

Australian Capital Territory

Planning and Development (Technical Amendment—code and clarification amendment) Plan Variation 2013 (No 2)

NOTIFIABLE INSTRUMENT NI2013—436

Technical Amendment No 2013—10

made under the

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

This technical amendment commences on the day after it is notified.

Variation No 2013—10 to the Territory Plan has been approved by the Planning and Land Authority.

Jim Corrigan
Delegate of the Planning and Land Authority
27 September 2013



ACT
Government

Environment and
Sustainable Development

Planning and Development Act 2007

Technical Amendment to the Territory Plan Variation 2013 – 10

Code, clarification and miscellaneous amendment, including amendments to the residential zones development code, the single dwelling housing code, the multi unit housing code, the estate development code and the lease variation general code

October 2013

Commencement version

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan.

Residential Zones Development Code

- i. Clarify applicable uses in table 1
- ii. Clarify maximum floor area provisions for secondary residences

Single Dwelling Housing Development Code

- i. Changes to the solar fence provisions
- ii. Changes to clarify building envelope provisions for mid sized blocks
- iii. Clarification of front setback to garage
- iv. Correcting an error in the note to rule R12 – side and rear setbacks
- v. Adding a criterion to rule 13 – setbacks less than 900mm and clarification of the rule
- vi. Adding carport to rule 14 - garage on or near side and rear boundaries – large blocks and clarification of the rule
- vii. Changes to upper floor side and rear setbacks for mid sized blocks in subdivisions approved on or after 2 October 2009, where nominated in a precinct code
- viii. Clarification of the requirements for car parking spaces
- ix. Clarify dwelling size and reinsert compact block requirements for application of principal open space provisions
- x. Changes to the requirements for noise attenuation

Multi Unit Housing Development Code

- i. Changes to the solar fence provisions
- ii. Removal of duplicate building envelope provisions
- iii. Removal of duplicate allowable setback encroachment provisions
- iv. Changes to the thresholds for noise attenuation
- v. Changes to provisions for building entries that are at or above street level
- vi. Allowing more flexibility for permitting ramps to basement car parking forward of the building line

Estate Development Code

- i. Changes to the provisions for battle-axe blocks
- ii. Correction to an error in the rear lanes provisions
- iii. Change wording in the street network requirements table.
- iv. Changes to bus route street requirements

Lease Variation General Code

- i. Changes to the list of relevant codes
- ii. Changes to and corrections to errors in the requirements for noise, car parking, traffic flow, and waste collection
- iii. Correction to errors in the reference to the Community Facilities Zone Location Guidelines General Code requirements
- iv. Correction to errors regarding expressing the number of approved dwellings
- v. Changes to the requirements for removing relocating or changing easements

1.2 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). Comments received from the public and the National Capital Authority will be taken into account before the planning and land authority “makes” the technical amendment under section 89 of the Act. The planning and land authority must then notify the public of its decision.

2. EXPLANATION

2.1 Residential Zones Development Code

2.1.1 Relevant development codes and general codes

The listed development/uses found in Table 1 might be misconstrued as forming part of the development tables for residential zones. However the developments listed in the table should only be referred to where applicable and assessable in a specific zone. A footnote is added to the table to clarify this.

Current provision

Table 1 – Development codes applicable to development and uses in residential zones.

development/ use	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
ancillary use	Y		
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
child care centre	Y		
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business*			
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement village	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	
subdivision	Y		
supportive housing	Y	Y	
temporary use	Y		

* see Home Business General Code

New provision

Table 1 – Development codes applicable to development and uses in residential zones.

development/ use*	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
ancillary use	Y		
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
child care centre	Y		
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business**			
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement village	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	
subdivision	Y		
supportive housing	Y	Y	
temporary use	Y		

*Listed development is only applicable where it complies with the relevant zone development table and/or precinct code.

** see Home Business General Code

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment clarifies table 1 in the code, without changing their substance.

2.1.2 Gross floor area for secondary residences

The provision relating to the maximum size of a secondary residence was not intended to include a garage. The use of the term *gross floor area* can cause confusion. If a garage was proposed for the secondary residence the size of the dwelling is unlikely to meet the needs of the residents. The current *gross floor area* provision for secondary residences in the Residential Zone Development Code is replacing with **dwelling size**, and a note is added which will explicitly exclude a garage from the calculation.

Current provision:

Rules	Criteria
4.1 Design and siting	
R7 The maximum <i>gross floor area</i> of a secondary residence is 75m ² .	This is a mandatory requirement. There is no applicable criterion.

New provision:

Rules	Criteria
4.1 Design and siting	
R7 The maximum <i>dwelling size</i> * of a secondary residence is 75m ² . *For the purpose of this rule, <i>dwelling size</i> is the floor area measured to the outside face of external walls (including internal walls between the living areas and garage) but excludes the <i>garage</i> .	This is a mandatory requirement. There is no applicable criterion.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment clarifies the intent of the maximum size for secondary residences in the code, without changing their substance.

2.2 Single Dwelling Housing Development Code

2.2.1 Height of solar fence

After community and industry comments on the solar fence provisions that were implemented via variation 306 were considered, some changes to the solar fence provisions are made. The contents of table 1A are also incorporated into the text of rule R7. The wording pertaining to sun angle building envelope is clarified by simplifying the instructions for calculating building envelope.

Current provision:

1.6 Sun angle building envelope - all large blocks, mid sized blocks approved after 5 July 2013, compact blocks approved after 5 July 2013, all blocks in the Molonglo Valley and integrated housing development parcels	
<p>R7</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> a) <i>large blocks</i> b) <i>mid sized blocks</i> approved under an estate development plan after 5 July 2013 c) <i>compact blocks</i> approved under an estate development plan after 5 July 2013 d) all <i>blocks</i> in the district of Molonglo Valley e) <i>integrated housing development parcels</i> <p>but does not apply to that part of the building on a <i>single dwelling block</i> that is required to be built to a boundary of the <i>block</i> by a precinct code applying to an <i>integrated housing development parcel</i> of which the <i>block</i> is a part.</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 at the height of the solar fence on the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>The height of the solar fence is given in table 1A.</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 1B.</p> <p>Refer to figure 1.</p>	<p>C7</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> i) consistency with the desired character ii) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> iii) do not shadow the windows of habitable rooms (other than bedrooms) of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> at noon on the winter solstice iv) do not overshadow the <i>principal private open space</i> of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> to a greater extent than a 1.8m fence on the boundary at noon on the winter solstice.

Table 1A – Height of solar fence

Location	Height of solar fence (m)
from: i) a point on the boundary at a distance from the front boundary equivalent to the minimum front boundary setback applying to that <i>block</i> to: ii) a point on the boundary 10m from point i)	2.4
all other parts of the boundary	1.8

New provision (changes crossed out/underlined):

Rules	Criteria
1.6 Sun angle building envelope - all large blocks, mid sized blocks approved after 5 July 2013, compact blocks approved after 5 July 2013, all blocks in the Molonglo Valley and integrated housing development parcels	
<p>R7</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> a) <i>large blocks</i> b) <i>mid sized blocks</i> approved under an estate development plan after 5 July 2013 c) <i>compact blocks</i> approved under an estate development plan after 5 July 2013 d) all <i>blocks</i> in the district of Molonglo Valley e) <i>integrated housing development parcels</i> <p>but does not apply to that part of the building on a <i>single dwelling block</i> that is required to be built to a boundary of the <i>block</i> by a precinct code applying to an <i>integrated housing development parcel</i> of which the <i>block</i> is a part.</p> <p>Buildings are sited wholly within the building envelope formed by <u>planes projected</u> 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 at the height of the <u>solar fence</u> solar fence on the <u>any northern boundary</u> or boundaries of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence solar fence is:</p> <ul style="list-style-type: none"> A. <u>in the primary building zone – 2.4m</u> B. <u>all other parts of the boundary – 1.8m</u> 	<p>C7</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 solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> c) do not shadow the windows of habitable rooms (other than bedrooms) of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> at noon on the winter solstice d) do not overshadow the <i>principal private open space</i> of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> to a greater extent than a 1.8m 2.4m fence on the boundary at noon on the winter solstice.

Rules	Criteria
<p>given in table 1A.</p> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</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 1B.</p> <p>Refer to figure 1.</p>	

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <p>(i) would only change a code</p> <p>(ii) is consistent with the policy purpose and policy framework of the code; and</p> <p>(iii) is not an error variation.</p>	<p>Compliant. The policy purpose of the sun angle building envelope is to protect the neighbouring proponents from being significantly overshadowed. The 2.4m height of the solar fence is consistent with the height of an exempt boundary fence, therefore extending it to apply to the primary building zone is not considered to have a significant adverse impact on the neighbouring block.</p>

2.2.2 Building envelope – mid sized blocks

Wording previously omitted from rule R8 item a) iii) is inserted which will clarify potential confusion of the meaning and interpretation of the provision.

