Australian Capital Territory

Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2023 (No 1)

Notifiable instrument NI2023–611

made under the

Planning (Exempt Development) Regulation 2023, s 14 (Territory planning authority may declare development controls)

1 Name of instrument

This instrument is the *Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2023 (No 1)*.

2 Commencement

This instrument commences on the commencement of the *Planning (Exempt Development) Regulation 2023*, section 3.

3 Declaration

I make the declaration at schedule 1.

Ben Ponton
Chief Planner
26 September 2023

Residential Zones - Single Dwelling Housing Development Control

Contents

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Application

The Residential Zones - Single Dwelling Housing Development Control enables a single dwelling development, including alterations and extensions, to be exempt from requiring development approval where it meets all the requirements set out in this control declared under section 14 (1) (a) of the *Planning (Exempt Development) Regulation 2023* (the Regulation), and where it meets the relevant development exemption criteria as set out in the Regulation. Where a requirement for a specific block is contained within a District Specific single dwelling housing development control for exempt development declarations, that requirement supersedes the corresponding requirement in the Residential Zones – Single Dwelling Housing Development Control.

This category of exempt development allows compliant single dwellings to be built without development approval.

An exemption declaration is a minor approval that can be issued by the Territory Planning Authority that allows a single dwelling, which would be exempt from development approval other than for one or more minor encroachments, to continue to be dealt with as exempt development. In all cases, the departures from the requirements in this control must be consistent with the exemptions for minor non-compliance as set out in the *Planning (Exempt Development) Regulation 2023* and the Territory Planning Authority is satisfied that the departures are minor and will not cause an adverse effect to neighbours.

Adding a secondary residence is not exempt development and would require development approval.

Terms used in this development control have the same meaning that they have in the Territory Plan Part G Dictionary and in the *Planning (Exempt Development) Regulation 2023*.

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<table>
<tr><th colspan="2">Control</th></tr>
<tr><td>1. Site coverage</td><td>Site coverage is a maximum of:
a) For large blocks: 40% of the block area
b) For mid-sized blocks: 60% of the block area
c) For compact blocks: 70% of the block area.</td></tr>
<tr><td>2. Plot ratio</td><td>Plot ratio on a large block is a maximum of 50%.</td></tr>
<tr><td>3. Pedestrian access</td><td>For blocks with a boundary to a rear lane, pedestrian access is provided from the street address</td></tr>
<tr><td>4. Private open space</td><td>Minimum private open space for single dwellings is:
a) For large blocks:
i) 60% of the block area
ii) Have a minimum dimension of 6m for an area not less than 10% of the block area.
b) For mid-sized blocks:
i) 40% of the block area
ii) Have minimum dimensions as follows:
• For blocks less than 360m^2 – 5m for an area not less than 10% of the block area
• In all other cases – 6m for an area not less than 10% of the block area.
c) For compact blocks:
i) 30% of the block area.

Note: Private open space includes principal private open space.</td></tr>
<tr><td>5. Principal private open space</td><td>At least one area of principal private open space on the block complies with all of the following:
a) minimum area and dimensions specified in the table below
b) at ground level
c) directly accessible from, and adjacent to, a habitable room other than a bedroom
d) screened from adjoining public streets and public open space
e) located behind the building line, except where enclosed by a courtyard wall
f) is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June).

Note: Overshadowing from vegetation is not considered when assessing solar access.

<table>
<tr><th>Zone</th><th>Block type</th><th>Dwelling Size*</th><th>Minimum Area</th><th>Minimum Dimension</th></tr>
<tr><td>all</td><td>Compact</td><td>all</td><td>16m^2</td><td>4m</td></tr>
<tr><td rowspan="2">RZ1
RZ2</td><td>Mid sized
Large</td><td>up to 105m^2</td><td>28m^2</td><td>4m</td></tr>
<tr><td>Mid sized
Large</td><td>105m^2 or greater</td><td>36m^2</td><td>6m</td></tr>
<tr><td>RZ3
RZ4</td><td>Mid sized
Large</td><td>all</td><td>24m^2</td><td>4m</td></tr>
</table>
* For the purpose of this table, dwelling size is defined as the floor area measured to the outside face of externals walls including internal walls between the living areas and garage (but excluding the garage).</td></tr>
</table>

