

Australian Capital Territory

Planning (Exempt Development) Single Dwelling Housing Development Control – Molonglo Valley District Declaration 2023 (No 1)

Notifiable instrument NI2023–616

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 – Molonglo Valley District 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

Schedule 1

**Residential Zones - Single Dwelling Housing
Development Control**

Molonglo Valley District

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 the 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 control is for the district of Molonglo Valley and enables single dwelling development to be exempt from requiring development approval where it meets all the requirements set out in this 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 considered to be 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*.

SINGLE DWELLING DEVELOPMENT CONTROL - MOLONGLO VALLEY DISTRICT

Coombs		
Item	Control	Figure
Development requirements	1. Development complies with the bushfire attack level construction requirements and noise provisions shown in Figures 1-4	Figures 1-4-

Denman Prospect		
Item	Control	Figure
Side boundary and other boundary setbacks	1. For blocks in Figures 5, 6, 10 and 11, the minimum side boundary setback to garage / carport is as nominated and the maximum length of the wall is 8m.	Figures 5, 6, 10, 11
	2. For blocks in Figures 11 and 12, the minimum boundary setbacks to all floors and minimum and maximum height of development are as nominated.	Figures 11,12
Private open space	3. For blocks in Figure 6, the level of private open space is not lower than 1m below the front boundary level for a depth of 3m from the front boundary to the open space. Maximum length of wall at zero setback is limited to length of the adjoining dwelling party wall.	Figure 6
Boundaries and fences to open spaces	4. For blocks in Figures 5, 6, 7, 8, 9, 10, boundaries to open space provide one gate access. 5. Blocks fronting open space provide transparent type fencing with a maximum height of 1.2m.	Figures 5, 6, 7, 8, 9, 10
Vehicle access limitation	6. No vehicle access is provided from frontages as indicated on Figures 6, 7, 8, 9, 11, 12.	Figures 6, 7, 8, 9, 11, 12
Additional controls	7. For blocks in Figure 11, fences are not on nominated front boundaries. Nominated blocks provide habitable rooms that overlook both front boundaries. Courtyard walls are permitted forward of the primary building zone and are to comply with the following: <ul style="list-style-type: none"> a) Constructed only of brick, block or stonework, any which may be combined with feature panels, with a maximum height of 1.8m, and set back 0.5m from the front boundary to facilitate a planting zone forward from the wall. b) Where the length of the wall exceeds 5m, it must be articulated by way of an increased setback for a gate and/or an articulated planting zone as follows: <ul style="list-style-type: none"> i) A pedestrian entry with a gate must be setback a minimum 1.5m from the front boundary. ii) An additional increased setback from the wall, of minimum 1m for an articulated planting zone. <p>Diagram 1 shows examples of courtyard walls.</p>	Figures 11, 12 Diagram 1

Whitlam		
Item	Control	Figure
	1. Development complies with the requirements specified in Figure 13	Figure 13
Noise	<p>2. For figures 14, 15, 16, 17, 18, 19: Development is designed to minimise the noise impact from William Hovell Drive and John Gorton Drive by having dwelling walls facing the front boundary and within the primary building zone are a minimum wall height of 6 metres above datum ground level for the entire width of the dwelling.</p> <p>Note: The purpose of this specification is to provide acoustic protection measures for the estate.</p>	Figures 14, 15, 16, 17, 18, 19
Side boundary and other boundary setbacks	<p>3. For Figures 15, 16, 17, 18, 19, 20, 21, 22 The lower floor level complies with the following side boundary setbacks within the primary building zone and the rear zone:</p> <ol style="list-style-type: none"> minimum setback of 3m from side boundary 1 minimum setback of 1.5m from side boundary 2 garages are setback a minimum of 1.5m from side boundary 2 the lower floor level minimum rear boundary setback and all upper floor level setbacks of the Residential Zones Policy apply. <p>Note: The northern boundary of Section 11 Blocks 13 and 17 are considered side setbacks for the purposes of this requirement.</p> <p>4. Minimum boundary setbacks to lower floor level and/or upper floor level are nominated.</p> <p>5. For blocks identified in Figures 18 and 20: 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. 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 to the new finished ground level.</p>	<p>Figures 15, 16, 17, 18, 19, 20, 21, 22</p> <p>Figures 18, 20</p>
Additional controls	<p>6. For blocks identified in figures 13, 14, 15, 16, 18, 19 and 20:</p> <ol style="list-style-type: none"> The minimum setbacks to lower and/or upper floor levels is as indicated. Vehicle access is not permitted as indicated. Courtyard wall to a maximum height of 1.5m constructed of brick or stonework in combination with feature panels that include openings not less than 25% of the surface area, and setback 600mm from the front boundary to incorporate landscaping. The wall is to extend along the boundary and terminate 5 metres from the corner boundary adjoining a road. Refer to Figure 22 for examples courtyard walls. 	<p>Figures 13, 14, 15, 16, 18, 19 and 20</p> <p>Figure 22</p>
Development requirements	<p>7. For blocks identified in Figures 23 and 24, the single level dwelling façade must be a minimum height of 3 metres and a maximum height of 4.5 metres above finished ground level. However, dwellings higher than 4.5m above finished ground level will require an individual acoustic assessment.</p> <p>8. Development complies with the requirements specified in Figures 23-31.</p> <p>For blocks identified in Figure 28, the minimum number of storeys is 2.</p>	<p>Figures 23, 24</p> <p>Figures 23-31</p> <p>Figure 28</p>

