

Planning (Exempt Development) Single Dwelling Housing Development Control – Molonglo Valley District Declaration 2024 (No 3)*

Notifiable instrument NI2024–374

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 2024 (No 3)*.

2 Commencement

This instrument commences the day after its notification day.

3 Declaration

I declare the development control at schedule 1 for the development of single dwelling housing in residential zones in the Molonglo Valley District.

4 Revocation

This instrument revokes the *Planning (Exempt Development) Single Dwelling Housing Development Control – Molonglo Valley District Declaration 2024 (No 2)* (NI2024–148).

Ben Green
Delegate of the territory planning authority
4 July 2024

*Name amended under Legislation Act, s 60

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
Garages/Carports	1. For blocks in Figures 5, 6, 10, 11, 12, 13, 14, 15 and 16 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, 12, 13, 14, 15, 16
	2. For nominated blocks in Figures 15 and 16, the minimum side boundary setback to the garage is specified. Notes: On blocks that are required in a district exempt development control to be built to the boundary the minimum setback and wall length requirements are not required to be met.	Figure 15, 16
	3. For nominated blocks in Figure 15 and 16, the garage opening may exceed 50% if building façade width. Upper floor must provide building articulation.	Figure 15, 16
Setbacks	4. For blocks in Figures 10, 11, 12, 13, 14, 15 and 16 the minimum boundary setbacks to floor levels are nominated.	Figures 10, 11, 12, 13, 14, 15, 16
Private open space	5. 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
Principle private open space	6. For nominated blocks in Figures 15 and 16, alternate principle private open space (PPOS) is permitted above the garage. All other PPOS requirements apply as per the relevant Territory Plan code.	Figures 15, 16
Gates	7. For blocks in Figures 5, 6, 7, 8, 9, 10, boundaries to open space must provide at least one gate access.	Figures 5, 6, 7, 8, 9, 10
Vehicle access	8. No vehicle access is provided from frontages as indicated on Figures 6, 7, 8, 9, 11, 12 and 13.	Figures 6, 7, 8, 9, 11, 12, 13

Fencing	9. Blocks fronting open space provide transparent type fencing with a maximum height of 1.2m.	Figures 15, 16
	10. For blocks identified in Figures 11 and 15, no fencing permitted to nominated front boundaries. Landscape treatment only. Where a multi-unit site fronts open space, landscape treatment provides an effective vehicle barrier.	Figure 11, 15
	<p>11. For blocks addressing urban open space in Figures 11, 12, 13, 14 and 16, fences are not permitted on nominated front boundaries. Courtyard walls are permitted forward of the primary building zone and are to comply with the following:</p> <ul style="list-style-type: none"> a) Constructed only of brick, block or stonework, any which may be combined with feature panels. b) Maximum height of 1.8m. c) 0.5m minimum setback from the front boundary to facilitate a planting zone forward from the wall. d) 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, 2 and 3 shows examples of courtyard walls.</p>	Figure 11 – 14, 16
	<p>12. For blocks fronting open space in Figures 11, 12 and 14, solid fences are not permitted on nominated front boundaries. Courtyard walls are permitted forward of the primary building zone and are to comply with the following:</p> <ul style="list-style-type: none"> a) Pedestrian access is mandatory and to be achieved by gates and/or pathway connections into the block. b) Constructed only of brick, block or stonework, any which may be combined with feature panels. c) Maximum height of 1.8m. d) 1m minimum setback from the front boundary to facilitate a planting zone forward from the wall. e) Where the length of the wall exceeds 6m, 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) Gate: a pedestrian entry with a gate must be setback a minimum 2m from the front boundary. ii) Articulated Planting Zone: an additional increased setback from the wall, of minimum 1m for an articulated planting zone. <p>Diagram 1, 2 and 3 shows examples of courtyard walls.</p>	Figure 11, 12, 14
	<p>13. For blocks in locations identified in Figure 23, except for blocks fronting open space, courtyard walls are permitted where Principal Private Open Space is located in the front zone.</p> <p>Courtyard walls are to comply with the following:</p>	Figure 23

	<ul style="list-style-type: none"> a) Constructed only of brick, block or stonework, any of which may be combined with feature panels. b) Maximum height of 1.5m. c) 0.7m minimum setback from the front boundary to facilitate a planting zone forward from the wall. <p>Where the length of the wall exceeds 6m, it must be articulated by way of an increased setback for a gate and/or an articulated planting zone as follows:</p> <ul style="list-style-type: none"> i) Gate: A pedestrian gate entry must be setback a minimum 1.5m from front boundary. ii) Articulated Planting Zone: An additional increased setback from the wall, of minimum of 1m. 	
Pedestrian access	14. For blocks identified in Figures 11, 12, 14, 15 and 16, pedestrian access must be provided on all nominated boundaries.	Figures 11, 12, 14, 15, 16
Built form	15. Blocks identified in Figures 11, 12, 14 and 16 are to provide habitable rooms that overlook both front boundaries.	Figures 11, 12, 14, 16
Heights	16. The minimum and maximum number of storeys is nominated in Figures 10, 11, 12, 13, 14, 15 and 16.	Figures 10, 11, 12, 13, 14, 15, 16
Development requirements	17. Development complies with the specifications identified in Figures 17, 18, 19, 20, 21, 22, 23, 24 and 25.	Figures 17, 18, 19, 20, 21, 22, 23, 24, 25

Whitlam		
Item	Control	Figure
Development provisions	1. Development complies with the requirements specified in Figure 37 to 43.	Figure 37 - 43
Noise	<p>2. For Figures 28, 29, 30, 31, 32 and 33: 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 28, 29, 30, 31, 32, 33
Side boundary and other	<p>3. For Figures 27, 28, 29, 30, 31, 32, 33, 34 and 35: The lower floor level complies with the following side boundary setbacks within the primary building zone and the rear zone:</p> <ul style="list-style-type: none"> a) minimum setback of 3m from side boundary 1 	Figures 27, 28, 29, 30, 31, 32, 33, 34, 35

boundary setbacks	<ul style="list-style-type: none"> b) minimum setback of 1.5m from side boundary 2 c) garages are setback a minimum of 1.5m from side boundary 2 d) the lower floor level minimum rear boundary setback and all upper floor level setbacks of the Residential Zones Specifications 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 on Figures 27, 28, 29, 30, 32, 33, 34 and 35.</p> <p>5. For blocks identified in Figures 32 and 34: 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 27, 28, 29, 30, , 32, 33, 34, 35</p> <p>Figures 32, 34</p>
Additional controls	<p>6. For blocks identified in Figures 27, 28, 29, 30, 32, 33, 34 and 35:</p> <ul style="list-style-type: none"> a) The minimum setbacks to lower and/or upper floor levels is as indicated. b) Vehicle access is not permitted as indicated. c) 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 33 for examples courtyard walls. 	<p>Figures 27, 28, 29, 30, 32, 33, 34 and 35</p> <p>Figure 33</p>
Development requirements	<p>7. For blocks identified in Figures 32 and 34, 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>For blocks identified in Figure 36, the minimum number of storeys is 2.</p>	<p>Figures 32, 34</p> <p>Figure 36</p>

