

Planning and Development (Draft Variation No 346) Consultation Notice 2016

Notifiable instrument NI2016—84

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 346) Consultation Notice 2016*.

2 Draft variation to the Territory plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 346 – Residential Solar Access Provisions (the **Draft Variation**) to vary the Territory plan. The Draft Variation contains proposed amendments to residential solar access provisions in the Single Dwelling Housing Development Code, the Multi Unit Housing Development Code and the Coombs and Wright Concept Plan.

3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
 - (a) the Draft Variation; and
 - (b) the background papers relating to the Draft Variation.
- (2) Copies of the documents mentioned in section 3(1) are available for inspection and purchase at Access Canberra, Environment, Planning and Land Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on 7 April 2016 (the **Consultation Period**).
- (3) Copies of the documents mentioned in section 3(1) are also available for inspection during the Consultation Period online at www.act.gov.au/recommendedvariations

4 Invitation to give written comments

- (1) The Authority invites written comments about the Draft Variation during the Consultation Period. Comments should include reference to the Draft Variation and be addressed to the Territory Plan Section of the Environment and Planning Directorate (**EPD**). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

- (2) Written comments should be provided to the Authority by:
- (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPD, GPO Box 158, Canberra, ACT 2601;
or
 - (c) hand delivery to Access Canberra, Environment, Planning and Land Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

5 Public inspection of written comments

- (1) Copies of written comments about the Draft Variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends at Access Canberra, Environment, Planning and Land Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPD website at www.environment.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the **Act**) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the draft plan variation

Section 65 of the Act does not apply in relation to the Draft Variation and therefore it does not have interim effect. The current Territory plan will continue to apply while the Draft Variation remains in draft form.

7 Obtaining further information

Further information about the Draft Variation can be obtained through email correspondence with the Territory Plan Section, EPD, at Terrplan@act.gov.au, a reference to the Draft Variation should be included in any email.

8 Meaning of *draft plan variation No 346 – Residential Solar Access Provisions*

In this instrument:

Draft plan variation No 346 – Residential Solar Access Provisions means the draft plan variation in the schedule.

Note 1: Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPD Information Privacy Policy* which are available through the EPD website.

Jim Corrigan
Delegate of the planning and land authority
17 February 2016



ACT
Government

Environment and Planning

Planning and Development Act 2007

**Draft
Variation to the
Territory Plan
No 346**

Residential Solar Access Provisions

February 2016

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

This page is intentionally blank.

Contents

1.	INTRODUCTION	1
1.1	Summary of the Proposal.....	1
1.2	Outline of the process	1
1.3	This document.....	2
1.4	Public Consultation.....	2
2.	EXPLANATORY STATEMENT	4
2.1	Background	4
2.2	Current Territory Plan Provisions	5
2.3	Proposed Changes.....	8
2.3.1	Proposed changes to the Territory Plan	8
2.4	Reasons for the proposed Draft Variation	10
2.5	Planning Context.....	11
2.5.1	National Capital Plan	11
2.5.2	Territory Plan Statement of Strategic Directions.....	11
2.6	Interim Effect.....	12
2.7	Consultation with Government Agencies.....	13
3.	DRAFT VARIATION	15
3.1	Variation to the Territory Plan.....	15

This page is intentionally blank.

1. INTRODUCTION

1.1 Summary of the Proposal

This draft variation proposes to amend 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.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment and Planning Directorate (EPD).

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

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

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation.

If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

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

Part 1 This introduction

Part 2 An explanatory statement, which gives reasons for the proposed variation and describes its effect

Part 3 The draft variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by

7 April 2016.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPD Information Privacy Policy, which is available for viewing on EPD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at EPD's customer service centre in Dickson and may be published on EPD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation, fact sheet and background document are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Environment and Planning Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 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.

2.2 Current Territory Plan Provisions

2.2.1 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 'building envelope'.

In the **Single Dwelling Housing Development Code**, the rules and criteria relating to 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 access 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 building 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 access 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 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).

2.2.2 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 building 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 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.

2.3 Proposed Changes

2.3.1 Proposed changes to the Territory Plan

It is proposed to amend rules and criteria in relation to solar access in the following codes:

- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code
- Coombs and Wright Concept Plan

Single Dwelling Housing Development Code rule R6 and criterion C6

- Modify the wording of rule R6 and criterion C6 to improve clarity and make the provisions easier to understand without changing the substance of the provisions.