Current provision:

Rules	Criteria
<p>1.7 Building envelope – mid sized blocks approved before 5 July 2013 except in Molonglo Valley</p>	
<p>R8</p> <p>This rule applies to <i>mid-sized blocks</i> with one of the following characteristics:</p> <p>i) approved under an <i>estate development plan</i> before (commencement date)</p>	<p>C8</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>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential</i></p>

Rules	Criteria
<p>ii) for which a <i>lease</i> was granted before (commencement date) but does not apply to <i>blocks</i> 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:</p> <p>a) within the <i>primary building zone</i> -</p> <p>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 <i>northern boundaries</i> of adjoining <i>residential blocks</i></p> <p>ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</p> <p>iii) despite item ii), where a wall is located on a <i>northern boundary</i> lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above these boundaries.</p> <p>b) within the <i>rear zone</i> -</p> <p>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 <i>northern boundaries</i> of adjoining <i>residential blocks</i></p> <p>ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</p> <p>Refer Figure 2.</p>	<p><i>blocks</i></p> <p>c) reasonable solar access to <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.</p>

New provision (underlined):

Rules	Criteria
<p>1.7 Building envelope – mid sized blocks approved before 5 July 2013 except in Molonglo Valley</p>	
<p>R8</p> <p>This rule applies to <i>mid sized blocks</i> with one of the following characteristics:</p> <ul style="list-style-type: none"> i) approved under an <i>estate development plan</i> before 5 July 2013 ii) for which a <i>lease</i> was granted before 5 July 2013 <p>but does not apply to <i>blocks</i> 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:</p> <ul style="list-style-type: none"> a) within the <i>primary building zone</i> - <ul style="list-style-type: none"> 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 <i>northern boundaries</i> of adjoining <i>residential blocks</i> ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, 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 <i>northern boundary of an adjoining residential block</i>, 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 <i>rear zone</i> - <ul style="list-style-type: none"> 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 <i>northern boundaries</i> of adjoining <i>residential blocks</i> ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries. 	<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 dwellings 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>.

Rules	Criteria
Refer Figure 2.	

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the meaning of northern boundary in the code, without changing their substance.

2.2.3 Front boundary setbacks – tables 2C, 3C & 4

The tables outlining front setbacks on blocks in subdivisions approved after 31 March 2008 did not clearly describe the front setbacks to garages. The wording in the tables is amended to clarify that a 5.5m setback is required in all cases and the 1.5m setback behind the building line is only required if there is no courtyard wall.

Current provisions:

Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagram 3)

	minimum front boundary setback	exceptions		
		minimum front boundary setback to secondary street frontage	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 front zone		4m	nil

Table 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 6, 7 and 8)

	minimum setback to <i>front boundary</i>	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	4m	3m	3m	nil
<i>articulation elements</i> – all floor levels	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 4: Front boundary setbacks – *compact blocks* in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 11)

	minimum setback to <i>front boundary</i>	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
<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

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

New provisions:

Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagram 3)

	minimum <i>front boundary setback</i>	exceptions		
		minimum <i>front boundary setback to secondary street frontage</i>	minimum <i>front boundary setback to open space or pedestrian paths wider than 6m</i>	minimum <i>front boundary setback to rear lane front boundary or pedestrian paths less than 6m wide</i>
<i>lower floor level</i>	4m	3m	4m	nil
<i>upper floor level</i>	6m	3m	4m	nil
<i>garage</i>	5.5m 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 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 6, 7 and 8)

	minimum setback to <i>front boundary</i>	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 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 4: Front boundary setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 11)

	minimum setback to front boundary	exceptions		
		minimum setback to secondary street frontage	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 Minimum of 1.5m behind the front building line except where there is a courtyard wall in the front zone		3m	nil

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

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the 5.5m setback requirement in the code, without changing their substance.

2.2.4 Side and rear setbacks – all blocks

The explanation of **boundaries** for corner blocks is corrected in the explanatory note for rule R12. The **secondary frontage** is also a front boundary, and therefore corner blocks have two front boundaries, not just “a” front boundary as currently suggested in the explanatory note.

Current provision:

Rules	Criteria
1.10 Side and rear setbacks – all blocks	
<p>R12</p> <p>This rule applies to one of the following:</p> <ul style="list-style-type: none"> i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i> ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel. <p>Side and rear setbacks for:</p> <ul style="list-style-type: none"> a) <i>large blocks</i> - comply with table 5 	<p>C12</p> <p>Buildings and other structures are sited to achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable separation between adjoining developments c) reasonable privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> d) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i> e) reasonable solar access to <i>dwelling</i>s on

Rules	Criteria
<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</p> <p>Note: Ordinarily a corner block has a front boundary, a secondary frontage, two side boundaries, but no rear boundary.</p>	<p>adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</p>

New provision (underlined):

Rules	Criteria
1.10 Side and rear setbacks – all blocks	
<p>R12</p> <p>This rule applies to one of the following:</p> <p>i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i></p> <p>ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel.</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</p> <p>Note: <u>Ordinarily a corner block has two front boundaries, one of which is the secondary frontage, two side boundaries, but no rear boundary.</u></p>	<p>C12</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>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(a) a variation (error variation) that: i) would not adversely affect anyone's rights if approved; and ii) has as its only object the correction of a formal error in the plan.	Compliant. Only corrects an error in the note.

2.2.5 Setbacks less than 900mm

This mandatory rule (rule R13) did not allow any flexibility in situations such as angular encroachments or location of existing structures (e.g. existing wall at 800mm). For this reason a criterion is added to the rule to allow walls between 180mm and 900mm from a boundary be considered if they allow adequate separation between dwellings and reasonable access for maintenance. The rule is also amended the rule to clarify its intent.

Current provisions:

1.11 Setbacks less than 900mm	
R13 Where a setback less than 900mm is permitted, the <i>external wall</i> is set back from the boundary in compliance with one of the following: a) not less than 900mm b) not more than 180mm.	This is a mandatory requirement. There is no applicable criterion.

New provisions:

1.11 Setbacks less than 900mm	
R13 <i>External walls</i> within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm	C13 Buildings and other structures are sited to achieve all of the following: a) reasonable separation between adjoining developments b) reasonable access for maintenance.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that — (i) would only change a code (ii) is consistent with the policy	Compliant. The amendment will allow more flexibility for setbacks. The policy purpose remains the same.

Section	Statement
purpose and policy framework of the code; and (iii) is not an error variation.	
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the intent of the rule, without changing its substance.

2.2.6 Garage walls on or near side and rear boundaries – large blocks

This rule allows a garage wall on a large block to be located less than 900mm from a boundary if it is no longer than 8m. In response to feedback received, carport is added to this rule too. As a carport has similar (or often less) impact on a neighbouring block when located on the boundary as a garage, adding carport to the rule is considered appropriate. The wording of the rule has also been amended to clarify that the walls to the front or back of the garage are not included if it is within 900mm of the boundary. The current wording could be read to mean the 8m total length could potentially include 0.9m of the front wall of the garage, 0.9m of the back wall and 6.2m maximum length of wall on the boundary.

Current provisions:

1.12 Garage walls on or near side and rear boundaries – large blocks	
R14 This rule applies to <i>large blocks</i> . The maximum total length of all garage walls at a setback of less than 900mm to a side or rear boundary is 8m.	C14 Garages are sited to achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> c) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i> .

New provisions (underlined/crossed out):

1.12 <u>Garages and carports</u> walls on or near side and rear boundaries – large blocks	
R14 This rule applies to <i>large blocks</i> . The maximum total length of all garage walls at a setback of less than 900mm to a side or rear boundary is 8m. <u>Garages and carports within 900mm of a side or rear boundary comply with the following:</u> <u>The maximum length of all walls facing the boundary is 8m.</u>	C14 <u>Garages and carports</u> are sited to achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> c) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i> .

1.12 Garages and carports walls on or near side and rear boundaries – large blocks

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. Carport is added to the rule. The policy purpose remains the same.
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment clarifies that only the wall facing the relevant boundary is to be included in the maximum length and does not change the substance of the plan.

2.2.7 Alternative side and rear setbacks – nominated blocks

Changes are proposed to 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). The minimum side boundary setback within the primary building zone for upper floor level external walls was erroneously inserted as 3m. This will result in unintentional building overhangs. It is proposed to correct it to 4m to prevent the upper floor level setback being less than the lower floor level setback.

Current provisions:

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 1 diagram 8)

	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	side boundary 2	side boundary 1	side boundary 2	
lower floor level	1.5m 4m [^]	1.5m nil* ^{^^}	1.5 4m [^]	1.5	3m nil** ^{^^}
upper floor level – external	3m	1.5m nil* ^{^^} **			

wall			not applicable
upper floor level – unscreened element	6m	6m	

* see R15

** only where specifically permitted under a precinct code.

^ minimum setback applies to not less than 50% of the building length. That part of the building at this set back is not less than 4m rearwards of the front building line. The building length is measured 4m behind the front building line.

^^ does not apply to that part of a wall with a window of any sort

New provisions (underlined):

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 1 diagram 8)

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

* see R15

** only where specifically permitted under a precinct code.

^ minimum setback applies to not less than 50% of the building length. That part of the building at this set back is not less than 4m rearwards of the front building line. The building length is measured 4m behind the front building line.

^^ does not apply to that part of a wall with a window of any sort

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(a) a variation (error variation) that: i) would not adversely affect anyone's rights if approved; and ii) has as its only object the correction of a formal error in the plan.	Compliant. Only corrects an error in the table.

2.2.8 Parking

In response to comments received during the consultation process for Variation 306, the provision relating to the location of car parking spaces on the block was specifically amended to clarify that one of the required parking spaces could be located on the driveway (in the front zone) in front of the garage or carport.

However, a parking space located, for example, perpendicular to the driveway and located in front of the house would not meet this rule.

The note added to the rule states that the driveway must lead to a car parking space that is located behind the front building line (one of the required spaces). The second required space does not have to be behind the building line and can be located on the driveway that leads to the first space. As the wording of this provision is still causing confusion, it is clarified that a parking space is permitted in the front zone of a compact block or where it is located in tandem with another parking space behind the building line.

