

Planning and Development (Plan Variation No 346) Approval 2016

Notifiable Instrument NI2016—410

made under the

Planning and Development Act 2007, section 76(3)(a) (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 346) Approval 2016*.

2 Approval of draft plan variation

- (1) I APPROVE under section 76(3)(a) of the *Planning and Development Act 2007* the draft plan variation No 346 to the Territory Plan.
- (2) In this section:

Draft plan variation No 346 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management

1 August 2016



ACT
Government

Environment and Planning

Planning and Development Act 2007

Variation to the Territory Plan No 346

Residential Solar Access Provisions

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

In 2009 the ACT Planning and Land Authority (the authority) commenced a general review of the policy content of the Territory Plan, including the development of new mechanisms to improve solar access for residential development. As a result of this process, on 5 July 2013, new residential solar access provisions were introduced into the Territory Plan through Variation 306.

The provisions introduced through Variation 306 apply to all blocks over 500 square metres (large blocks) and to blocks of 500 square metres or less (mid-size and compact blocks) if they were approved on or after 5 July 2013. The previously existing provisions continue to apply to mid sized blocks that were approved before this date. For compact blocks approved before this date, no solar access provisions apply.

Following the introduction of these provisions, the authority undertook to closely monitor their impact and effectiveness in order to ensure that they were achieving the desired outcomes. This process included research and consultation with key stakeholder groups including industry and community representatives.

In March 2014 the authority invited people from the Canberra community to participate in a workshop focused on the northern boundary and solar access provisions in the Territory Plan. Participants included architecture, building and planning industry professionals and community association representatives. This led to the establishment of a working group to consider and explore a range of options put forward by the authority to embrace the solar access objectives and seek to resolve the issues identified.

The working group members included representatives of community associations and industry groups. The group met once in 2014 and three times in 2015. A wide range of options and approaches were developed and explored by the authority and tested with the working group. Proposed changes were presented to community and industry representatives at a forum held in December 2015.

As a result of this process, amendments to the residential solar access provisions are now proposed. These amended provisions will better meet the needs of industry and the community without adversely impacting on the principle of ensuring good solar access for residential development.

1.2 Summary of the Proposal

This variation amends the Territory Plan provisions in relation to solar access for residential development. This will include changes in the Single Dwelling Housing Development Code, the Multi Unit Housing Development Code and the Coombs and Wright Concept Plan. It is not proposed to amend the existing Coombs and Wright Precinct Maps and Codes.

1.3 The National Capital Plan

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

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

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Current Territory Plan Provisions

1.4.1 Residential development codes

Planning controls for residential development are found in the Territory Plan. The two residential development codes pertinent to this draft variation are the Single Dwelling Housing Development Code and the Multi Unit Housing Development Code.

The Single Dwelling Housing Development Code and the Multi Unit Housing Development Code contain rules relating to solar access that work by limiting overshadowing on neighbouring blocks. These rules specify what is known as a 'solar building envelope'.

In the **Single Dwelling Housing Development Code**, the rules and criteria relating to solar building envelopes are contained in Element 1. The code contains diagrams to assist in the interpretation of the applicable rules.

Rule R6 specifies the building envelope applying to boundaries other than northern boundaries of neighbouring blocks. Rule R6 applies to large blocks, mid sized blocks approved under an estate development plan on or after 5 July 2013 and integrated housing development parcels. The building envelope is formed by planes projected over the subject block at 45° to the horizontal from a height of 3.5 metres above each side and rear boundary.

Rule R7 of the Single Dwelling Code specifies the solar building envelope that applies to a northern boundary of a neighbouring block. Rule R7 applies to all large blocks, mid sized blocks approved under an estate development plan on or after 5 July 2013, compact blocks approved under an estate development plan on or after 5 July 2013, and integrated housing development parcels. The building envelope is formed by planes projected over the subject block at X° to the horizontal from the height of the solar fence on a northern boundary of an adjoining block. A northern boundary is defined as a boundary of a block where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north. X° is the apparent sun angle at noon on the winter solstice and is given in the accompanying table: Table 1. The height of the solar fence in the primary building zone is 2.4 metres and on all other parts of the boundary is 1.8 metres.

