



**ACT**  
Government

Environment and  
Sustainable Development

# Residential Zones Development Code



# Contents

<b>Introduction .....</b>	<b>1</b>
<b>Relevant Development Codes and General Codes .....</b>	<b>3</b>
<b>Part A – Residential housing development .....</b>	<b>5</b>
Element 1: Single dwelling housing development.....	5
1.1 Single dwelling housing development code .....	5
Element 2: Multi unit housing development .....	5
2.1 Multi unit housing development code.....	5
<b>Part B – Other forms of residential development .....</b>	<b>6</b>
Element 3: Supportive housing <b>and retirement village</b> .....	6
3.1 Design and siting.....	6
Element 4: Secondary residences .....	6
4.1 Design and siting.....	6
4.2 Subdivision .....	8
4.3 Parking .....	8
Element 5: Residential care accommodation.....	8
5.1 Design and siting.....	8
5.2 Distribution .....	9
Element 6: Boarding houses .....	9
6.1 Design and siting.....	9
6.2 Subdivision .....	10
6.3 Distribution .....	10
Element 7: Guest houses.....	11
7.1 Design and siting.....	11
7.2 Distribution .....	11
Element 8: Co-housing in RZ2—RZ5 .....	11
8.1 Design and siting.....	11
8.2 Subdivision .....	12
8.3 Parking .....	12
<b>Part C – Demolition .....</b>	<b>13</b>
Element 9: Demolition .....	13
9.1 Statement of endorsement.....	13
9.2 Hazardous materials survey .....	13
<b>Part D – Subdivision and consolidation .....</b>	<b>15</b>
Element 10: Subdivision and consolidation .....	15
10.1 Subdivision and consolidation of blocks – general .....	15
10.2 Consolidation of standard blocks – RZ1 .....	15
10.3 Consolidation of standard blocks – RZ2 .....	16
10.4 Subdivision of standard blocks – RZ1.....	16
10.4A Subdivision of blocks other than standard blocks – RZ1 .....	17
10.5 Subdivision of a dual occupancy – other than RZ1 .....	17
10.6 Requirements for access and utility easements .....	17
10.7 Restrictions on irregular shaped blocks .....	18
Element 11: Subdivision and consolidation – heritage listed.....	18
11.1 Consolidation of standard blocks - RZ1 .....	18
11.2 Subdivision of standard blocks – heritage registered - RZ1 .....	18
11.3 Subdivision or consolidation of blocks – other than RZ1 .....	19
<b>Part E – Non-residential uses .....</b>	<b>20</b>
Element 12: Community uses .....	20
12.1 Distribution .....	20

<b>Part F – Other development .....</b>	<b>22</b>
Element 13: Matters for consideration .....	<b>22</b>
13.1 Suitability of the site for the proposed development .....	22
<b>Part G – General controls.....</b>	<b>23</b>
Element 14: Redevelopment.....	<b>23</b>
14.1 Redevelopment generally – RZ1 and RZ2 .....	23
14.2 Plot ratio – redevelopment .....	23
14.3 Number of storeys – redevelopment – RZ1, RZ2, RZ3, RZ4 and RZ5 .....	23
14.4 Height of buildings – redevelopment.....	24
Element 15: Environment.....	<b>24</b>
15.1 Heritage.....	24
15.2 Tree protection .....	25
15.3 Bushfire .....	25
15.4 Erosion and sediment control .....	25
15.5 Contamination .....	26

# Introduction

## Name

The name of this code is **Residential Zones Development Code**.

## Application

This code applies to all development in the following residential zones

RZ1 – Suburban Zone

RZ2 – Suburban Core Zone

RZ3 - Urban Residential Zone

RZ4 - Medium Density Residential Zone

RZ5 - High Density Residential Zone

## National Capital Plan

Where a development is subject to special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, the development cannot be inconsistent with the special requirements or development control plan. Where any provision of this code is inconsistent with special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, that provision has no effect.

## Purpose

This code provides additional planning, design and environmental controls to support the objectives of the relevant residential zone.

It will be used by the Authority to assess development applications. It also offers guidance to intending applicants in designing development proposals and preparing development applications, and makes reference to other relevant codes, where appropriate.

## Structure

This code has an introduction, a reference to other relevant codes and the following parts:

**Part A – Residential housing development** makes reference to other development codes for single dwelling housing development and multi-unit housing development.

