwelling* only.

Single dwelling block means a *block* with one of the following characteristics -

- (a) originally leased or used for the purpose of single dwelling housing
- (b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing.

Site means a *block*, *lease* or other lawful occupation of land, or adjoining *blocks*, *leases* or lawful occupancies in the event of these being used for a single undertaking or operation, but excludes the area of any access driveway or right-of-way.

Storey means a space within a *building* that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an *attic* or a *basement*.

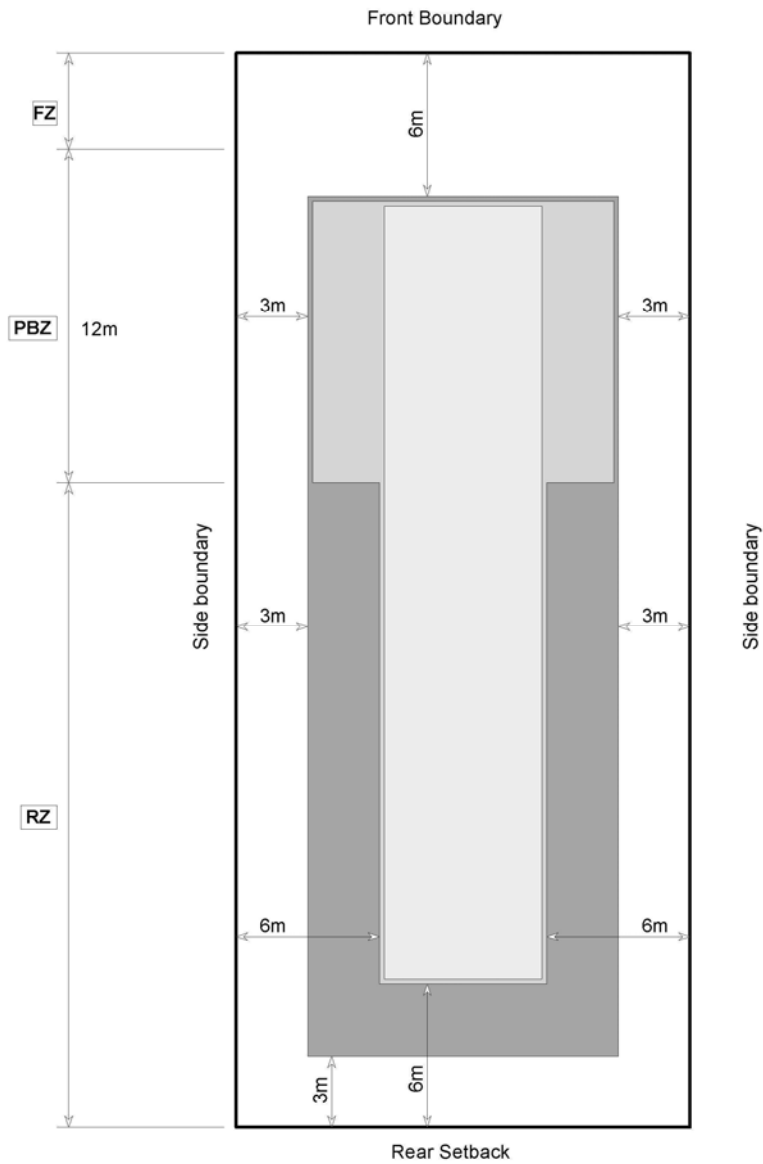
Streetscape includes the visible components within a street (or part of a street) including the private land between facing *buildings*, including the form of *buildings*, treatment of *setbacks*, fencing, existing trees, landscaping, driveway and street layout and surfaces, utility services and street furniture such as lighting, *signs*, barriers and bus shelters.

Supportive Housing means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and personal care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained *dwellings*.

Unscreened element means unscreened windows, decks, *balconies* and external stairs.