Rules R8 and R9 of the Single Dwelling Code specify the envelope controls applying to mid sized blocks approved before 5 July 2013. These building envelope controls differ from those specified in rules R6 and R7. The changes proposed in this variation to rules R8 and R9 will not alter the building envelope controls for mid sized blocks approved before 5 July 2013. The restructuring of these rules is intended to provide clarity only.

As previously stated, no solar access provisions apply to compact blocks approved before 5 July 2013.

The rules in the Single Dwelling Code relating to solar access for internal living areas of a dwelling are contained in Element 5. Rule R37 of the Single Dwelling Code specifies that the floor or internal wall of a daytime living area of a dwelling is exposed to not less than three hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).

In the **Multi Unit Housing Development Code** the rules and criteria in relation to building envelopes are contained in Element 3.

Rule R26 of the Multi Unit Code specifies the solar building envelope that applies to all multi unit housing development except for buildings with more than three storeys in either RZ5 or in commercial zones. The solar building envelope controls specified in rule R26 of the Multi Unit Code are identical to those contained in rule R7 of the Single Dwelling Code. The building envelope is formed by planes projected over the subject block at X° to the horizontal from the height of the solar fence on a northern boundary of an adjoining block. X° is the apparent sun angle at noon on the winter solstice and is given in the accompanying table: Table 1. The height of the solar fence in the primary building zone is 2.4 metres and on all other parts of the boundary 1.8 metres.

In the Multi Unit Code the rules relating to solar access for internal living areas are contained in Element 6. Rule R57 of the Multi Unit Housing Development Code applies to all multi-unit housing developments other than apartments. Rule R57 specifies that the floor or internal wall of a daytime living area of a dwelling is exposed to not less than three hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).

1.4.2 Precinct codes and concept plans

Precinct codes are codes that contain special provisions applying to specific geographical areas. They are used to guide the preparation and assessment of development in the area to which they apply. Suburb precinct codes reflect the provisions contained in concept plans that are intended to apply to the development on a parcel of land once a subdivision is approved. Concept plans set out the special provisions that will apply in a future residential suburb or district. The provisions in a concept plan apply in the same way as precinct codes.

The existing envelope provisions in the **Coombs and Wright Concept Plan** are contained in Element 16. Rule R62 specifies the building envelope applying to boundaries other than northern boundaries of neighbouring blocks. These provisions are identical to those contained in rule R6 of the Single Dwelling Code. The building envelope is formed by planes projected over the subject block at 45° to the horizontal from a height of 3.5 metres above each side and rear boundary.

Rule R63 specifies the solar building envelope controls for northern boundaries of neighbouring blocks. The building envelope is formed by planes projected over the subject block at X° from the height of the solar fence on a northern boundary of an adjoining block. X° is the apparent sun angle at noon on the winter solstice and is given in the accompanying table. The height of the solar fence is 1.8 metres.

The Coombs Precinct Code and the Wright Precinct Code contain the same solar access provisions as the Coombs and Wright Concept Plan. These provisions apply in the existing residential areas in the suburbs of Coombs and Wright. In order to ensure consistency with existing development in these areas, the current provisions within the Coombs Precinct Code and the Wright Precinct Code will remain; however the Coombs and Wright Concept Plan will be amended so that future subdivisions in this area will be subject to the revised rules under the Single Dwelling and Multi Unit Housing Development Codes.

1.5 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.6 Consultation on the Draft Variation

Draft Variation No 346 (DV346) was released for public comment between 18 February 2016 and 7 April 2016. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register and ACT Government Public Notices Website on 18 February 2016 and in *The Canberra Times* on 20 February 2016.

A total of 103 written submissions were received, which included submissions from individual residents, industry professionals, industry groups and community councils.