Single Dwelling Housing Development Code rule R7 and criterion C7

- Increase the height of the solar fence in the Primary Building Zone from 2.4 metres to 3 metres and in the Rear Zone from 1.8 metres to 2.3 metres.
- Modify the wording of rule R7 and criterion C7 to improve clarity and make the provisions easier to understand.
- Add wording relating to adjacent blocks that are vacant to provide further guidance in the assessment of Merit track development applications.

Single Dwelling Housing Development Code rules R8 and R9

- Modify the wording and combine rule R8 and rule R9 to improve clarity and make the provisions easier to understand without changing the substance of the provisions.

Single Dwelling Housing Development Code Figure 1 and Figure 2

- Figure 1 and Figure 2 contain illustrations showing the typical building envelope settings as per rules R6, R7, R8 and R9. These figures will be replaced with new figures in order to improve clarity and help make the provisions easier to understand.

Single Dwelling Housing Development Code rule R37

- Add a new rule R37A requiring daytime living areas to have a total of at least 4m² of transparent unshaded north facing glazing. R37A will apply to large blocks as well as mid sized and compact blocks approved on or after 5 July 2013.
- Retain existing rule R37 with additional wording to clarify that rule R37 applies to mid-sized and compact blocks approved before 5 July 2013.

- Add criteria C37 and C37A to guide the assessment of Merit track development applications.

Multi Unit Housing Development Code rule R25

- Modify the wording of rule R25 to improve clarity and make the provision easier to understand.

Multi Unit Housing Development Code rule R26

- Increase the height of the solar fence in the Primary Building Zone from 2.4 metres to 3 metres.
- Increase the height of the solar fence in the Rear Zone from 1.8 metres to 2.3 metres.
- Modify the wording of rule R26 to improve clarity and make the provision easier to understand.

Multi Unit Housing Development Code Figure A1

- Figure A1 contains an illustration showing the typical building envelope settings as per rule R26. This figure will be replaced with a new figure in order to improve clarity and help make the provision easier to understand.

Multi Unit Housing Development Code Rule R57

- Amend R57 to require daytime living areas to have a total of at least 4 m² of transparent unshaded north facing glazing (applies to multi unit housing development other than apartments).
- Add a criterion C57 to guide the assessment of Merit track development applications.

Coombs and Wright Concept Plan rule R62 and rule R63

- To reflect the changes in the solar access provisions of the Single Dwelling and Multi Unit Housing Development Codes, the existing solar access provisions in rules R62 and R63 in the Coombs and Wright Concept Plan will be removed.
- The amended residential solar access provisions in the Single Dwelling and Multi Unit Housing Development Codes will apply in future land release areas in Coombs and Wright.
- The existing solar access provisions in the Coombs Precinct Code and the Wright Precinct Code will continue to apply in the established residential areas covered under these precinct codes.

2.4 Reasons for the proposed Draft Variation

The aims of the solar access provisions are to ensure adequate solar access for residential development, to protect the solar access of neighbouring blocks and encourage the design of houses to achieve good solar access and solar amenity.

In general, the current provisions are considered to be achieving these aims of protecting the solar access and solar amenity of residential blocks and their neighbours; however certain elements have been identified within the provisions that require adjustment in order to better meet the needs and expectations of the community and industry.

Having reviewed the impact and effectiveness of the existing provisions over time, and following consultation with key stakeholder groups, this Draft Territory Plan Variation has now been prepared. The changes proposed in this variation will:

- allow more effective positioning of buildings on the block
- increase opportunities for north facing private open spaces
- reduce un-usable open space to the south of dwellings
- improve solar access to internal living areas
- reduce the need for excavation and earthworks
- require dwellings to take better advantage of solar access.

In proposing these changes, careful consideration has been given to ensuring that the residential solar access provisions in the Territory Plan continue to protect the solar access and solar amenity of residential blocks, facilitate passive solar design and active solar technology, and contribute to energy efficiency.

The proposed amendments to the solar access provisions are accompanied by changes in the format and wording of the solar access and building envelope provisions generally. These additional changes will affect certain phrases and terminology included in the solar access and building envelope provisions such as references to 'integrated housing development parcels'. These phrases and terminology were considered difficult to understand and were found to be unnecessary as these matters are adequately covered elsewhere in the Territory Plan. These additional changes have been proposed in order to make the provisions easier to understand. The changes will not alter the substance or the policy purpose of the provisions.

2.5 Planning Context

2.5.1 National Capital Plan

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

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

2.5.2 Territory Plan Statement of Strategic Directions

The proposal is consistent with the principles set out in the Territory Plan's Statement of Strategic Directions. In particular the principles of balancing economic, social and environmental objectives, providing suitable amenity, ensuring quality design outcomes in residential areas and facilitating affordable housing. The key principles of relevance from the Territory Plan are listed below.