FIGURES

Figure 1 Coombs – bushfire provisions

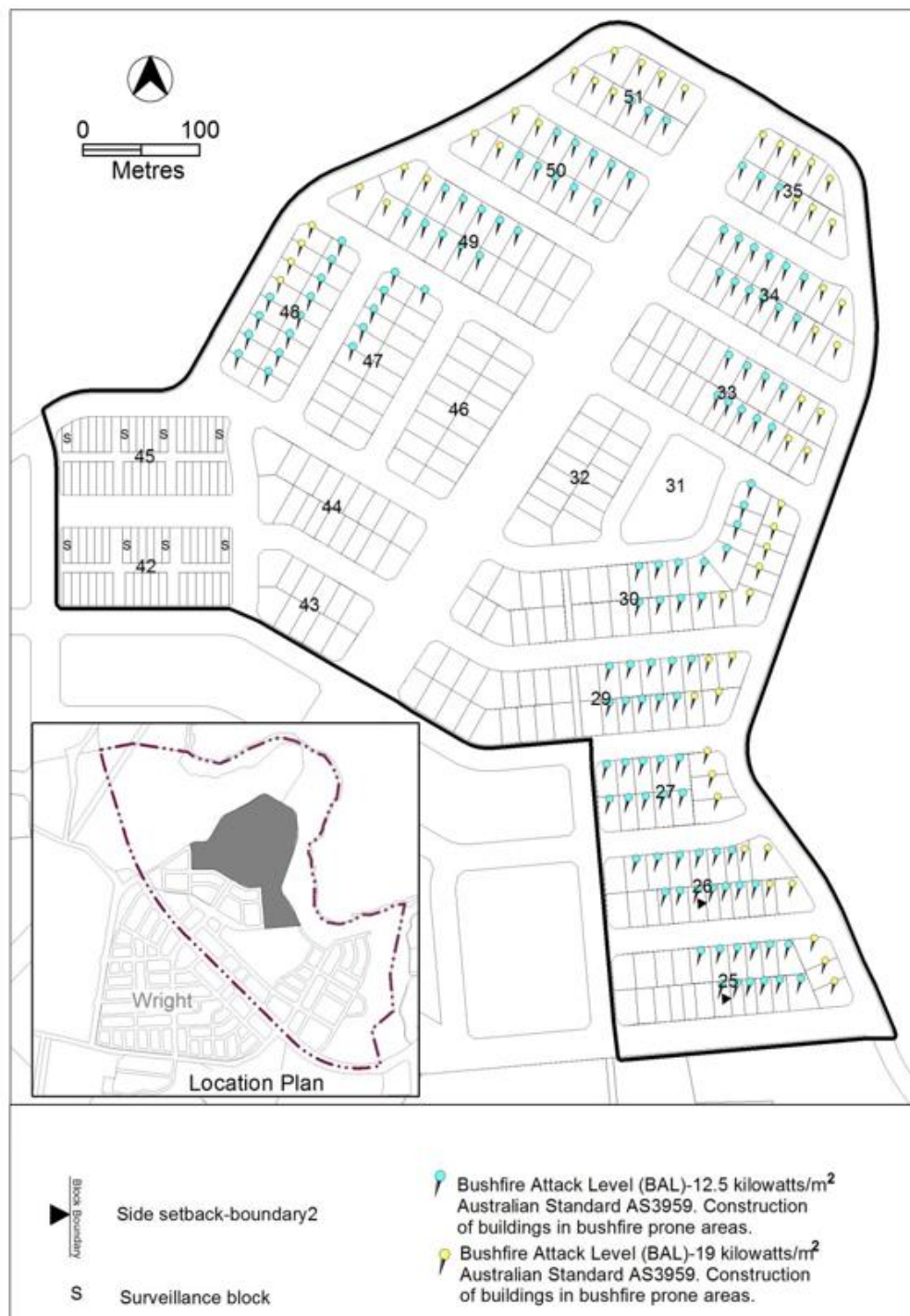


Figure 2 Coombs – bushfire provisions

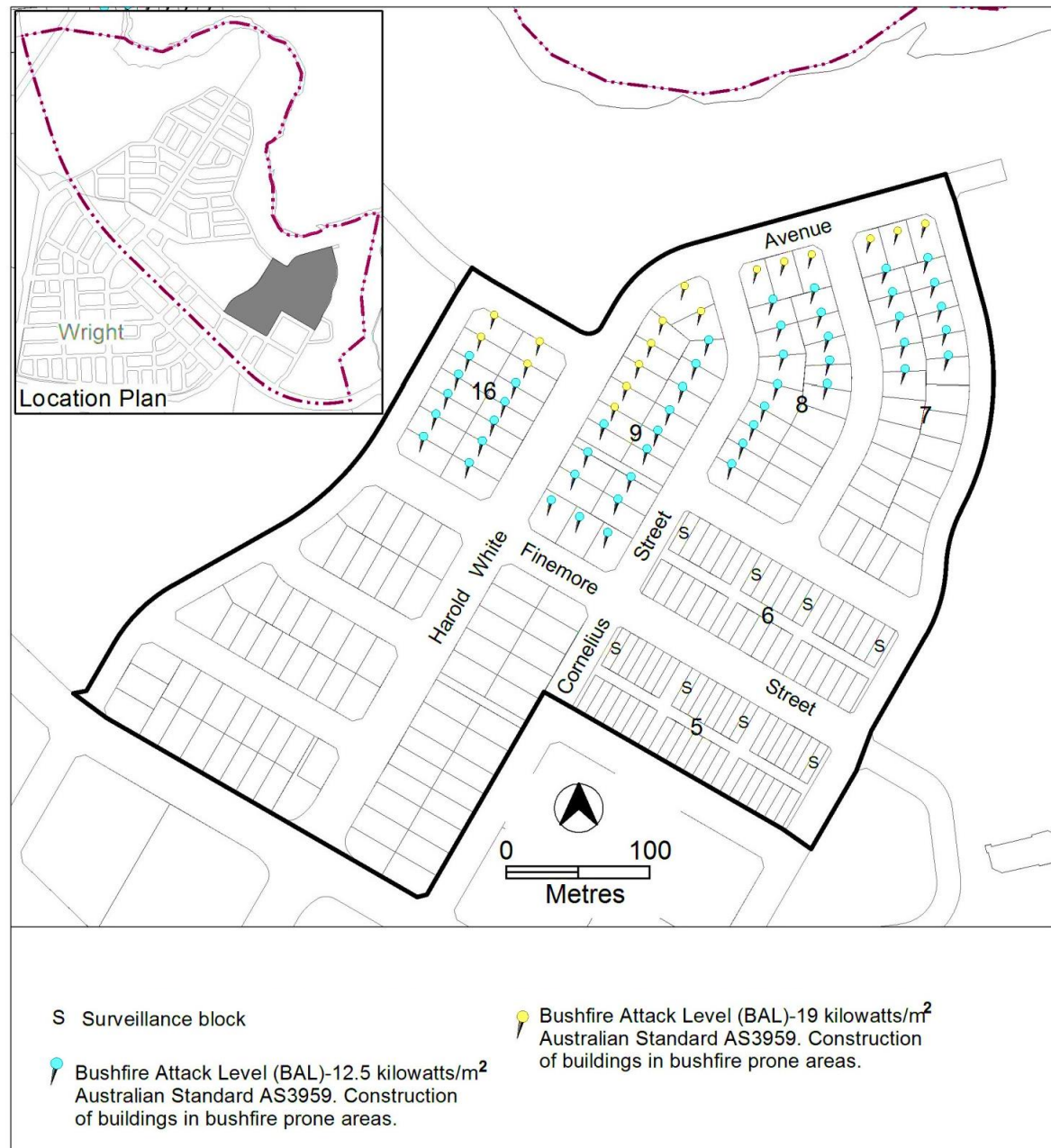


Figure 3 Coombs – noise provisions

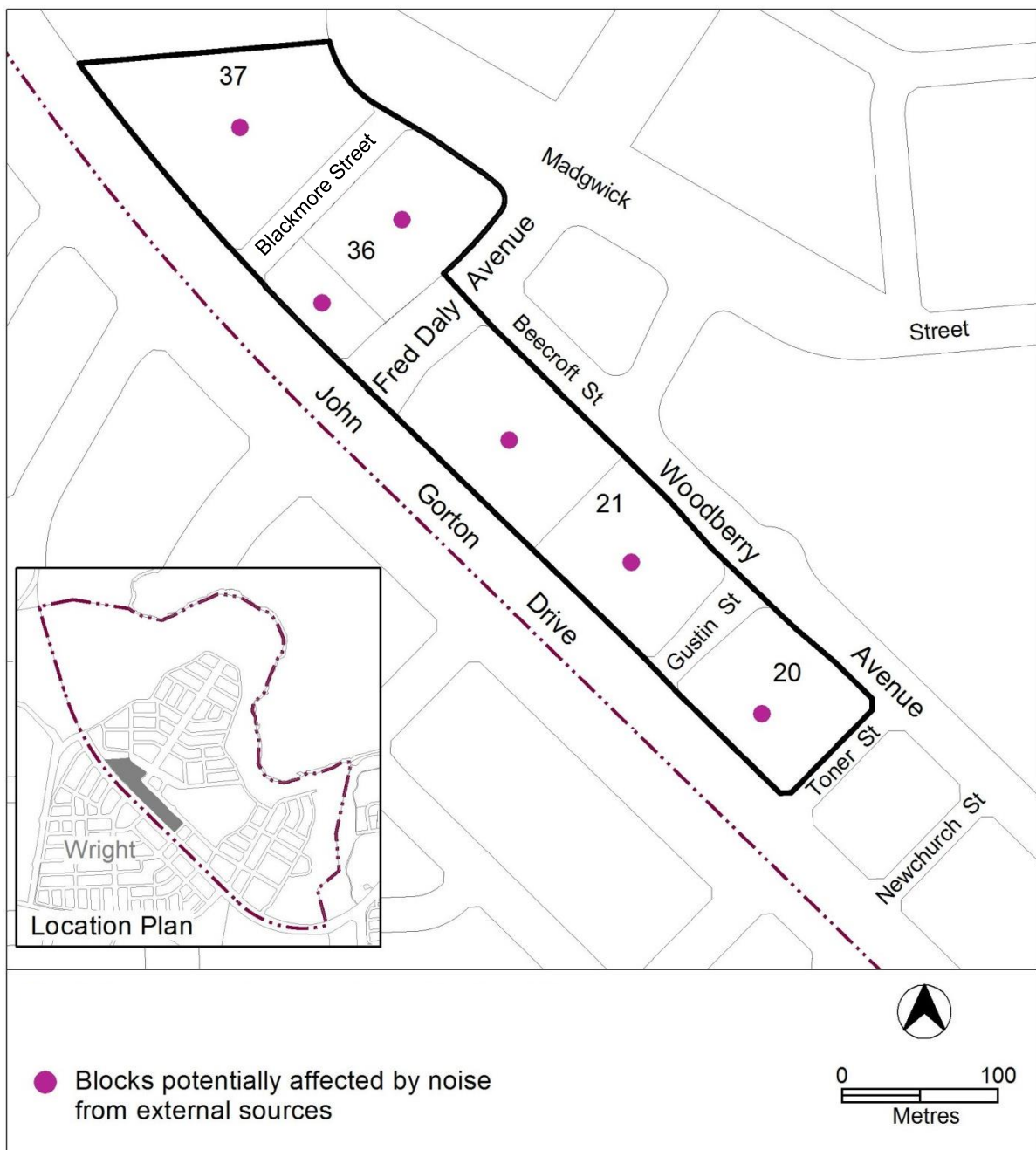


Figure 4 Coombs – noise and bushfire provisions

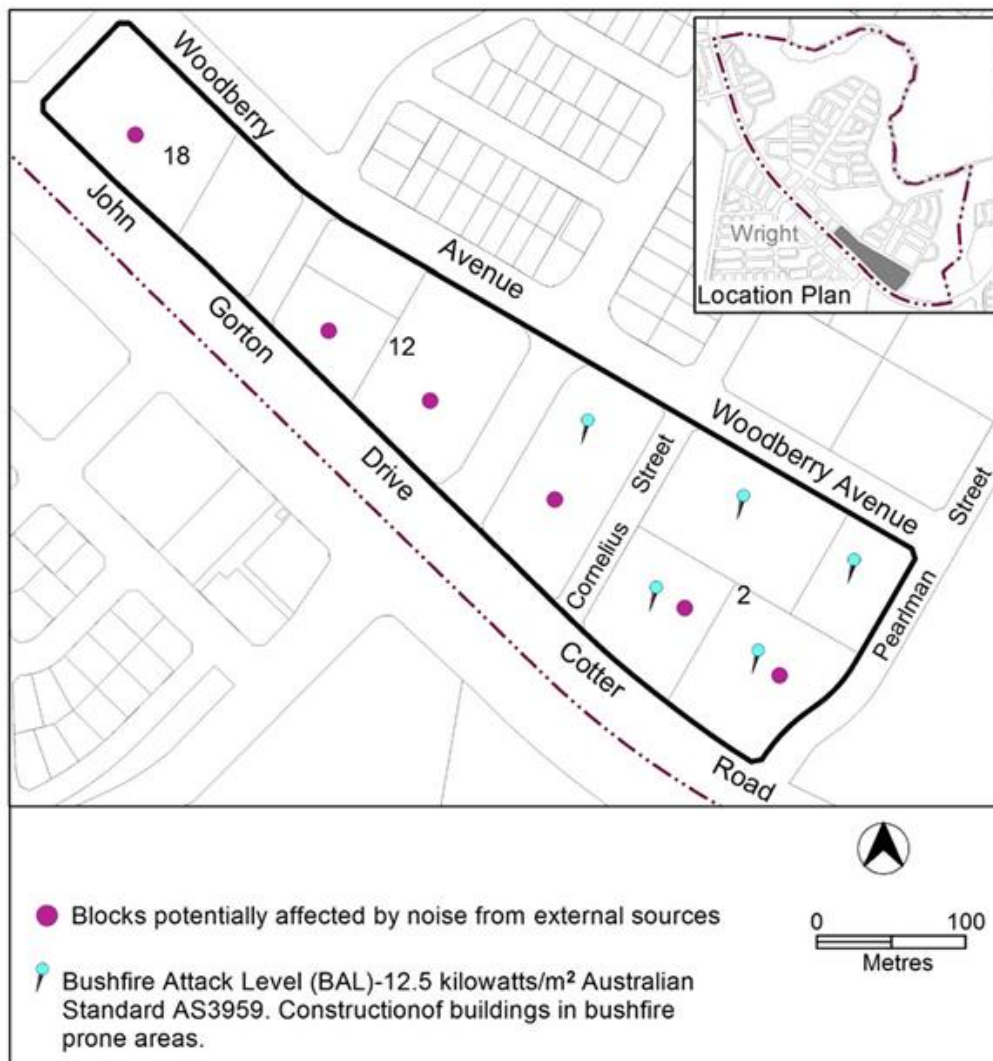


Figure 5 Denman Prospect – Ongoing Provisions



Figure 6 Denman Prospect – Ongoing Provisions

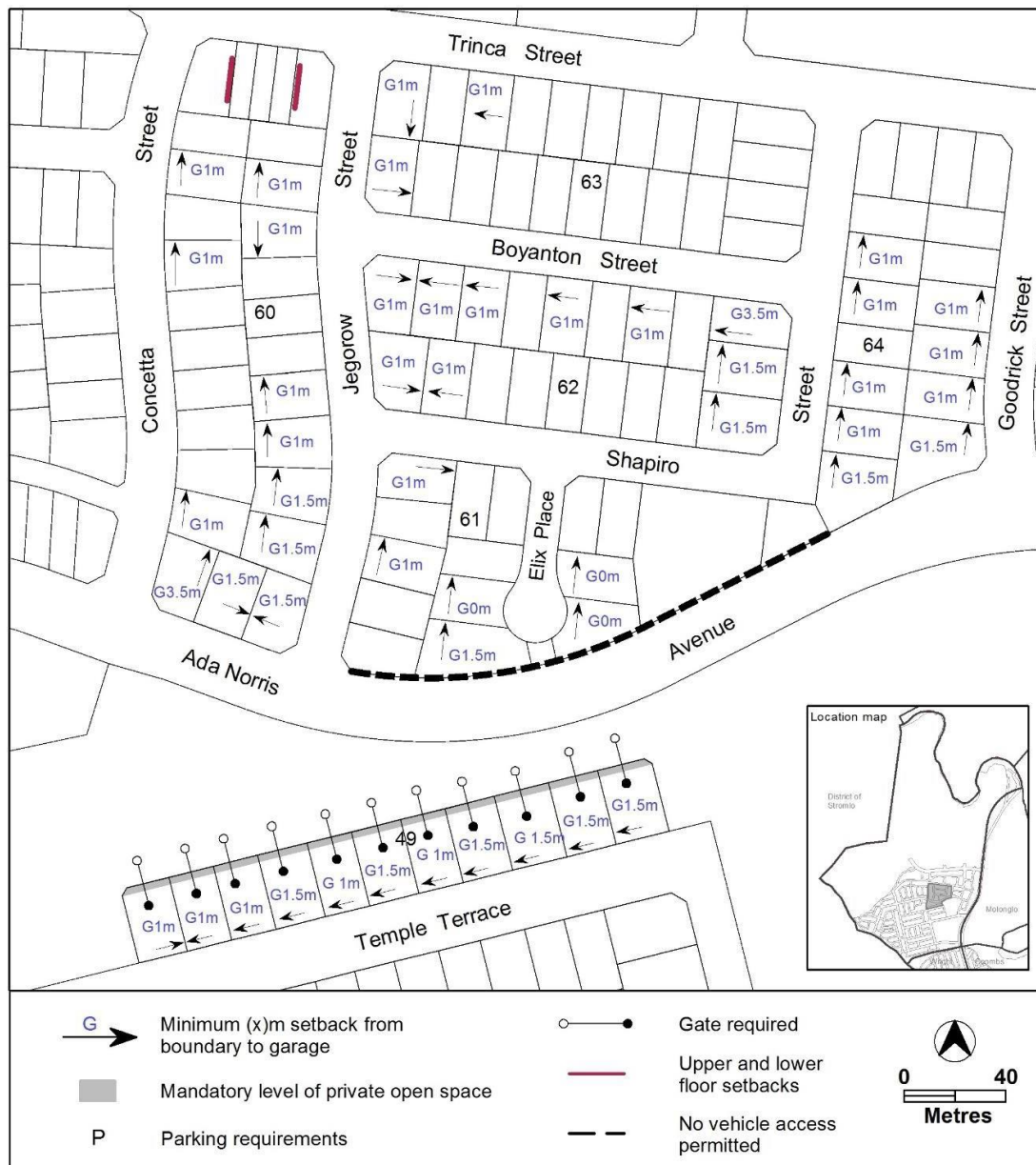


Figure 7 Denman Prospect – Ongoing Provisions

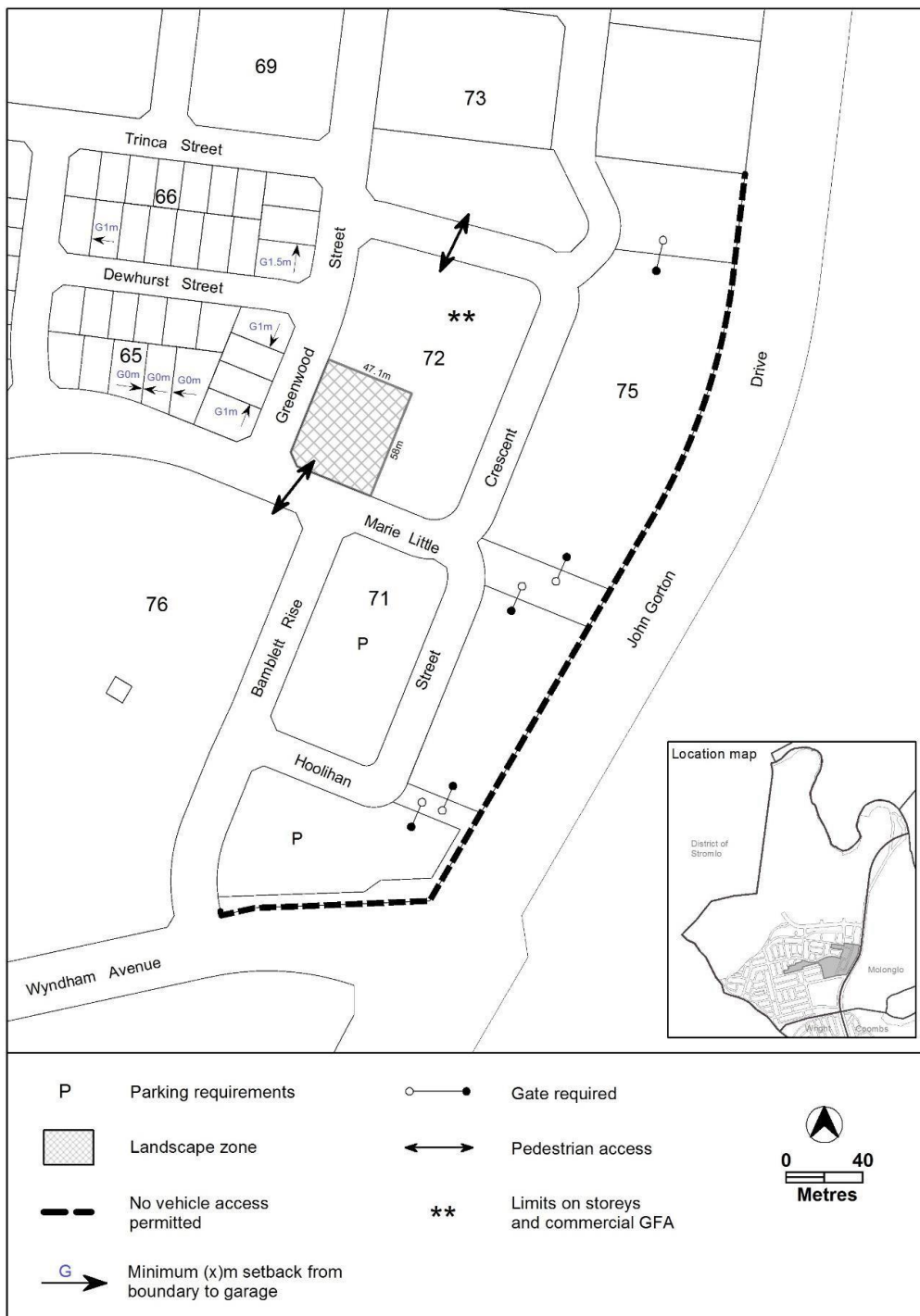


Figure 8 Denman Prospect – Ongoing Provisions

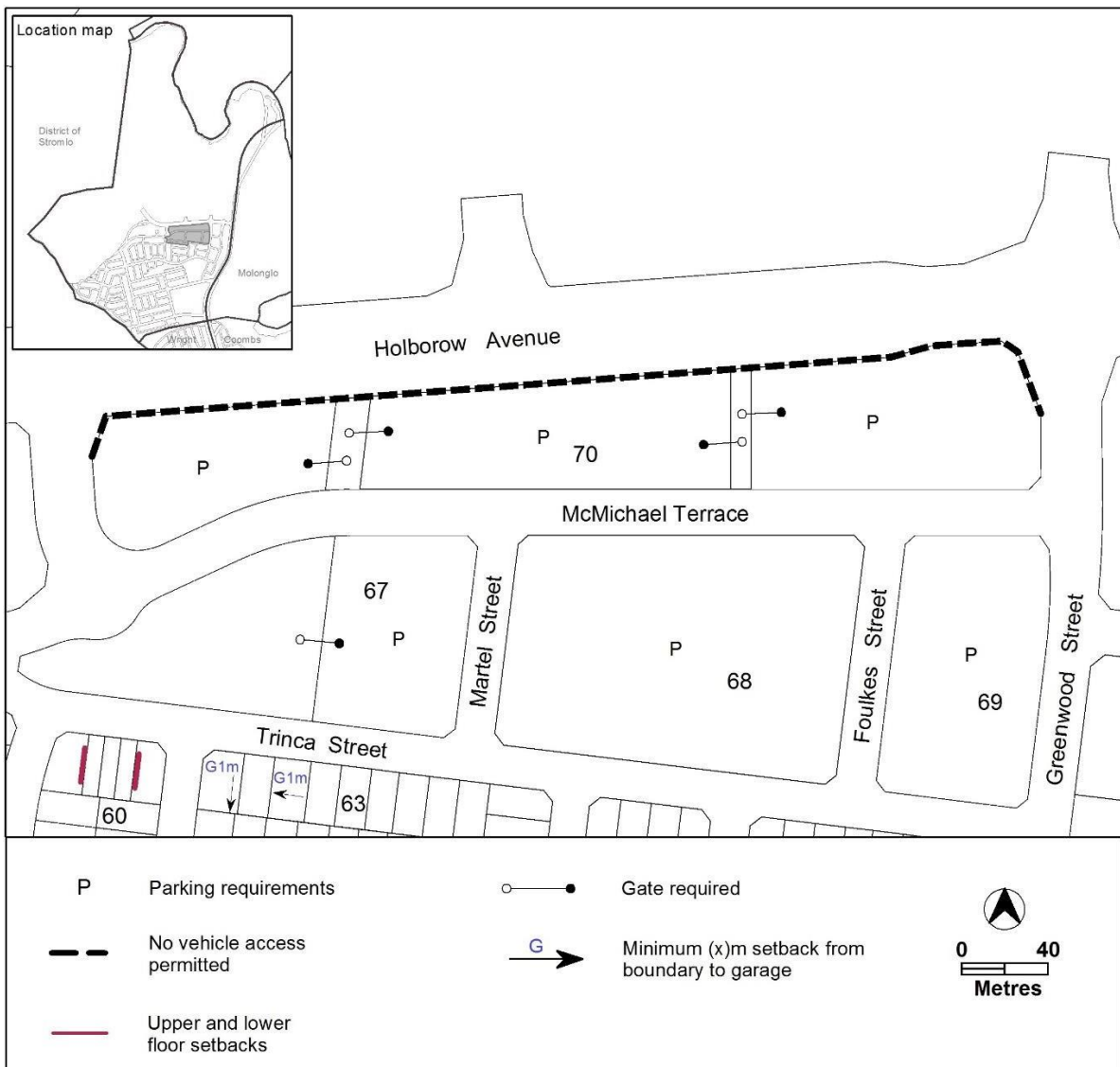


Figure 9 Denman Prospect – Ongoing Provisions

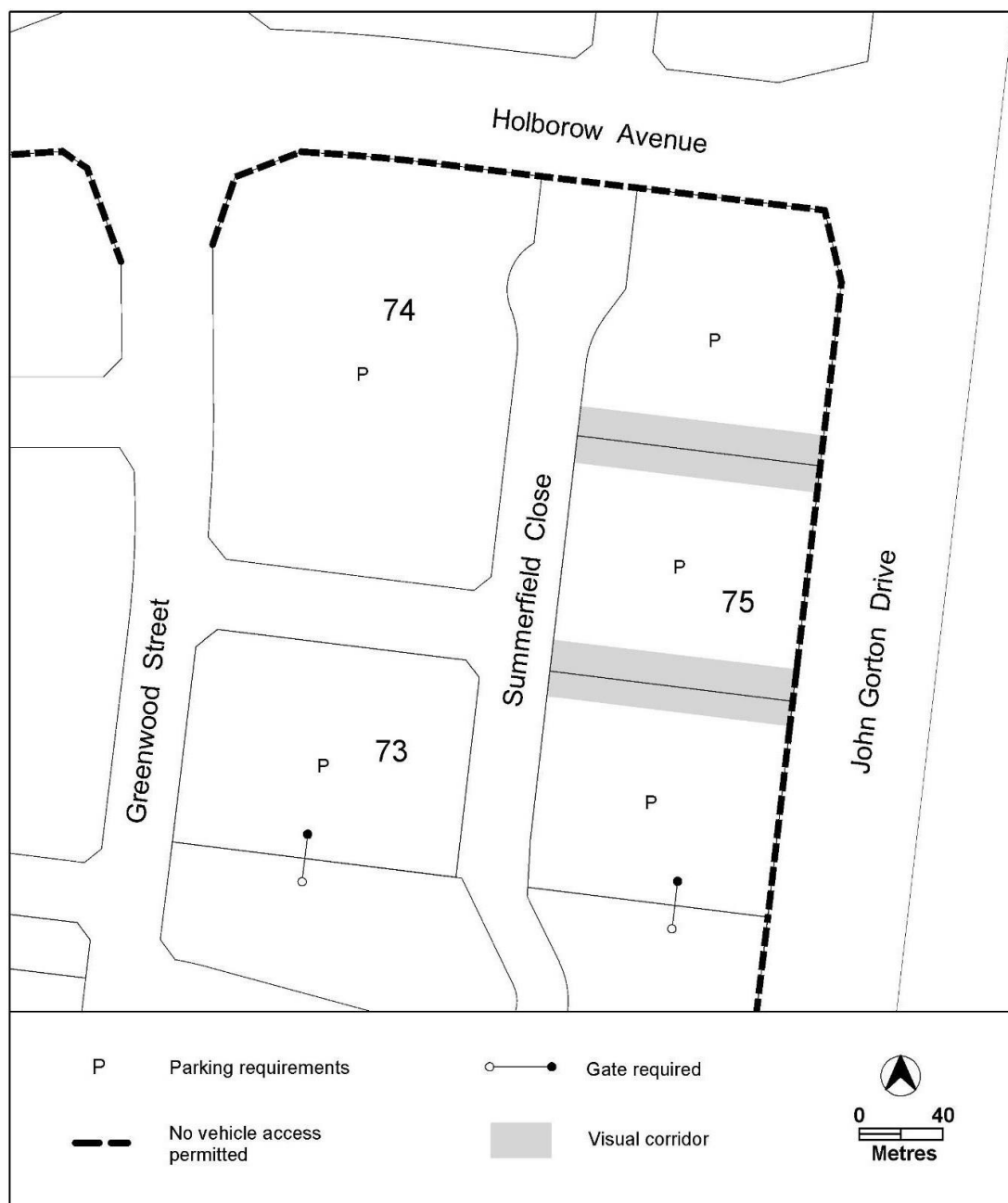


Figure 10 Denman Prospect – Ongoing Provisions



Location map

District of Stormo

Molonglo

Inset A

See Inset A

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Legend

- Nominated minimum setback (metres) - all floors
- Nominated minimum setback (metres) - all floors
 - side boundary setbacks apply to all floor levels to the nominated boundary within the Primary Building Zone only.
 - unscreened element for walls at nominated setbacks apply as per the relevant Territory Plan code.
- Front Fences and Courtyard walls addressing Urban Open Space
- Front Fences and Courtyard walls fronting Open Spaces
- G/C → Minimum (x)m setback from boundary to garage/carport
- n Maximum storeys nominated
- n Mandatory minimum storeys
- △ Double frontage built form feature
- Pedestrian access required
- - - No vehicle access permitted
- ★ Built Form Feature
- X X X X No fencing permitted
- P Visitor Parking