Of these submissions 68 support the proposals, one further submission supports the proposal on the condition that the *Planning and Development Regulation 2008* is changed first and 34 submissions do not support the proposed changes.

Main issues raised by submitters included:

- Concerns in relation to impacts on existing properties
- Concern that the changes will be detrimental to solar access
- Concerns in relation to the interaction with other legislation
- Concerns with regards to consultation

The above issues were considered and are detailed in a report on consultation, which is available at www.act.gov.au/recommendedvariations. Minor editorial changes were made for clarity and a descriptive change was made to terminology referring to the 'solar building envelope' to align the wording in the Territory Plan with the terminology to be used in the anticipated changes to the *Planning and Development Regulation 2008* related to limiting construction tolerance exemptions. The Minister considered the outcomes of consultation and directed the planning and land authority to make further changes informed by the issues raised. The changes made are outlined in Section 1.7 below and in the report to the Minister under Section 78 of the Act. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

1.7 Revisions to the Draft Variation Since Public Consultation

The following changes were made:

Single Dwelling Housing Development Code

- Added new version of R7/ C7 (keeps existing provisions for large blocks approved prior to 5 July 2013 but with simplified wording)
- Amended R7/C7 to not apply to large blocks approved prior to 5 July 2013 and renamed to R7A/ C7A
- Figure 1 amended to include reference to R7A
- Rule R7 & R7A and Figure 1 amended to replace 'building envelope' with 'solar building envelope'
- Criteria C7A amended to substitute 'privacy' for 'solar access'
- Removed reference to R9 being omitted & added R9 reference to Figure 2
- R37 amended to also include large blocks approved prior to 5 July 2013
- C37 deleted
- R37A/ C37A amended to reflect that it applies to blocks approved on or after 5 July 2013 only.

Multi Unit Housing Development Code

- Rule & Criteria R25 & C25 removed from variation (no changes being made)
- Rule R26 and Figure A1 amended to replace 'building envelope' with 'solar building envelope'
- R26 amended to provide 2 different solar fence heights based on block approval date (prior to or on or after 5 July 2013)
- Reintroduced the existing version of R57 with minor edits for clarity to continue applying to blocks approved before 5 July 2013.
- Adjusted numbering and content for R57A/ C57A so that it is to be applied to blocks approved on or after 5 July 2013.

2. VARIATION

2.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

Variation to the *Single Dwelling Housing Development Code*

1. Element 1: Building and site controls

Substitute rule and criterion R6/C6:

1.5 Building envelope – all large blocks; mid sized blocks approved on or after 5 July 2013	
<p>R6</p> <p>This rule applies to:</p> <ul style="list-style-type: none">a) <i>large blocks</i>b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 <p>but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the <i>block</i> by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule.</p> <p>An example of a typical building envelope is shown at Figure 1.</p>	<p>C6</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none">a) consistency with the <i>desired character</i>b) reasonable levels of privacy for <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.

2. Element 1: Building and site controls

Substitute rule and criterion R7/C7:

1.6 Solar building envelope - all <i>large blocks</i> approved before 5 July 2013	
<p>R7</p> <p>This rule applies to <i>large blocks</i> approved before 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar 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>X° is the apparent sun angle at noon on the winter solstice.</p> <p>Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <ul style="list-style-type: none">i) in the <i>primary building zone</i> – 2.4mii) all other parts of the boundary – 1.8m <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary.</p> <p>An example of a typical building envelope is shown at Figure 1.</p>	<p>C7</p> <p><i>Buildings</i> 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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>c) do not shadow the windows of <i>habitable rooms</i> (other than bedrooms) of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> at noon on the winter solsticed) 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.