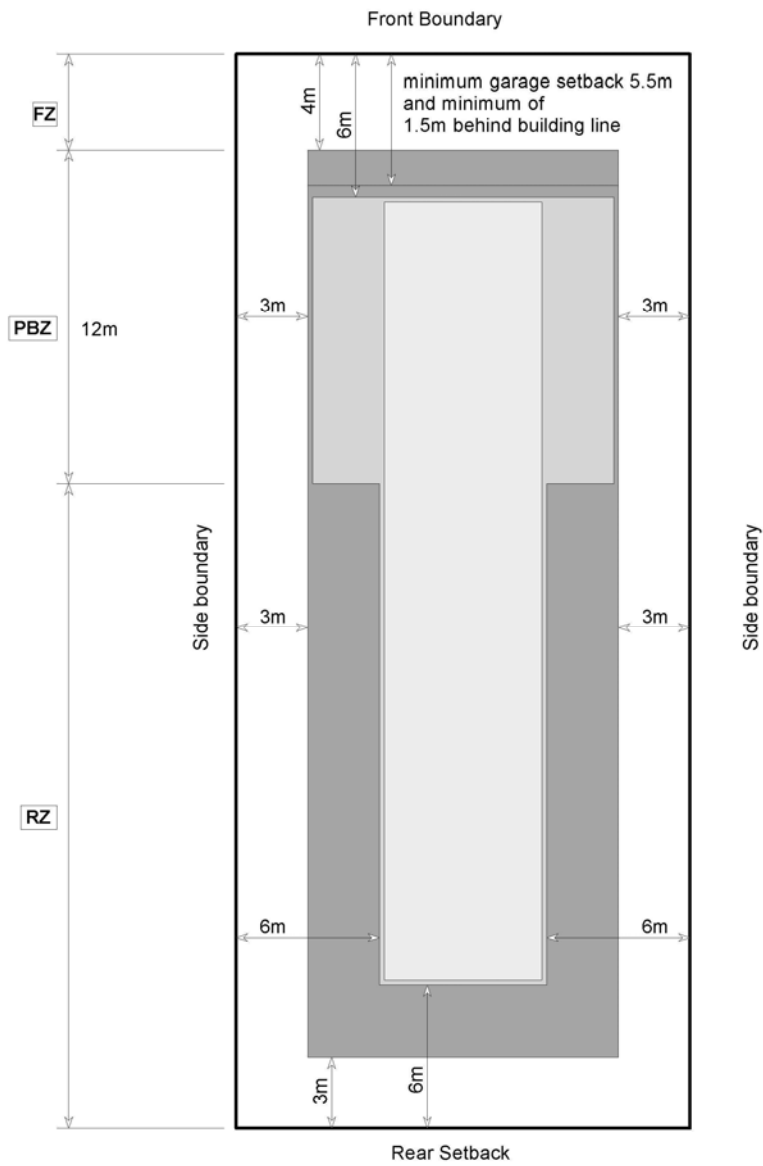
Upper floor level (UFL) means a *finished floor level*, which is greater than 1.8 metres above *datum ground level* at any point.