Scale

0 40 Metres

Figure 12 Denman Prospect – Ongoing Provisions

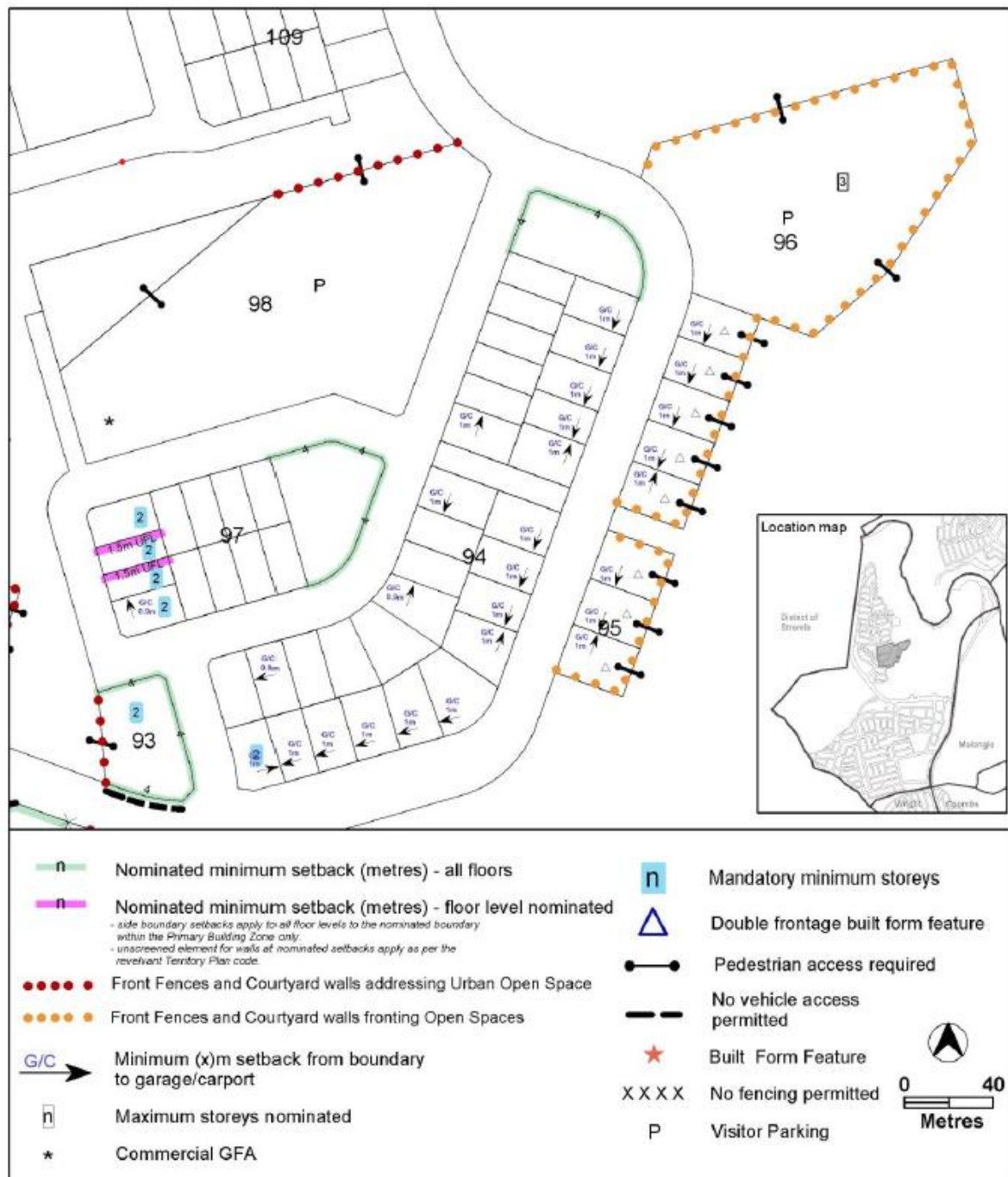


Figure 13 Denman Prospect – Ongoing Provisions



Figure 14 Denman Prospect – Ongoing Provisions



Figure 15 Denman Prospect – Ongoing Provisions

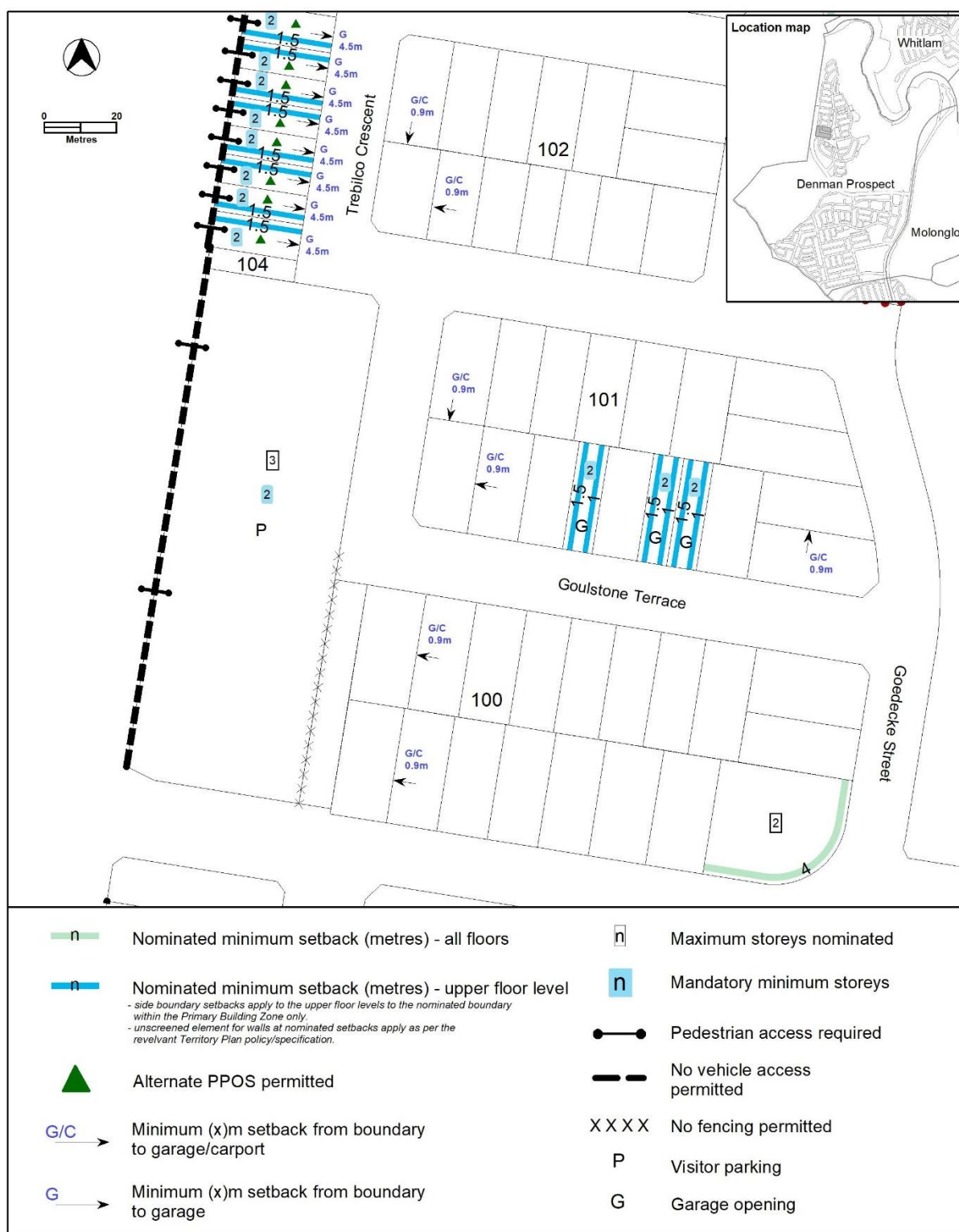


Figure 16 Denman Prospect – Ongoing Provisions

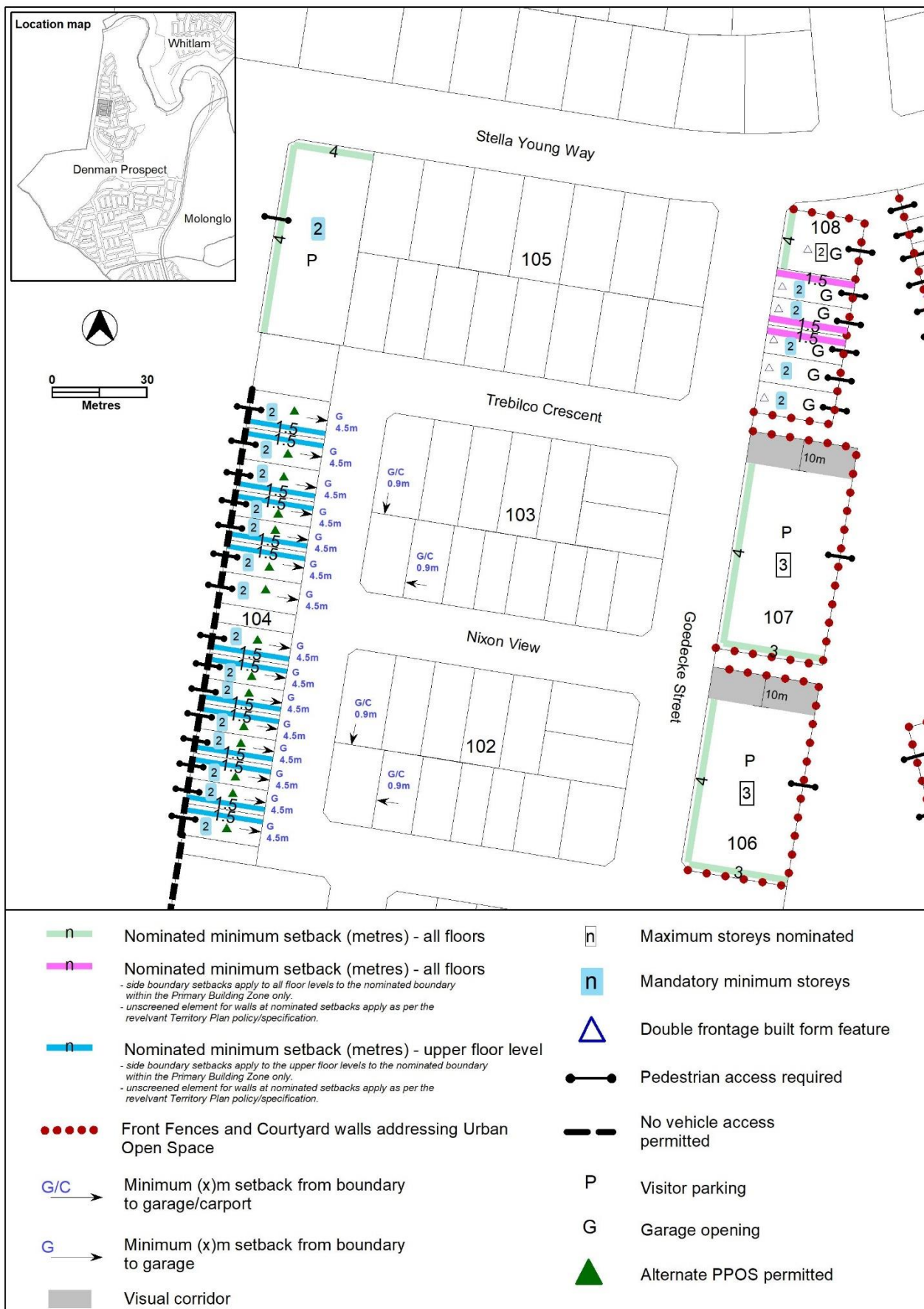


Figure 17 Denman Prospect – Ongoing Provisions

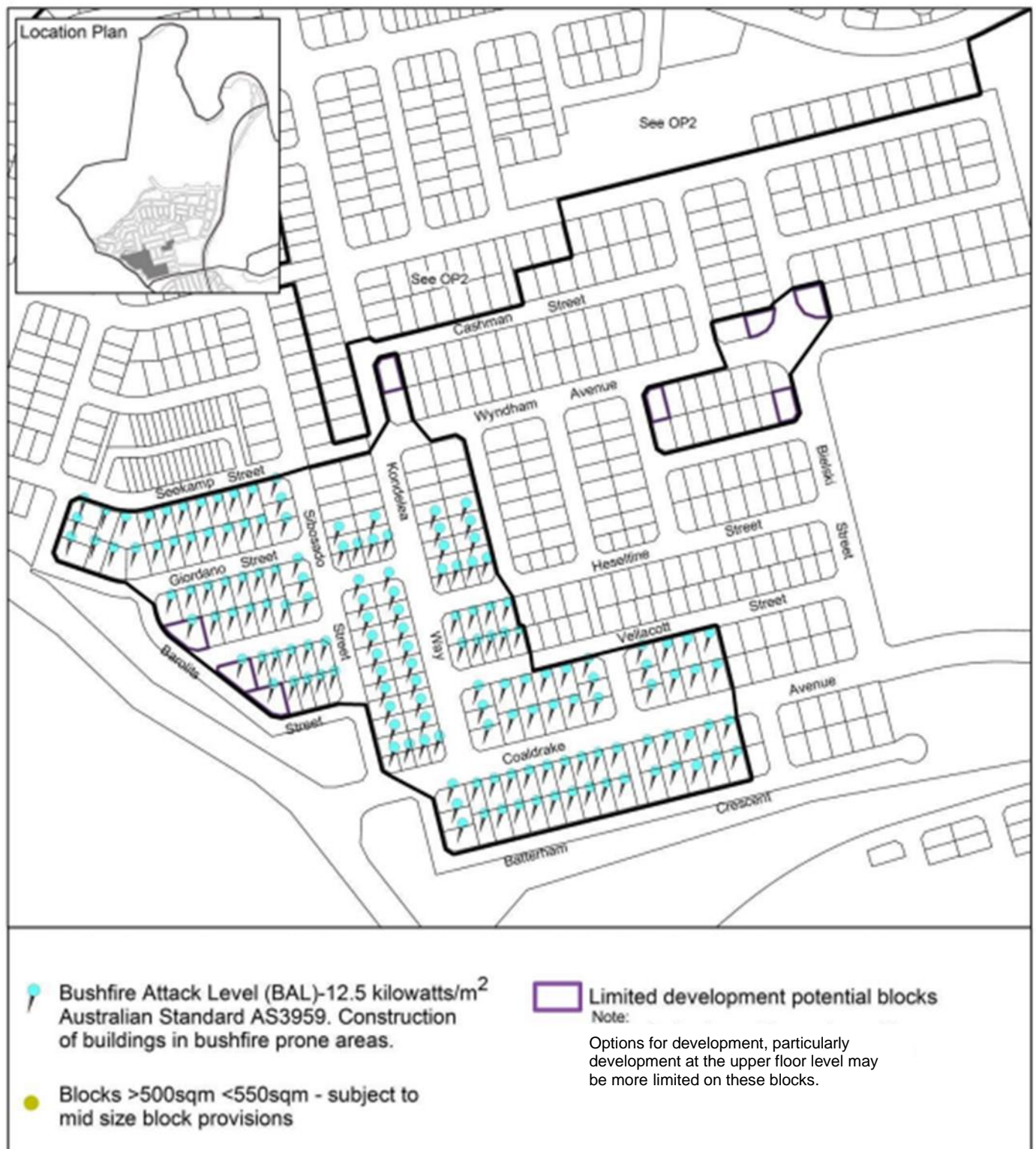


Figure 18 Denman Prospect – Ongoing Provisions

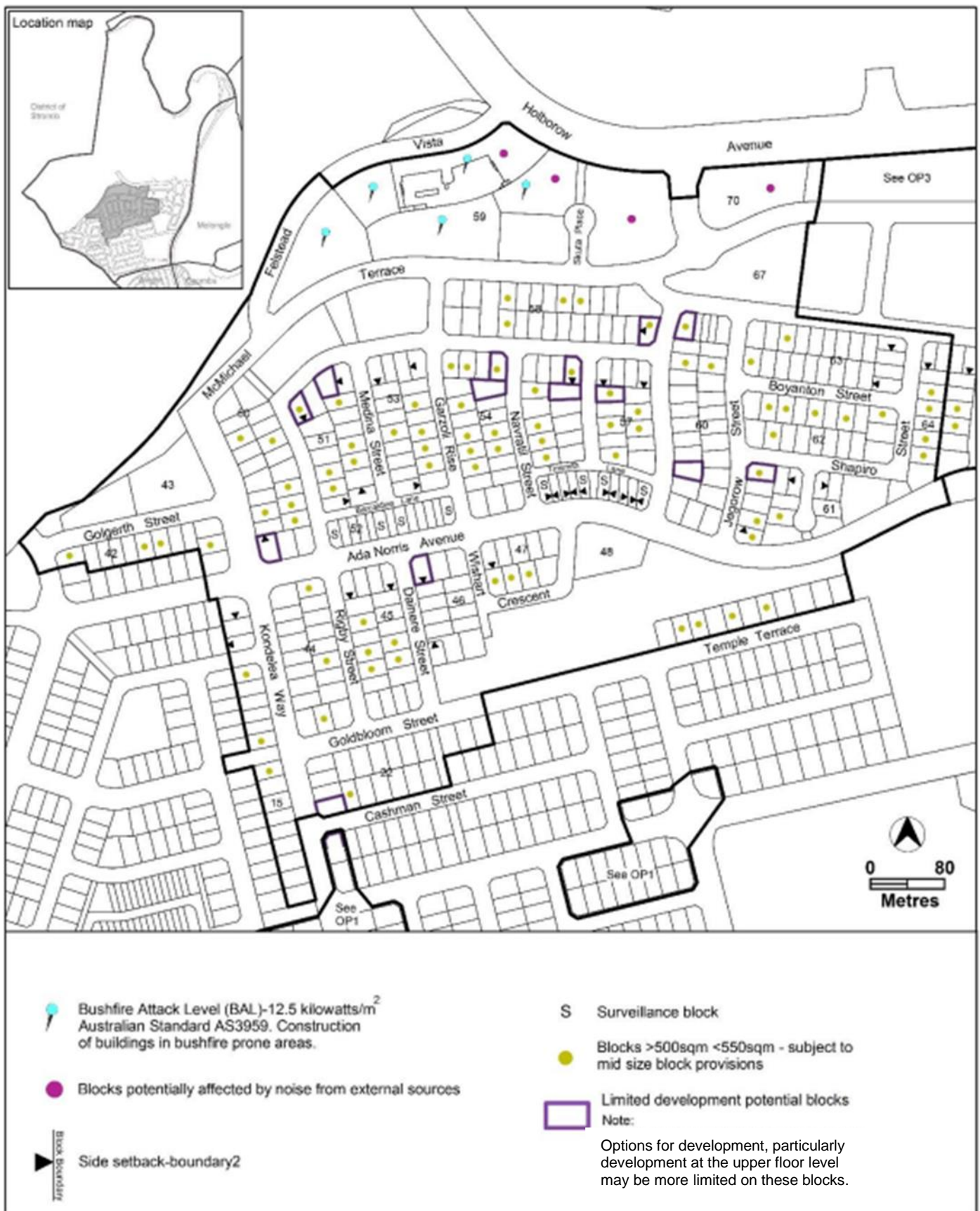