**Part B – Other forms of residential development**

**Part C – Demolition**

**Part D – Subdivision and Consolidation** contains provisions relating to residential subdivision and consolidation that are not covered by the Estate Development Code.

**Part E – Non-residential uses** provides controls that are applicable to forms of non-residential development located in a residential zone, but only where such uses are authorised by the P&D Act or a *lease*.

**Part F – Other development**

**Part G – General controls**

This code has a number of elements. Each element has one or more rules, and each rule has an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

### **Assessment tracks**

Assessment tracks for particular developments are specified in the relevant residential zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate, through supporting drawings and/or written documentation, that the relevant criterion is satisfied. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

### **Code hierarchy**

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development and there is inconsistency between provisions, the order of precedence is: precinct code, development code, and general code.

### **Definitions**

Defined terms, references to legislation and references to other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

### **Acronyms**

ACTPLA	ACT Planning and Land Authority
EDD	ACT Economic Development Directorate
EDP	estate development plan
EPA	ACT Environment Protection Authority
ESA	Emergency Services Authority
ESDD	ACT Environment and Sustainable Development Directorate
NCA	National Capital Authority
NCC	National Construction Code
P&D Act	Planning and Development Act 2007
TAMS	ACT Territory and Municipal Services Directorate

## Relevant Development Codes and General Codes

Development codes that may be relevant to certain development or use in the residential zone are marked Y in table 1. Where more than one development code applies, and there is an inconsistency between the provisions of the codes, the residential zones development code shall prevail to the extent of that inconsistency.

**Table 1 – Development codes applicable to development and uses in residential zones.**

development/ use*	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
ancillary use	Y		
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
child care centre	Y		
co-housing	Y	Y	Y
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business**			
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement village	Y	Y	
secondary residence	Y		Y
shop	Y		
sign	Y		
single dwelling housing	Y		Y
special dwelling (one dwelling)	Y		Y
special dwelling (more than one dwelling)	Y	Y	
subdivision	Y		
supportive housing	Y	Y	
temporary use	Y		

\*Listed development is only applicable where it complies with the relevant zone development table and/or precinct code.

\*\* see Home Business General Code

In addition to the **development codes** specified above, **precinct codes** and **general codes** may be relevant.

**Precinct codes** are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

End-of-Trip Facilities General Code

Home Business General Code

Lease Variation General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

**General codes** are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.



## Part A – Residential housing development

This part refers to the relevant general codes for single dwelling housing and multi-unit housing development.

### Element 1: Single dwelling housing development

Rules	Criteria
<b>1.1 Single dwelling housing development code</b>	
R1 <i>Single dwelling housing</i> complies with the Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

### Element 2: Multi unit housing development

Rules	Criteria
<b>2.1 Multi unit housing development code</b>	
R2 <i>Multi unit housing</i> complies with the Multi-unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

## Part B – Other forms of residential development

This part applies to development applications for residential development other than *single dwelling housing* and *multi-unit housing* in all residential zones.

### Element 3: Supportive housing and retirement village

Rules	Criteria
<b>3.1 Design and siting</b>	
There is no applicable rule.	<p>C3</p> <p>Buildings accommodating <i>supportive housing</i> or <i>retirement village</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>c) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>d) compatibility with exterior building materials of existing buildings in the locality.</li> </ul>
<p>R4</p> <p>All <i>dwelling</i>s for the purpose of <i>supportive housing</i> or <i>retirement village</i> meet both of the following:</p> <ul style="list-style-type: none"> <li>a) Australian Standard <i>AS4299 Adaptable housing</i> (Class C)</li> <li>b) Access and Mobility General Code.</li> </ul>	This is a mandatory requirement. There is no applicable criterion.
<p>R5</p> <p>For a <i>standard block</i> containing <i>supportive housing</i> or <i>retirement village</i> the maximum <i>plot ratio</i> for the whole block is specified in table 2.</p>	This is a mandatory requirement. There is no applicable criterion.

### Element 4: Secondary residences

Secondary residences are subject to this element and elements 1 and 6 of the Single Dwelling Housing Development Code. Where there is an inconsistency between this element and the Single Dwelling Housing Development Code, this element shall prevail to the extent of that inconsistency.

Rules	Criteria
<b>4.1 Design and siting</b>	
<p>R6</p> <p>A <i>secondary residence</i> is developed only in association with <i>single dwelling housing</i>.</p>	This is a mandatory requirement, there is no applicable criterion.