Current provision:

<p>R33</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> or on any part of a <i>driveway</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>For this rule a <i>driveway</i> is a driveway to a car parking space that is located behind the <i>front building line</i>.</p>	<p>C33</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.
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New provision (underlined/crossed out):

<p>R33</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: <ul style="list-style-type: none"> i) <i>compact blocks</i> ii) <u>any part of a driveway in tandem with another car parking space that is located behind the <i>front building line</i>.</u> b) do not encroach any property boundaries c) at least one car parking space is roofed and 	<p>C33</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.
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<p>is behind the <i>front zone</i></p> <p>d) comply with sightlines for off-street car-parking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p> <p>For this rule a driveway is a driveway to a car parking space that is located behind the <i>front building line</i>.</p>	
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Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment clarifies the intent of the rule, without changing its substance.

2.2.9 Principal private open space – dwelling size

In response to comments received during the consultation process for Variation 306, the provision for principal private open space was amended to refer to size of dwelling rather than number of bedrooms. However it was not intended for this dwelling size to include the garage. As such the use of the term GFA can lead to confusion. Therefore, wording in Table 8 is changed, by removing GFA from the **dwelling size** provision.

A note is also be added to clarify that the area of garage should not be included in dwelling size, which is consistent with the policy purpose of the code. Variation 306 replaced block size with dwelling size to determine principal private open space. Comments received during the post-variation 306 period expressed concern for the practicality of this provision when applied to compact blocks. The minimum principal private open space for compact blocks is amended.

Current provision:

Table 8: Principal Private Open Space

Zone	Dwelling Size	Minimum Area	Minimum Dimension
RZ1 RZ2	Up to 105m ² GFA	28m ²	4m
	105m ² GFA or greater	36m ²	6m
RZ3 RZ4	all	24m ²	4m

New provision:

Table 8: Principal Private Open Space

Zone	Block type	Dwelling Size*	Minimum Area	Minimum Dimension
all	Compact	all	16m ²	4m
RZ1 RZ2	Mid sized Large	Up to 105m ²	28m ²	4m
	Mid sized Large	105m ² or greater	36m ²	6m
RZ3 RZ4	Mid sized Large	all	24m ²	4m

* For the purpose of this table, dwelling size is defined as the floor area measured to the outside face of external walls including internal walls between the living areas and *garage* (but excluding the garage).

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. The amendment reintroduces a separate PPOS requirement for compact blocks, which was removed by Variation 306. The policy purpose remains the same.
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment clarifies the meaning of dwelling size in the code, without changing their substance.

2.2.10 Noise attenuation – external sources

In response to comments received during the consultation process for Variation 306, the provision for noise attenuation was amended. The rule now specifies the type of glazing and doors required to reduce noise within the dwelling and the criterion will require a noise management plan to be prepared, demonstrating compliance with the Australian standards relevant to noise attenuation. The rule was also amended to only apply to new dwellings or extensions and alterations that add a habitable room that will be exposed directly to the source of noise. This means for example that an extension to the rear of an existing residence that fronts a busy street will not be required to meet this rule however a new upper floor level on this residence would need to comply with it.

Current provision:

5.4 Noise attenuation – external sources	
<p>R42</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none">i) identified in a precinct code as being potentially affected by noise from external sourcesii) adjacent to a road carrying or forecast to carry traffic volumes greater than 6,000 vehicles per dayiii) located in a commercial zoneiv) adjacent to a commercial or industrial zone <p>dwelling shall be constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none">a) AS/NZS 2107:2000 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level)b) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. <p>For other than road traffic noise, compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005.</p> <p>For road traffic noise, compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

New provision:

5.4 Noise attenuation – external sources	
<p>R42</p> <p>This rule applies to all new dwellings (including in established areas), as well as extensions and alterations that add a habitable room exposed directly to the source of noise.</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than 12,000 vehicles per day <p>dwellings shall be constructed to comply with the following:</p> <ul style="list-style-type: none"> a) dwelling located more than 20m from the nearside edge of a road carrying traffic volumes between 12,000 and 25,000 vpd – <ul style="list-style-type: none"> i) glazing is 6.38mm laminated glass or equivalent and fitted with acoustic seals other than brush seals ii) any external doors are solid core and fitted with acoustic seals other than brush seals b) dwelling located more than 40m from the nearside edge of a road carrying traffic volumes greater than 25,000 vpd – <ul style="list-style-type: none"> i) glazing is 10.38mm laminated glass or equivalent and fitted with acoustic seals other than brush seals ii) any external doors are solid core and fitted with acoustic seals other than brush seals c) in all other cases – <ul style="list-style-type: none"> i) AS/NZS 2107:2000 - Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level) ii) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. 	<p>C42</p> <p>This rule applies to all new dwellings (including in established areas), as well as extensions and alterations that add a habitable room exposed directly to the source of noise.</p> <ul style="list-style-type: none"> a) For other than road traffic noise - a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. The noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005. The plan must indicate compliance with the relevant Australian standard. b) For road traffic noise - an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD. The plan must indicate compliance with the relevant Australian standard. <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that — (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. The amendment requires a noise management plan demonstrating compliance with the Australian standards only where the rule is not met. The policy purpose remains the same.

2.3 Multi Unit Housing Development Code

2.3.1 Solar fence

After community and industry comments on the solar fence provisions that were implemented via variation 306 were considered, some changes to the solar fence provisions are made. The contents of table A4A is also incorporated into the text of rules R26 and R28. The wording pertaining to sun angle building envelope is clarified, by simplifying the instructions for calculating building envelope.

Consistent with previous changes to the solar envelope provisions in the Single Dwelling Housing Development Code a criterion is added to the current mandatory rule R28. As this will then result in R26 and R28 being essentially the same rule, the wording of R26 is simplified and then R28 deleted.

Current provisions:

Rules	Criteria
3.20 Building envelope – all blocks approved before 5 July 2013 except in Molonglo Valley and buildings over 3 storeys in RZ5 and commercial zones	
<p>R26</p> <p>This rule applies to <i>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 5 July 2013 b) for which a <i>lease</i> was granted before 5 July 2013. <p>but does not apply to one or more of the following:</p> <ul style="list-style-type: none"> i) <i>blocks</i> located in the district of Molonglo Valley ii) buildings with more than 3 storeys in RZ5 iii) buildings with more than 3 storeys in commercial zones <p><i>Buildings</i> 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 at the height of the <i>solar fence</i> on the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part</p>	<p>C26</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>.

Rules	Criteria
<p>of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>The height of the <i>solar fence</i> is given in table A4A.</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 A4B.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	

Rules	Criteria
<p>3.21 Building envelope – blocks approved on or after 5 July 2013 and in Molonglo Valley, except buildings over 3 storeys in RZ5 and commercial zones</p>	
<p>R28</p> <p>This rule applies to <i>blocks</i> with one or more of the following characteristics:</p> <p>a) approved under an <i>estate development plan</i> on or after 5 July 2013</p> <p>b) located in the district of Molonglo Valley</p> <p>but does not apply to buildings with more than 3 storeys in RZ5 or commercial zones.</p> <p><i>Buildings</i> 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 at the height of the <i>solar fence</i> on the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>The height of the <i>solar fence</i> is given in table A4A.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>values for X are given in table A4B.</p> <p>Refer Figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	

Table A4A – Height of solar fence

Location	Height of solar fence (m)
<p>from:</p> <p>i) a point on the boundary at a distance from the <i>front boundary</i> equivalent to the minimum <i>front boundary setback</i> applying to that block</p> <p>to:</p> <p>ii) a point on the boundary 10m from point i)</p>	2.4
all other parts of the boundary	1.8

New provisions (crossed out/underlined):

Rules	Criteria
3.20 Building envelope – all blocks approved before 5 July 2013 except in Molonglo Valley and buildings over 3 storeys in RZ5 and commercial zones	
<p>R26</p> <p>This rule applies to blocks with one of the following characteristics:</p> <p>approved under an estate development plan before 5 July 2013</p> <p>for which a lease was granted before 5 July 2013</p> <p>but does not apply to one or more of the following:</p> <p>i) blocks located in the district of Molonglo Valley</p> <p>ii) <i>buildings with more than 3 storeys in RZ5</i></p> <p>iii) <i>buildings with more than 3 storeys in commercial zones</i></p>	<p>C26</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 adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>

Rules	Criteria
<p><i>Buildings</i> are sited wholly within the building envelope formed by <u>planes projected</u> 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 at the height of the solar fence on the <u>any northern boundary</u> or boundaries of an adjoining residential block.</p> <p>The height of the solar fence is:</p> <ul style="list-style-type: none"> A. <u>in the primary building zone – 2.4m</u> B. <u>all other parts of the boundary – 1.8m</u> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>The height of the solar fence is given in table A4A.</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 A4B.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	

Rules	Criteria
3.21 Building envelope – blocks approved on or after 5 July 2013 and in Molonglo Valley, except buildings over 3 storeys in RZ5 and commercial zones	
<p>R28</p> <p>This rule applies to blocks with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) approved under an estate development plan on or after (commencement date). b) located in the district of Molonglo Valley <p>but does not apply to buildings with more than 3 storeys in RZ5 or commercial zones.</p> <p><i>Buildings</i> are sited wholly within the building envelope formed by <u>planes projected</u> projecting</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>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 at the height of the solar fence on the any northern boundary or boundaries of an adjoining <i>residential block</i>.</p> <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>The height of the solar fence is given in table A4A.</p> <p><u>The height of the solar fence is:</u></p> <p>A. in the primary building zone — 2.4m</p> <p>B. all other parts of the boundary — 1.8m</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 A4B.</p> <p>Refer Figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	<p>Compliant. The policy purpose of the sun angle building envelope is to protect the neighbouring properties from being significantly overshadowed. The 2.4m height of the solar fence is consistent with the height of an exempt boundary fence, therefore extending it to apply to the primary building zone is not considered to have a significant adverse impact on the neighbouring block.</p>
<p>s87(f) a variation to omit something that is obsolete or redundant in the territory plan.</p>	<p>Compliant. By adding the criterion to R28 it makes it the same as R26 and therefore redundant.</p>

2.3.2 Duplication of building envelope provisions

With the amendment of R26 and deletion of R28 outlined above, R25 and R27 relating to building envelopes for all blocks except for buildings over 3 storeys in RZ5 and commercial zones are duplicated. Therefore R25 is amended and R27 deleted.