Figure 19 Denman Prospect – Ongoing Provisions

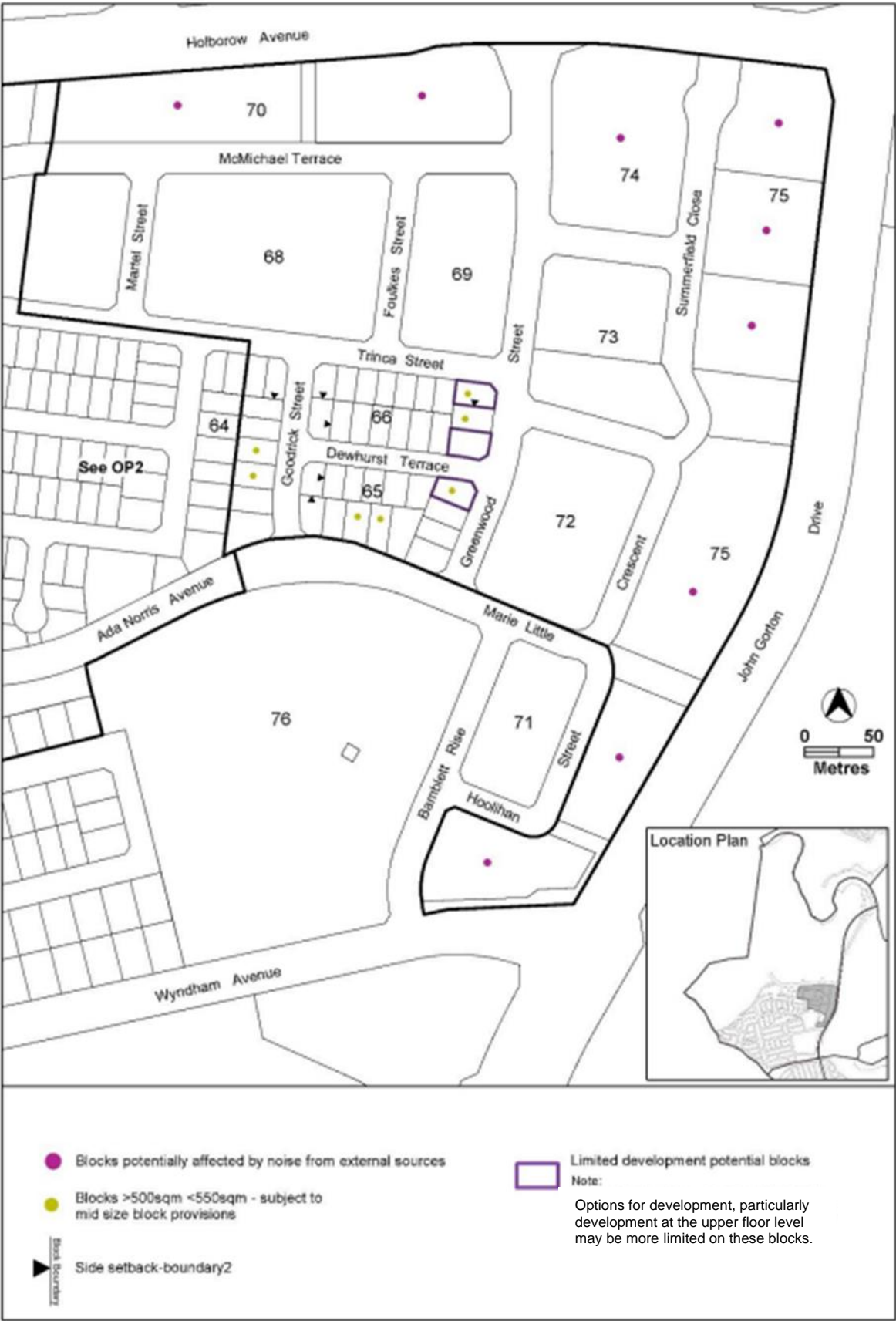


Figure 20 Denman Prospect – Ongoing Provisions

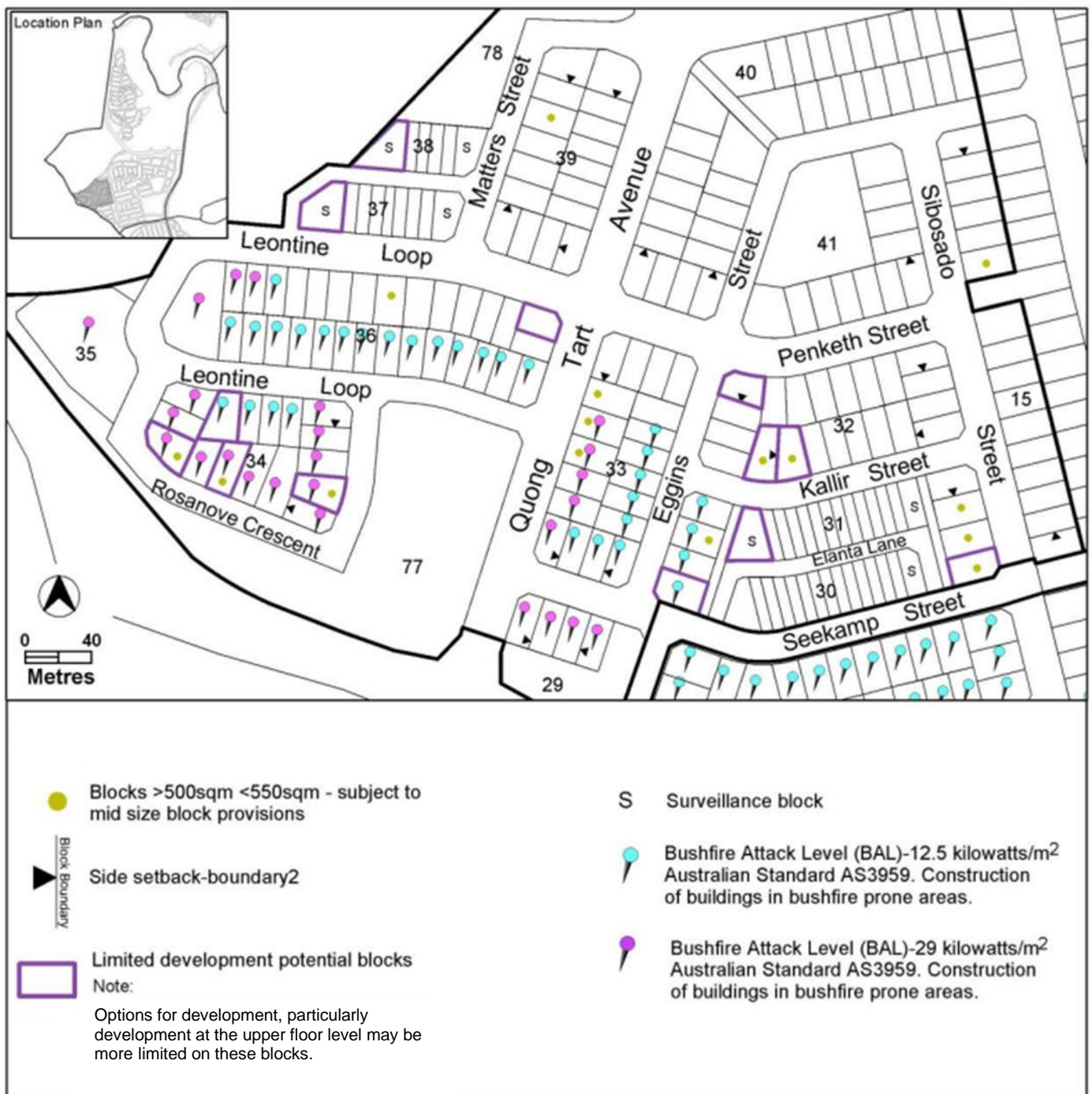


Figure 21 Denman Prospect – Ongoing Provisions

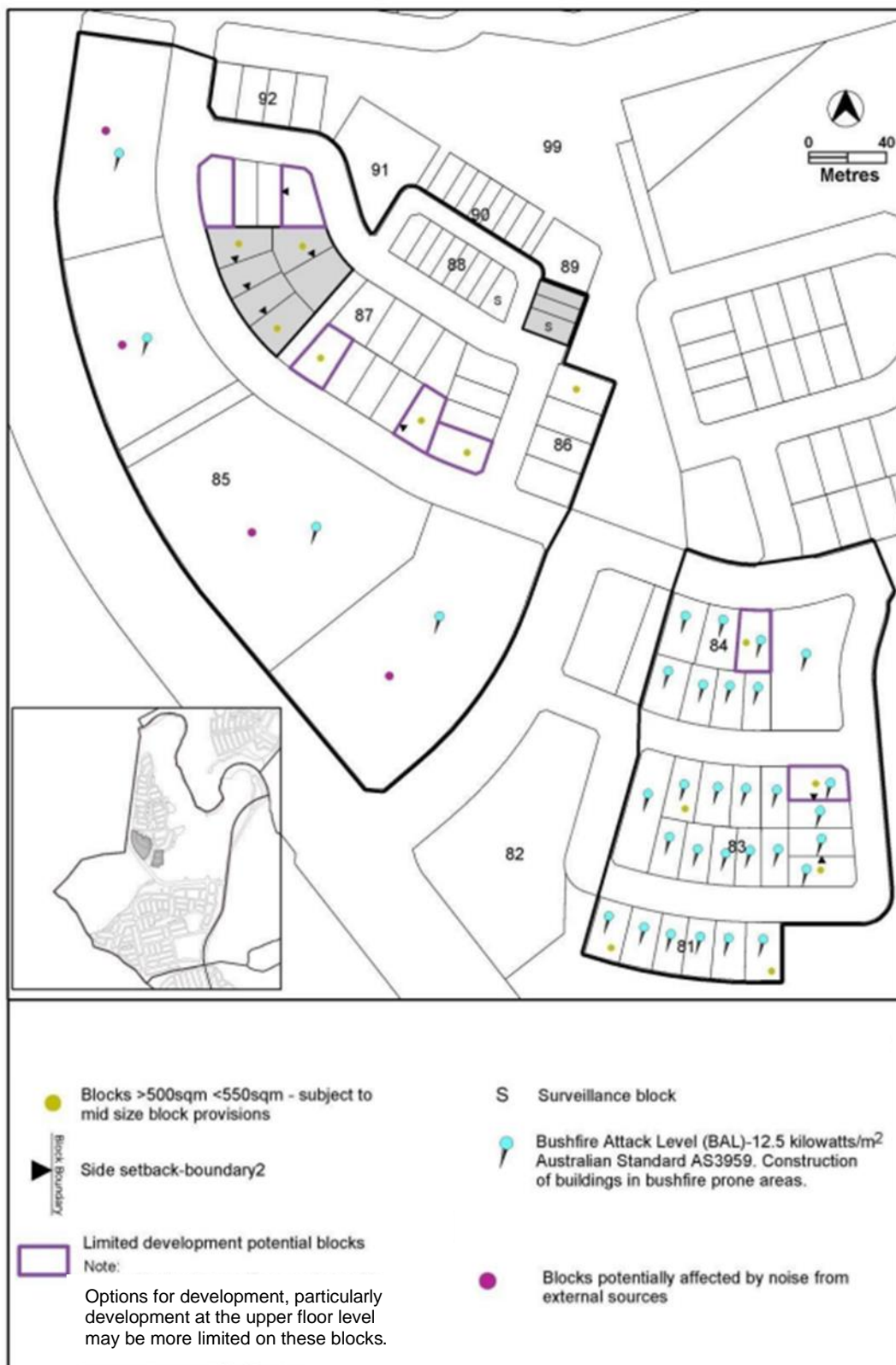


Figure 22 Denman Prospect – Ongoing Provisions

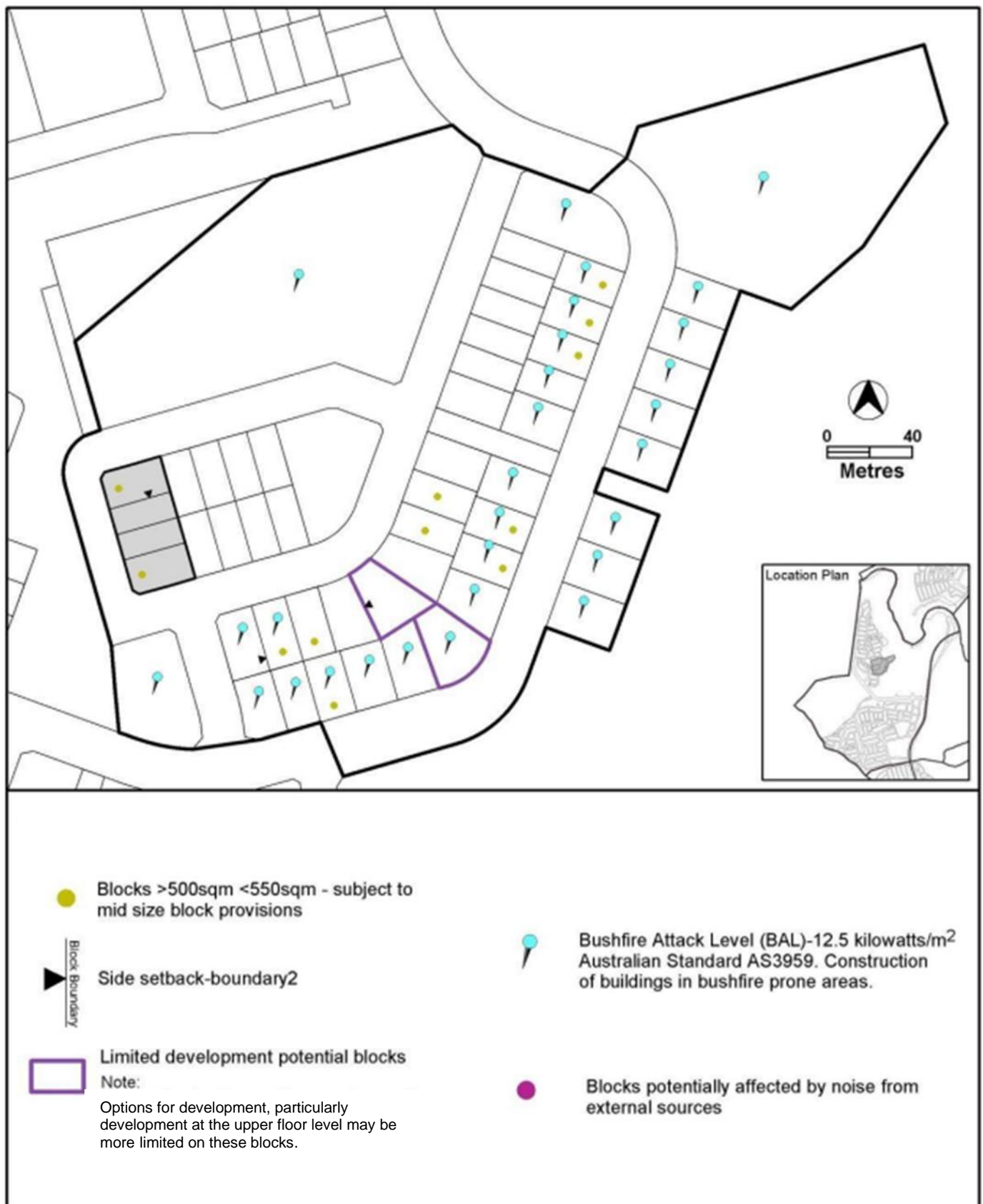


Figure 23 Denman Prospect – Ongoing Provisions

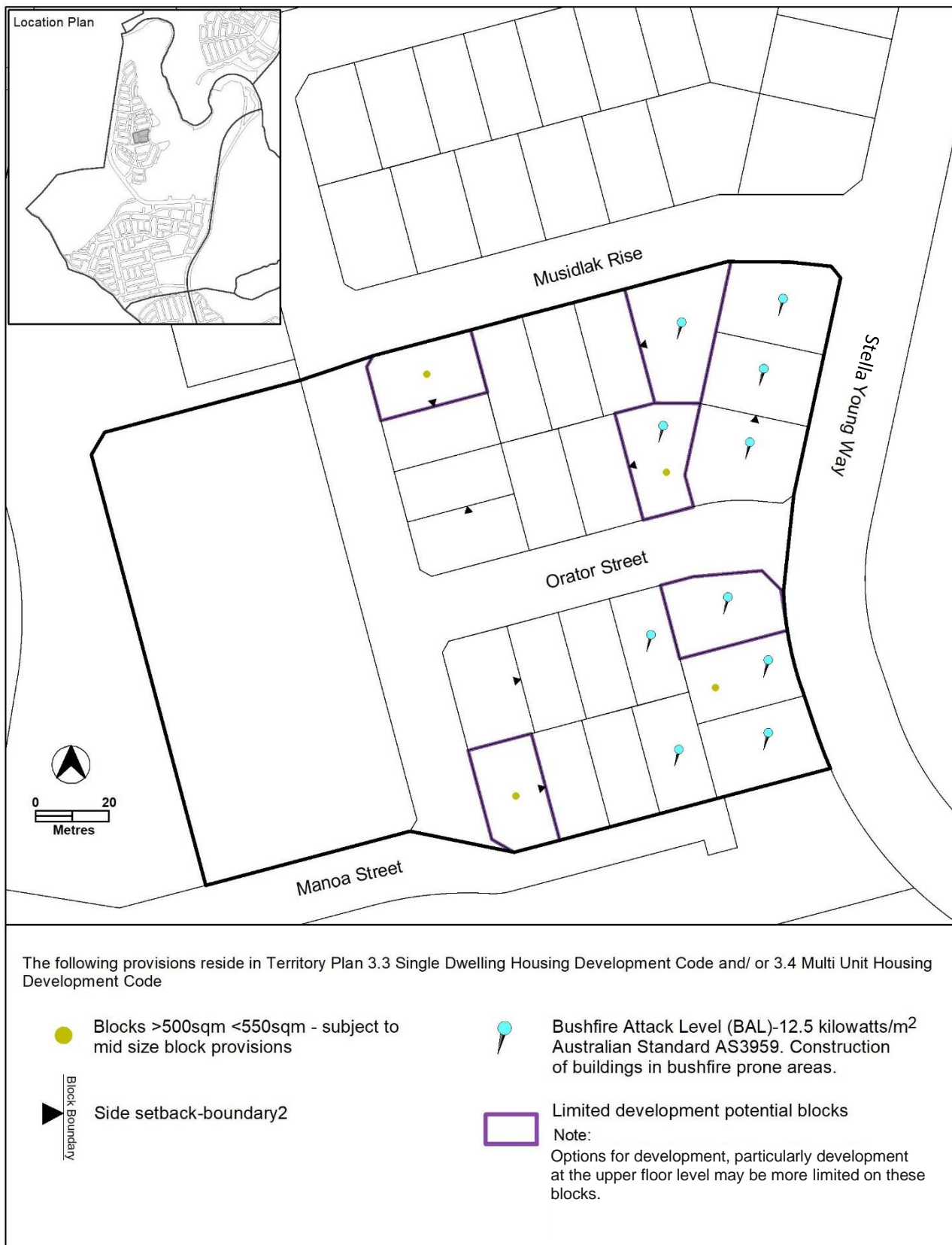


Figure 24 Denman Prospect – Ongoing Provisions

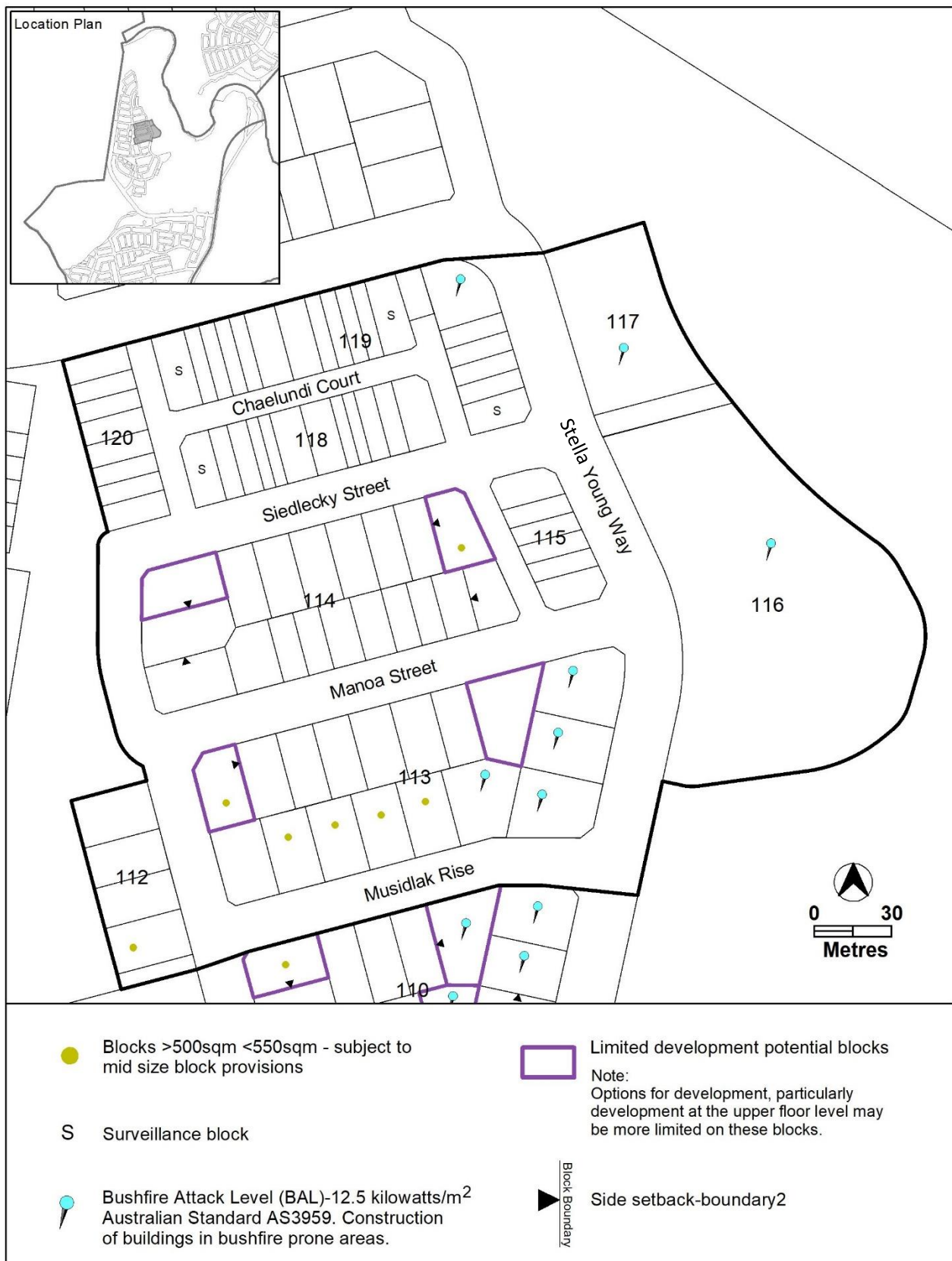


Figure 25 Denman Prospect – Ongoing Provisions