Rules	Criteria
<p>R7</p> <p>The maximum <i>dwelling size</i>* of a secondary residence is 90m<sup>2</sup>.</p> <p>*For the purpose of this rule, <i>dwelling size</i> is the floor area measured to the outside face of external walls (including internal walls between the living areas and garage) but excludes the <i>garage</i>.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R8</p> <p>The minimum <i>gross floor area</i> of a <i>secondary residence</i> is 40m<sup>2</sup>.</p>	<p>C8</p> <p>A <i>secondary residence</i> is of a size sufficient to meet the needs of a typical resident.</p> <p>Residents of the secondary residence sharing facilities such as storage or a laundry with the residents of the primary residence may be considered when determining compliance with this criterion.</p>
<p>R9</p> <p>The minimum block size for <i>secondary residence</i> is 500m<sup>2</sup>.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R10</p> <p>The <i>plot ratio</i> for all buildings on a block with a <i>secondary residence</i> does not exceed the maximum <i>plot ratio</i> for <i>single dwelling housing</i> on the <i>block</i>, as prescribed in Element 1 of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R11</p> <p>For blocks containing a secondary residence:</p> <ol style="list-style-type: none"> <li>a) <i>Secondary residences</i> comply with Element 1 and Element 6 of the Single Dwelling Housing Development Code</li> <li>b) The main residence continues to comply with the provisions of the Single Dwelling Housing Development Code.</li> </ol>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R11A</p> <p>The total <i>private open space</i> on the <i>block</i> complies with the <i>private open space</i> for <i>single dwelling housing</i> as prescribed in Element 5 of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R12</p> <p>No <i>block</i> contains more than one <i>secondary residence</i>.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R13</p> <p>A <i>secondary residence</i> complies with <i>Australian Standard AS 4299 Adaptable housing (Class C)</i>.</p>	<p>C13</p> <p>Secondary residence is easily adaptable to suit the needs of people with disabilities.</p>

Rules	Criteria
There is no applicable rule.	C14 The development is consistent with the <i>desired character</i> .
R15 The minimum separation between an <i>unscreened element</i> and an <i>external wall</i> on the same <i>block</i> is 3m.	C15 The outlook from an <i>unscreened element</i> is not unreasonably impeded by <i>external walls</i> .
R16 The separation between <i>external walls</i> at the <i>lower floor level</i> on the same <i>block</i> is not less than 1m.	C16 The separation between blank walls on the same or adjoining blocks at ground level achieves reasonable access for maintenance.
<b>4.2 Subdivision</b>	
R17 <i>Subdivision</i> to provide separate title to a <i>secondary residence</i> , including <i>subdivision</i> under the <i>Unit Titles Act 2001</i> , is not permitted.	This is a mandatory requirement, there is no applicable criterion.
<b>4.3 Parking</b>	
R18 At least one parking space is provided in addition to that required for the primary residence.	C18 Car parking on the block is adequate for current and future residents and visitors.
R19 The parking space associated with the <i>secondary residence</i> is not located in the <i>front zone</i> .	C19 Car parking and related access on the block achieve all of the following: a) Reasonable amenity of neighbouring <i>residential blocks</i> b) Consistency with the value of the <i>streetscape</i> c) Public safety especially in relation to pedestrians and cyclists d) Reasonable surveillance of parking spaces

## Element 5: Residential care accommodation

Rules	Criteria
<b>5.1 Design and siting</b>	
R20 <i>Residential care accommodation</i> comprising 2 or more <i>dwellings</i> complies with Element 3 of the Multi Unit Housing Development Code, except provisions applying to <i>plot ratio</i> .	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
R21 <i>Residential care accommodation</i> comprising one dwelling complies with Element 1 of the Single Dwelling Housing Development Code, except for provisions relating to <i>plot ratio</i> .	This is a mandatory requirement. There is no applicable criterion.
R22 For <i>residential care accommodation</i> developments, the maximum plot ratio is specified in table 2.	C22 Buildings accommodating <i>residential care accommodation</i> achieve all of the following: 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> c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> d) compatibility with exterior building materials of existing buildings in the locality.
R23 All <i>dwellings</i> for the purpose of <i>residential care accommodation</i> meet both of the following: a) Australian Standard <i>AS4299 Adaptable housing</i> (Class C) b) Access and Mobility General Code.	This is a mandatory requirement. There is no applicable criterion.
<b>5.2 Distribution</b>	
R24 No <i>section</i> has more than one <i>residential care accommodation</i> development.	C24 <i>Residential care accommodation</i> developments are distributed to protect the amenity of residential areas.