Appendix 2 – Boundary setback diagrams



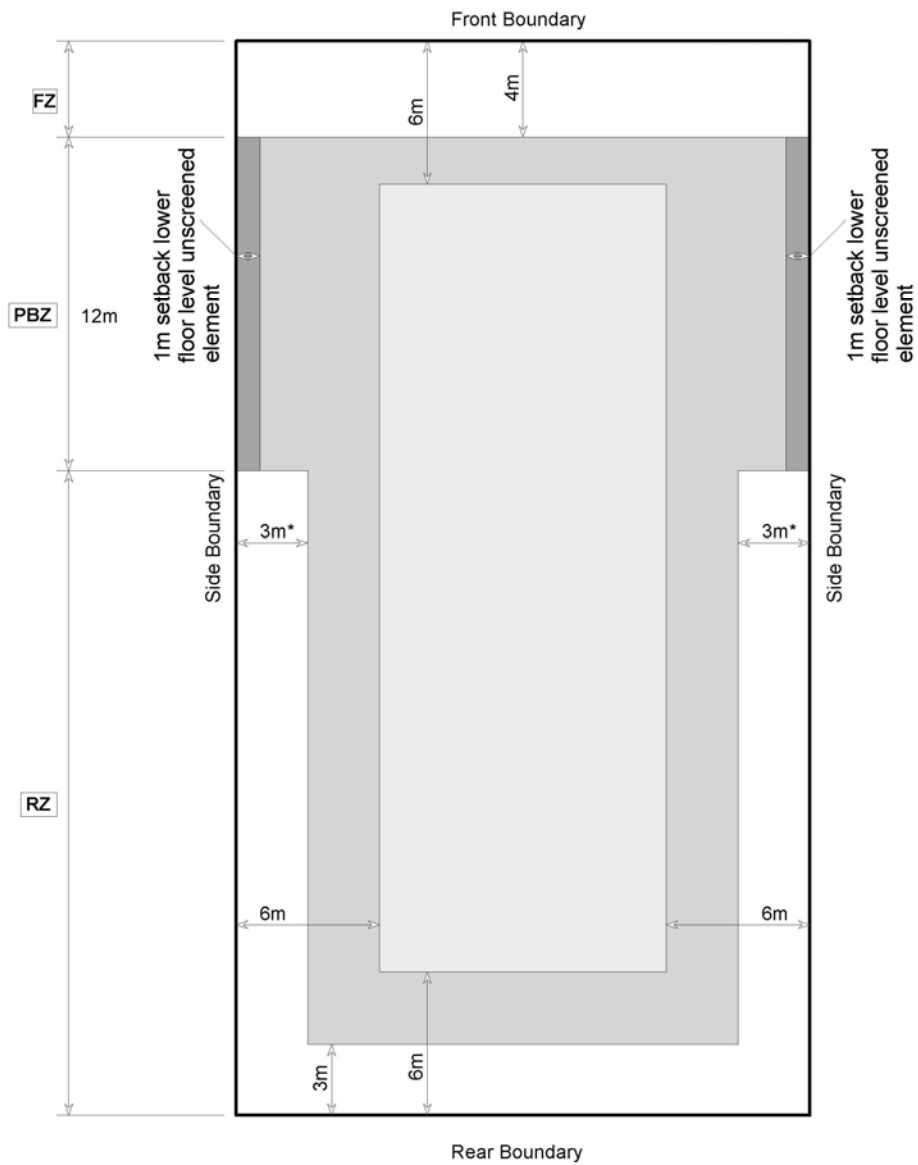
- Lower floor level - external wall and unscreened element
- Upper floor level - external wall
- Upper floor level - unscreened element

Figure A2 **RZ1 and RZ2**
Before 18 October 1993



- Lower floor level - external wall and unscreened element
- Upper floor level - external wall
- Upper floor level - unscreened element

Figure A2 RZ1 and RZ2
Blocks approved after 1993



- Lower floor level and upper floor level external walls with zero setback
- Lower floor level unscreened elements and external walls including first upper floor level within rear zone
- Upper floor level - unscreened element and external walls

Figure A4 RZ3, RZ4, RZ5, and Commercial Zones
Building Setbacks

Lease Variation General Code
DRAFT



Lease Variation General Code

Draft June 2010

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Introduction

Name

The name of this code is Lease Variation General Code.

Application of the code

This code applies to the varying of *leases*.

Limits of variations to leases

No lease variation can be inconsistent with the Territory Plan.

National Capital Plan

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.

Purpose

This code will be used by the *Authority* to assess proposals to vary leases. It also offers guidance to applicants.

Structure

This code has a number of elements. Each element has one or more rules, each having an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls. In contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Assessment tracks

Assessment track for a particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate that the relevant criterion is satisfied, through supporting drawings and/or written documentation. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

Code hierarchy

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

Definitions

Defined terms are italicised.

Definitions of terms used in this code are listed in the appendix.

Element 1: Variations generally

Rules	Criteria
1.1 Varying leases - general	
There is no applicable rule.	<p>C1</p> <p>A <i>lease</i> is varied only where all of the following are achieved:</p> <ul style="list-style-type: none">a) the varied lease is consistent with the Territory Planb) the land to which the <i>lease</i> applies is suitable for the development or use authorised by the varied <i>lease</i>.