Figure 26 Denman Prospect – Ongoing Provisions

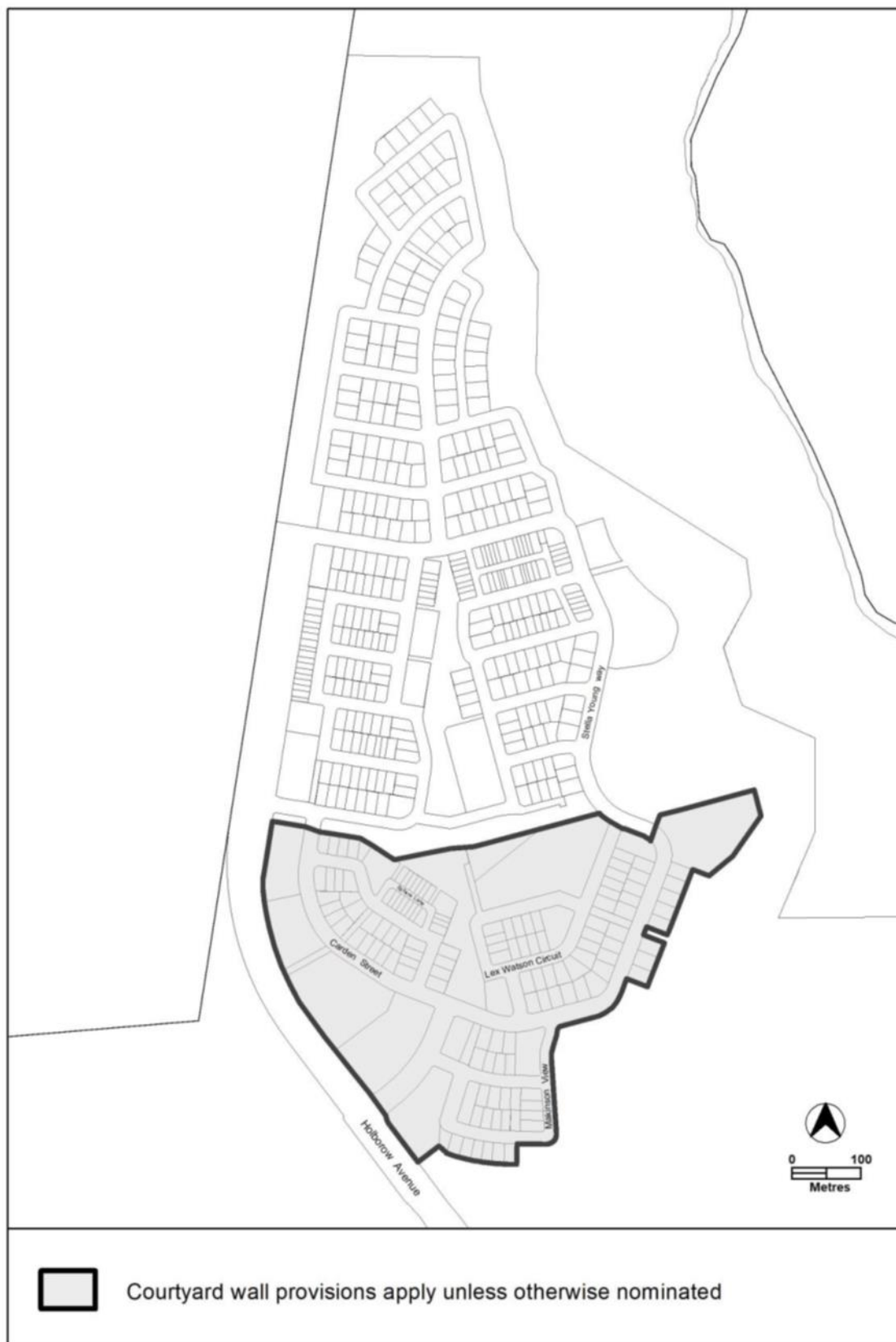


Diagram 1 Denman Prospect Example - Courtyard wall location showing articulated planting zone setback

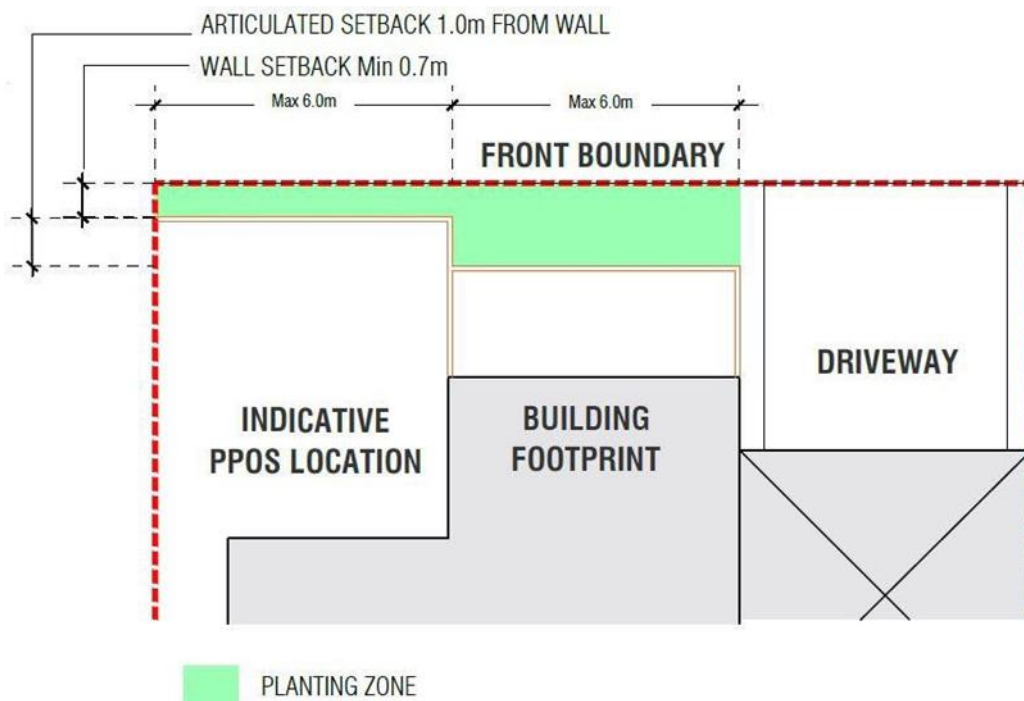


Diagram 2 Denman Prospect Example - Courtyard wall location showing a home fronting urban open space, with an increased setback for a gate entry

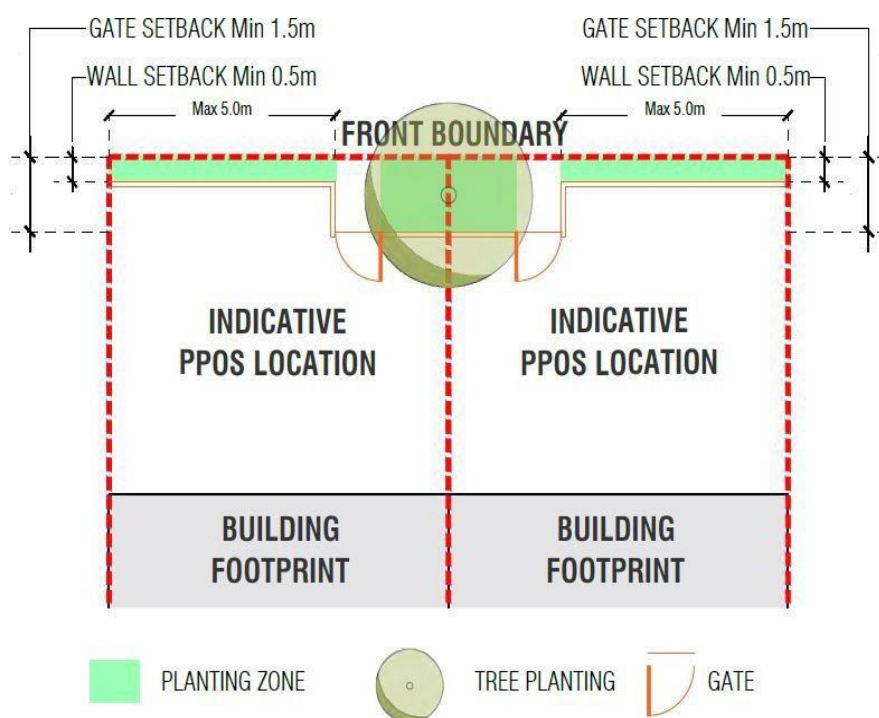


Diagram 3 Denman Prospect Example - Courtyard wall showing a home fronting open space, with an articulated gate entry and planting zone