## Element 6: Boarding houses

Rules	Criteria
<b>6.1 Design and siting</b>	
R25 The minimum <i>gross floor area</i> of a boarding room is: a) for a single occupant - 12m <sup>2</sup> b) for 2 or more occupants - 16m <sup>2</sup>	C25 It can be demonstrated that: A boarding room is of a size sufficient to accommodate the needs of a <i>boarding house</i> resident. This includes space for the provision of essential items such as a bed, desk and robe. Adequate circulation space within the boarding room is also provided.

Rules	Criteria
<p>R25A</p> <p>This rule applies to <i>boarding house</i> in RZ1.</p> <p>The maximum number of bedrooms in the boarding house is 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R25B</p> <p>This rule applies to <i>boarding house</i> in RZ2.</p> <p>The maximum number of bedrooms in the boarding house is 10.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R26</p> <p>If a <i>boarding house</i> is to be occupied by five or more adults, at least one communal living room of at least 16m<sup>2</sup> with a minimum dimension of 3 metres is to be provided.</p>	<p>C26</p> <p>It can be demonstrated that:</p> <p>Communal living space is of a size sufficient to meet the needs of the residents of the <i>boarding house</i>, including provision of communal facilities and adequate circulation space.</p>
<p>R27</p> <p>The maximum plot ratio for <i>boarding houses</i> is specified in table 2.</p>	<p>C27</p> <p><i>Boarding houses</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>c) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>d) compatibility with exterior building materials of existing buildings in the locality.</li> </ul>
<p>R28</p> <p>Except where otherwise provided for above, <i>boarding houses</i> comply with Multi Unit Housing Development Code Elements 3, 4, 5, 6 and 8.</p> <p><b>Note:</b> Adequate bathroom and kitchen facilities are provided within the boarding house for the use of residents. Individual boarding rooms may have kitchen and/or bathroom facilities, but these are not mandatory.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p><b>6.2 Subdivision</b></p>	
<p>R29</p> <p>The land is held as a single undivided parcel. <i>Subdivision</i> to provide separate title to an individual boarding room, including subdivision under the <i>Unit Titles Act 2001</i>, is not permitted.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p><b>6.3 Distribution</b></p>	
<p>R30</p> <p>No <i>section</i> has more than one <i>boarding house</i>.</p>	<p>C30</p> <p>The amenity of the area is protected by restricting the agglomeration of non-residential activities.</p>

## Element 7: Guest houses

Rules	Criteria
<b>7.1 Design and siting</b>	
<p>R31</p> <p>Except where otherwise provided for in this code <i>guest houses</i> comply with the Multi Unit Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.2 Distribution</b>	
<p>R32</p> <p><i>Guest houses</i> are permitted only where:</p> <p>a) there is a maximum of one per section</p> <p>b) the block is adjacent to a commercial zone</p> <p>This rule does not apply to the following parcels:</p> <ul style="list-style-type: none"> <li>i) Belconnen Section 55 Block 37</li> <li>ii) Belconnen Section 66</li> <li>iii) Belconnen Section 67 Block 3 and part Block 2</li> <li>iv) Belconnen Section 88 part Block 1</li> <li>v) Downer Section 34 Blocks 1-18</li> <li>vi) Downer Section 44 Block 1 and Blocks 29-49</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 8: Co-housing in RZ2—RZ5

Rules	Criteria
<b>8.1 Design and siting</b>	
<p>R32A</p> <p><i>Co-housing</i> comprising 2 or more <i>dwelling</i>s complies with Element 3 of the Multi Unit Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R32B</p> <p><i>Co-housing</i> comprising one <i>dwelling</i> complies with Element 1 of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R32C</p> <p>The minimum <i>block</i> size for a <i>co-housing</i> development is 1,050m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>8.2 Subdivision</b>	
<p>R32D</p> <p>Subdivision under the <i>Unit Titles Act 2011</i> of a <i>co-housing</i> development is permitted.</p> <p><b>Note:</b> Block amalgamations on suitable blocks (i.e. adjacent blocks with shared boundaries) are permitted for a co-housing development.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>8.3 Parking</b>	
<p>R32E</p> <p><i>Co-housing</i> development complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) increase in the number of verge crossings is not permitted</li> <li>b) car parking spaces are provided in a single combined parking area screened from public view.</li> </ul>	<p>C32E</p> <p><i>Co-housing</i> development complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) minimises the extent of driveways</li> <li>b) encourages grouped car parking, suitably screened from public view</li> <li>c) considers visual amenity impacts of grouped car parking on internal residents.</li> </ul>