General Principles

- 1.1** Planning processes and decisions will be focused on the combined achievement of economic vitality, community wellbeing, and environmental quality. Broad community involvement will be a key element in the pursuit of sustainable development, as will complementary regional strategies and agreements.
- 1.3** Economic, social and environmental objectives will be pursued in a balanced and integrated way, having regard to both short-term and long-term factors, such that present needs can be met without prejudicing the welfare of future generations, and without serious or irreversible loss of life-supporting natural resources or damage to the environment.

Environmental Sustainability

- 1.5** Planning policies will seek to ensure the efficient use of all resources and to reduce consumption of non-renewable resources. Waste minimisation, reuse and recycling will be encouraged, whilst energy-rating and conservation measures will be applied wherever appropriate, particularly in transport, subdivision planning, and building design and construction.
- 1.11** Policies for environmental planning and management will ensure amenity, minimise pollution, and protect public health and safety.

Social sustainability

- 1.21** Provision of affordable, adaptable and special-needs housing will be promoted throughout the city, as well as modification or redevelopment of existing stock to meet emerging social needs.

Urban Design

- 2.14** Policies and procedures to promote high quality, creative design of development, urban spaces and landscape settings will be applied throughout the Territory, and innovation encouraged, in keeping with the spirit of the National Capital as an exemplar of best practice. Particular care will be taken to ensure high-amenity, quality design outcomes within residential areas, heritage areas, major centres and activity nodes, and along principal approach routes. The relationship between the public and private realms will also be emphasised in terms of the design quality of precincts and shared spaces, including spaces around buildings, as well as that of individual developments.

2.6 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.7 Consultation with Government Agencies

In preparing a draft variation under section 61(b), the authority is required to consult with each of the following in relation to the proposed draft variation:

- National Capital Authority
- Conservator of Flora and Fauna
- Environment Protection Authority
- Heritage Council
- Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The National Capital Authority provided the following comments on 3 February 2016:

The proposed changes to the Territory Plan proposed in the Draft Variation are situated within Urban Areas in the General Policy Plan – Metropolitan Canberra of the National Capital Plan (the Plan). The changes specified in DV346 are also outside Designated Areas of the Plan.

The NCA has no objection to DV346 proceeding.

Response

Noted

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 22 January 2016:

I advise that I have examined Draft Variation No 346 - Residential Solar Access and there are no issues of concern with the proposed changes.

Response

Noted

Environment Protection Authority

The Environment Protection Authority provided the following comments on 9 February 2016:

Thank you for the opportunity to review the proposed variation to the Territory Plan as outlined in DV346 'Residential Solar Access'. The Environment Protection Authority has reviewed the documentation and has no concerns in relation to the proposed changes.

Response

Noted

Heritage Council

The Heritage Council provided the following comments on 1 February 2016:

ACT Heritage does not object to the proposed changes outlined in DV346, subject to the condition that where single dwelling and multi unit housing is listed on the ACT Heritage Register, Heritage Act 2004 obligations are also to guide solar access installation. These include conservation policies described in the 'General Conservation Policy 1. External Solar, Water, Air conditioning and other Services in Heritage Places' (ACT Heritage Council, 2012).

Response

Noted.

DV 346 does not propose to amend the way solar access provisions within the Territory Plan interact with existing heritage requirements.

DV 346 only seeks to amend the specific requirements within selected rules and criteria relating to solar access and is concerned with ensuring a reasonable amount of access to sunlight is provided.

3. DRAFT VARIATION

3.1 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 Sun angle building envelope - all large blocks; mid sized blocks approved on or after 5 July 2013 and compact blocks approved on or after 5 July 2013

<p>R7</p> <p>This rule applies to:</p> <p>a) <i>large blocks</i></p> <p>b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 and <i>compact blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013</p> <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 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> <p>i) in the <i>primary building zone</i> – 3m</p> <p>ii) all other parts of the boundary – 2.3m</p> <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>C7</p> <p><i>Buildings</i> achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>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></p> <p>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></p> <p>d) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>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</p>
--	--