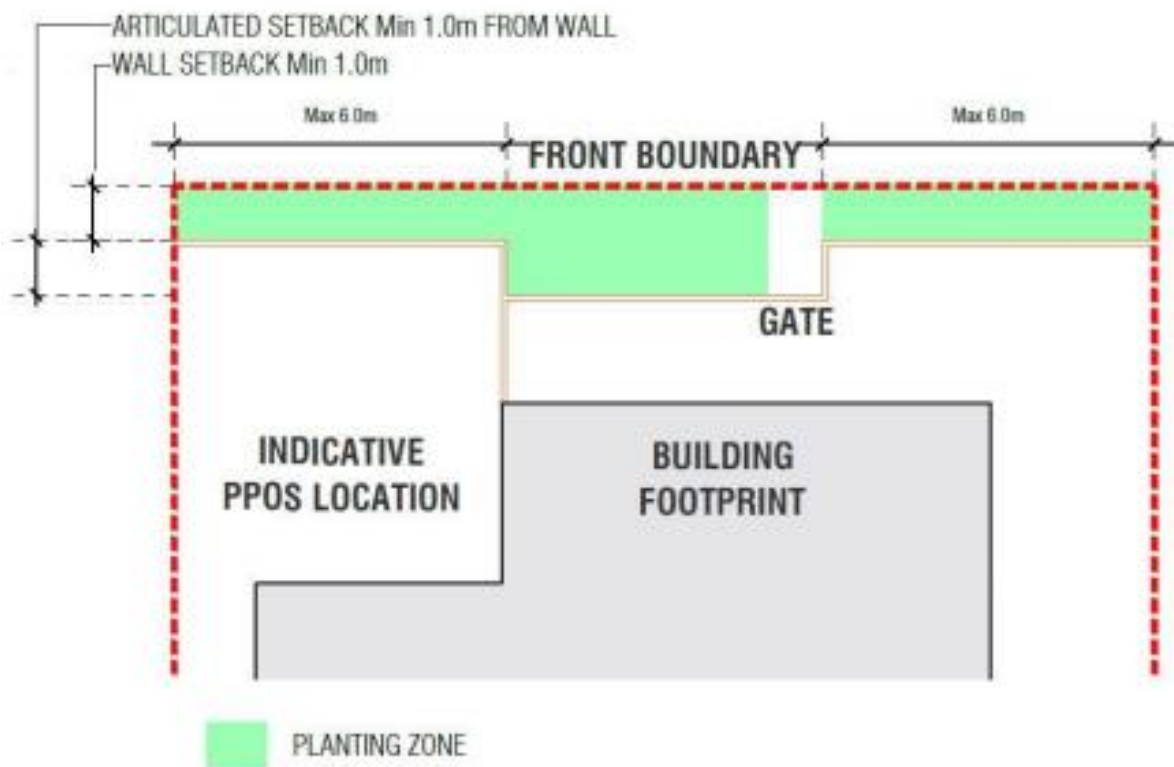


Figure 27 Whitlam – Ongoing Provisions

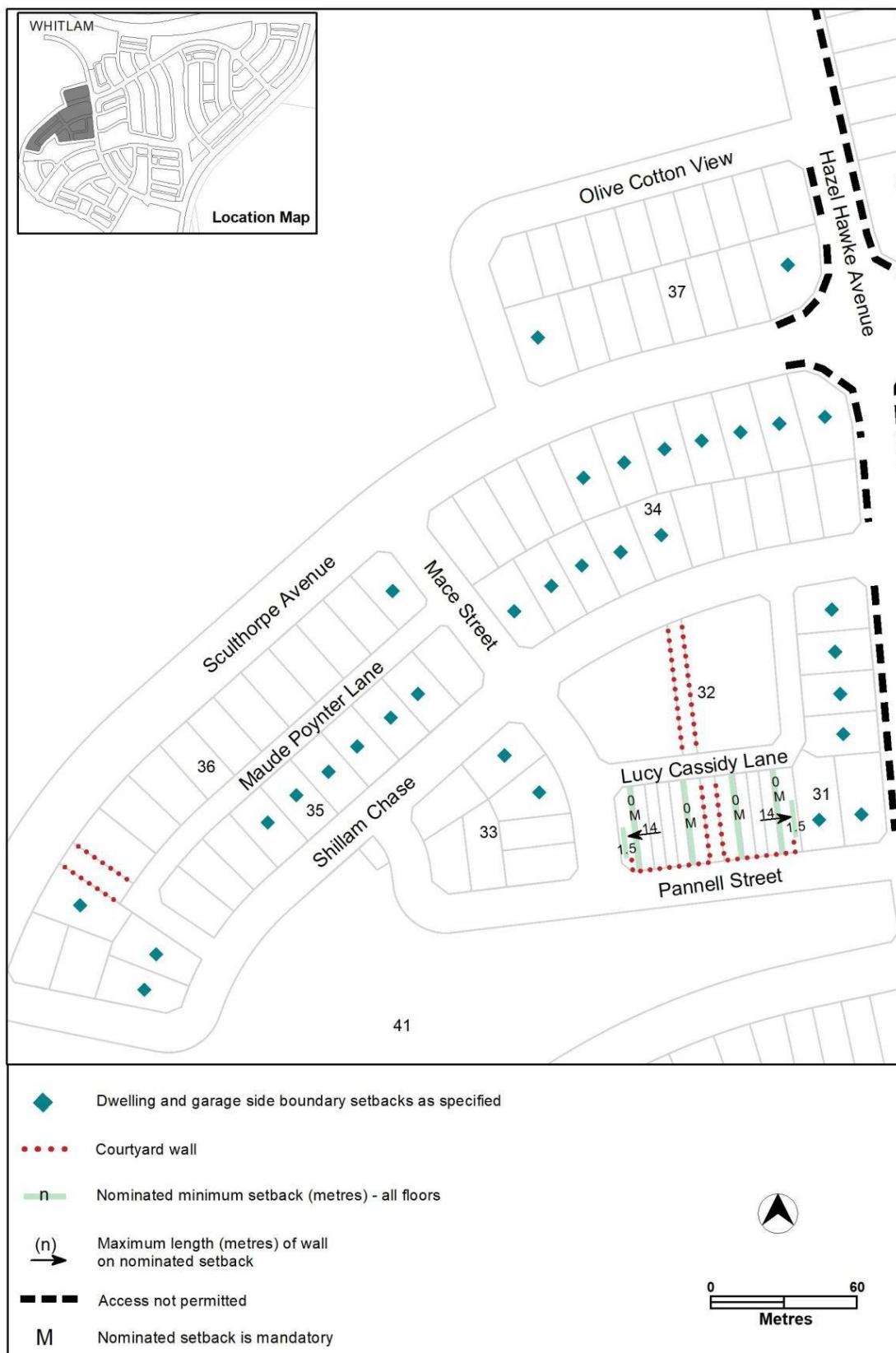


Figure 28 Whitlam – Ongoing Provisions



Figure 29 Whitlam – Ongoing Provisions



Figure 30 Whitlam – Ongoing Provisions



Figure 31 Whitlam – Ongoing Provisions



Figure 32 Whitlam – Ongoing Provisions

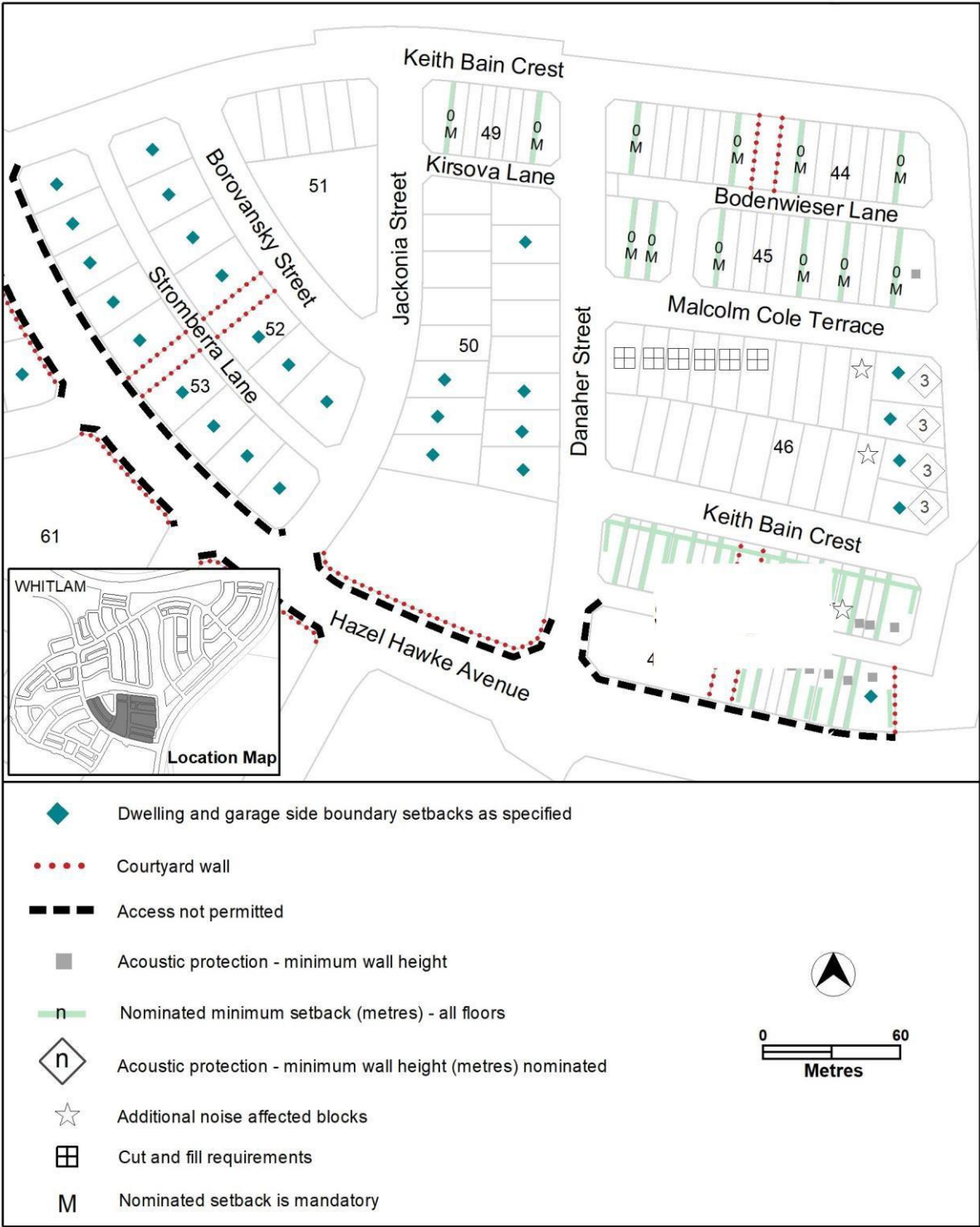


Figure 33 Whitlam – Ongoing Provisions

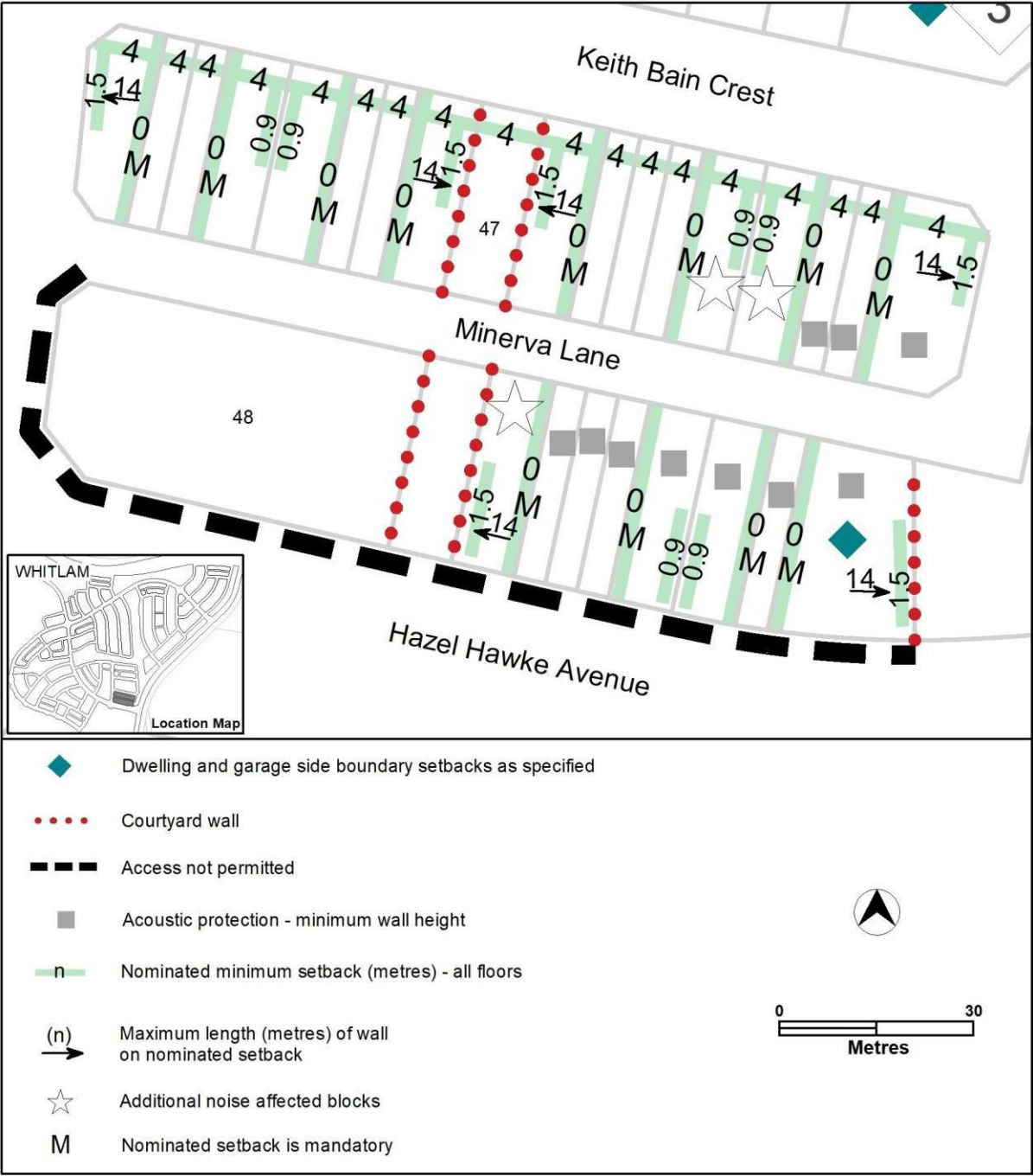


Figure 34 Whitlam – Ongoing Provisions

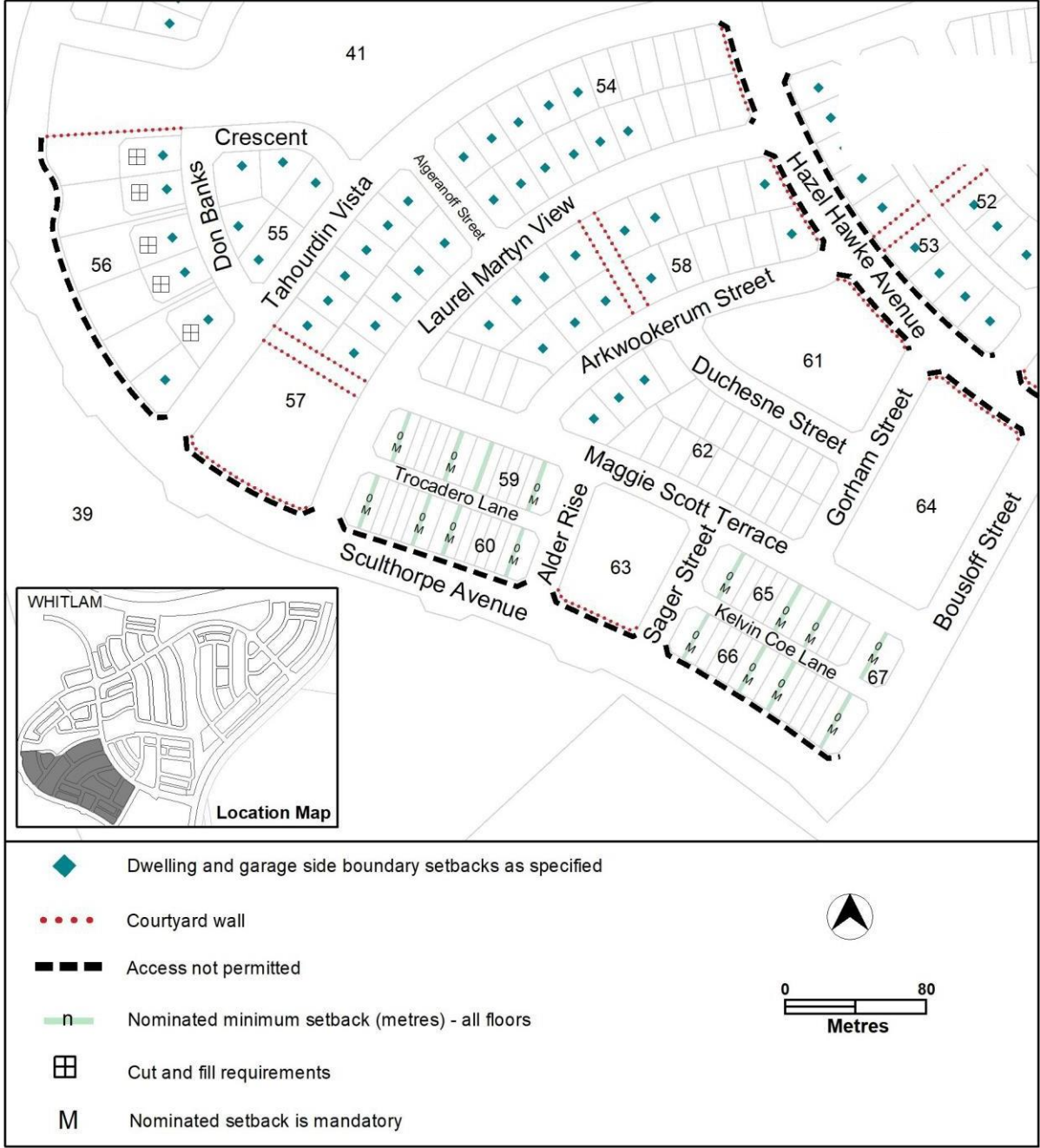
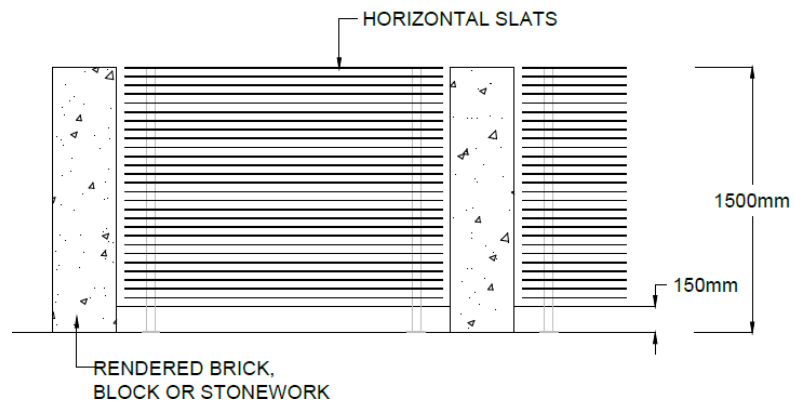