# Part C – Demolition

This part applies to demolition in all residential zones

## Element 9: Demolition

Rules	Criteria
<b>9.1 Statement of endorsement</b>	
<p>R33</p> <p>A statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with section 148 of the <i>Planning and Development Act 2007</i> is provided confirming all of the following:</p> <ul style="list-style-type: none"> <li>a) all network infrastructure on or immediately adjacent the site has been identified on the plan</li> <li>b) all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified</li> <li>c) all required network disconnections have been identified and the disconnection works comply with utility requirements</li> <li>d) all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.2 Hazardous materials survey</b>	
<p>R34</p> <p>This rule applies to one of the following:</p> <ul style="list-style-type: none"> <li>a) the demolition of <i>multi-unit housing</i> (including <i>garages</i> and <i>carports</i>) for which a certificate of occupancy was issued prior to 1985</li> <li>b) demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005.</li> </ul> <p>Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the Environment Protection Authority.</p> <p>A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following:</p> <ul style="list-style-type: none"> <li>i) is a licensed disposal facility in the</li> </ul>	<p>C34</p> <p>If an endorsed hazardous materials survey is not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
<p style="text-align: center;">ACT</p> <p>ii) another site outside the ACT.</p> <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the Environment Protection Authority prior to removal of material from the site.</p> <p>An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p><b>Note:</b> If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	

## Part D – Subdivision and consolidation

This part applies to the *subdivision* or *consolidation* of existing residential blocks, but not to proposals lodged as an *estate development plan*.

### Element 10: Subdivision and consolidation

The next element (element 11) applies to blocks that are registered or provisionally registered under the *Heritage Act 2004*.