Current provisions:

<p>R25</p> <p>This rule applies to <i>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) <p>but does not apply to one or more of the following:</p> <ul style="list-style-type: none"> i) blocks located in the district of Molonglo Valley ii) buildings with more than 3 storeys in RZ5 iii) buildings with more than 3 storeys in commercial zones. <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 as required by the next rule.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	<p>C3</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>R27</p> <p>This rule applies to <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>but does not apply to buildings with both of the following characteristics –</p> <ul style="list-style-type: none"> i) more than 3 storeys ii) on land zoned RZ5 or commercial. <p>Buildings are sited wholly within the building</p>	<p>C4</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>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>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	
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New provisions (crossed out/underlined):

<p>R25</p> <p>This rule applies to blocks with one of the following characteristics:</p> <p>a) approved under an estate development plan before (commencement date)</p> <p>b) for which a lease was granted before (commencement date)</p> <p>but does not apply to one or more of the following:</p> <p>i) blocks located in the district of Molonglo Valley</p> <p>ii) buildings with more than 3 storeys in RZ5</p> <p>iii) buildings with more than 3 storeys in commercial zones.</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 as required by the next rule.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	<p>C25</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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
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<p>R27</p> <p>This rule applies to blocks with one or more of the following characteristics:</p> <p>a) approved under an estate development plan on or after (commencement date)</p> <p>b) located in the district of Molonglo Valley.</p> <p>but does not apply to buildings with both of the</p>	<p>C27</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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
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<p>following characteristics—</p> <ul style="list-style-type: none"> i) more than 3 storeys ii) on land zoned RZ5 or commercial. <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>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	
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Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. By combining R26 and R28 and subsequently deleting R28, it makes R27 essentially the same as R25 and therefore becomes redundant.

2.3.3 Allowable setback encroachments

Rule R34 and criterion C34 is deleted due to duplication with rule R31 and criterion C31.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant.

2.3.4 Building entries that are at or above street level

Rule R48(c) currently states that common entries to dwellings have finished floor levels at or above the level of the adjoining verge. Application of rule R48(c) may be confusing in those cases where land being built on has some slope, either above or below the road verge. Therefore rule 48(c) is removed.

Current provisions:

Rules	Criteria
5.2 Building entries	
<p>R48</p> <p>Common entries to <i> dwellings </i> 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>C48</p> <p>Common entries to <i> dwellings </i> 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.

New provisions:

Rules	Criteria
5.2 Building entries	
<p>R48</p> <p>Common entries to <i> dwellings </i> 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) separate access to any non-residential uses, which are clearly distinguishable and secured after hours. 	<p>C48</p> <p>Common entries to <i> dwellings </i> 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 <i> buildings </i> 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.

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that</p> <p>—</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and 	<p>Compliant.</p>

Section	Statement
(iii) is not an error variation.	

2.3.5 Noise attenuation – external sources

Following comments received regarding the noise attenuation provisions in the Territory Plan, the requirements for compliance with the Australian standards relating to noise were compared with the requirements for achieving the required energy rating for a dwelling. It was determined that the noise generated by roads of 6000 vehicles per day was adequately ameliorated by the glazing, doors and seals required to meet the compulsory energy rating. As such, the threshold of vehicles per day is to be increased from 6 000 to 12 000.

Current provision:

6.9 Noise attenuation – external sources	
<p>R67</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than 6,000 vehicles per day iii) located in a commercial zone iv) adjacent to a commercial or industrial zone <p>dwelling shall be constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> a) AS/NZS 2107:2000 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level) b) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. <p>For other than road traffic noise, compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

6.9 Noise attenuation – external sources	
<p>to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005.</p> <p>For road traffic noise, compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	

New provision (change underlined/crossed out):

6.9 Noise attenuation – external sources	
<p>R67</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than <u>12,000</u>6,000 vehicles per day iii) located in a commercial zone iv) adjacent to a commercial or industrial zone <p> dwellings shall be constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> a) AS/NZS 2107:2000 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level) b) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. <p>For other than road traffic noise, compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

6.9 Noise attenuation – external sources	
<p>to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005.</p> <p>For road traffic noise, compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	<p>Compliant. The amendment adjusts the level of traffic on a road that triggers the application of the rule, consistent with the policy purpose of the code.</p>

2.3.6 Ramps to basement car parking – RZ1 and RZ2

Changes are made to mandatory rule R68 to provide more flexibility for permitting ramp access to basement car parking forward of the building line. A new criterion is added to achieve this.

Current provision:

Rules	Criteria
7.1 Ramps to basement car parking – RZ1 and RZ2	
<p>R68</p> <p>This rule applies to <i>blocks</i> with all of the following characteristics:</p> <ul style="list-style-type: none"> a) zoned RZ1 or RZ2 b) <i>single dwelling blocks</i> c) 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>

New provisions:

Rules	Criteria
7.1 Ramps to basement car parking – RZ1 and RZ2	
<p>R68</p> <p>This rule applies to <i>blocks</i> with all of the following characteristics:</p> <ul style="list-style-type: none"> a) zoned RZ1 or RZ2 b) <i>single dwelling blocks</i> c) 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>C68</p> <p>Ramps accessing <i>basement</i> car parking forward of the <i>building line</i> may be allowed where all of the following are achieved:</p> <ul style="list-style-type: none"> i) compatibility with the streetscape ii) retention of existing street trees iii) safe and convenient pedestrian and bicycle crossings iv) adequate line of sight for cars entering and/or leaving the car parking area

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	<p>Compliant. The new criterion is consistent with the policy purpose of the code as it continues the intent of the rule by protecting streetscape, street trees, pedestrian and cyclist safety and sightlines from cars.</p>

2.4 Estate Development Code

2.4.1 Battle-axe blocks

The previous residential subdivision development code permitted battleaxe blocks to front busy roads (however did not permit vehicle access from it). When adding other restrictions to battleaxe blocks in Variation 306, the allowance for them to face busy roads was removed. Given the adverse impact this may have on subdivision design it this provision is reinserted into the current battleaxe block provisions.

Current provision:

Rules	Criteria
8.3 Battle-axe blocks	
R54 Battle-axe <i>blocks</i> for residential purposes comply with all of the following: <ol style="list-style-type: none"> a) are at least 500m², exclusive of the driveway access corridor b) have a common boundary with public open space. c) are not designated for multi unit housing 	This is a mandatory requirement. There is no applicable criterion.

New provision:

Rules	Criteria
8.3 Battle-axe blocks	
R54 Battle-axe <i>blocks</i> for residential purposes comply with all of the following: <ol style="list-style-type: none"> a) have a frontage (that does not allow vehicular access) to at least one of the following: <ol style="list-style-type: none"> i) public open space ii) main road carrying more than 3000vpd b) are not designated for multi unit housing with more than 3 <i>dwellings</i> 	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule	C54A The size and layout of battle axe <i>blocks</i> can effectively accommodate all of the following: <ol style="list-style-type: none"> a) the provision of safe vehicle access and egress for all <i>blocks</i> on the street providing access b) the predicted vehicle movements for the street and any traffic control measures

Rules	Criteria
	<p>proposed</p> <ul style="list-style-type: none"> c) impacts of waste collection, public transport and parking within the street that provides access to the <i>blocks</i> d) the visual amenity of the street providing access as well as the open space or street the <i>block</i> is fronting e) suitable vehicular access and manoeuvring areas
<p>R55</p> <p>A access handle serving a battle-axe <i>block</i> residential purposes has a minimum width of:</p> <ul style="list-style-type: none"> a) where it is adjacent to an access handle serving another <i>block</i>, and both access handles have a legal right of access over the other - 3m b) in all other cases: <ul style="list-style-type: none"> i) for single dwelling housing – 4m ii) for multi unit housing – 5.5m 	<p>C55</p> <p>The access handle serving a battle-axe <i>block</i> achieves all of the following:</p> <ul style="list-style-type: none"> a) safe vehicular and pedestrian access of residents and visitors of the <i>block</i> from the access street to the <i>block</i> b) ample egress from both sides of a vehicle c) appropriate access by emergency vehicles to the <i>dwelling</i> d) any required utility services and infrastructure e) opportunity for landscaping

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	<p>Compliant. The allowance for battleaxe blocks to face busy streets is proposed to be reinserted into the existing provisions. The addition of the new criterion (C54A) protects the amenity of the block. The addition of a criterion for access handles provides more flexibility. These are all consistent with the policy purpose of the code.</p>

2.4.2 Rear lanes

An error is corrected in the explanatory notes for rule R103 by deleting the wrong Territory and Municipal Services Directorate design standard referenced in note (i) and inserting the correct reference.