Element 2: Particular variations

Rules	Criteria
1.1 Increasing rights	
There is no applicable rule.	<p>C2</p> <p>A right under a <i>lease</i> is increased only when all of the following are achieved in relation to the increase in that right:</p> <ul style="list-style-type: none">a) sufficient car parking can be provided on site or in the near vicinityb) local streets are capable of accommodating any additional trafficc) adequate waste management and disposald) will not unreasonably increase the level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining <i>blocks</i>. <p>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</p>
2.1 Adding secondary residence	
R3 A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m ² or larger.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
2.2 Adding uses other than secondary residence	
There is no applicable rule..	<p>C4</p> <p>An additional use (other than a <i>secondary residence</i>) is authorised by a <i>lease</i> only when all of the following are achieved in relation to the additional use:</p> <ul style="list-style-type: none"> a) sufficient car parking can be provided on site or in the near vicinity b) local streets are capable of accommodating any additional traffic c) adequate waste management and disposal d) will not create an unreasonable level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land e) will not create an unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land f) will not create an unreasonable level of odour for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land g) will not create an unreasonable level of light emission for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land.
2.3 Community and Recreational Facilities	
There is no applicable rule.	<p>C5</p> <p>Community facilities or recreational facilities are authorised by a <i>lease</i> only in compliance with the <i>Community and Recreational Facilities Locational Guidelines General Code</i>.</p>
2.4 Removing concessional status	
<p>R6</p> <p>A variation to a lease that removes its concessional status is supported by a social impact assessment prepared by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.5 Expressing the number of units	
<p>R7</p> <p>A variation to a lease that expresses the number of dwelling units authorised by the lease is</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
consistent with all other provisions of the lease.	

Appendix 1 – Definitions of terms used in this code

Authority means the Planning and Land Authority established by section 7 of the *Planning and Land Act 2002*.

Block means a parcel of land, whether or not the subject of a *lease*.

Dwelling means a building or part of a building used as a self contained residence which must include:

- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a *dwelling*.

Lease has the same meaning as in the *Planning and Development Act 2007*.

Secondary residence means the use of land for a small subsidiary residence that extends the housing capacity of a dwelling but is not necessarily physically integrated with the other parts of the dwelling.

A. Redundant Definitions

North facing boundary

Standard block

B. Amended Definitions

Basement means a space within a *building* where the floor level of the space is predominantly below *datum ground level* and where the *finished floor level* of the level immediately above the space is less than 1.0 metre above *datum ground level*.

Child care centre means the use of land for the purpose of supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the *Children and Young People Act 2008* and which does not include residential care.

Front zone means the area of a *block* between the *front boundary* and the *building line* or between the *front boundary* and a line drawn parallel to and 10m from the *front boundary*, whichever is the lesser.

Height of building means the vertical distance between *datum ground level* to the highest point or points of the *building*.

Lower floor level (LFL) means a *finished floor level* which is 1.8 metres or less above *datum ground level* at any point.

Private open space means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

Upper floor level (UFL) means a *finished floor level*, which is greater than 1.8 metres above *datum ground level* at any point.

C. New Definitions

Compact block means a *block* with an area less than 250m².

Datum ground level means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

Desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

External wall means an external wall that may also incorporate any of the following

- a) windows with sill heights at or above 1.7m from the floor
- b) screened decks
- c) fixed pane windows with obscure glass
- d) awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal
- e) obscure glass bricks.

Large block means a *block* with an area of 500m² or greater.

Mid sized block means a *block* with an area of 250m² or greater but less than 500m².

Northern boundary means a boundary of a *block* where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.

Principal private open space means private open space that is directly accessible from a habitable room other than a bedroom.

Residential block means a *block* that has at least one of the following characteristics –

- a) zoned residential
- b) affected by a lease which authorises residential use.

Screening device means a permanent structure that comprise one or more of the following

- a) opaque or translucent glazing
- b) solid panels
- c) perforated panels or trellises with a maximum 25% openings.

Secondary residence means the use of land for a small subsidiary residence that extends the housing capacity of a dwelling but is not necessarily physically integrated with the other parts of the dwelling. The secondary residence may be permanent or temporary.

Secondary street frontage means the frontage of a corner *block* nominated in a precinct code or, if not so nominated, nominated by the applicant.

Single dwelling block means a block with one of the following characteristics -

- a) originally leased or used for the purpose of single dwelling housing
- b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing.

Student accommodation means the use of land to provide accommodation for people undertaking a recognised course of study at an educational establishment which is operated by the ACT Government or which is otherwise registered or constituted in accordance with relevant territory, state or commonwealth legislation. A manager or caretaker of the housing may also live on site.

Unscreened element means unscreened windows, decks, balconies and external stairs.