FIGURES

Coombs

Figure 1 Coombs – bushfire provisions

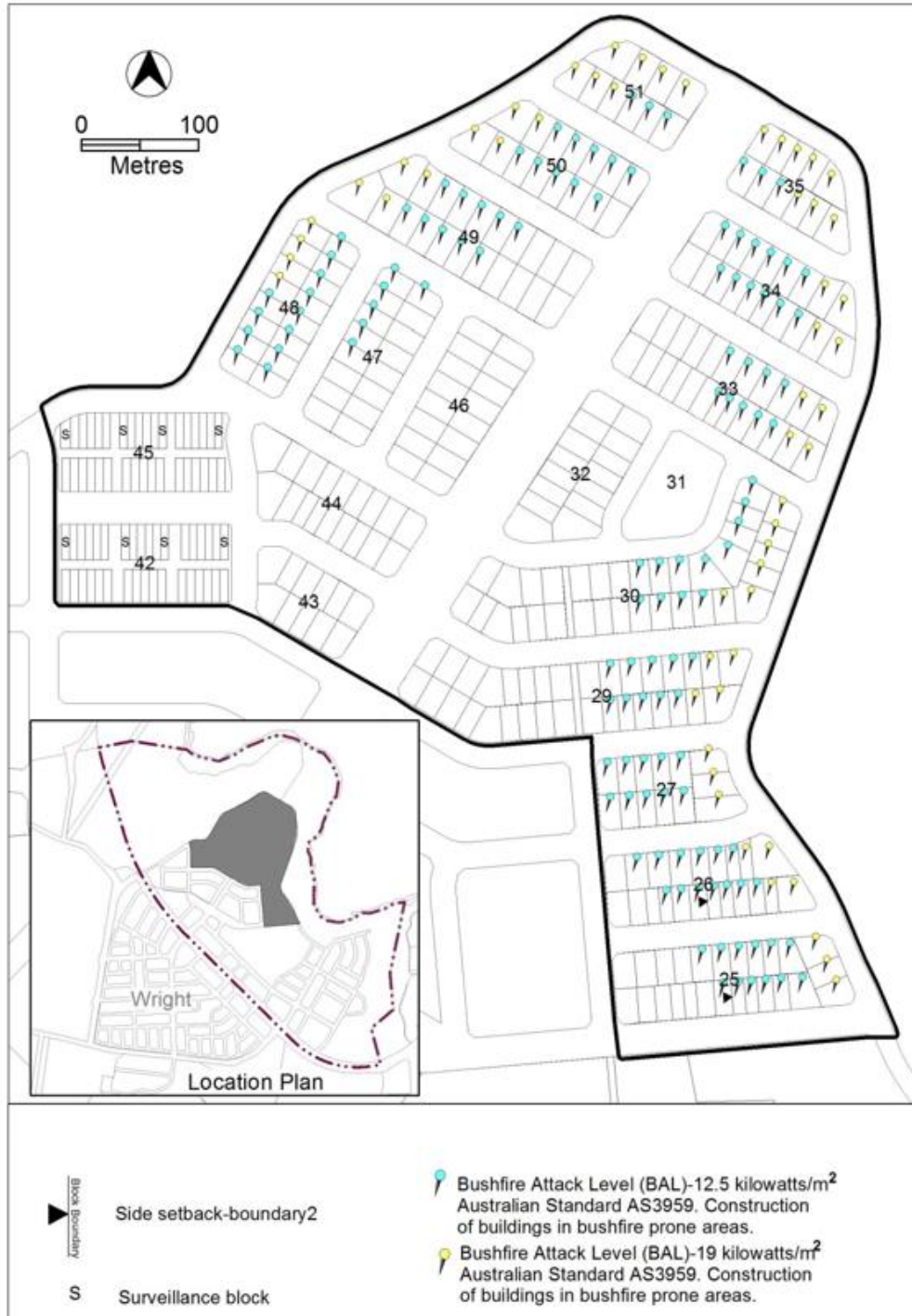


Figure 3 Coombs – noise provisions

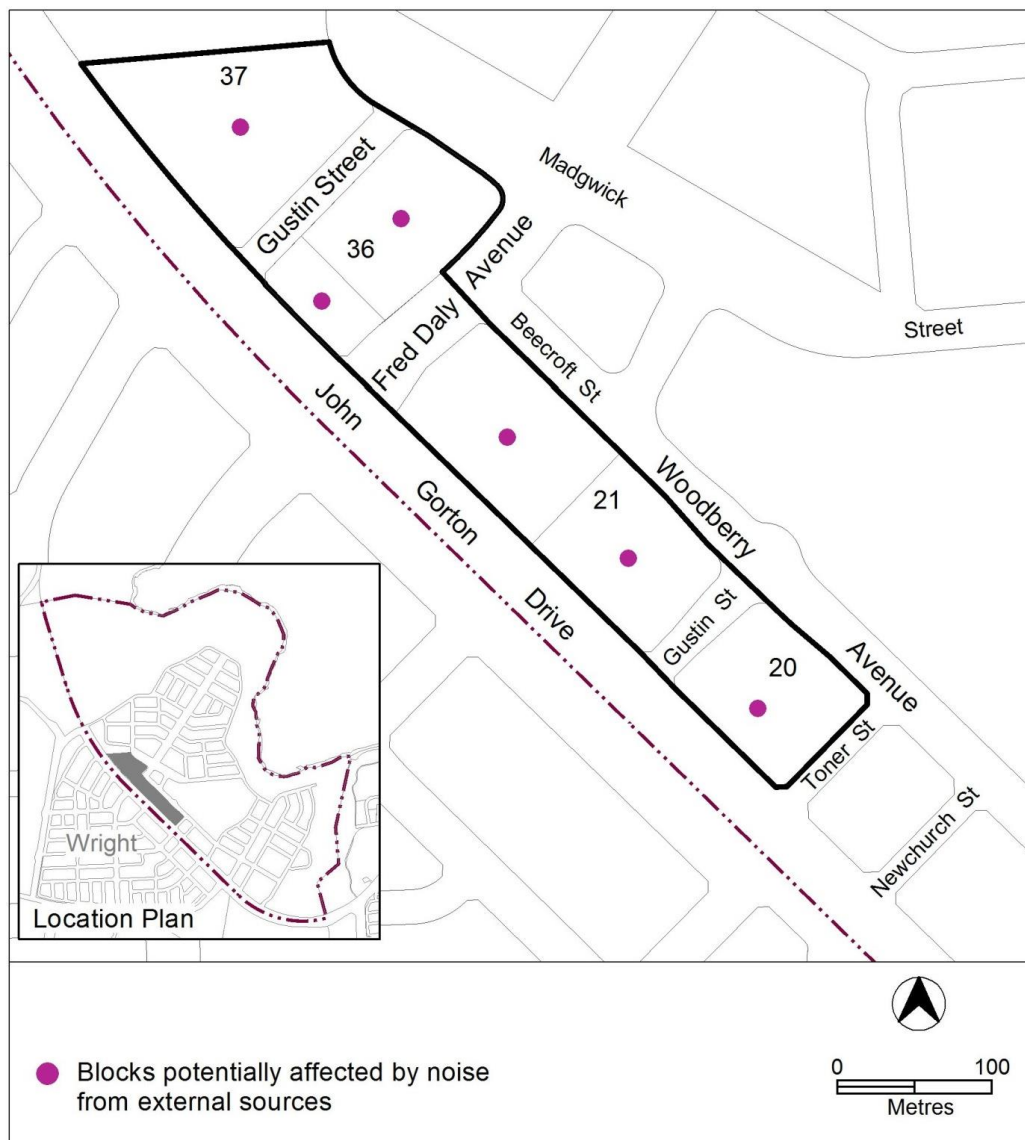