Current provision:

Rules	Criteria
14.5 Rear lanes	
<p>R103</p> <p>The configuration of <i>rear lanes</i> is to be endorsed by TAMS.</p> <p>Note 1:</p> <p>TAMS will endorse the configuration of a <i>rear lane</i> if it complies with all of the following:</p> <ul style="list-style-type: none"> a) the relevant provisions of tables 1A, 1B, 2A and 2B b) the number of <i>dwelling</i>s accessed from it is not more than 40 (see Note 1) c) maximum <i>leg length</i> is 120m (figure 1) d) maximum peak hour traffic volume at any intersection with a higher order street is 160 vehicles per day e) the relevant Australian Standard for sight lines (particularly at bends and intersections) f) a suitable median is provided in a higher order street where rear lanes directly align across that street g) there are no dead ends h) TAMS <i>Design Standard for Urban Infrastructure DS12-Public Lighting</i> or its successor i) if waste collection from a <i>rear lane</i> is proposed, turning circles at the intersection of the <i>rear lane</i> and higher order streets and/or intersections between different legs of <i>rear lane</i>, accommodate 12.5m single unit truck (refuse vehicles) and comply with TAMS <i>Design Standard for Urban Infrastructure DS12-Public Lighting</i> or its successor j) incorporates fire hydrants located not less than 60m from any location within the <i>rear lane</i>. k) TAMS <i>Design Standards for Urban Infrastructure DS01-Stormwater</i> l) Crime Prevention through Environmental Design General Code. <p>TAMS may consider departures.</p> <p>Note 2:</p> <p>For the purposes of this rule, a <i>rear lane</i> comprises all interconnecting sections of a lane within an area bounded by higher order streets.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

New provisions:

Rules	Criteria
14.5 Rear lanes	
R103	

Rules	Criteria
14.5 Rear lanes	
<p>The configuration of <i>rear lanes</i> is to be endorsed by TAMS.</p> <p>Note 1: TAMS will endorse the configuration of a <i>rear lane</i> if it complies with all of the following:</p> <ul style="list-style-type: none"> a) the relevant provisions of tables 1A, 1B, 2A and 2B b) the number of <i>dwelling</i>s accessed from it is not more than 40 (see Note 1) c) maximum <i>leg length</i> is 120m (figure 1) d) maximum peak hour traffic volume at any intersection with a higher order street is 160 vehicles per day e) the relevant Australian Standard for sight lines (particularly at bends and intersections) f) a suitable median is provided in a higher order street where rear lanes directly align across that street g) there are no dead ends h) TAMS <i>Design Standard for Urban Infrastructure DS12-Public Lighting</i> or its successor i) if waste collection from a <i>rear lane</i> is proposed, turning circles at the intersection of the <i>rear lane</i> and higher order streets and/or intersections between different legs of <i>rear lane</i>, accommodate 12.5m single unit truck (refuse vehicles) and comply with TAMS <i>Design Standard for Urban Infrastructure DS02-Road Planning</i> or its successor j) incorporates fire hydrants located not less than 60m from any location within the <i>rear lane</i>. k) TAMS <i>Design Standards for Urban Infrastructure DS01-Stormwater</i> l) Crime Prevention through Environmental Design General Code. <p>TAMS may consider departures.</p> <p>Note 2: For the purposes of this rule, a <i>rear lane</i> comprises all interconnecting sections of a lane within an area bounded by higher order streets.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(a) a variation (error variation) that:</p> <ul style="list-style-type: none"> i) would not adversely affect anyone's rights if approved; and ii) has as its only object the correction of a formal error in the plan. 	<p>Compliant.</p>

2.4.3 Street network requirements

After community and industry comments on the street network requirements that were implemented via variation 306 were considered, some changes to the minimum shared path requirement for access street B are made. A 2m wide shared

path will only be required on one-side of access street B. Users may utilise the road in most case due to low traffic volume. This will ensure consistency with design standards within TAMS. It is also proposed to change the shared path width for Minor and Major collectors from 2.0m to 2.5m to be consistent with Austroads (AGRD:6A Pedestrian and Cyclist Paths – table 7.3).

It is proposed to reduce the current design speed for the first three classes of roads in Table 2A, to increase the safety of road users and pedestrians on lower order roads.

Current provision:

Table 2A: Street network requirements – all estates except in industrial zones

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
Traffic volume range (vpd) ⁽¹⁾	0-160 ⁽³⁾	0-40	0-300	301 –1000	1001-3000	3001-6000
Design speed (km/h)	30	30	60	60	60	70
Minimum carriageway width (m) ⁽²⁾	5.5 (5.0 where the lane is less than 60m in length)	3.5-3.7 (single lane)	5.5	7	10	10
Verge width (m)	minimum 1.5m	5.0	5.5	6.25	6.25	6.25
Minimum horizontal radius (to accommodate)	12.5m single unit truck					
On-street car parking	Prohibited	Permitted only as indented spaces	Assumed on one side of the carriageway only	Assumed staggered on both side of the carriageway only	Assumed on both side of the carriageway only	Assumed on one side of the carriageway only
Kerb type	Flush or layback upright kerb adjacent to street lighting	Flush or layback	Layback or upright		upright	upright
Maximum street longitudinal gradient	12.5%	12.5%	12.5%	12%	12%	12%
Minimum shared path requirement	No shared path required	No shared path required	1.5 wide shared path on one side only	2.0m wide on both sides	2.0m wide shared path on both sides and aligned at least 1.5m away from the kerb	2.0m wide shared path on both sides and aligned at least 1.5m away from the kerb
Bus route requirement	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	can be used as a bus route where in accordance with table 3	can be used as a bus route where in accordance with table 3
Street tree requirement	No trees required	Street trees to be provided	Street trees to be provided	Street trees to be provided	street trees to be provided	street trees to be provided

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
Intermittent street lighting	Must be provided when length exceeds 60m					

New provisions (underlined):

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
Traffic volume range (vpd) ⁽¹⁾	0-160 ⁽³⁾	0-40	0-300	301 -1000	1001-3000	3001-6000
Design speed (km/h)	<u>20</u>	<u>20</u>	<u>50</u>	60	60	70
Minimum carriageway width (m) ⁽²⁾	5.5 (5.0 where the lane is less than 60m in length)	3.5-3.7 (single lane)	5.5	7	10	10
Verge width (m)	minimum 1.5m	5.0	5.5	6.25	6.25	6.25
Minimum horizontal radius (to accommodate)	12.5m single unit truck					
On-street car parking	Prohibited	Permitted only as indented spaces	Assumed on one side of the carriageway only	Assumed staggered on both side of the carriageway only	Assumed on both side of the carriageway only	Assumed on one side of the carriageway only
Kerb type	Flush or layback upright kerb adjacent to street lighting	Flush or layback	Layback or upright	<u>Layback or upright</u>	upright	upright
Maximum street longitudinal gradient	12.5%	12.5%	12.5%	12%	12%	12%
Minimum shared path requirement	No shared path required	No shared path required	1.5 wide shared path on one side only	2.0m wide on <u>one side only</u>	<u>2.5m</u> wide shared path on both sides and aligned at least 1.5m away from the kerb	<u>2.5m</u> wide shared path on both sides and aligned at least 1.5m away from the kerb
Bus route requirement	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	can be used as a bus route where in accordance with table 3	can be used as a bus route where in accordance with table 3
Street tree requirement	No trees required <u>and not to be planted unless sufficient space is</u>	Street trees to be provided	Street trees to be provided	Street trees to be provided	street trees to be provided	street trees to be provided

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
	<u>provided</u>					
Intermittent street lighting	Must be provided when length exceeds 60m					

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant.

2.4.4 Bus route requirements

It is proposed to combine the radius provision for all buses to be 15m.

Current provision:

<p>Street carriageway widths⁽¹⁾</p> <p>One-way: 4 m</p> <p>Two-way: 8.0 m</p>
<p>Minimum geometric layout</p> <p>Curve radius for turns on a bus route between a minor collector street and a major collector street</p> <p>Radius = 12.5 m for single bus unit</p> <p>Radius = 15m for 14.5m long rigid buses and articulated buses</p> <p>Note: some routes may require geometry to suit 14.5m long rigid buses and articulated buses.</p> <p>Roundabouts</p> <p>Maximum desirable pavement crossfall: to comply with AUSTRROADS Guidelines</p> <p>Absolute maximum gradient: to comply with AUSTRROADS Guidelines</p>

New provision (underlined):

<p>Street carriageway widths⁽¹⁾</p> <p>One-way: 4 m</p> <p>Two-way: 8.0 m</p>
<p>Minimum geometric layout</p> <p>Curve radius for turns on a bus route between a minor collector street and a major collector street</p> <p>Radius = 12.5 m for single bus unit</p> <p>Radius = 15m <u>for single bus unit</u> and 14.5m long rigid buses and articulated buses</p> <p>Note: some routes may require geometry to suit 14.5m long rigid buses and articulated buses.</p> <p>Roundabouts</p> <p>Maximum desirable pavement crossfall: to comply with AUSTRROADS Guidelines</p> <p>Absolute maximum gradient: to comply with AUSTRROADS Guidelines</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that — (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant.

2.5 Lease variation general code

2.5.1 Relevant development and general codes

Neither the *Home Business General Code* nor *Signs General Code* has relevant provisions for varying Crown leases. It is proposed to remove these. In addition the *Community and Recreational Facilities Location Guidelines General Code* and *Crime Prevention through Environmental Design General Code* have relevant provisions regarding changes to land use. It is proposed to add these codes to the list of general codes that apply.