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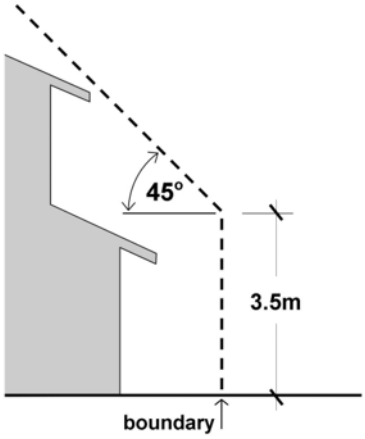
6. Height of building	Maximum height of building above datum ground level is: RZ1 and RZ2, - 8.5m RZ3 – 9.5m RZ4 – 12.5m
7. Number of storeys	RZ1 and RZ2: Maximum 2 storeys. RZ1: Attics are not permitted where they are located directly above any 2-storey element of the dwelling. RZ3 – Maximum 2 storeys. RZ4 – Maximum 3 storeys.
8. Building envelope	Buildings are sited wholly within the building envelope formed by planes projected over the subject block at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except for side or rear boundaries where solar building envelope requirements apply. This provision does not apply to: a) Single dwellings on compact blocks b) Building exceeding 3 storeys in RZ5.  Encroachments outside the building envelope are permitted for flues, chimneys, antennae, aerials, cooling appliances and heating appliances. Notes: • This does not apply to any part of a building that is required to be built to a boundary of the block by a district policy or specification. • 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. • For the purposes of this control all height measurements are taken from datum ground level.
9. Front boundary setbacks	Front setbacks comply with minimum dimensions in Schedule 1. Notes: • Minimum boundary setbacks for corner blocks apply only to the street frontage nominated as a secondary street frontage. If street frontages on corner blocks are of equal length, the minimum setbacks apply only to one secondary street frontage. • Public open space refers to unleased land that is accessible by the public. • On a vacant block or a block with no residual buildings the minimum boundary setbacks for corner blocks apply only to one street frontage nominated by the applicant or nominated in a district policy as a secondary street frontage.

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	• On a block with existing buildings the minimum boundary setbacks are determined by existing buildings. Chamfers may be included in the secondary street frontage, but only if the length of the chamfer is less than the length of the front boundary.
10. Side and rear setbacks	Side and rear setbacks comply with minimum dimensions in Schedule 2. For walls within 900mm of a side and rear boundary: a) Single dwelling garages and carports on large blocks - maximum length of all walls facing the boundary is 8m. b) No windows are permitted within any part of the wall. c) Single dwellings on mid sized blocks – wall i) Is no more than 13m in length ii) extends no more than 2.5m into the rear zone. Notes: • On a vacant block or a block with no residual buildings the minimum side boundary setbacks are nominated by the applicant or nominated in a district policy. • On a block with existing buildings the minimum side boundary setbacks are determined by existing buildings.
11. Allowable setback encroachments	Encroachments into the minimum setback are permitted for: a) an eave or roof overhang with a horizontal width of not more than 600mm. b) fascias, gutters, downpipes, light fittings and sun blinds. c) landings, steps or ramps, none of which are more than 1m above finished ground level. d) for side and rear setbacks only - rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, electricity and gas meters, aerials, antennae and unroofed pergolas, solar inverters and batteries.
12. Solar building envelope	Buildings are sited wholly within the solar building envelope formed by planes projected over the subject block at 31 ^{o} to the horizontal from the height of the 'solar fence' on any northern boundary of an adjoining residential block. The height of the solar fence is: a) For single dwellings on large blocks: i) In the primary building zone – 2.4m ii) All other parts of the boundary – 1.8m. b) For single dwellings on mid-sized and compact blocks: i) In the primary building zone – 3m ii) All other parts of the boundary – 2.3m. For the purposes of this control all height measurements are taken from datum ground level. Note: This does not apply to those parts of a boundary where the adjacent part of the adjoining residential block comprises only an access driveway (i.e., a "battle-axe handle").