Figure 4 Coombs – noise and bushfire provisions

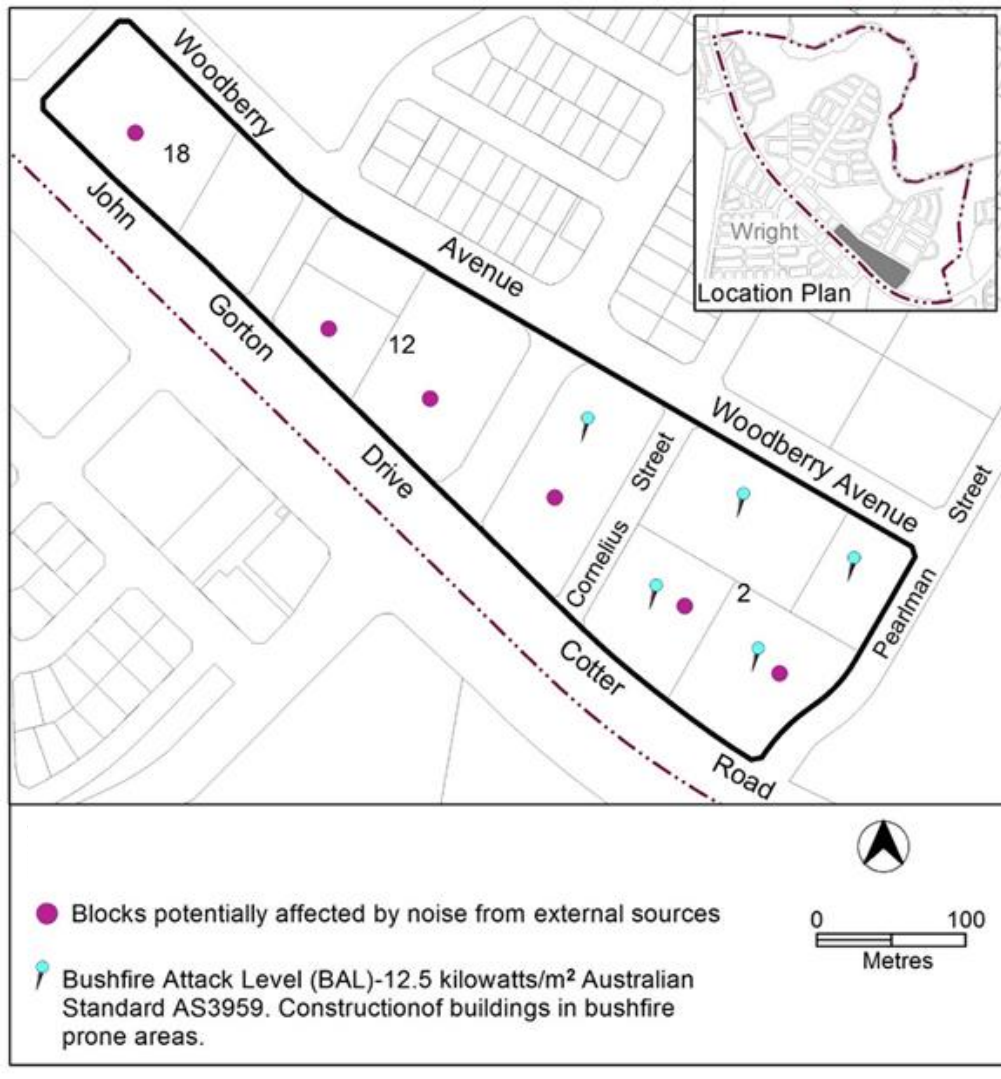


Figure 5 Denman Prospect – ongoing provisions



Figure 6 Denman Prospect – ongoing provisions