Current provisions:

Development codes that may be relevant to lease variation are:

- Residential Zones Development Code
- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code
- City Centre Development Code
- Town Centres Development Code
- Group Centres Development Code
- Local Centres Development Code
- CZ2 Office Areas Outside Centres Development Code
- CZ5 Mixed Use Zone Development Code
- CZ6 Leisure and Accommodation Zone Development Code
- Industrial Zones Development Code
- Community Facility Zone Development Code
- Parks and Recreation Zone Development Code
- Transport and Services Zone Development Code
- Non-Urban Zones Development Code

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

- Parking and Vehicular Access General Code
- Home business general code
- Signs General Code

New provisions (underlined):

Development codes that may be relevant to lease variation are:

- Residential Zones Development Code
- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code

City Centre Development Code
 Town Centres Development Code
 Group Centres Development Code
 Local Centres Development Code
 CZ2 Office Areas Outside Centres Development Code
 CZ5 Mixed Use Zone Development Code
 CZ6 Leisure and Accommodation Zone Development Code
 Industrial Zones Development Code
 Community Facility Zone Development Code
 Parks and Recreation Zone Development Code
 Transport and Services Zone Development Code
 Non-Urban Zones Development Code

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

Parking and Vehicular Access General Code
~~Home business general code~~
~~Signs General Code~~
Community and Recreational Facilities Location Guidelines General Code
Crime Prevention Through Environmental Design General Code

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant.
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant.

2.5.2 Variations to increase rights

It is proposed to include a reference to the *Parking and Vehicular Access General Code*. It is also proposed to vary references to noise, traffic flow and waste management to match similar provisions in the Territory Plan.

Current provisions:

Rules	Criteria
2.1 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 if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> a) sufficient car parking provided on site or in the near vicinity b) traffic increases within the capacity of local streets adequate waste management and disposal c) no unreasonably increase the level of noise for the occupants of <i>dwelling</i>s 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>

New provisions (underlined):

Rules	Criteria
2.1 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 if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking <u>is</u> provided on site or <u>in the near vicinity is available off site in accordance with the <i>Parking and Vehicular Access General Code</i></u> ii) <u>any increase in traffic flow is increases</u> within the capacity of <u>local streets the surrounding road network</u> iii) adequate <u>post occupancy waste management and disposal can be provided to the relevant Territory standard</u> iv) no unreasonably <u>increase</u> in the level of noise for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining <i>blocks</i> <u>land</u>. <p>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that — (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant.

2.5.3 Variations to add uses - general

It is proposed to include a reference to the *Parking and Vehicular Access General Code*. It is also proposed to vary references to noise, traffic flow and waste management to match similar provisions in the Territory Plan.

Current provisions:

3.1 Adding uses generally	
There is no applicable rule.	<p>C3</p> <p>An additional use is authorised by a <i>lease</i> only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking provided on site or in the near vicinity ii) local streets capable of accommodating any additional traffic iii) adequate waste management and disposal iv) not unreasonable level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land v) not unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land vi) not unreasonable level of odour for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land vii) not unreasonable level of light emission for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land.

New provisions:

Rules	Criteria
3.1 Adding uses generally	
There is no applicable rule.	<p>C3</p> <p>An additional use is authorised by a <i>lease</i> only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking <u>is provided on site or in the near vicinity is available off site in accordance with the <i>Parking and Vehicular Access General Code</i></u> ii) <u>any increase in traffic flow is increases within the capacity of local streets of the surrounding road network</u> iii) adequate <u>post occupancy waste management and disposal can be provided to the relevant Territory standard</u> iv) not unreasonable <u>increase in level of noise for the occupants of dwellings on the block or on adjoining land</u> v) not unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land vi) not unreasonable level of odour for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land vii) not unreasonable level of light emission for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land.

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that —</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	Compliant. References to noise, traffic flow and waste are matched to similar provisions elsewhere in the Territory Plan.

2.5.4 Variations to add particular uses

It is proposed to correct the reference to the *Recreational Facilities Location Guidelines General Code*.

Current provisions:

4.1 Community and Recreational Facilities	
There is no applicable rule.	C4 Community facilities or recreational facilities are authorised by a <i>lease</i> comply with the <i>Community and Recreational Facilities Locational Guidelines General Code</i> .

New provisions:

Rules	Criteria
4.1 Community and Recreational Facilities	
There is no applicable rule.	C4 Community facilities or recreational facilities <u>that</u> are authorised by a <i>lease</i> comply with the <i>Community and Recreational Facilities Locational Guidelines General Code</i> .

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(a) a variation (error variation) that: i) would not adversely affect anyone's rights if approved; and ii) has as its only object the correction of a formal error in the plan.	Compliant.

2.5.5 Variations to express the number of dwellings and remove easements

The *Planning and Development Act 2007* and development tables for residential zones require a development application when varying a lease to express the number of approved or lawfully erected dwellings; or to remove, relocate or change easements. It is proposed to expand rule R8 to reflect and address requirements for this type of development.

Current provisions:

Element 5: Variations to add uses

5.1 Expressing the number of units	
R7 A variation to a <i>lease</i> that expresses the number of approved or lawfully erected dwelling is consistent with both of the following:	This is a mandatory requirement. There is no applicable criterion.

a) all other provisions of the lease b) the Territory Plan, including all relevant codes.	
5.2 Removing easements	
R8 A proposal to vary to a <i>lease</i> to remove easements is endorsed by the relevant utility provider.	This is a mandatory requirement. There is no applicable criterion.

New provisions:

Element 5: Variations to add uses express the number of dwellings

Rules	Criteria
5.1 Expressing the number of units dwellings	
R7 A variation to a <i>lease</i> that expresses the number of approved or lawfully erected dwelling <u>dwellings</u> is consistent with both of the following: a) all other provisions of the lease <u>lease</u> b) the Territory Plan, including all relevant codes.	This is a mandatory requirement. There is no applicable criterion.
5.2 Removing easements	
R8 A proposal to vary to a <i>lease</i> to remove easements is endorsed by the relevant utility provider.	This is a mandatory requirement. There is no applicable criterion.

Element 6: Variations to remove relocate or change easements

6.1 Removing relocating or changing easements	
R8 A proposal to vary a <i>lease</i> to remove, relocate or change easements is consistent with both of the following: a) <u>is supported by written endorsement from the relevant service provider</u> b) <u>is supported by drawings and information demonstrating that easements are not required or are provided elsewhere on the land.</u>	<u>This is a mandatory requirement. There is no applicable criterion.</u>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that — (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant.

3. TECHNICAL AMENDMENT

3.1 Residential Zones Development Code

1 Introduction – Table 1

Substitute

development/ use*	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
ancillary use	Y		
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
child care centre	Y		
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business**			
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement village	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	
subdivision	Y		
supportive housing	Y	Y	
temporary use	Y		

*Listed development is only applicable where it complies with the relevant zone development table and/or precinct code.

** see Home Business General Code

2 Part B – Other forms of residential development, Element 4: Secondary residences, section 4.1 Design and siting, rule R7

Substitute

Rules	Criteria
4.1 Design and siting	
<p>R7 The maximum <i>dwelling</i> size* of a secondary residence is 75m².</p> <p>*For the purpose of this rule, <i>dwelling</i> size is measured to the outside face of external walls (including internal walls between the living areas and <i>garage</i>) but excludes the <i>garage</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.2 Single Dwelling Housing Development Code

3 Element 1: Building and site controls, Table 1A – height of solar fence

Omit

4 Element 1: Building and site controls, Table 1B - Apparent sun angle (X) at noon on the winter solstice (21 June)

Rename as below

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

5 Element 1: Building and site controls, section 1.6 Sun angle building envelope - all large blocks, mid sized blocks approved after 5 July 2013, compact blocks approved after 5 July 2013, all blocks in the Molonglo Valley and integrated housing development parcels

Substitute

Rules	Criteria
<p>R7</p> <p>This rule applies to all of the following:</p> <ol style="list-style-type: none"> <i>large blocks</i> <i>mid sized blocks</i> approved under an <i>estate development plan</i> after 5 July 2013 <i>compact blocks</i> approved under an <i>estate development plan</i> after 5 July 2013 all <i>blocks</i> in the district of Molonglo Valley 	<p>C7</p> <p>Buildings achieve all of the following:</p> <ol style="list-style-type: none"> consistency with the <i>desired character</i> reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> do not shadow the windows of <i>habitable rooms</i> (other than bedrooms) of any approved and constructed <i>dwelling</i> on an

<p>e) <i>integrated housing development parcels</i> but does not apply to that part of the <i>building</i> on a <i>single dwelling block</i> that is required to be built to a boundary of the <i>block</i> by a precinct code applying to an <i>integrated housing development parcel</i> of which the <i>block</i> is a part.</p> <p><i>Buildings</i> are sited wholly within the <i>building envelope</i> formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ol style="list-style-type: none"> i. in the <i>primary building zone</i> – 2.4m ii. all other parts of the boundary – 1.8m <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</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 to figure 1.</p>	<p>adjoining <i>residential block</i> at noon on the winter solstice</p> <p>d) do not overshadow the <i>principal private open space</i> of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> to a greater extent than a 2.4m fence on the boundary at noon on the winter solstice.</p>
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6 Element 1: Building and site controls, section 1.7 Building envelope – mid sized blocks approved before 5 July 2013 except in Molonglo Valley

Insert wording underlined

Rules	Criteria
<p>R8</p> <p>This rule applies to <i>mid sized blocks</i> with one of the following characteristics:</p> <ol style="list-style-type: none"> i) approved under an <i>estate development plan</i> before 5 July 2013 ii) for which a <i>lease</i> was granted before 5 July 2013 <p>but does not apply to <i>blocks</i> located in the district of Molonglo Valley.</p> <p><i>Buildings</i> are sited wholly within the <i>building envelope</i> formed by projecting planes over the subject <i>block</i> comprising:</p>	<p>C8</p> <p>Buildings achieve all of the following:</p> <ol 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> <p>reasonable solar access to <i> dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.</p>