Figure 35 Whitlam – Ongoing Provisions

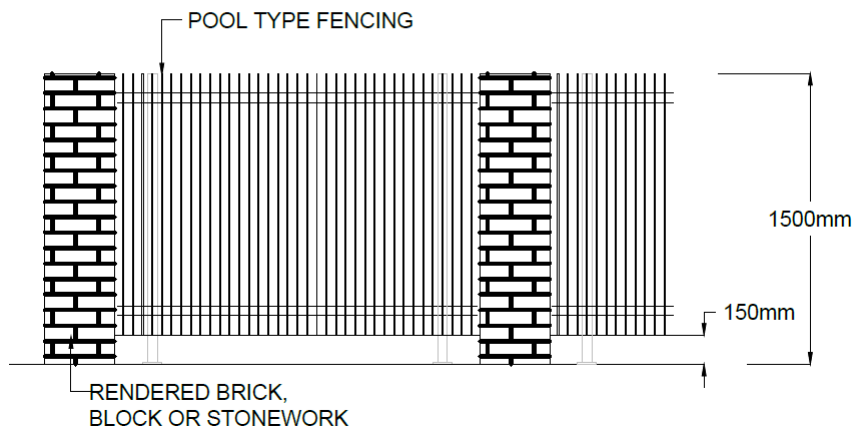


Figure 36 Whitlam – Ongoing Provisions

TYPE 1



TYPE 2



Elevation of courtyard wall

Figure 37 Whitlam – Development Requirements



Figure 38 Whitlam – Development Requirements



Figure 39 Whitlam – Development Requirements



Figure 40 Whitlam – Development Requirements

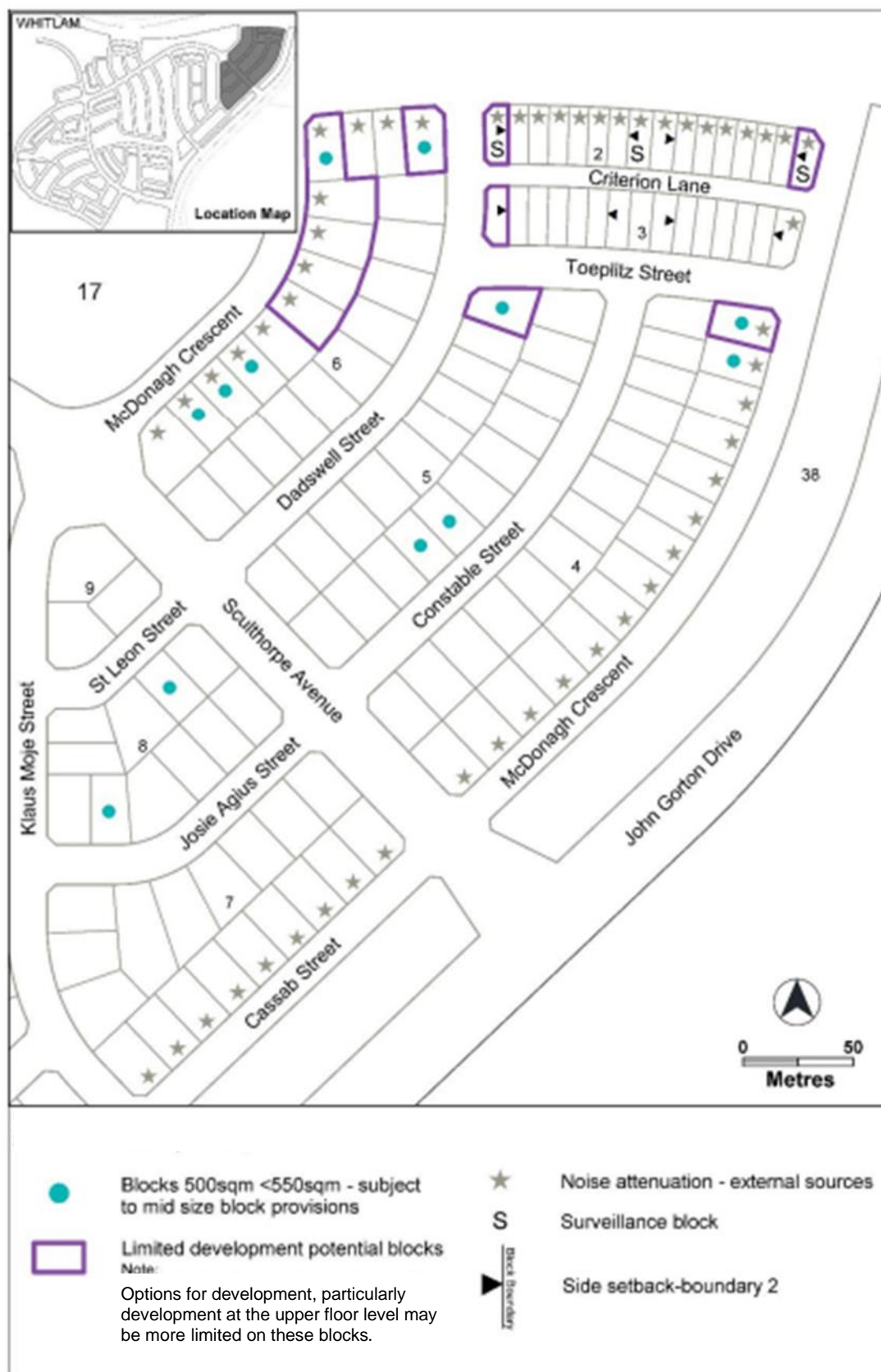


Figure 41 Whitlam – Development Requirements

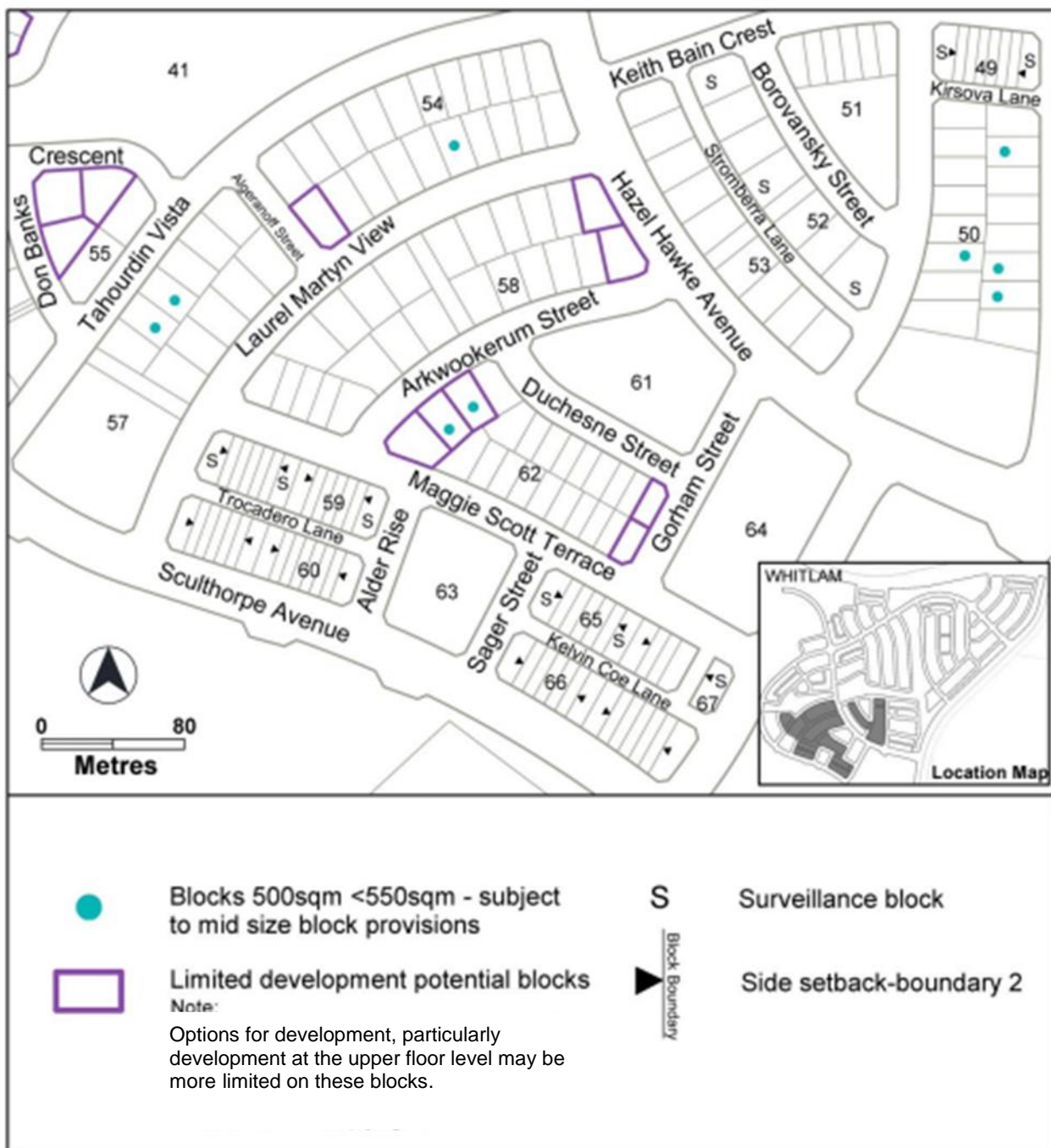


Figure 42 Whitlam – Development Requirements

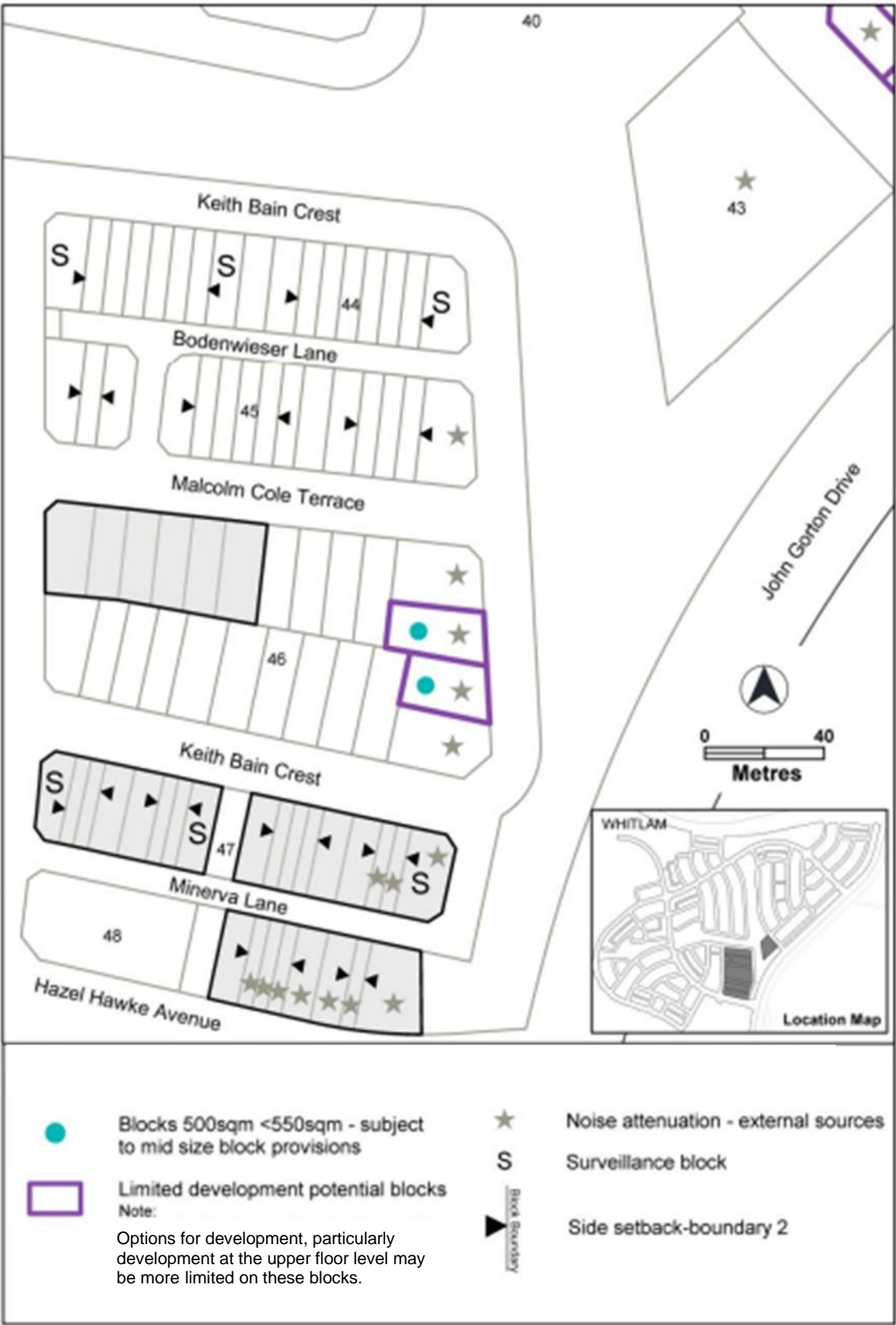


Figure 43 Whitlam – Development Requirements