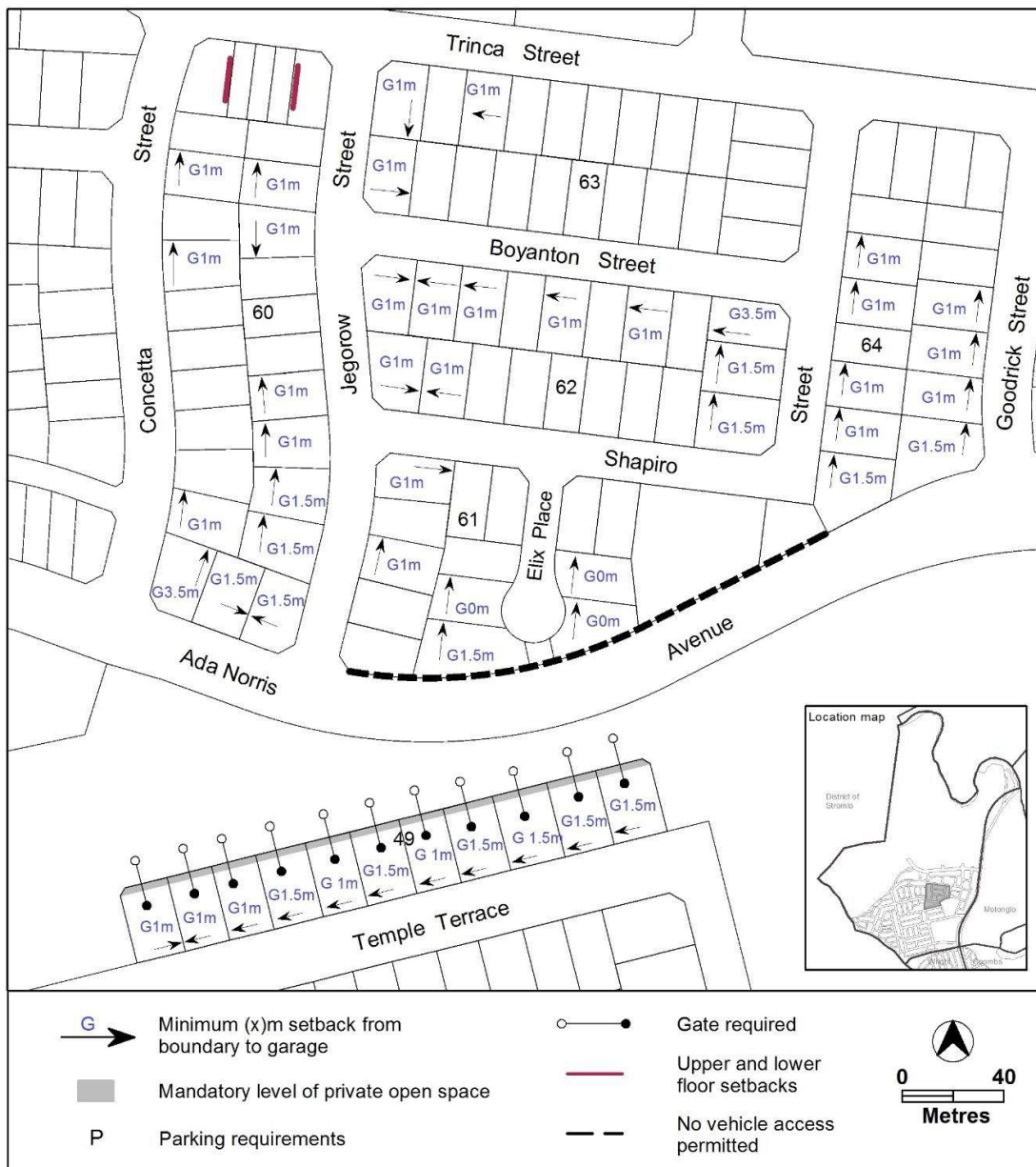


Figure 7 Denman Prospect – ongoing provisions

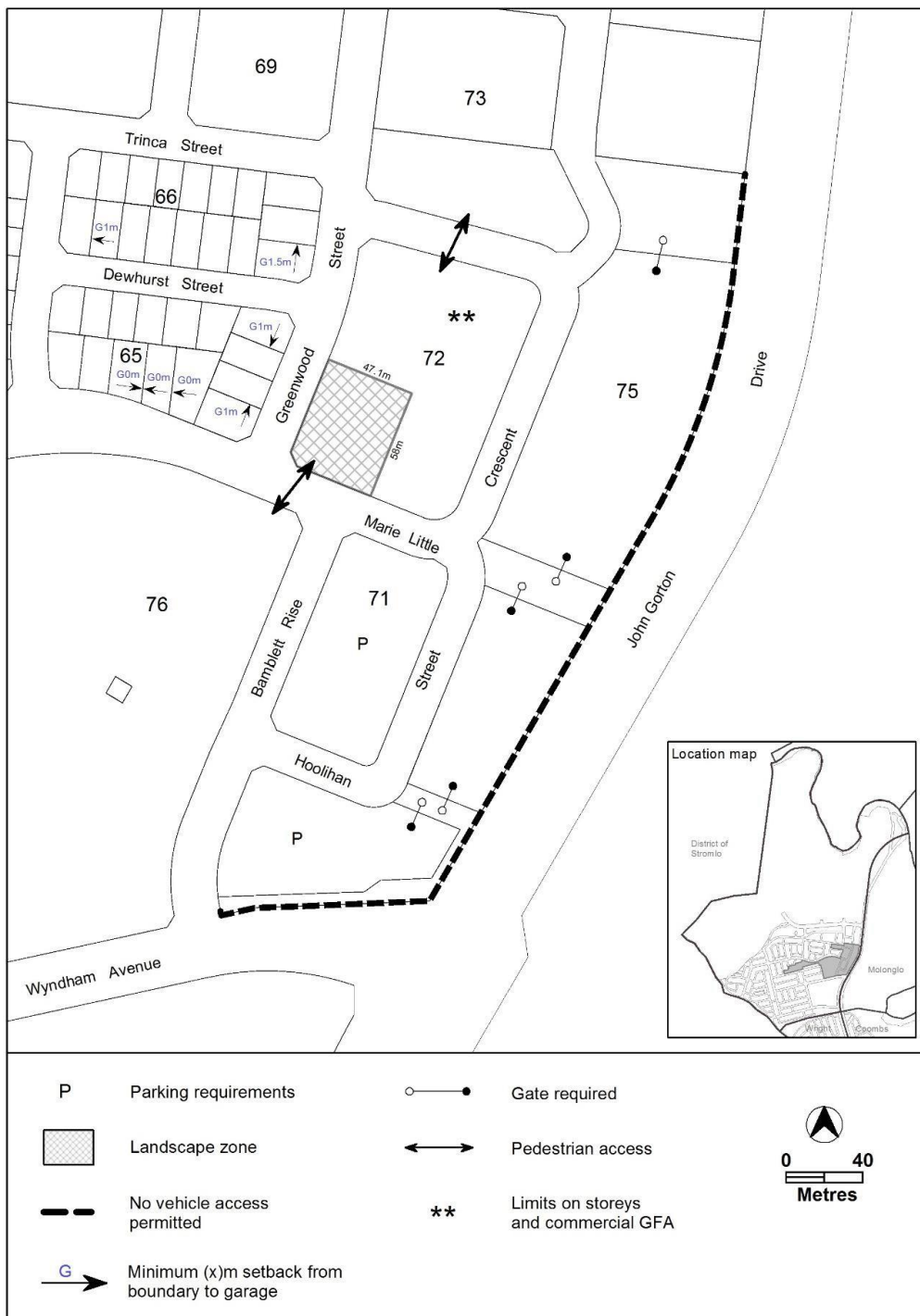


Figure 8 Denman Prospect – ongoing provisions