Rules	Criteria
<p>a) within the <i>primary building zone</i> -</p> <ul style="list-style-type: none"> 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 <i>northern boundaries</i> of adjoining <i>residential blocks</i> ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, 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 <i>northern boundary of an adjoining residential block</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above these boundaries. <p>b) within the <i>rear zone</i> -</p> <ul style="list-style-type: none"> 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 <i>northern boundaries</i> of adjoining <i>residential blocks</i> ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries. <p>Refer Figure 2.</p>	

7 Element 1: Building and site controls, Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagram 3)

Substitute

Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagram 3)

	minimum <i>front boundary</i> setback	exceptions		
		minimum <i>front boundary</i> setback to <i>secondary street frontage</i>	minimum <i>front boundary</i> setback to open space or pedestrian paths wider than 6m	minimum <i>front boundary</i> setback to rear lane <i>front boundary</i> 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 Minimum of 1.5m behind the front <i>building line</i> except where there is a courtyard wall in the <i>front zone</i>		4m	nil

8 Element 1: Building and site controls, Table 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008

Substitute

Table 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 6, 7 and 8)

	minimum setback to <i>front boundary</i>	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	4m	3m	3m	nil
<i>articulation elements</i> – all floor levels	3m	not applicable	not applicable	not applicable

garage	5.5m Minimum of 1.5m behind the front <i>building line</i> except where there is a courtyard wall in the <i>front zone</i>	3m	nil
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9 Element 1: Building and site controls, Table 4: Front boundary setbacks – compact blocks in subdivisions approved on or after 31 March 2008

Substitute

Table 4: Front boundary setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 11)

	minimum setback to <i>front boundary</i>	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 Minimum of 1.5m behind the front <i>building line</i> 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

10 Element 1: Building and site controls, 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

- i) Delete crossed-out text*
- ii) Insert underlined text*

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 1 diagram 8)

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

* see R15

** only where specifically permitted under a precinct code.

[^] minimum setback applies to not less than 50% of the *building* length. That part of the *building* at this set back is not less than 4m rearwards of the front *building line*. The *building* length is measured 4m behind the front building line.

^{^^} does not apply to that part of a wall with a window of any sort

11 Element 1: Design and siting, section 1.10 Side and rear setbacks – all blocks, Rule R12, Note

Substitute note

Note: Ordinarily a corner *block* has two *front boundaries*, one of which is the secondary frontage, two *side boundaries*, but no rear boundary.

12 Element 1: Design and siting, section 1.11 Setbacks less than 900mm

Substitute

1.11 Setbacks less than 900mm	
R13 <i>External walls</i> within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm	C13 Buildings and other structures are sited to achieve all of the following: a) reasonable separation between adjoining developments b) reasonable access for maintenance.

13 Element 1: Design and siting, section 1.12

Substitute

1.12 Garages and carports on or near side and rear boundaries – large blocks	
<p>R14</p> <p>This rule applies to <i>large blocks</i>.</p> <p><i>Garages and carports</i> within 900mm of a side or rear boundary comply with the following:</p> <p>The maximum length of all walls facing the boundary is 8m.</p>	<p>C14</p> <p><i>Garages and carports</i> are sited to achieve all of the following:</p> <ul style="list-style-type: none">a) consistency with the <i>desired character</i>b) reasonable privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i>c) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i>.

14 Element 4: Parking and site access, section 4.3

Substitute

<p>R33</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:<ul style="list-style-type: none">i) <i>compact blocks</i>ii) any part of a driveway in tandem with another car parking space that is located behind the <i>front building line</i>.b) do not encroach any property boundariesc) 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>C33</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 cyclistsd) reasonable surveillance of parking spaces.
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15 Element 5: Amenity, Table 8: Principal Private Open Space

Substitute

Table 8: Principal Private Open Space

Zone	Block type	Dwelling Size*	Minimum Area	Minimum Dimension
all	Compact	all	16m ²	4m
RZ1 RZ2	Mid sized Large	up to 105m ²	28m ²	4m
	Mid sized Large	105m ² or greater	36m ²	6m
RZ3 RZ4	Mid sized Large	all	24m ²	4m

* For the purpose of this table, *dwelling* size is defined as the floor area measured to the outside face of external walls including internal walls between the living areas and *garage* (but excluding the *garage*).

16 Element 5: Amenity, section 5.4 Noise attenuation – external sources

Substitute

5.4 Noise attenuation – external sources	
<p>R42</p> <p>This rule applies to all new dwellings (including in established areas), as well as extensions and alterations that add a habitable room exposed directly to the source of noise.</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than 12000 vehicles per day <p>dwellings shall be constructed to comply with the following:</p> <ul style="list-style-type: none"> a) dwelling located more than 20m from the nearside edge of a road carrying traffic volumes between 12,000 and 25,000 vpd – <ul style="list-style-type: none"> i) glazing is 6.38mm laminated glass or equivalent and fitted with acoustic seals other than brush seals ii) any external doors are solid core and fitted with acoustic seals other than brush seals b) dwelling located more than 40m from the 	<p>C42</p> <p>This rule applies to all new dwellings (including in established areas), as well as extensions and alterations that add a habitable room exposed directly to the source of noise.</p> <ul style="list-style-type: none"> a) For other than road traffic noise - a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA. The noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005. The plan must indicate compliance with the relevant Australian standard. b) For road traffic noise - an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD. The plan must indicate compliance with the relevant Australian standard. <p>Note: A condition of development approval may be imposed</p>

<p>nearside edge of a road carrying traffic volumes greater than 25,000 vpd –</p> <ul style="list-style-type: none"> i) glazing is 10.38mm laminated glass or equivalent and fitted with acoustic seals other than brush seals ii) any external doors are solid core and fitted with acoustic seals other than brush seals <p>c) in all other cases –</p> <ul style="list-style-type: none"> i) AS/NZS 2107:2000 - Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level) ii) AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design. 	<p>to ensure compliance with the endorsed noise management plan.</p>
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17 Appendix 1 – Boundary setback diagrams, Diagram 11

Delete crossed-out text from title

Diagram 11: **Compact blocks approved on or after 31 March 2008**
~~but before 2 October 2009~~ (refer Table 4 and 7)

3.3 Multi unit housing development code

18 Part A – General controls, Element 3 – Building and site controls, Section 3.20 Building envelope – all blocks approved before 5 July 2013 except in Molonglo Valley and buildings over 3 storeys in RZ5 and commercial zones

Substitute

3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones	
<p>R25</p> <p>This does not apply to one or more of the following:</p> <ul style="list-style-type: none"> i) buildings with more than 3 storeys in RZ5 ii) buildings with more than 3 storeys in commercial zones. <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 as required by the next rule.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	<p>C25</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>R26</p> <p>This rule does not apply to one or more of the following:</p> <ul style="list-style-type: none"> i) <i>buildings</i> with more than 3 storeys in RZ5 ii) <i>buildings</i> with more than 3 storeys in commercial zones <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ul style="list-style-type: none"> A. in the <i>primary building zone</i> – 2.4m B. all other parts of the boundary – 1.8m 	<p>C26</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>.

<p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</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 A4B.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.</p>	
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19 Part A – General controls, Element 3 – Building and site controls, Section 3.21 Building envelope – blocks approved on or after 5 July 2013 and in Molonglo Valley, except buildings over 3 storeys in RZ5 and commercial zones

Omit

20 Part A – General controls, Element 3: Building and site controls, Table A4A – Height of Solar Fence

Omit

21 Part A – General controls, Element 3: Building and site controls, section 3.26, rule R34 & criterion C34

Omit

22 Part A – General controls, Element 5: Building design, section 5.2 Building entries

Substitute

5.2 Building entries	
<p>R48</p> <p>Common entries to <i>dwelling</i>s have all of the following features:</p> <p>a) an external sheltered area outside the</p>	<p>C48</p> <p>Common entries to <i>dwelling</i>s achieve all of the following:</p> <p>a) a transitional area from the street</p>

<p>entrance</p> <p>b) a direct line of sight between the front door and the public footpath or road</p> <p>c) separate access to any non-residential uses, which are clearly distinguishable and secured after hours.</p>	<p>b) secure, all-weather access</p> <p>c) surveillance of public areas (including between <i>buildings</i> and open space areas, paths, <i>dwelling</i> entries, car parking areas and driveways)</p> <p>d) safety, security and convenience for residents and visitors</p> <p>e) the separation of residential entries and commercial entries.</p>
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23 Element 6: Amenity, section 6.9 Noise attenuation – external sources

- i) *Remove crossed-out text*
- ii) *Insert underlined text*

6.9 Noise attenuation – external sources	
<p>R67</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a road carrying or forecast to carry traffic volumes greater than <u>12,000</u>6,000 vehicles per day iii) located in a commercial zone iv) adjacent to a commercial or industrial zone <p>dwelling shall be constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> a) AS/NZS 2107:2000 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level) b) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. <p>For other than road traffic noise, compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustical Society with experience in the assessment of noise, and endorsed by the EPA.</p> <p>For other than road traffic noise, the noise level</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in the ACT Environment Protection Regulation 2005.</p> <p>For road traffic noise, compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of road traffic noise, and endorsed by the Transport Planning & Projects Section in ESDD.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.</p>	
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24 Part A – General controls, Element 7: Parking and vehicular access, section 7.1 Ramps to basement car parking – RZ1 and RZ2

Substitute

7.1 Ramps to basement car parking – RZ1 and RZ2	
<p>R68 This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none"> a) zoned RZ1 or RZ2 b) <i>single dwelling blocks</i> c) 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>C68 Ramps accessing <i>basement</i> car parking forward of the <i>building line</i> may be allowed where all of the following are achieved:</p> <ul style="list-style-type: none"> i) compatibility with the streetscape ii) retention of existing street trees iii) safe and convenient pedestrian and bicycle crossings iv) adequate line of sight for cars entering and/or leaving the car parking area