Rules	Criteria
<b>10.1 Subdivision and consolidation of blocks – general</b>	
<p>R35</p> <p>This rule applies to all <i>blocks</i>.</p> <p><i>Subdivision</i> or <i>consolidation</i> is only permitted where one or more of the following apply:</p> <ol style="list-style-type: none"> <li>a) all the <i>dwellings</i> on the land are lawfully constructed</li> <li>b) the proposed development complies with all of the following -               <ol style="list-style-type: none"> <li>i) it is part of an <i>integrated housing development</i></li> <li>ii) it is demonstrated that any building on a consequent <i>lease</i> is, or can be designed, in accordance with the relevant sections of this code.</li> </ol> </li> </ol> <p>For this rule, <i>subdivision</i> does not include a minor boundary adjustment, unless that boundary adjustment results in the creation of one or more additional blocks.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>10.2 Consolidation of standard blocks – RZ1</b>	
<p>R36</p> <p>This rule applies to <i>consolidation of blocks</i> in RZ1, one or more of which is a <i>standard block</i>, but does not apply to the consolidation of a <i>standard block</i> with unleased territory land.</p> <p><i>Consolidation</i> complies with all of the following:</p> <ol style="list-style-type: none"> <li>a) the consolidated block is to be used only for the purpose of <i>supportive housing</i></li> <li>b) not more than 2 <i>blocks</i> are consolidated</li> <li>c) all <i>blocks</i> proposed to be consolidated have adjoining street frontages</li> <li>d) none of the <i>blocks</i> proposed to be consolidated has been previously consolidated.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>10.3 Consolidation of standard blocks – RZ2</b>	
<p>R37</p> <p>This rule applies to <i>consolidation of blocks</i> in RZ2, one or more of which is a <i>standard block</i>.</p> <p>The consolidated <i>block</i> has a single continuous street frontage.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>10.4 Subdivision of standard blocks – RZ1</b>	
<p>R38</p> <p>This rule applies to <i>standard blocks</i> in RZ1.</p> <p><i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where each proposed block contains a lawfully constructed dwelling, and where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ol style="list-style-type: none"> <li>a) were lawfully constructed on or before 1 September 2003</li> <li>b) were subject to <i>development approval</i> issued on or before 1 September 2003</li> <li>c) were the subject of a <i>development application</i> lodged on or before 1 September 2003 that was subsequently approved.</li> </ol> <p>This rule does not apply to <i>standard blocks</i> in RZ1 that were subject to the A10 residential core area specific policy under Territory Plan 2002 at the time the development was approved.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R38A</p> <p>This rule applies to surrendered <i>residential blocks</i> in RZ1.</p> <p>Subdivision under the <i>Planning and Development Act 2007</i> is not permitted.</p> <p><i>Subdivision</i> under the <i>Unit Titles Act 2001</i> is permitted where all of the following are met:</p> <ol style="list-style-type: none"> <li>a) It is only for <i>dual occupancy housing</i></li> <li>b) Both <i>dwellings</i> in the <i>dual occupancy</i> have been lawfully constructed.</li> </ol> <p><b>Note:</b> Staged development under the <i>Unit Titles Act 2001</i> is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>10.4A Subdivision of blocks other than standard blocks – RZ1</b>	
<p>R38B</p> <p>This rule applies to <i>blocks</i> other than <i>standard blocks</i> in RZ1.</p> <p>Subdivision under the <i>Planning and Development Act 2007</i> is not permitted.</p> <p><i>Subdivision</i> under the <i>Unit Titles Act 2001</i> is permitted where all of the following are met:</p> <ul style="list-style-type: none"> <li>a) It is only for dual occupancy housing</li> <li>b) Both dwellings in the dual occupancy have been lawfully constructed.</li> </ul> <p><b>Note:</b> Staged development under the <i>Unit Titles Act 2001</i> is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>10.5 Subdivision of a dual occupancy – other than RZ1</b>	
<p>R40</p> <p>This rule applies to blocks located in a residential zone other than RZ1.</p> <p><i>Subdivision of a dual occupancy housing</i> development is permitted only where all of the following are met:</p> <ul style="list-style-type: none"> <li>a) not more than 2 <i>leases</i> are created</li> <li>b) each proposed <i>block</i> contains a lawfully constructed <i>dwelling</i></li> <li>c) new boundaries created as a result of the <i>subdivision</i> are located such that the buildings comply with the relevant <i>setback</i> and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundaries</li> <li>d) each <i>block</i> is or can be (on the written advice of the relevant service provider) provided with separate utility services.</li> </ul> <p><i>Blocks</i> created under this rule cannot be further subdivided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>10.6 Requirements for access and utility easements</b>	
<p>R41</p> <p>For developments involving shared access ways, the <i>leases</i> created as a consequence of the <i>subdivision</i> specify the location of any necessary easements for access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
R42 For developments involving utility services crossing adjoining leases (including electricity, gas, telecommunications, stormwater, sewer and water supply), the <i>leases</i> created as a consequence of the subdivision specify the location and width of any necessary utility service easements.	This is a mandatory requirement. There is no applicable criterion.
<b>10.7 Restrictions on irregular shaped blocks</b>	
R43 <i>Blocks</i> created by the <i>subdivision</i> of a <i>standard block</i> are rectangular or battleaxe in shape.	C43 Where possible, <i>blocks</i> created by the <i>subdivision</i> a <i>standard block</i> have a regular shape without multiple corners or bends.

### Element 11: Subdivision and consolidation – heritage listed

This element applies to blocks that are registered or provisionally registered under the *Heritage Act 2004*. The previous element also applies. If there is an inconsistency between the provisions of this element and the previous element, the provisions of this element shall prevail to the extent of that inconsistency.

Rules	Criteria
<b>11.1 Consolidation of standard blocks - RZ1</b>	
R44 In RZ1, <i>consolidation</i> involving one or more <i>standard blocks</i> registered or provisionally registered under the <i>Heritage Act 2004</i> is not permitted.	This is a mandatory requirement. There is no applicable criterion.
<b>11.2 Subdivision of standard blocks – heritage registered - RZ1</b>	
R45 This rule applies to <i>standard blocks</i> in RZ1 that are registered or provisionally registered under the <i>Heritage Act 2004</i> . <i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i> ) is permitted only where each proposed block contains a lawfully constructed dwelling, and where all <i>dwellings</i> on the <i>block</i> comply with one of the following: a) were lawfully constructed on or before 1 September 2002 b) were subject to <i>development approval</i> issued on or before 1 September 2002 c) were the subject of a <i>development application</i> lodged on or before 1 September 2002 that was subsequently approved.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>This rule does not apply to <i>standard blocks</i> in RZ1 that were subject to the A10 residential core area specific policy under Territory Plan 2002 at the time the development was approved.</p>	
<b>11.3 Subdivision or consolidation of blocks – other than RZ1</b>	
<p>R46</p> <p>This rule applies to blocks other than blocks in RZ1 that are registered or provisionally registered under the <i>Heritage Act 2004</i>.</p> <p><i>Subdivision or consolidation of blocks</i> is permitted where all of the following apply:</p> <ul style="list-style-type: none"> <li>a) the <i>subdivision or consolidation</i> is not specifically prohibited by a guideline, order or agreement made under that act</li> <li>b) the <i>subdivision or consolidation</i> complies with the relevant provisions of element 12.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Part E – Non-residential uses