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	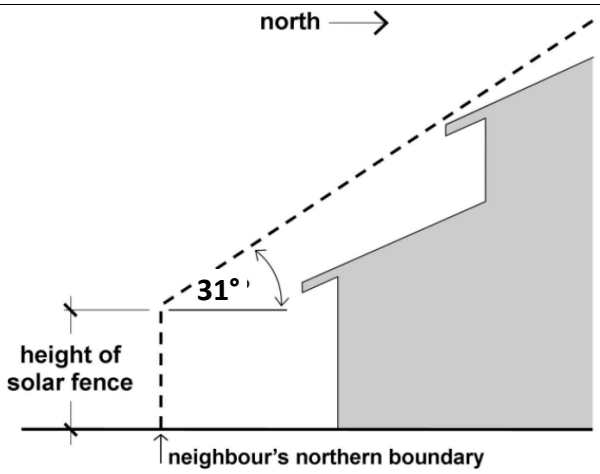
13. Solar access	This provision applies to new dwellings or additions and alterations, only if the addition or alteration affects a habitable room (item a) or a habitable room other than a bedroom (item b): a) Where the front boundary of the block is the northern boundary: A habitable room is provided with a minimum of 4m² of transparent vertical glazing that: i) is oriented between 45° east of north and 45° west of north; and ii) is not overshadowed at noon on the winter solstice (21 June) by buildings and structures on the subject block, excluding the eaves of the building. b) For all other blocks: A habitable room other than a bedroom is provided with a minimum of 4m² of transparent vertical glazing that: i) is oriented between 45° east of north and 45° west of north; and ii) is not overshadowed at noon on the winter solstice (21 June) by: 1. buildings and structures on the subject block, excluding the eaves of the building 2. the 'solar fence' on the northern boundary of the subject block. <u>For this specification:</u> A. The height of the 'solar fence' is: i) in the primary building zone – 3m ii) all other parts of the boundary – 2.3m. B. A roofed outdoor area (e.g. an alfresco area) is not considered to be an eave. **Daytime living area** means a habitable room other than a bedroom. Note: Overshadowing from vegetation is not considered when assessing solar access.

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14. Front fences and walls	Fences or walls are not permitted forward of the building line except where: a) it has been previously approved under an estate development plan or subdivision design application. b) is permitted in a relevant District Policy. c) satisfies the courtyard wall provisions below. d) is exempt under the Planning Act 2023 or Planning Regulation.
15. Courtyard walls	Courtyard walls forward of the building line comply with all the following: a) total length complies with one of the following: i) not more than 50% of the width of the block ii) not more than 70% where the width of the block at the line of the wall is less than 12m. b) a 50% minimum front setback. c) a maximum height of 1.8m above datum ground level. d) constructed of brick, block or stonework, any of which may be combined with timber or metal panels that include openings not less than 25% of the surface area of the panel and clearly distinguishes itself from a panel or timber fence. e) incorporate shrub planting between the wall and the front boundary. f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with Australian Standard AS2890.1- Off-Street Parking.
16. Planting area	Planting area achieves the following minimum area. To be included in planting area, the area must have a minimum dimension of 2.5m.

		% of block area
Single dwelling	Large block	30%
	Mid sized block	20%
	Compact block	15%

17. Tree Planting	Development provides a minimum level of tree planting in deep soil zones associated with the requirements in Table A, consistent with the following: a) For compact blocks, at least one small tree. b) For mid-sized blocks, at least two small trees. c) For large blocks less than or equal to 800m2, at least one small tree and one medium tree (or equivalent existing tree/s – see Table B d) For large blocks more than 800m2, at least one medium tree and one large tree (or equivalent existing tree/s – see table 7b); and one additional large tree or two additional medium trees for each additional 800m2 block area or part thereof (or equivalent existing tree/s – see Table B All new trees proposed are in accordance with utilities requirements. For existing trees on the site, Table B provides tree size equivalents.

Table A: Tree sizes and associated planting requirements

Tree size	Mature height	Minimum canopy diameter***	Minimum soil surface area dimension	Minimum pot size (litres)*	Minimum soil volume
Small Tree	5-8m	4m	3m	45**	$18m^3$
Medium Tree	8-12m	6m	5m	75**	$42m^3$

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Large Tree	>12m	8m	7m	75**	85m^3

Notes:
For the purposes of this table, a tree is defined as a woody perennial plant suitable for the Canberra climate.
Any new trees cannot be a plant described in schedule 1 of the Pest Plants and Animals (Pest Plants) Declaration 2015 (No 1) or any subsequent declaration made under section 7 of the Pest Plants and Animals Act 2005, unless the tree is included on the ACT tree register.
*Minimum pot size refers to the container size of new trees prior to planting.
**The maximum pot size for small, medium and large *eucalyptus sp*. trees if selected is 45 litres, with maximum height at planting of 2.5m and maximum trunk caliper of 3cm.
***Provided the minimum canopy diameter of the respective tree size can be met, this can be counted as meeting the tree size requirement.