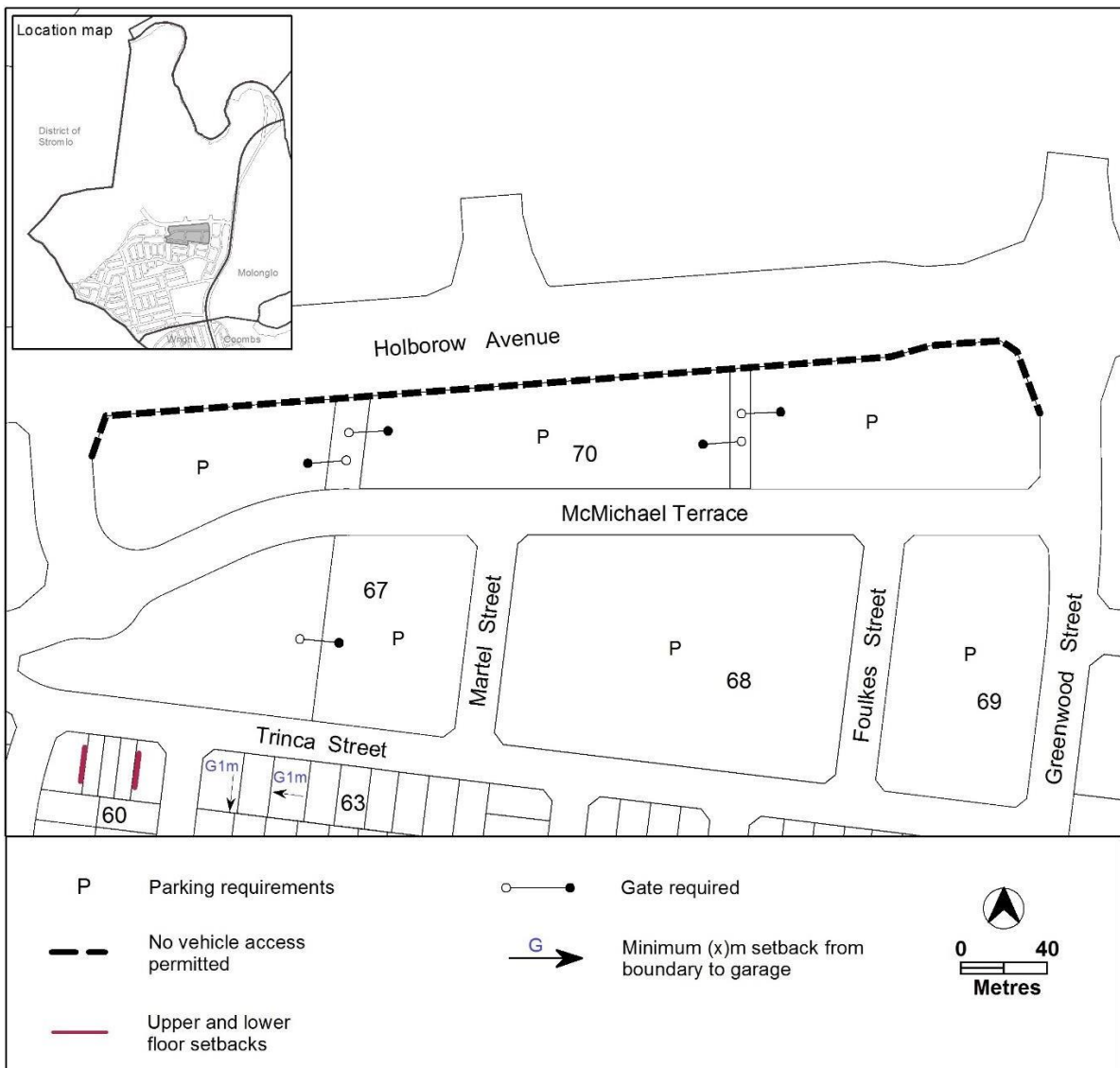


Figure 9 Denman Prospect – ongoing provisions

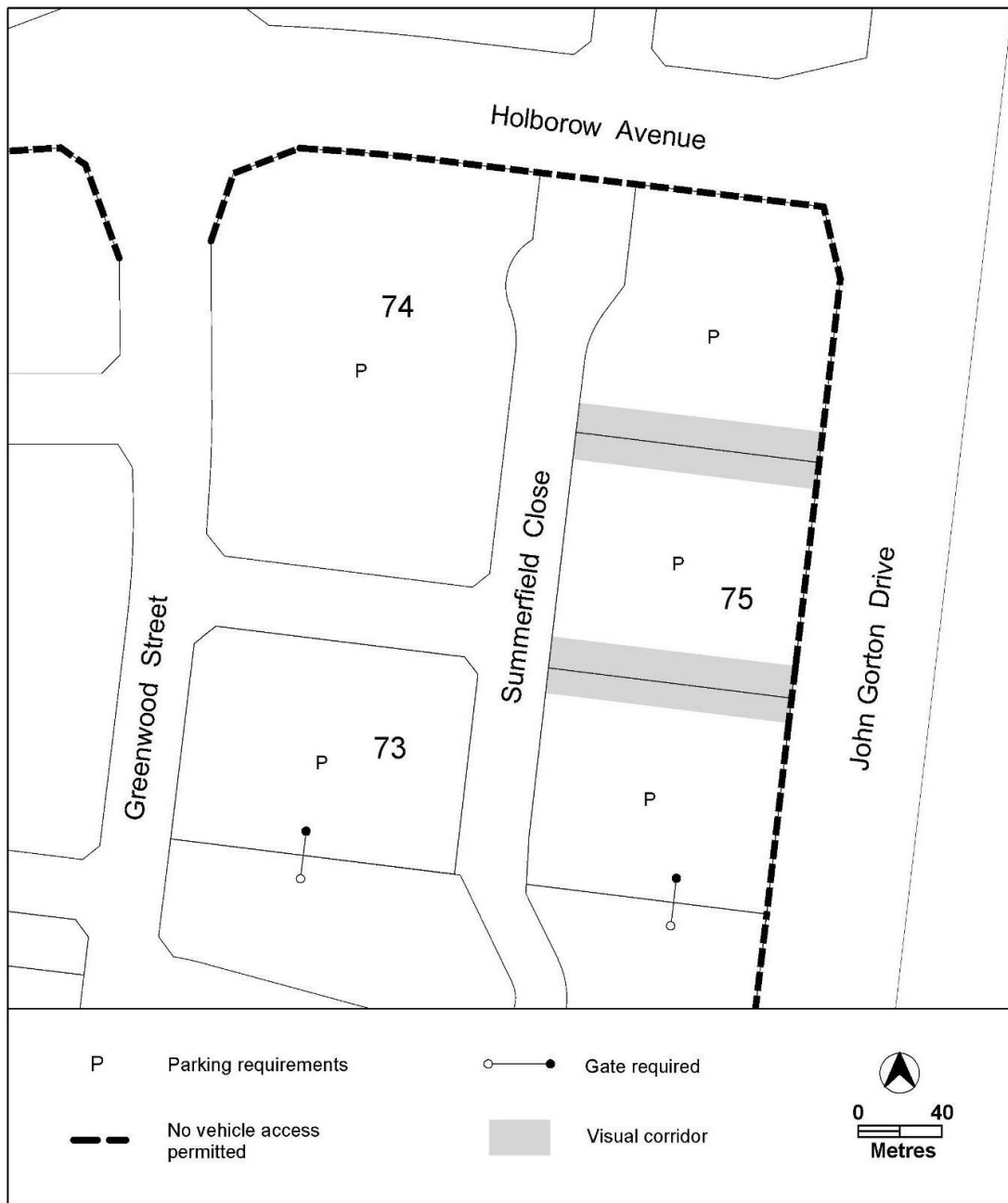


Figure 11 Denman Prospect – ongoing provisions

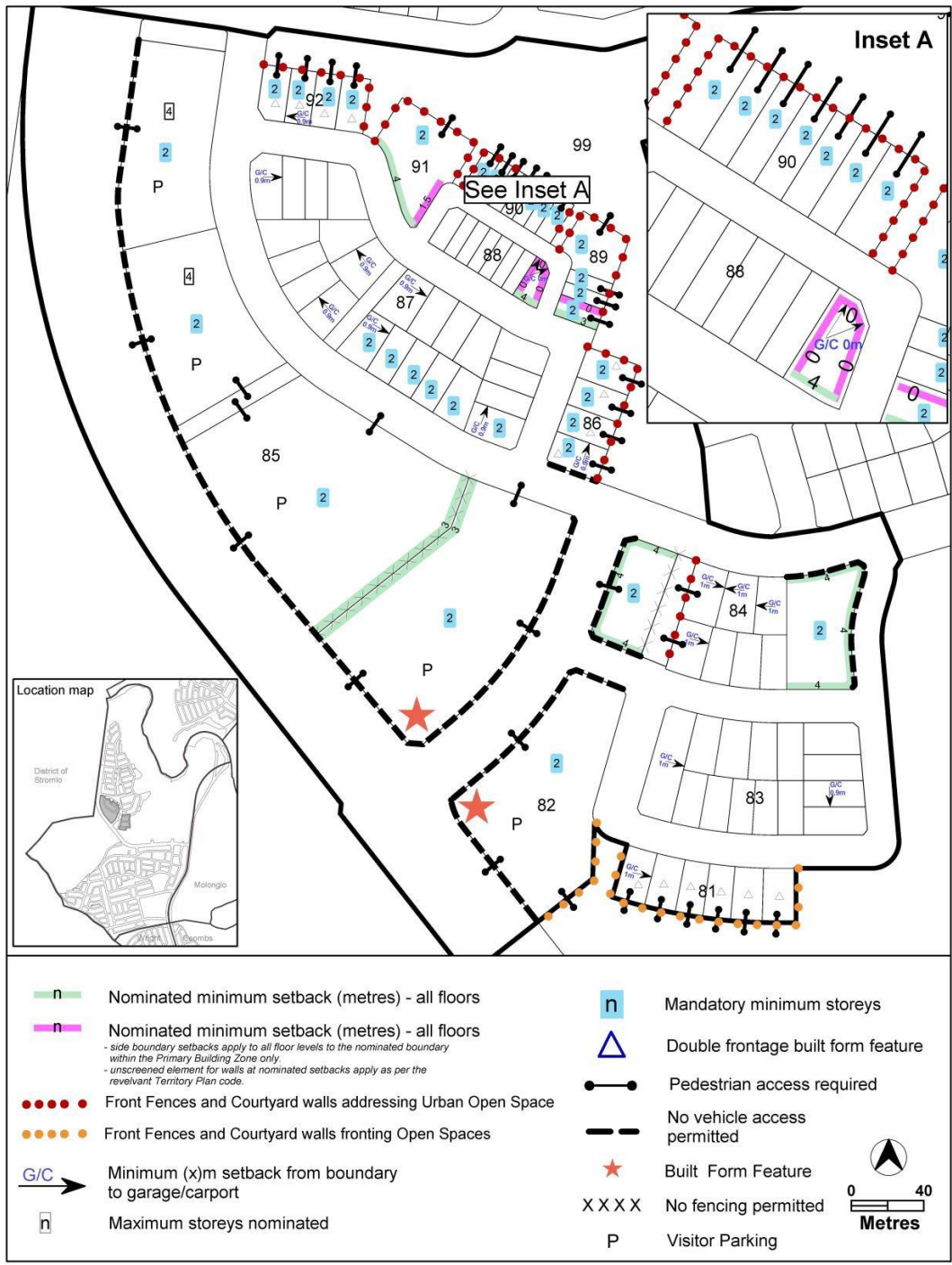