This part applies to non-residential development in all residential zones.

### Element 12: Community uses

Rules	Criteria
<b>12.1 Distribution</b>	
<p>R47</p> <p>No section has more than one of each of the following:</p> <ol style="list-style-type: none"> <li><i>child care centre</i></li> <li><i>community activity centre</i></li> <li><i>health facility</i>.</li> </ol> <p>This rule does not apply to <i>child care centres</i> or <i>health facilities</i> on the following parcels:</p> <ol style="list-style-type: none"> <li>Belconnen Section 55 Block 37</li> <li>Belconnen Section 66</li> <li>Belconnen Section 67 Block 3 and part Block 2</li> <li>Belconnen Section 88 part Block 1.</li> </ol>	<p>C47</p> <p><i>Community uses</i> are distributed to avoid the concentration of non-residential uses in residential zones.</p>
<p>There is no applicable rule.</p>	<p>C48</p> <p>Buildings accommodating <i>community uses</i> achieve all of the following:</p> <ol style="list-style-type: none"> <li>consistency with the <i>desired character</i></li> <li>reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>compatibility of exterior building materials with existing buildings in the locality.</li> </ol>
<p>There is no applicable rule</p>	<p>C49</p> <p><i>Child care centres</i> and <i>community activity centres</i> achieve all of the following:</p> <ol style="list-style-type: none"> <li>consistency with the <i>desired character</i></li> <li>reasonable levels of privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>compatibility with exterior building materials of existing buildings in the locality.</li> </ol>



Rules	Criteria
<p>R50</p> <p>For <i>child care centres</i> and <i>community activity centres</i>, the maximum plot ratio is specified in table 2.</p>	<p>C50</p> <p><i>Child care centres</i> and <i>community activity centres</i> are consistent with the <i>desired character</i>.</p>
<p>R51</p> <p>The design of <i>community activity centres</i> is in accordance with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority.</p> <p>A noise management plan shall address, as a minimum:</p> <ol style="list-style-type: none"> <li>anticipated noise levels from the use of proposed building</li> <li>appropriate noise thresholds for dwellings in the vicinity</li> <li>building construction measures that will attenuate the expected noise to levels at or below the identified thresholds.</li> </ol>	<p>C51</p> <p>Buildings intended to be used as <i>community activity centres</i> attenuate noise from expected uses to a level that does not unreasonably diminish the residential amenity of <i>dwellings</i> in the vicinity.</p> <p>All of the following matters may be considered when determining compliance with this criterion:</p> <ol style="list-style-type: none"> <li>a noise management plan prepared on behalf of the applicant by a suitably qualified person</li> <li>advice from the Environment Protection Authority.</li> </ol>

**Table 2: Plot ratios**

zone	RZ 1	RZ 2	RZ 3	RZ 4	RZ 5
<i>plot ratio</i>	35%	50%	65%	80%	not specified

## Part F – Other development

This part applies to all development in residential zones other than *RESIDENTIAL USE*, *COMMUNITY USE*, demolition, *subdivision*, and *consolidation*.