3. Element 1: Building and site controls

Add rule and criterion R7A/C7A:

1.6A Solar building envelope - all blocks approved on or after 5 July 2013	
<p>R7A</p> <p>This rule applies to blocks approved under an estate development plan on or after 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar 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>X° is the apparent sun angle at noon on the winter solstice.</p> <p>Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <ul style="list-style-type: none"> iii) in the <i>primary building zone</i> – 3m iv) all other parts of the boundary – 2.3m <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary.</p> <p>An example of a typical building envelope is shown at Figure 1.</p>	<p>C7A</p> <p><i>Buildings</i> achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) do not overshadow the windows of <i>habitable rooms</i> (other than bedrooms) of any <i>dwelling</i> on an adjoining <i>residential block</i> at noon on the winter solstice to a greater extent than the height of the 'solar fence' on a <i>northern boundary</i> of that <i>block</i> c) do not overshadow any <i>principal private open space</i> on an adjoining <i>residential block</i> at noon on the winter solstice to a greater extent than the height of the 'solar fence' on a <i>northern boundary</i> of that <i>block</i> d) reasonable levels of solar access for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> e) where an adjoining <i>residential block</i> is not yet developed, the potential for reasonable solar access and privacy on the adjoining <i>residential block(s)</i> is maintained

4. Element 1: Building and site controls

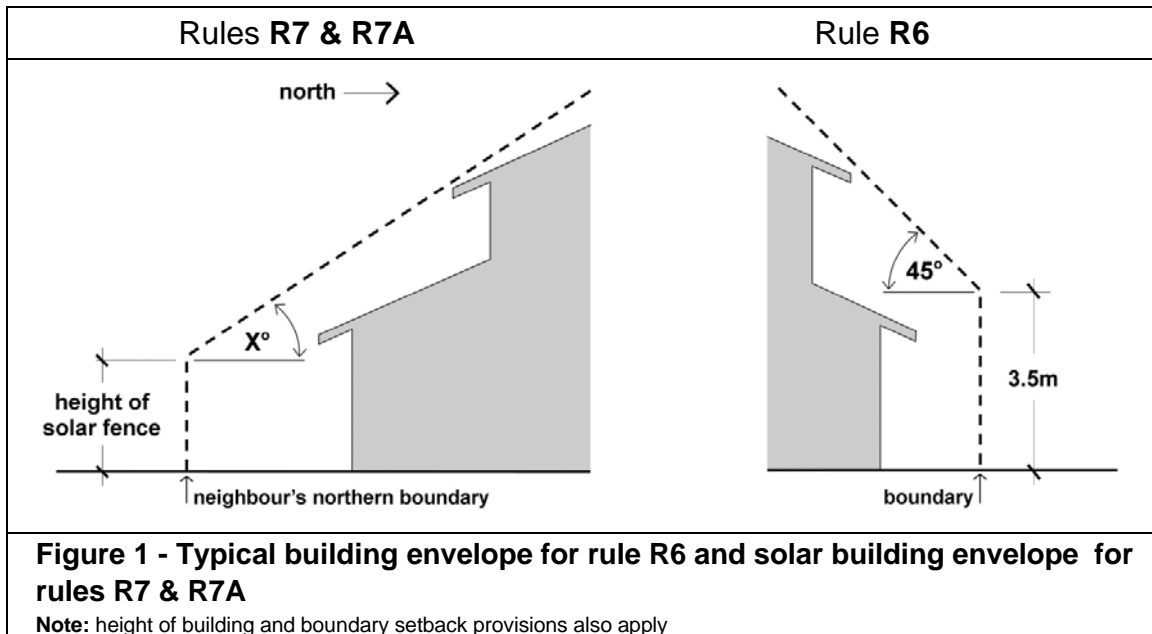
Substitute rule and criterion R8/C8:

1.7 Building envelope – mid sized blocks approved before 5 July 2013	
<p>R8</p> <p>This rule applies to <i>mid sized blocks</i> approved under an <i>estate development plan</i> before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013, but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope comprising:</p> <p>a) for ‘north facing boundaries’ of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> –</p> <ol style="list-style-type: none"> 1. planes projected at 45° from a height of 2m above the boundary 2. where a nil setback is permitted, building elements may encroach beyond the building envelope provided they do not encroach beyond a plane projected at 30° from a height of 3m above the boundary <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 2m above each side and rear boundary</p> <p>b) for boundaries other than ‘north facing boundaries’ of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> – planes projected at 45° from a height of 4.5m above each side boundary</p> <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 3.5m above each side and rear boundary</p> <p><u>For this rule:</u></p> <p>North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between 30° east of north and 20° west of north</p> <p>An example of a typical building envelope is shown at Figure 2.</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> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p>

5. Element 1: Building and site controls

Substitute:

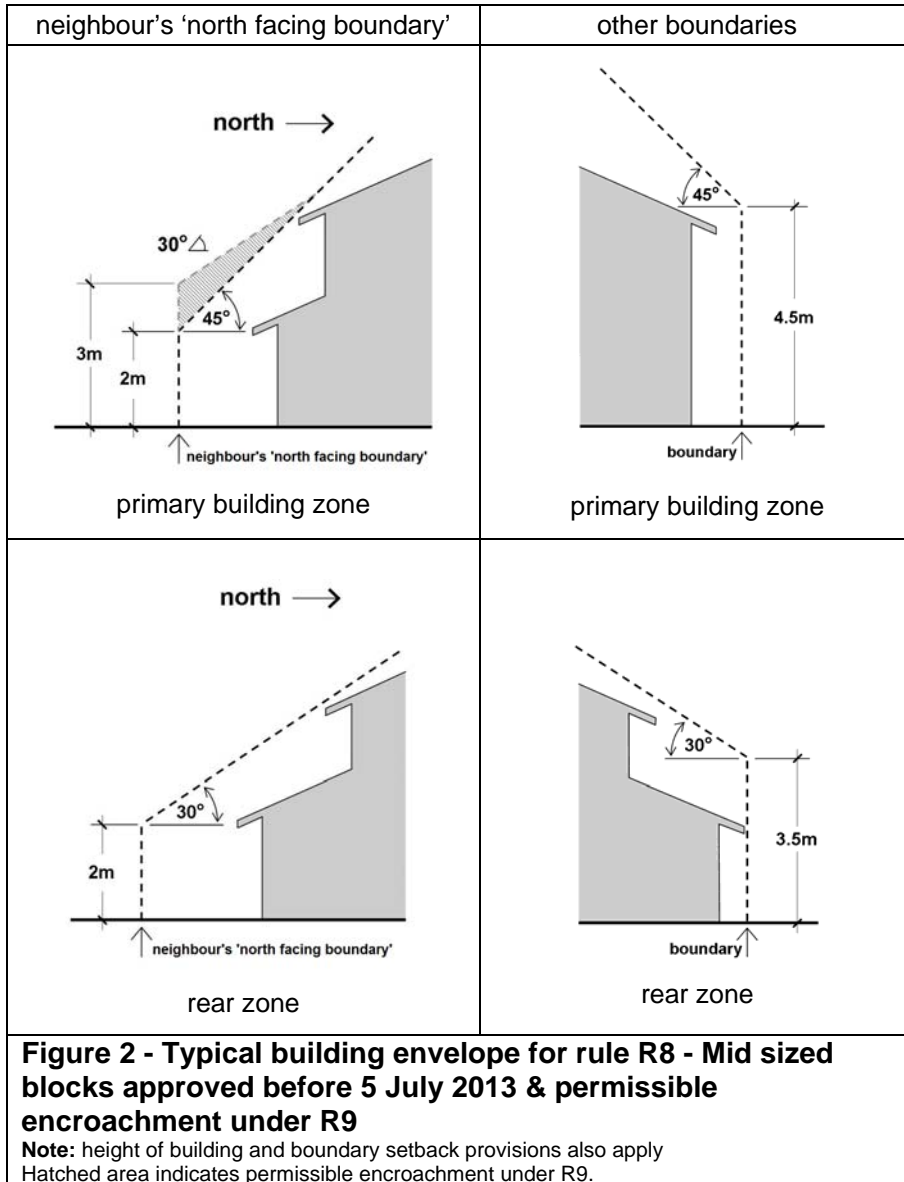
- Figure 1



6. Element 1: Building and site controls

Substitute:

- Figure 2



7. Element 5: Amenity

Substitute rule and criterion R37/C37:

5.1 Solar access- blocks which were approved or had a lease granted before 5 July 2013	
<p>R37</p> <p>This rule applies to <i>blocks</i> approved under an <i>estate development plan</i> before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013.</p> <p>The floor or internal wall of a daytime living area of a <i>dwelling</i> is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p>	<p>C37</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>

8. Element 5: Amenity

Insert rule and criterion R37A/C37A:

5.1 Solar access- blocks which were approved on or after 5 July 2013	
<p>R37A</p> <p>This rule applies to <i>blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 for:</p> <ol style="list-style-type: none"><i>new dwellings</i>additions and alterations, only if the addition or alteration affects a daytime living area <p>A daytime living area is provided with a minimum of 4m² of transparent vertical glazing that:</p> <ol style="list-style-type: none">is oriented between 45° east of north and 45° west of north; andis not overshadowed at noon on the winter solstice (21 June) by:<ol style="list-style-type: none"><i>buildings</i> and structures on the subject <i>block</i>the 'solar fence' on the <i>northern boundary</i> of the subject <i>block</i> <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p> <p>The height of the 'solar fence' is:</p> <ol style="list-style-type: none">in the <i>primary building zone</i> – 3mall other parts of the boundary – 2.3m <p>Note: Compliance with this rule may be demonstrated through plans, elevations and supporting documentation (e.g. shadow diagrams) showing that the required minimum area of glazing is not overshadowed.</p>	<p>C37A</p> <p>One or more daytime living areas is provided with reasonable access to direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this criterion:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p>

Variation to the *Multi Unit Housing Development Code*

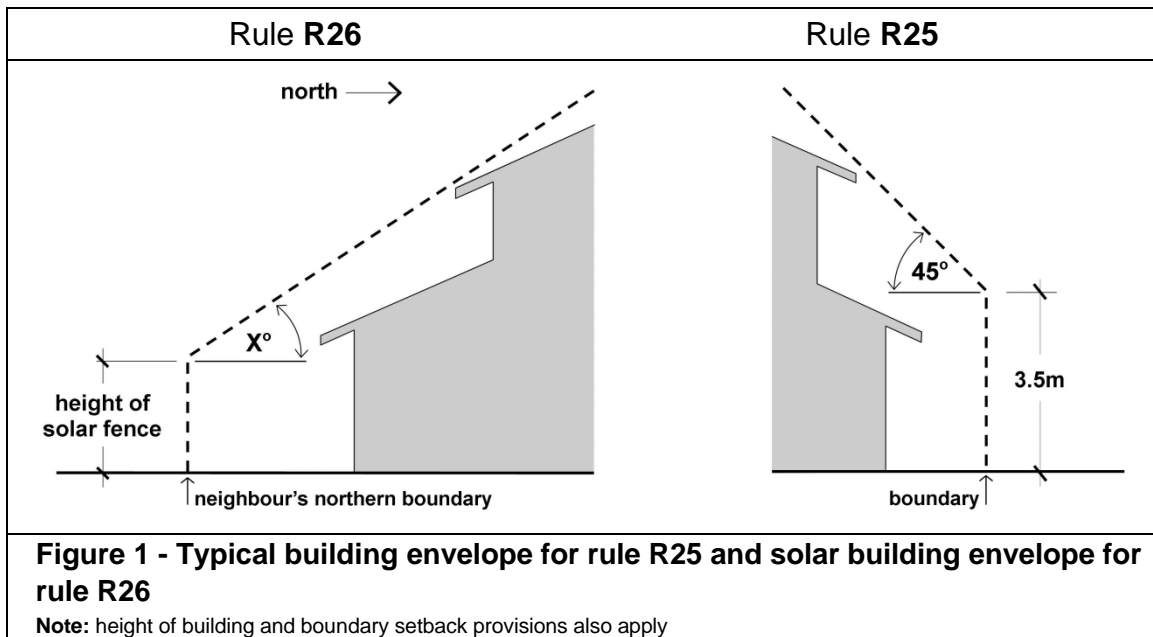
9. Element 3: Building and site controls