Figure 12 Denman Prospect – ongoing provisions

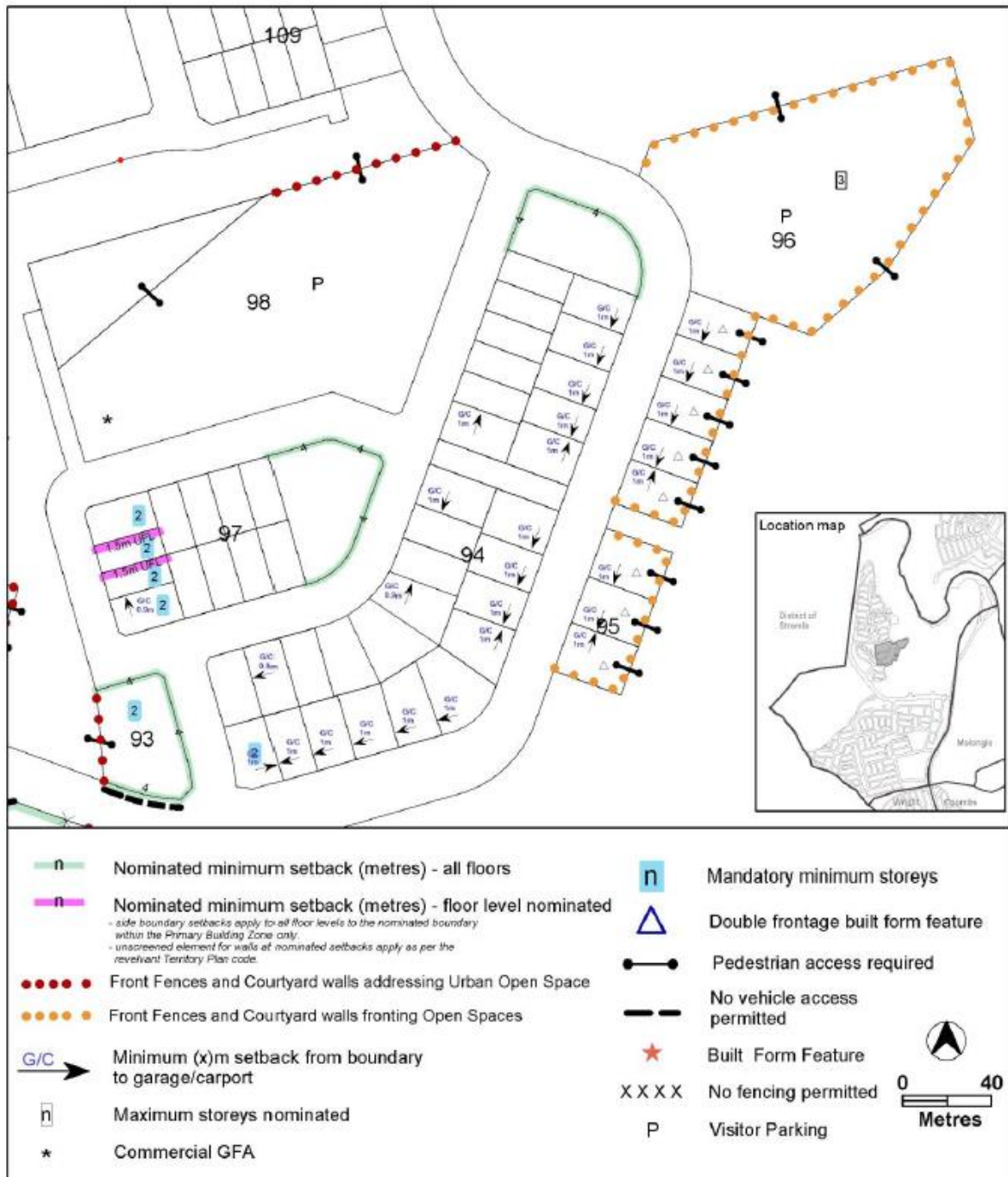
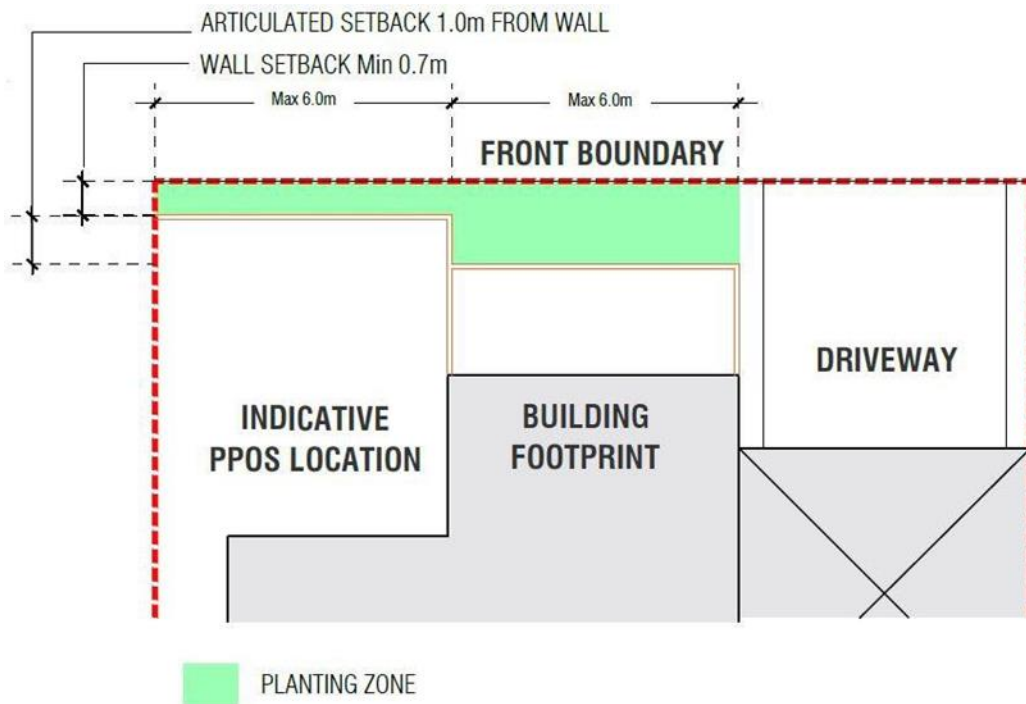
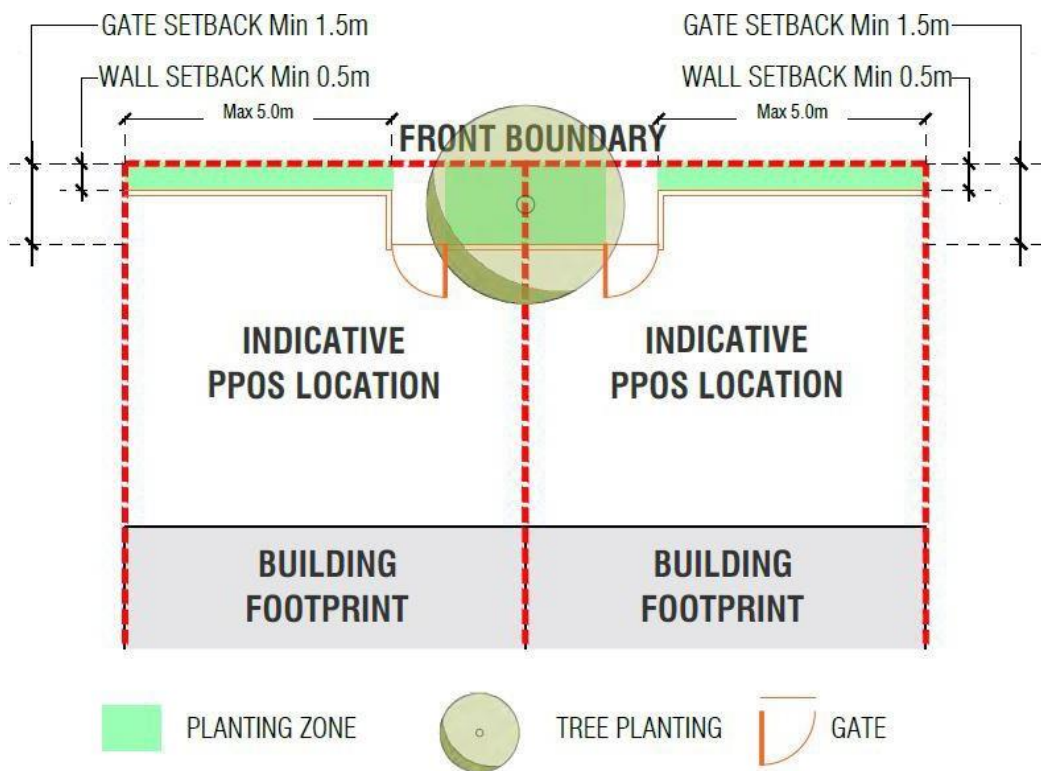