Table B: Tree sizes – equivalents for existing trees

Tree size	Tree sizes - Equivalent
Small Tree	An existing tree of a larger size category can also substitute for a planting requirement for a smaller tree
Medium Tree	2 small existing trees or 1 large existing tree
Large Tree	4 existing small trees or 2 existing medium trees or 1 existing medium tree plus 2 existing small trees

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18. Water sensitive urban design	Option A All new single dwellings and extensions and alterations (except extensions of a size 50% or less of existing floor area, or development where no new plumbing is proposed), meet one of the following options: a) on compact blocks: i) no minimum water storage requirement ii) minimum ★★★ WELS rated plumbing fixtures. b) on mid-sized blocks: i) minimum on-site water storage of water from roof harvesting is 2,000 litres ii) 50% or 75m2 of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The connection will require a pump where it cannot be elevated sufficiently to give adequate pressure. c) on large blocks up to 800m^2: i) minimum on-site water storage of water from roof harvesting is 4,000 litres ii) 50% or 100m2 of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The connection will require a pump where it cannot be elevated sufficiently to give adequate pressure. d) on large blocks 800m^2 or greater: i) minimum on site water storage of water from roof harvesting is 5,000 litres ii) 50% or 125m2 of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The connection will require a pump where it cannot be elevated sufficiently to give adequate pressure. Option B: A greywater system capturing all bathroom and laundry greywater and treating it to Class A standard. The treated greywater is connected to all laundry cold water, toilet flushing and all external taps. Option C: Evidence is provided that the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003, using the on-line assessment tool or another tool. The 40% target is met without any reliance on landscaping measures to reduce consumption. **Note:** The online Single Residential Waterways Calculator can be found at: https://www.planning.act.gov.au/build-buy-renovate/for-industry/requirements-and-responsibilities/water-efficiency/single-residential-waterways-calculator.
19. Minimisation of cut and fill	The total change in ground level resulting from cut or fill does not exceed 1.5m within 1.5m of a side or rear boundary. This does not include a cut associated with a basement. Note: The change in ground level is the cumulative total of all level changes within 1.5m of the boundary taken from the Datum Ground Level (DGL) to the new Finished Ground Level (FGL).

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20. Noise management and acoustic treatment - dwellings	Where a block is located adjacent to a road carrying or forecast to carry traffic volumes greater than 12,000 vehicles per day: i) dwellings are designed and constructed to comply with *AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design;* and ii) a noise management plan, prepared by a suitably qualified person, is endorsed by the government department responsible for road transport planning. Where a block is identified as being potentially noise affected in a district policy/specification: i) dwellings are designed and constructed to comply with the relevant sections of *AS/NZS 2107:2000 - Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level);* and ii) a noise management plan, prepared by a suitably qualified person, is endorsed by the EPA.
21. Bushfire prone area	All development in the bushfire prone area (identified by the Emergency Services Authority) to comply with the ACT Bushfire Management Standards
22. Number of car parking spaces	At least 2 car parking spaces are provided, unless the development is a single bedroom dwelling on a compact block, in which case at least 1 car parking space is provided.
23. Dimensions of car parking spaces	Dimensions* of car parking spaces are not less than the following: i) single roofed space - 6m x 3m ii) double roofed space - 6m x 5.5m iii) single unroofed space - 5.5m x 3m iv) multiple unroofed spaces side by side - 5.5m x 2.6m v) parallel parking spaces - 6.7m x 2.3m vi) 2.1m minimum clearance to any overhead structure. *Dimensions for roofed spaces are internal dimensions.
24. Location of car parking spaces	Car parking spaces are provided to meet the following: a) are not located in the front zone; except on: i) compact blocks ii) any part of a driveway in tandem with another car parking space that is located behind the front building line. b) one car space per dwelling is roofed. c) can be in tandem only where they belong to the same dwelling. d) do not encroach block boundaries.
25. Basement carparking	For basement car parking: a) Ramps comply with the relevant requirements in Australian Standard AS2890.1- Parking facilities. b) In RZ1 and RZ2, where the block is less than 30m wide as measured at the street frontage on standard blocks, ramps accessing basement car parking are not located within 50% of the minimum front setbacks. c) The maximum total width of an entry and/or exit facing the street is 8m.
26. Garage and carport openings	The maximum total width of garage door openings and external width of carports facing a street is 50% of the total length of the building façade facing that street. This does not apply to frontages to rear lanes.

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27. Verge crossings	Verge crossings comply with the following: a) A single verge crossing per block is provided. b) No additional verge crossings are permitted. c) redundant driveway verge crossings are removed, and the verge and kerb restored. d) Changes to driveway verge crossings are endorsed by Transport Canberra and City Services.
28. Servicing and infrastructure	Proposed development can be sufficiently serviced in terms of infrastructure and utility services. Endorsement is obtained from relevant utility providers (electricity, water, gas, sewerage and stormwater) to confirm that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.