3.4 Estate Development Code

25 Part B – Estate planning in residential zones and CZ5, Element 8: Block layout and orientation, section 8.3 Battle-axe blocks

Substitute

Rules	Criteria
8.3 Battle-axe blocks	
<p>R54 Battle-axe <i>blocks</i> for residential purposes</p>	<p>This is a mandatory requirement. There is no</p>

Rules	Criteria
<p>comply with all of the following:</p> <p>a) have a frontage (that does not allow vehicular access) to at least one of the following:</p> <ul style="list-style-type: none"> i) public open space ii) main road carrying more than 3000vpd <p>b) are not designated for multi unit housing with more than 3 <i>dwellings</i></p>	<p>applicable criterion.</p>
<p>There is no applicable rule</p>	<p>C54A</p> <p>The size and layout of battle axe <i>blocks</i> can effectively accommodate all of the following:</p> <ul style="list-style-type: none"> a) the provision of safe vehicle access and egress for all <i>blocks</i> on the street providing access b) the predicted vehicle movements for the street and any traffic control measures proposed c) impacts of waste collection, public transport and parking within the street that provides access to the <i>blocks</i> d) the visual amenity of the street providing access as well as the open space or street the <i>block</i> is fronting e) suitable vehicular access and manoeuvring areas
<p>R55</p> <p>A access handle serving a battle-axe <i>block</i> residential purposes has a minimum width of:</p> <ul style="list-style-type: none"> a) where it is adjacent to an access handle serving another <i>block</i>, and both access handles have a legal right of access over the other - 3m b) in all other cases: <ul style="list-style-type: none"> i) for single <i>dwelling</i> housing – 4m ii) for multi unit housing – 5.5m 	<p>C55</p> <p>The access handle serving a battle-axe block achieves all of the following:</p> <ul style="list-style-type: none"> a) safe vehicular and pedestrian access of residents and visitors of the <i>block</i> from the access street to the <i>block</i> b) ample egress from both sides of a vehicle c) appropriate access by emergency vehicles to the <i>dwelling</i> d) any required utility services and infrastructure e) opportunity for landscaping

26 Part D – Endorsement by government agencies, Element 14: Street Networks, section 14.5 Rear lanes

- i) *Remove crossed-out text*
- ii) *Insert underlined text*

<p>R103 The configuration of <i>rear lanes</i> is to be endorsed by TAMS. Note 1: TAMS will endorse the configuration of a <i>rear lane</i> if it complies with all of the following:</p> <ul style="list-style-type: none"> a) the relevant provisions of tables 1A, 1B, 2A and 2B b) the number of <i>dwelling</i>s accessed from it is not more than 40 (see Note 1) c) maximum <i>leg length</i> is 120m (figure 1) d) maximum peak hour traffic volume at any intersection with a higher order street is 160 vehicles per day e) the relevant Australian Standard for sight lines (particularly at bends and intersections) f) a suitable median is provided in a higher order street where rear lanes directly align across that street g) there are no dead ends h) TAMS <i>Design Standard for Urban Infrastructure DS12-Public Lighting</i> or its successor i) if waste collection from a <i>rear lane</i> is proposed, turning circles at the intersection of the <i>rear lane</i> and higher order streets and/or intersections between different legs of <i>rear lane</i>, accommodate 12.5m single unit truck (refuse vehicles) and comply with TAMS Design Standard for Urban Infrastructure DS12-Public Lighting <u>02-Road Planning</u> or its successor j) incorporates fire hydrants located not less than 60m from any location within the <i>rear lane</i>. k) TAMS <i>Design Standards for Urban Infrastructure DS01-Stormwater</i> l) Crime Prevention through Environmental Design General Code. <p>TAMS may consider departures. Note 2: For the purposes of this rule, a <i>rear lane</i> comprises all interconnecting sections of a lane within an area bounded by higher order streets.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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27 Table 2A: Street network requirements – all estates except in industrial zones

- i) *Remove crossed-out text*
- ii) *Insert underlined text*

Table 2A: Street network requirements – all estates except in industrial zones

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
Traffic volume range (vpd) ⁽¹⁾	0-160 ⁽³⁾	0-40	0-300	301 –1000	1001-3000	3001-6000

Facility Type	Rear lane ⁽²⁾	Shared use access street 'Woonerf' style	Access street A	Access street B	Minor collector	Major collector
Design speed (km/h)	30 20	30 20	60 50	60	60	70
Minimum carriageway width (m) ⁽²⁾	5.5 (5.0 where the lane is less than 60m in length)	3.5–3.7 (single lane)	5.5	7	10	10
Verge width (m)	minimum 1.5m	5.0	5.5	6.25	6.25	6.25
Minimum horizontal radius (to accommodate)	12.5m single unit truck					
On-street car parking	Prohibited	Permitted only as indented spaces	Assumed on one side of the carriageway only	Assumed staggered on both side of the carriageway only	Assumed on both side of the carriageway only	Assumed on one side of the carriageway only
Kerb type	Flush or layback upright kerb adjacent to street lighting	Flush or layback	Layback or upright	<u>Layback or upright</u>	upright	upright
Maximum street longitudinal gradient	12.5%	12.5%	12.5%	12%	12%	12%
Minimum shared path requirement	No shared path required	No shared path required	1.5 wide shared path on one side only	2.0m wide on both sides <u>one side only</u>	2.0m 2.5m wide shared path on both sides and aligned at least 1.5m away from the kerb	2.0m 2.5m wide shared path on both sides and aligned at least 1.5m away from the kerb
Bus route requirement	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route	can be used as a bus route where in accordance with table 3	can be used as a bus route where in accordance with table 3
Street tree requirement	No trees required <u>and not to be planted unless sufficient space is provided</u>	Street trees to be provided	Street trees to be provided	Street trees to be provided	street trees to be provided	street trees to be provided
Intermittent street lighting	Must be provided when length exceeds 60m					

28 Table 3 Bus route requirements

i) *Delete crossed-out text*

ii) Insert underlined text

Street carriageway widths⁽¹⁾

One-way: 4 m

Two-way: 8.0 m

Minimum geometric layout

Curve radius for turns on a bus route between a minor collector street and a major collector street

~~Radius = 12.5 m for single bus unit~~

Radius = 15m for single bus units, 14.5m long rigid buses and articulated buses

Note: some routes may require geometry to suit 14.5m long rigid buses and articulated buses.

Roundabouts

Maximum desirable pavement crossfall: to comply with AUSTRoads Guidelines

Absolute maximum gradient: to comply with AUSTRoads Guidelines

3.5 Lease variation general code

29 Relevant development codes and general codes

i) Delete crossed out text

ii) Insert underlined text

Development codes that may be relevant to lease variation are:

- Residential Zones Development Code
- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code
- City Centre Development Code
- Town Centres Development Code
- Group Centres Development Code
- Local Centres Development Code
- CZ2 Office Areas Outside Centres Development Code
- CZ5 Mixed Use Zone Development Code
- CZ6 Leisure and Accommodation Zone Development Code
- Industrial Zones Development Code
- Community Facility Zone Development Code
- Parks and Recreation Zone Development Code
- Transport and Services Zone Development Code

Non-Urban Zones Development Code

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

Parking and Vehicular Access General Code

~~Home business general code~~

~~Signs General Code~~

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention Through Environmental Design General Code

30 Part A – Lease variations in the merit or impact track, Element 2: Variations to increase rights, section 2.1

Substitute

Rules	Criteria
2.1 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 if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land. <p>Note: examples of rights are the maximum <i>gross floor area</i>, the maximum floor area allocated to a particular use, <i>building</i> heights.</p>

31 Part A – Lease variations in the merit or impact track, Element 3: variations to add uses – general, Section 3.1

Substitute

Rules	Criteria
3.1 Adding uses generally	

Rules	Criteria
3.1 Adding uses generally	
There is no applicable rule.	<p>C3</p> <p>An additional use is authorised by a <i>lease</i> only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the <i>Parking and Vehicular Access General Code</i> ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land v) no unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land vi) no unreasonable level of odour for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land vii) no unreasonable level of light emission for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining land.

**32 Part A – Lease variations in the merit or impact track, Element 4:
Variations to add particular uses, Section 4.1**

Substitute

Rules	Criteria
4.1 Community and Recreational Facilities	
There is no applicable rule.	<p>C4</p> <p>Community facilities or recreational facilities that are authorised by a <i>lease</i> comply with the <i>Community and Recreational Facilities Location Guidelines General Code</i>.</p>

33 Part B - Lease variations in the code track, Element 5: Variations to add uses

- i) *Delete crossed-out text*
- ii) *Insert underlined text*

Element 5: Variations to ~~add uses~~ express the number of dwellings

Rules	Criteria
5.1 Expressing the number of units dwellings	
<p>R7</p> <p>A variation to a <i>lease</i> that expresses the number of approved or lawfully erected dwelling <u>dwellings</u> is consistent with both of the following:</p> <ul style="list-style-type: none"> a) all other provisions of the lease <u>lease</u> b) the Territory Plan, including all relevant codes. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
5.2 Removing easements	
<p>R8</p> <p>A proposal to vary to a lease to remove easements is endorsed by the relevant utility provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

34 Part B – Lease variations in the code track

Insert

Element 6: Variations to remove, relocate or change easements

6.1 Removing relocating or changing easements	
<p>R8</p> <p>A proposal to vary a <i>lease</i> to remove, relocate or change easements is consistent with both of the following:</p> <ul style="list-style-type: none"> a) is supported by written endorsement from the relevant service provider b) is supported by drawings and information demonstrating that easements are not required or are provided elsewhere on the land. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

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