Substitute rule and criterion R26/C26:

<p>R26</p> <p>This does not apply to either of the following:</p> <ul style="list-style-type: none"> a) <i>buildings</i> with more than 3 <i>storeys</i> in RZ5 b) <i>buildings</i> with more than 3 <i>storeys</i> in commercial zones. <p><i>Buildings</i> are sited wholly within the solar 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>X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table A4.</p> <p>The height of the ‘solar fence’ is:</p> <p>For a <i>block</i> approved before 5 July 2013:</p> <ul 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>For a <i>block</i> approved under an <i>estate development plan</i> on or after 5 July 2013:</p> <ul style="list-style-type: none"> i) in the <i>primary building zone</i> – 3m ii) all other parts of the boundary – 2.3m <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a “battleaxe handle”). The previous rule applies to this part of the boundary.</p> <p>An example of a typical building envelope is shown at 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>C26</p> <p><i>Buildings</i> 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> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> c) reasonable levels of privacy for <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> d) where an adjoining <i>block</i> is not yet developed, the potential for reasonable solar access and privacy on the adjoining <i>residential block(s)</i> is maintained
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10. Element 3: Building and site controls

Substitute Figure A1:



11. Element 6: Amenity

Substitute rule and criterion R57/C57:

6.1 Solar access – other than apartments	
<p>R57</p> <p>This rule applies to multi unit housing on <i>blocks</i> approved before 5 July 2013. This rule does not apply to <i>apartments</i>.</p> <p>The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p> <p>Note: Where a development comprises a mixture of <i>apartments</i> and other multi unit housing, this rule applies to the other multi unit housing, but does not apply to the <i>apartments</i>.</p> <p>Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwelling does not currently comply, the development must not increase the level of non compliance for that other dwelling.</p>	<p>C57</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>

12. Element 6: Amenity

Add rule and criterion R57A/C57A:

<p>R57A</p> <p>This rule applies to multi unit housing on <i>blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013. This rule does not apply to apartments.</p> <p>A daytime living area of each new <i>dwelling</i> is provided with a minimum of 4m² of transparent vertical glazing that:</p> <ol style="list-style-type: none">a) is oriented between 45° east of north and 45° west of north; andb) is not overshadowed at noon on the winter solstice (21 June) by:<ol style="list-style-type: none">i) buildings and structures on the subject blockii) the solar fence on the <i>northern boundary</i> of the subject block <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p> <p>The height of the 'solar fence' is:</p> <ol style="list-style-type: none">i) in the <i>primary building zone</i> – <u>3m</u>ii) all other parts of the boundary – <u>2.3m</u> <p>Note: Where a development comprises a mixture of <i>apartments</i> and other multi unit housing, this rule applies to the other multi unit housing, but does not apply to the <i>apartments</i>.</p> <p>Compliance with this rule may be demonstrated through plans, elevations and supporting documentation (e.g. shadow diagrams) showing that the required minimum area of glazing is not overshadowed.</p> <p>Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwelling does not currently comply, the development must not increase the level of non compliance for that other dwelling.</p>	<p>C57A</p> <p>One or more daytime living areas in each <i>dwelling</i> is provided with reasonable access to direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this criterion:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p>
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Variation to the *Coombs and Wright Concept Plan*

13. Element 16: Building envelopes – all zones

Omit:

- Rule and criterion R62/C62
- Rule R63
- Table 1
- Figure A1

Interpretation service

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

TRANSLATING AND INTERPRETING SERVICE
131 450
Canberra and District - 24 hours a day, seven days a week