### Element 13: Matters for consideration

Rules	Criteria
<b>13.1 Suitability of the site for the proposed development</b>	
<p>There is no applicable rule.</p>	<p>C52</p> <p>This criterion applies to all development in residential zones other than <i>RESIDENTIAL USE</i>, <i>COMMUNITY USE</i>, demolition, <i>subdivision</i>, and <i>consolidation</i>.</p> <p>The site is suitable for the proposed development.</p> <p>Compliance with this criterion is demonstrated by reference to all of the following that are relevant to the proposal:</p> <ul style="list-style-type: none"> <li>a) any effect that the development may have on the environment, including social and economic effects</li> <li>b) the <i>desired character</i></li> <li>c) the availability of public transport</li> <li>d) links to the shared path network</li> <li>e) accessibility to and within the site for those with a disability</li> <li>f) the availability of adequate reticulated services including water, electricity, drainage and sewerage</li> <li>g) the provision of car parking</li> <li>h) the provision of loading and unloading facilities</li> <li>i) the adequacy of post occupancy waste management.</li> </ul>

## Part G – General controls

This part applies all development in residential zones. It also includes controls that apply to the subdivision of existing residential blocks.

### Element 14: Redevelopment

Rules	Criteria
<b>14.1 Redevelopment generally – RZ1 and RZ2</b>	
There is no applicable rule.	<p>C53</p> <p>In RZ1 and RZ2, residential re-development on blocks originally used for <i>multi-unit housing</i> may be approved subject to consideration of adverse impacts on adjoining properties resulting from any increase in building bulk.</p>
<b>14.2 Plot ratio – redevelopment</b>	
There is no applicable rule.	<p>C54</p> <p>On land where a lawfully constructed building exceeds the stipulated maximum <i>plot ratio</i>, a new building or buildings up to the same <i>plot ratio</i> may be permitted provided that all of the following are achieved:</p> <ol style="list-style-type: none"> <li>a) the development does not involve an increase in the number of <i>dwelling</i>s on the site</li> <li>b) there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</li> </ol>
<b>14.3 Number of storeys – redevelopment – RZ1, RZ2, RZ3, RZ4 and RZ5</b>	
There is no applicable rule.	<p>C55</p> <p>In all residential zones, where the number of <i>storeys</i> in a lawfully constructed building exceeds the maximum stipulated in the relevant code, a new building or buildings with no more <i>storeys</i> than the existing building may be permitted provided there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</p>

Rules	Criteria
<b>14.4 Height of buildings – redevelopment</b>	
There is no applicable rule.	<p>C56</p> <p>In all residential zones, where a lawfully constructed building exceeds the <i>height of building</i> stipulated in the relevant code, a new building or buildings up to the height of the existing building may be permitted provided there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.</p>

## Element 15: Environment

Related codes: Water Ways: Water Sensitive Urban Design General Code, Planning for Bushfire Risk Mitigation General Code.

Rules	Criteria
<b>15.1 Heritage</b>	
<p>R61</p> <p>This rule applies to land containing places or objects registered or provisionally registered under section 41 of the <i>Heritage Act 2004</i>. The authority shall refer a development application to the Heritage Council.</p> <p><b>Note:</b> The authority will consider any advice from the Heritage Council before determining the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>15.2 Tree protection</b>	
<p>R62</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ol style="list-style-type: none"> <li>a) requires groundwork within the tree protection zone of a <i>protected tree</i></li> <li>b) is likely to cause damage to or removal of any <i>protected trees</i>.</li> </ol> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Under the <i>Planning and Development Regulation 2008</i> a development application for a <i>declared site</i> under the <i>Tree Protection Act 2005</i>, must be referred to the Conservator of Flora and Fauna.</li> <li>2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the <i>Planning and Development Act 2007</i>.</li> <li>3. <i>Protected tree</i> and <i>declared site</i> are defined under the <i>Tree Protection Act 2005</i>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>15.3 Bushfire</b>	
<p>R63</p> <p>Where identified in a precinct code or <i>lease and development conditions</i> as being within a bushfire prone area, buildings are to be constructed in accordance with the relevant Building Code of Australia bushfire provisions.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>15.4 Erosion and sediment control</b>	
<p>R64</p> <p>For sites less than 3,000m<sup>2</sup>, the development complies with the Environment Protection Authority, <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If no evidence of compliance with the above guideline is provided, the application may be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</li> <li>2. see part D for sites over 3000m<sup>2</sup>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>15.5 Contamination</b>	
<p>R65</p> <p>This rule applies where an assessment by the proponent in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>ACT Environment Protection Policy 2000</i> identifies contamination within or adjacent to the development area, but does not apply if the Environment Protection Authority has provided written advice that there are no contaminated sites within or adjacent to the development area.</p> <p>Development complies with an environmental site assessment report endorsed by Environment Protection Authority.</p> <p><b>Supporting document:</b> Environmental site assessment report endorsed by Environment Protection Authority</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>