# Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 3)

# Notifiable instrument NI2024-550

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 2024 (No 3).* 

# 2 Commencement

This instrument commences on 27 September 2024.

# 3 Declaration

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

# 4 Revocation

This instrument revokes the *Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 2)* (NI2024-433).

George Cilliers Chief Planner 13 September 2024

# Schedule 1

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

# Schedule 1

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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 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*.

Co	Control							
1.	Site coverage	Site	coverage	is a maximum of:				
		,	-	arge blocks: 40% of				
			•		0% of the block area			
	Plot ratio			•	% of the block area.			
2.				large block is a ma			ما عمد عمد العمد	
3.	Pedestrian access				rear lane, pedestrian	access is prov	rided from the	2
_	Duivata anan anasa		street fr		r single dwellings is:			
4.	Private open space	IVIIIII		For large blocks:	r single aweilings is:			
			-	) 60% of the blo	ck area			
				•	um dimension of 6m f	or an area no	t less than 109	% of
				the block area.				,
			b) I	For mid-sized block	KS:			
			i) 40% of the block area					
			ii) Have minimum dimensions as follows:					
			<ul> <li>For blocks less than 360m² – 5m for an area not less than</li> </ul>					
			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 onen space includes principal private onen space						
_	Data da al cada de accesa	Note: Private open space includes principal private open space.  At least one area of principal private open space on the block complies with all of						
5.	Principal private open		ollowing:		vate open space on tr	ie block comp	ones with all o	1
	space		_		dimensions specified	in the table I	below	
			b) a	at ground level				
			-	=	from, and adjacent to	, a habitable	room other th	ian
				a bedroom screened from adio	pining public streets a	nd nublic one	en snace	
			-	=	building line, except		-	/ard
			-	wall	0 , 1		, ,	
					e south, south-east of			
					not less than 3 hours on the cipal private open spa		_	
					ne winter solstice (21		een the nours	OI
					(			
		Note	e: Oversha	adowing from vege	etation is not consider	ed when asse	essing solar	
		acce	SS.					
			Zone	Block type	Dwelling Size*	Minimum	Minimum	1
						Area	Dimension	
			all	Compact	all	16m <sup>2</sup>	4m	
			RZ1	Mid sized	up to 105m <sup>2</sup>	28m <sup>2</sup>	4m	
			RZ2	Large	105 2	26. 2		
				Mid sized	105m <sup>2</sup> or greater	36m <sup>2</sup>	6m	
				Large				
			RZ3	Mid sized				
			RZ4	Large	all	24m <sup>2</sup>	4m	

		* For the purpose of this table, <i>dwelling</i> size is defined as the sum of all floor area measured to the outside face of externals walls including internal walls between the living areas and <i>garage</i> (but excluding the <i>garage</i> ).
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. 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.
		45°  3.5m  boundary
		Encroachments outside the building envelope are permitted for flues, chimneys,
		antennae, aerials, cooling appliances and heating appliances.
		<ul> <li>Notes:</li> <li>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 single dwelling development control.</li> <li>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.</li> <li>For the purposes of this control all height measurements are taken from datum ground level.</li> </ul>
9.	Front boundary	Front setbacks comply with minimum dimensions in <u>Tables 1-3</u> .
	setbacks	Notes:
		<ul> <li>Where a block has more than one street frontage, such as corner blocks, and required front setbacks are not specified in the relevant district single dwelling development control, the secondary street frontage can be nominated by the applicant but must consider the front setback to existing buildings.</li> <li>Public open space refers to unleased land that is accessible by the public.</li> <li>On a block with existing buildings the minimum boundary setbacks are determined by existing buildings.</li> </ul>

	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 Tables 4-7  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.
	<ul> <li>Notes:</li> <li>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 single dwelling development control.</li> <li>On a block with existing buildings the allocation of side boundary 1 and side boundary 2 must consider the side and rear setbacks of existing buildings or garage/carport.</li> <li>Minimum setback and wall length requirements do not apply to the part of the building that is specified in a district single dwelling development control to be built to the boundary.</li> </ul>
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, clotheslines, hot water systems, chimneys, flues, domestic fuel tanks, cooling or heating appliances, electricity and gas meters, aerials, antennae, unroofed pergolas, solar inverters and batteries.
	Note: noise from appliances must comply with the noise standards.