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Schedule 1 – Front boundary setbacks

Table 1: Single dwelling front boundary setbacks – blocks in subdivisions approved originally before 18 October 1993

	block size	front boundary setback	exceptions		
			front boundary setback to *secondary street frontage*	front boundary setback to public open space or pedestrian paths wider than 6m at the widest point	front boundary setbacks to public open space or pedestrian paths of 6m or less at the widest point
lower floor level	Large	6m	4m	4m	1.5m
	Mid-sized		3m		
	Compact				
upper floor level	Large	6m	6m	4m	1.5m
	Mid-sized		3m		
	Compact				
garage		6m	5.5m	4m	0m

Table 2: Single dwelling front boundary setbacks –blocks in subdivisions approved on or after 18 October 1993 but before 31 March 2008

	block size	front boundary setback	exceptions		
			front boundary setback to *secondary street frontage*	front boundary setback to public open space or pedestrian paths wider than 6m at the widest point	front boundary setbacks to rear lane, public open space or pedestrian paths of 6m or less at the widest point
lower floor level	Large	4m	4m	4m	1.5m
	Mid-sized		3m		
	Compact				
upper floor level	Large	6m	6m	4m	1.5m
	Mid-sized		3m		
	Compact				
garage		5.5m with a minimum of 1.5 m behind the front building line	5.5m	4m	0m

Table 3: Single dwelling front boundary setbacks – blocks in subdivisions approved on or after 31 March 2008

	block size	front boundary setback	exceptions		
			front boundary setback to *secondary street frontage*	front boundary setback to public open space or pedestrian paths wider than 6m at the widest point	front boundary setbacks to rear lane, public open space or pedestrian paths of 6m or less at the widest point
lower floor level	Large	4m	3m	4m	0m
	Mid-sized	4m*		3m	
	Compact	3m			
	Large	6m	3m	4m	0m

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upper floor level	Mid-sized	4m		3m	
	Compact	3m			
garage		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	0m

*Articulation elements can extend up to 1m into the front setback. Elements can include verandahs, porches, awnings, shade devices, pergolas and the like (a carport is not considered an articulation element)

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Schedule 2 – Side and rear boundary setbacks

Table 4: Single dwelling side and rear setbacks – large blocks

	minimum side boundary setback within the *primary building zone*	**minimum side boundary setback within the *rear zone***	**minimum rear boundary setback**
	side boundary	**side boundary**	
lower floor level	1.5m	1.5m	3m
upper floor level – external wall	3m	6m	6m
upper floor level – unscreened element	6m	6m	6m
garage or carport	0m*	0m*	3m

* A 0m setback is only permitted on one boundary

Table 5: Single dwelling side and rear setbacks – mid sized blocks in subdivisions approved before 2 October 2009

	minimum side boundary setback within the *primary building zone*		**minimum side boundary setback within the *rear zone***		**minimum rear boundary setback**
	side boundary 1	**side boundary 2**	**side boundary 1**	**side boundary 2**	
lower floor level	3m	>15m frontage 1.5m <15m frontage 0m	3m	1.5m	3m
upper floor level – external wall	3m	3m	6m	6m	6m
upper floor level – unscreened element	6m	6m	6m	6m	6m

Table 6: Single dwelling side and rear setbacks – mid sized blocks in subdivisions approved on or after 2 October 2009

	minimum side boundary setback within the *primary building zone*		**minimum side boundary setback within the *rear zone***		**minimum rear boundary setback**
	side boundary 1	**side boundary 2**	**side boundary 1**	**side boundary 2**	
lower floor level	1.5m	1.5m 0m*	3m	0.9	3m 0m*
upper floor level – external wall	3m	1.5m 0m*	6m	6m	6m 0m*

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upper floor level – unscreened element	6m	6m	6m	6m	6m

* only where specifically permitted under a district policy/specification.

Table 7: Single dwelling side and rear setbacks – compact blocks

	minimum side boundary setback			**Minimum rear boundary setback**
	side boundary 1 or longer side boundary of a corner block	**side boundary 2**	**shorter side boundary of a corner block**	
lower floor level – *external wall*	0m	0m	3m	3m 0m*
lower floor level – *unscreened element*	1.5m	1.5m	3m	3m
upper floor level – *external wall*	0m**	0m**	3m	4m 0m*
upper floor level – *unscreened element*	1.5m	1.5m	3m	4m
garage or carport	0m	0m	0m	3m 0m*

* only where specifically permitted under a district policy/specification.

** only where the lower floor level is built to the boundary

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