Diagram 1: Denman Prospect – examples



Example of courtyard wall location – articulated planting zone



Example of courtyard wall location – dwellings fronting urban open space

Figure 13 Whitlam – ongoing provisions



Figure 14 Whitlam – ongoing provisions



Figure 15 Whitlam – ongoing provisions



Figure 16 Whitlam – ongoing provisions



Figure 17 Whitlam – ongoing provisions



Figure 18 Whitlam – ongoing provisions

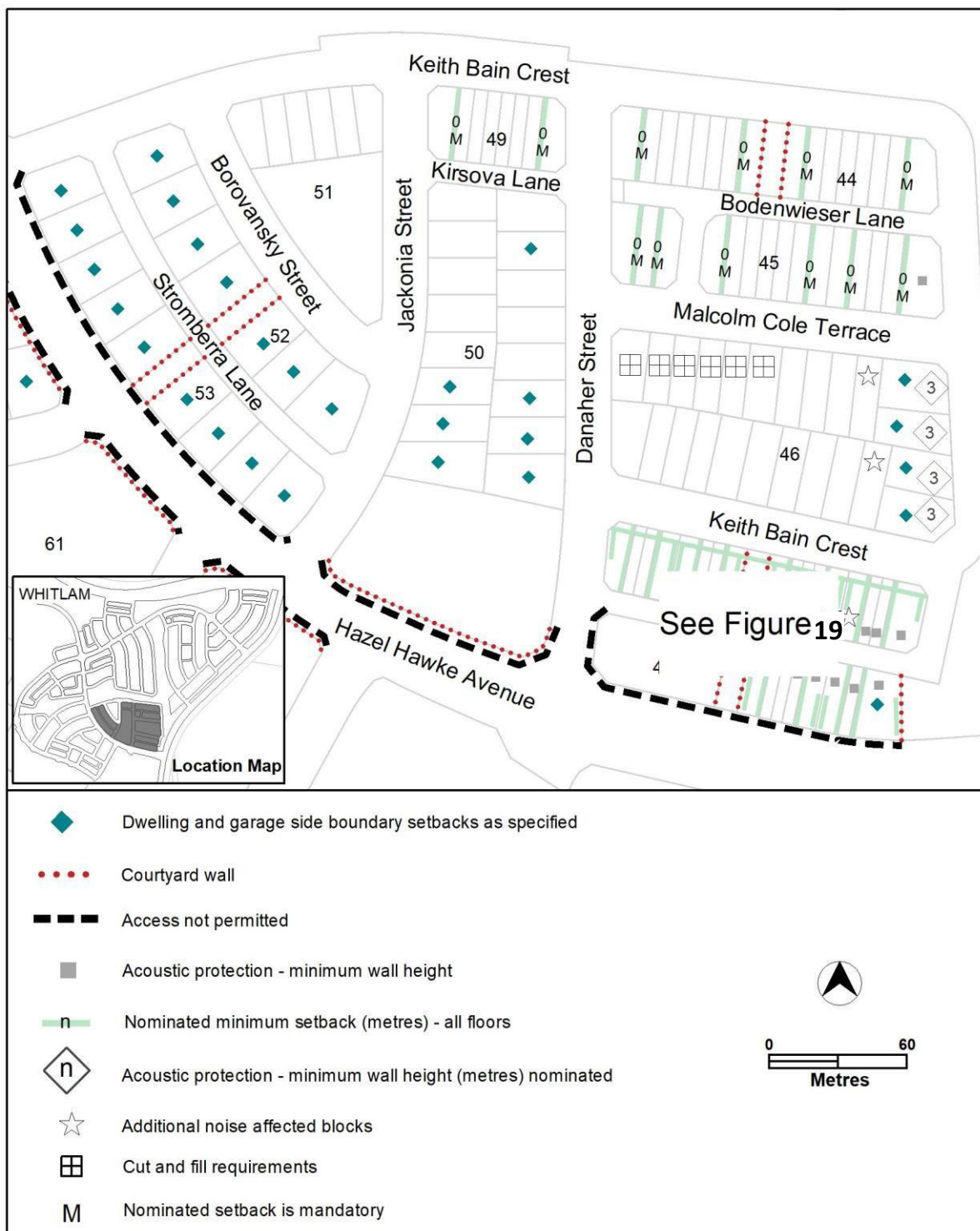


Figure 19 Whitlam – ongoing provisions

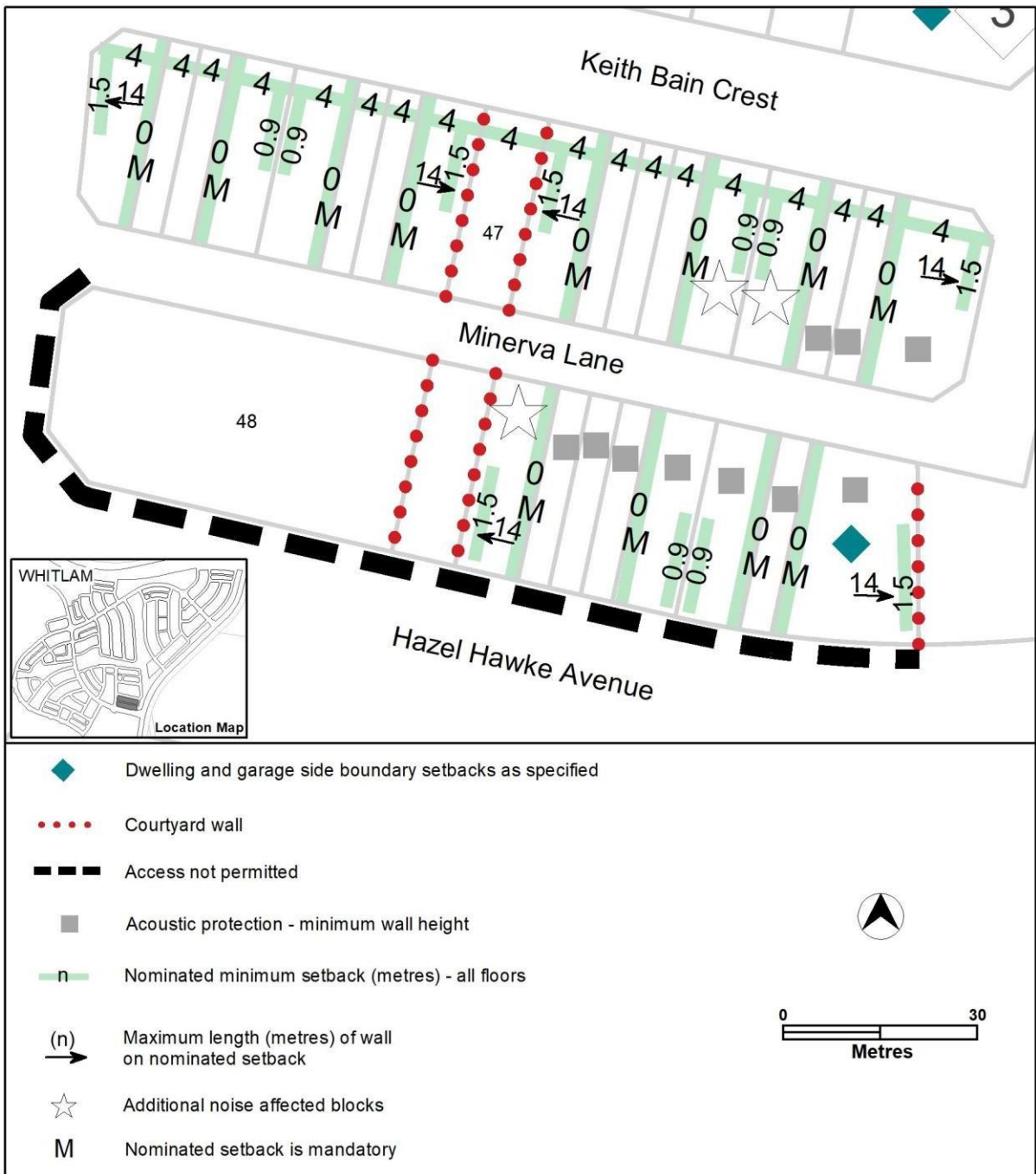


Figure 20 Whitlam – ongoing provisions

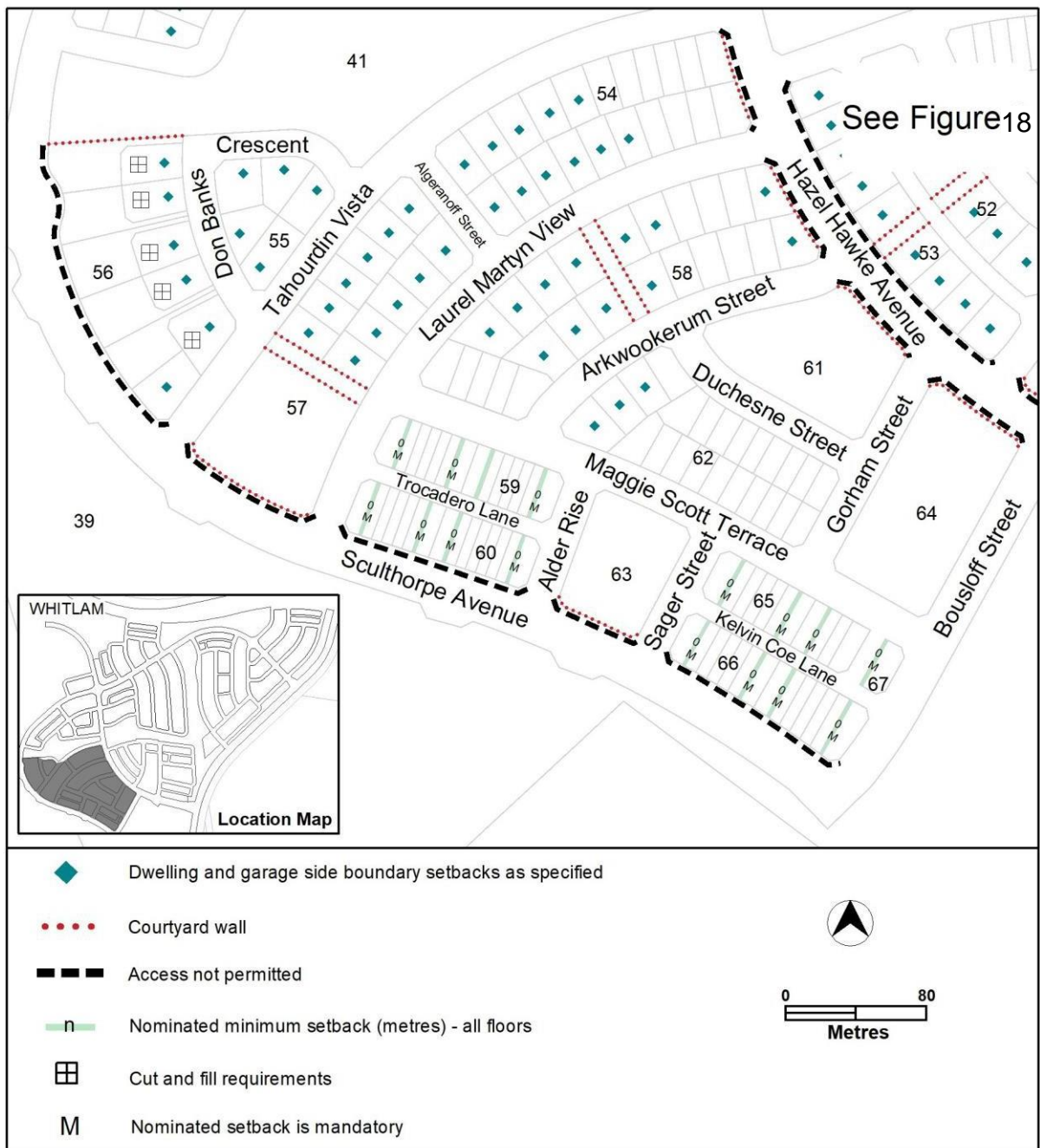
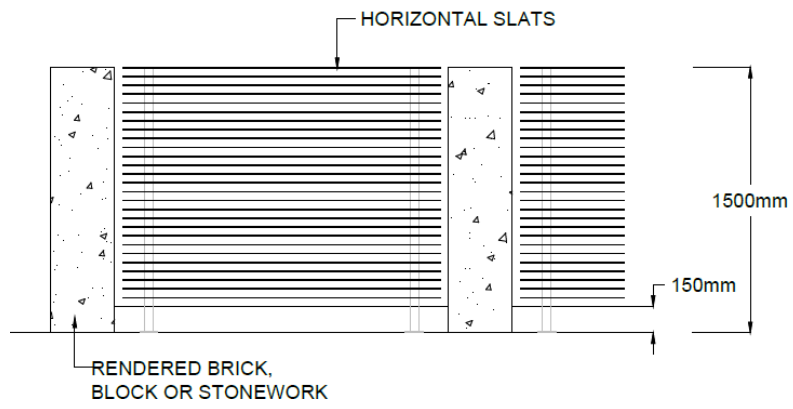