# **Tables 1-3 – Front boundary setbacks**

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

				exceptions	
	block size	primary front boundary setback	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	Large		4m		1.5m
level	Mid-sized	6m	2	4m	
	Compact		3m		
upper floor	Large		6m		
level	Mid-sized	6m	2	4m	1.5m
	Compact		3m		
garage or carport		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

				exceptions		
	block size	primary front boundary setback	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	Large		4m			
level	Mid-sized	4m	3m	4m	1.5m	
	Compact		3111			
upper floor	Large		6m			
level	Mid-sized	6m	3m	4m	1.5m	
	Compact		3111			
garage or carport		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

				exceptions	
	block size	primary front boundary setback	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	Large	4m		4m	
level	Mid-sized	4m*	3m	3m	0m
	Compact	3m		3111	
upper floor	Large	6m		4m	
level	Mid-sized	4m	3m	2,50	0m
	Compact	3m		3m	
garage or		5.5m with a minimu	ım of 1.5m behind the		
carport		front building line except where there is a		4m	0m
		courtyard wall	in the front zone		

<sup>\*</sup>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)

# Tables 4-7 – Side and rear boundary setbacks

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

	minimum side boundary setback within the <i>primary building zone</i>	minimum side boundary setback within the <i>rear zone</i>	minimum rear boundary setback	
	side boundary	side boundary		
lower floor level* – external wall	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	

<sup>\*</sup> includes basements

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

	minimum side boo within the <i>primar</i>	•	minimum side bour the <i>rec</i>	minimum rear	
	side boundary 1	side boundary 2	side boundary 1	Side boundary 2	boundary setback
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
garage* or carport	3m	0m	3m	0m	3m

<sup>\*</sup> includes basements

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

	boundary setback nary building zone	minimum side boun the <i>red</i>	minimum rear boundary	
side boundary 1	side boundary 2	side boundary 1	side boundary 2	setback

<sup>\*\*</sup> A 0m setback is only permitted on one boundary

lower floor level*	1.5m	0m	3m	0.9m	3m 0m**
upper floor level – external wall	3m	1.5m 0m**	6m	6m	6m 0m**
upper floor level - unscreened element	6m	6m	6m	6m	6m

<sup>\*</sup> includes basements

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**

<sup>\*</sup> includes basements

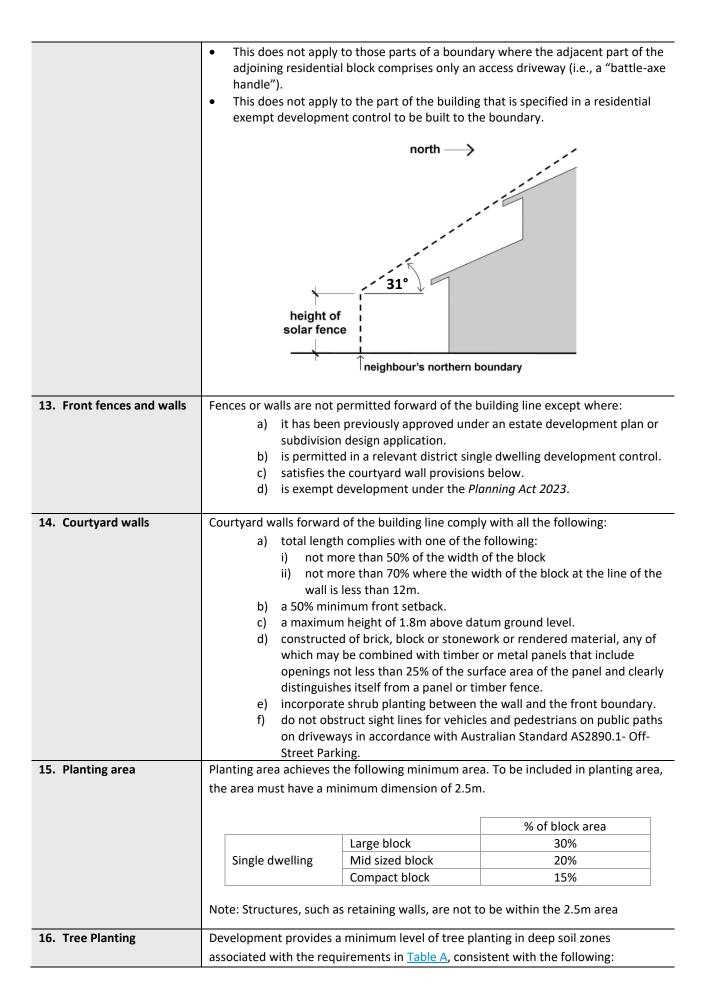
Notes:

# Buildings are sited wholly within the solar building envelope formed by planes projected over the subject block at 31° 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.

<sup>\*\*</sup> only where specifically permitted under a district single dwelling development control

<sup>\*\*</sup> only where specifically permitted under a district single dwelling development control

<sup>\*\*\*</sup> only where the lower floor level is built to the boundary



- 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 <u>Table B</u>); and one additional large tree or two additional medium trees for each additional 800m² block area (or equivalent existing tree/s see <u>Table B</u>)

All new trees proposed are in accordance with utilities requirements. For existing trees on the site, <u>Table B</u> 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**	18m³
Medium Tree	8-12m	6m	5m	75**	42m³
Large Tree	>12m	8m	7m	75**	85m <sup>3</sup>

#### 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.

# 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

17. Water sensitive urban	Option A
design	All new single dwellings and extensions and alterations (except extensions of a
	size 50% or less of existing gross floor area, or development where no new
	plumbing is proposed), meet one of the following options:

<sup>\*</sup>Minimum pot size refers to the container size of new trees prior to planting.

<sup>\*\*</sup>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.

<sup>\*\*\*</sup>Provided the minimum canopy diameter of the respective tree size can be met, this can be counted as meeting the tree size requirement.

- 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 75m<sup>2</sup> 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<sup>2</sup>:
  - i) minimum on-site water storage of water from roof harvesting is 4,000 litres
  - ii) 50% or 100m<sup>2</sup> 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<sup>2</sup> 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: <a href="https://www.planning.act.gov.au/professionals/regulation-and-responsibilities/responsibilities/water-efficiency">https://www.planning.act.gov.au/professionals/regulation-and-responsibilities/responsibilities/water-efficiency</a>.

# 18. 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).

# 19. 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 single dwelling development control:  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.
20. Number of car parking spaces	At least 2 car parking spaces are provided on site, unless the development is a single bedroom dwelling on a compact block, in which case at least 1 car parking space is provided.
21. Dimensions of car	Dimensions* of car parking spaces are not less than the following:
parking spaces	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.
22. Access for car parking	Access for car parking spaces, driveways and vehicle manoeuvring areas meets
spaces	relevant requirements in AS 2890.1, the Australian Standard for Parking Facilities,
	such as manoeuvring to and from and within the development, sightlines and
	gradients.
23. Location of car parking	Car parking spaces are provided to meet the following:
spaces	<ul><li>a) are not located in the front zone; except on:</li><li>i) compact blocks</li></ul>
	<ul> <li>i) compact blocks</li> <li>ii) any part of a driveway in tandem with another car parking space that is located behind the front building line.</li> </ul>
	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.
24. Basement carparking	For basement car parking:
24. Dasement Carparking	a) 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.
	b) The maximum total width of an entry and/or exit facing the street is 8m.
25. Garage and carport	The maximum total width of garage door openings and external width of carports
openings	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.
26. Verge crossings	Verge crossings comply with the following:
J J	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.
27. Servicing and	Proposed development can be sufficiently serviced in terms of infrastructure and
infrastructure	utility services.
	1 11 14 17 1777

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.