3. 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>

4. Element 1: Building and site controls

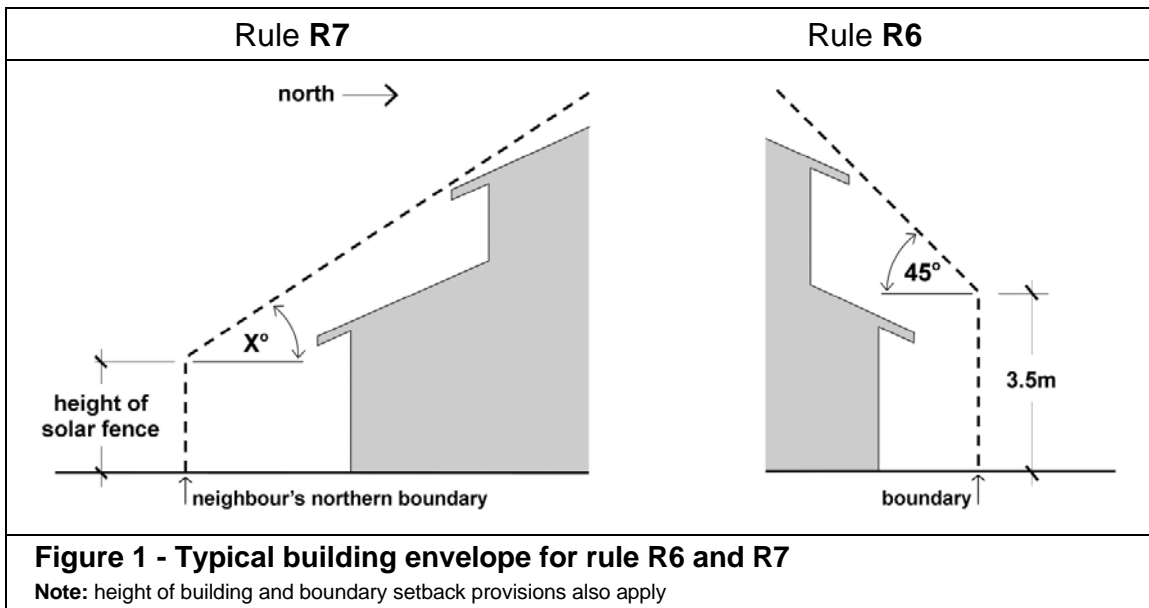
Omit:

- Rule/criterion R9/C9

5. Element 1: Building and site controls

Substitute:

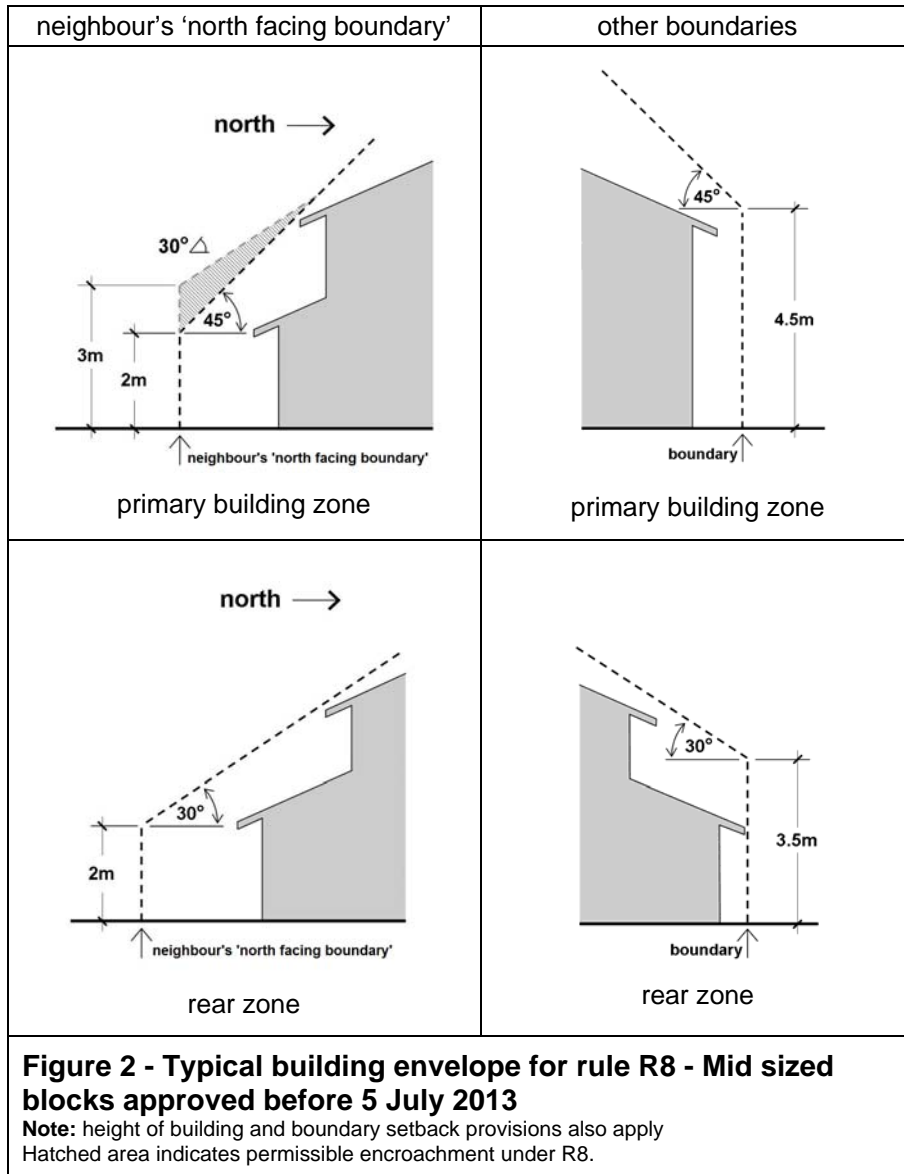
- Figure 1



6. Element 1: Building and site controls

Substitute:

- Figure 2



7. Element 5: Amenity

Substitute rule and criterion R37/C37:

5.1 Solar access	
<p>R37</p> <p>This rule applies to:</p> <ul style="list-style-type: none">• <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• <i>compact 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>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>C37</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>

8. Element 5: Amenity

Insert rule and criterion R37A/C37A:

5.1 Solar access	
<p>R37A</p> <p>This rule applies to:</p> <ol style="list-style-type: none">new <i>dwelling</i>sadditions and alterations, only if the addition or alteration affects a daytime living area <p>This rule does not apply to:</p> <ul style="list-style-type: none"><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<i>compact 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>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 R25/C25:

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 either of the following:</p> <ul style="list-style-type: none">a) <i>buildings</i> with more than 3 storeys in RZ5b) <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 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 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">c) consistency with the <i>desired character</i>d) reasonable levels of privacy for <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.

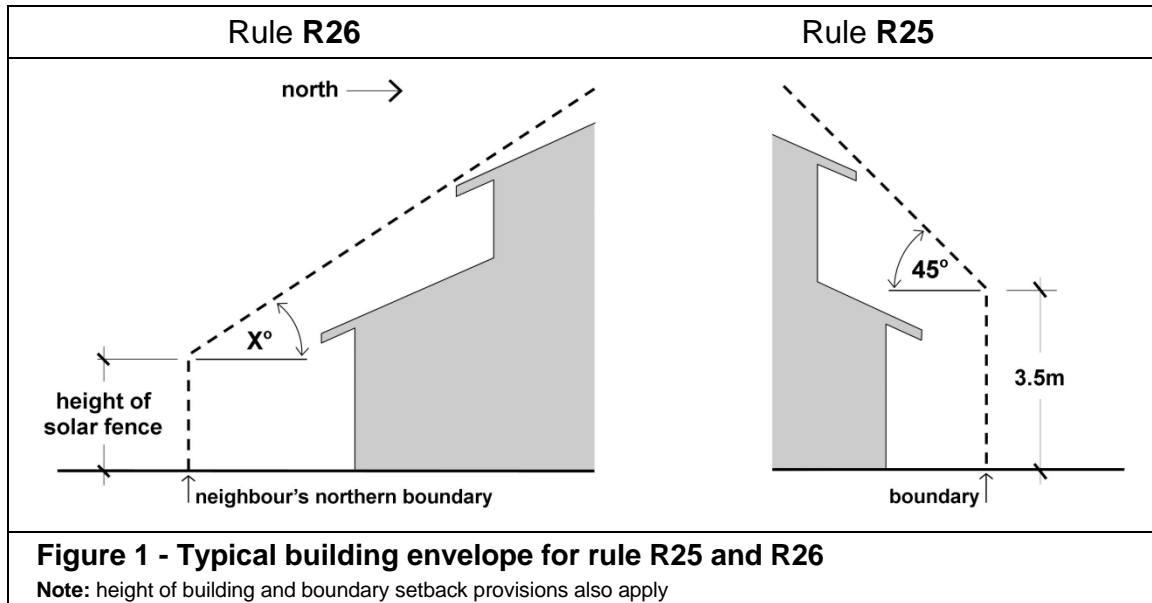
10. Element 3: Building and site controls

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"> c) <i>buildings</i> with more than 3 storeys in RZ5 d) <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>X° is the apparent sun angle at noon on the winter solstice. 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> – 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
--	---

11. Element 3: Building and site controls

Substitute Figure A1:



Variation to the *Multi-Unit Housing Development Code*

12. 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 other than <i>apartments</i>.</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; and b) 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 block ii) 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>C57</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>

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-għajnuna 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 ihtiyacımız 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