Figure 21 Whitlam – ongoing provisions

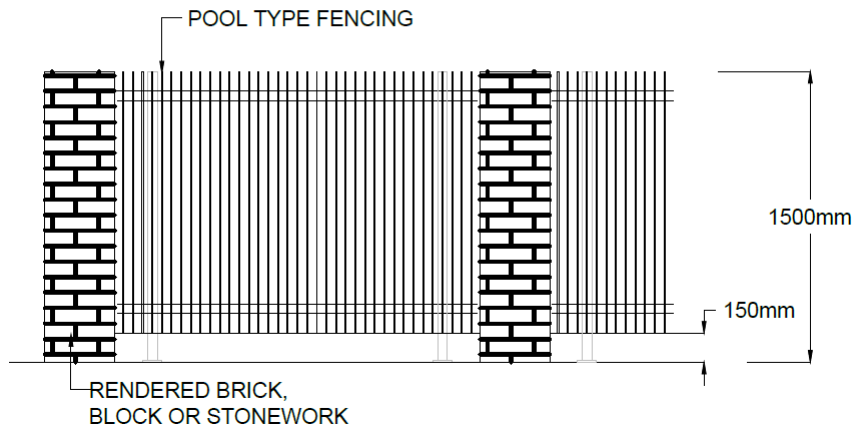


Figure 22 Whitlam – ongoing provisions

TYPE 1



TYPE 2



Elevation of courtyard wall

Figure 23 Whitlam – Development Requirements



Figure 24 Whitlam – Development Requirements

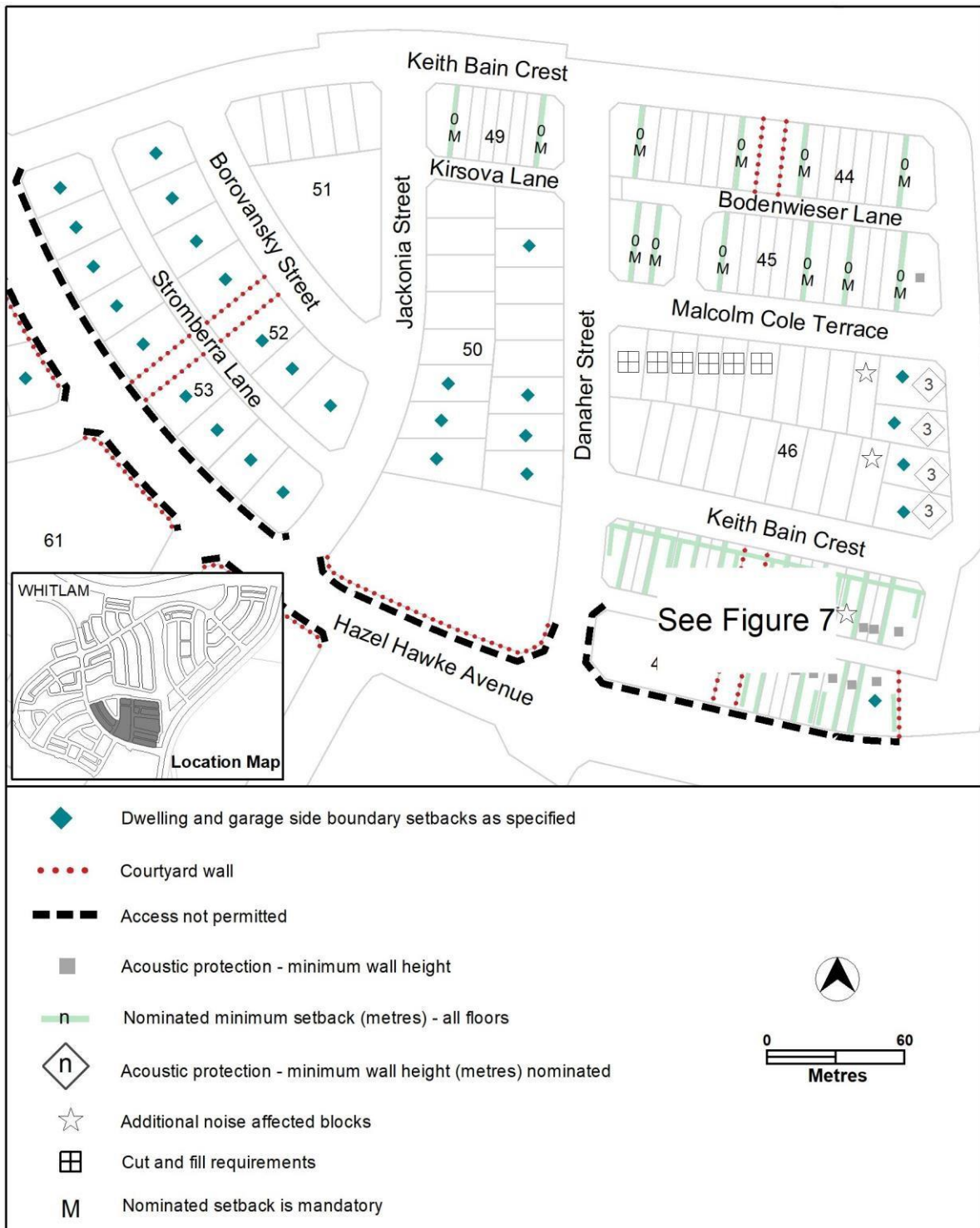


Figure 25 Whitlam – development requirements



Figure 26 Whitlam – Development Requirements



Figure 27 Whitlam – Development Requirements



Figure 28 Whitlam – Development Requirements



Figure 29 Whitlam – Development Requirements



Figure 30 Whitlam – Development Requirements

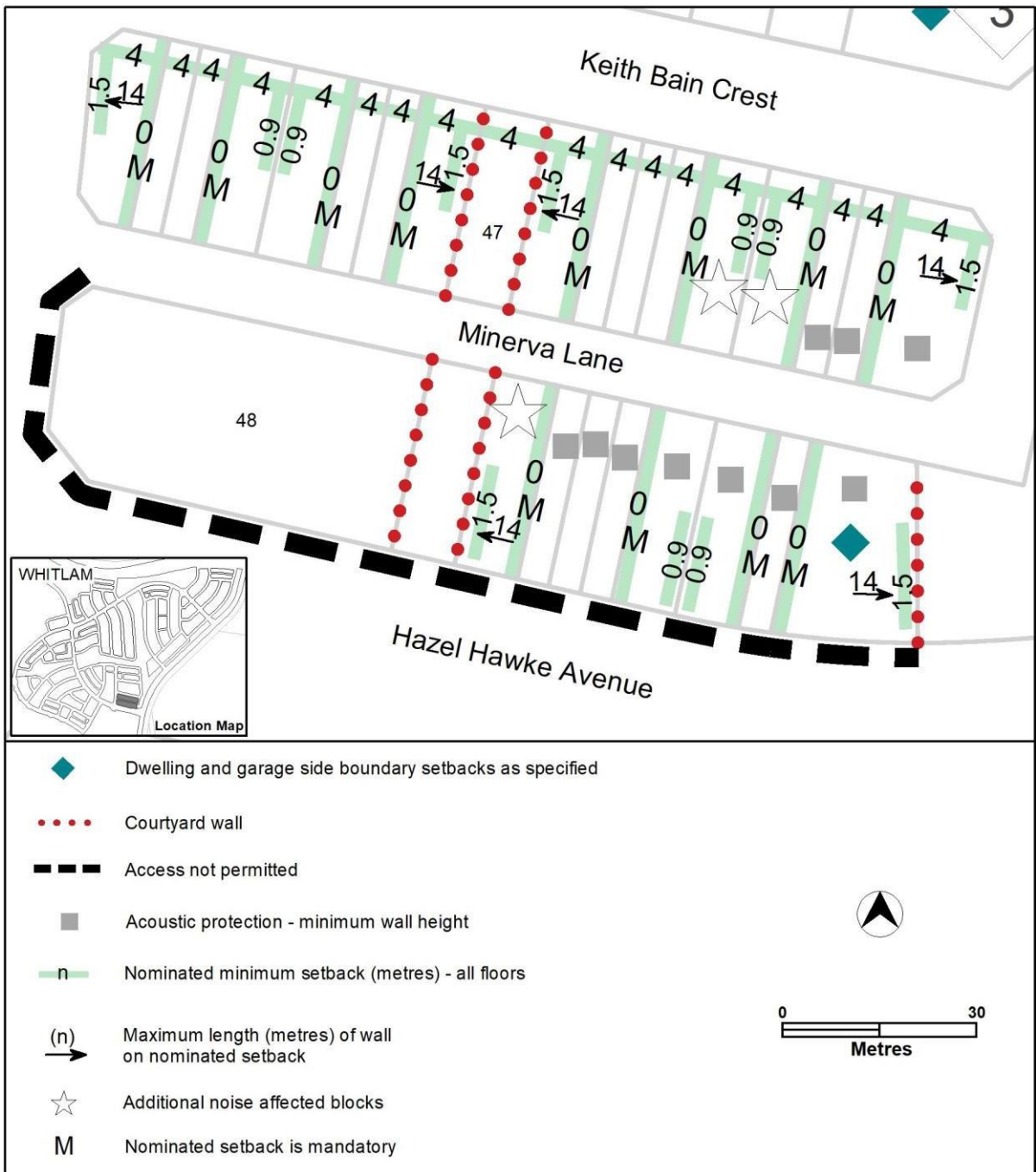


Figure 31 Whitlam – Development Requirements

