

# Planning and Development (Draft Variation Number 306) Consultation Notice 2011

Residential development, estate development and leasing codes:

## Notifiable instrument NI2011—273

Made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

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Draft Variation Number 306 to the Territory Plan (see ***Annexure A***) proposes:

- changes to residential development, estate development and leasing codes
- replacement of residential zones objectives development tables, and housing development codes.
- introduction of Residential Zones Development Code and Lease Variation General Code
- replacement of existing Residential Subdivision Development Code with an Estate Development Code

A review of the policies proposed by draft variations 301 and 303 was undertaken by the 2010 Territory Plan Code Review Reference Group which was set up by direction of the Minister for Planning. Draft variation 306 supersedes the above draft variations that are now withdrawn.

You can get copies of draft variation documents:

- online at [www.actpla.act.gov.au](http://www.actpla.act.gov.au) (note free internet access is available at ACT public libraries)
- at ACTPLA's customer service centre, 16 Challis Street, Dickson during business hours.

Written comments from the public are invited by **COB Tuesday 2 August 2011**.

Comments should include reference to the draft variation, a return postal address, and be addressed Territory Plan Variation Unit, Development Policy Section.

Comments can be:

- emailed to [terrplan@act.gov.au](mailto:terrplan@act.gov.au)
- mailed to ACTPLA, GPO Box 1908, Canberra, ACT 2601
- delivered to ACTPLA's customer service centre at the above address

Comments received will be made available for public inspection (unless exempted under section 411 of the Act) for a period of no less than 15 business days at ACTPLA's customer service centre in Dickson the day after the closing date for submissions and on ACTPLA's website 10 business days after the closing date for submissions.

### **Effect of draft variation 306**

In accordance with section 65 of the *Planning and Development Act 2007*, some parts of draft variation have effect.

The provisions below will apply to development applications lodged on or after 3 June 2011, excluding development applications where an application for a completeness check was submitted before 3 June 2011 or in the case of estate development plans where an application was submitted with ACTPLA for pre-application circulation before 3 June 2011:

#### **Estate Development Code**

Element 8, item 8.1, rules 41, criterion 41, rule 42 and tables referred to in rule 41.

Interim effect will require all affected estate development plans to comply with block layout and orientation controls.

For the purpose of interim effect the code referred to in the criterion 41 is the residential zones Single Dwelling Housing Development Code.

#### **Multi Unit Housing Development Code**

Element 3 – items 3.8, 3.10, 3.11 and 3.25

Element 5 – item 5.3

Element 7 – item 7.6

For all affected proposals, compliance is required with new controls affecting the density of multi unit residential redevelopment in the RZ2 zone.

#### **Residential Zones Development Code**

Element 11 – item 11.2

For all affected proposals, compliance is required with new controls affecting consolidation of blocks for multi unit residential redevelopment in RZ2.

The period of interim effect commences on 3 June 2011 and continues until the end of the “defined period”, whichever is shorter. Under section 65(3) of the planning and Development Act “defined period” for a draft variation means the period –

- a) starting on the day (the **notification day**) when the consultation notice for the draft variation is notified under the Legislation Act (see s63); and
- b) ending on the day the earliest of the following happens:
  - (i) the day the public availability notice under section 70 for the draft variation is notified in accordance with the Legislation Act;
  - (ii) the day the draft variation, or the corresponding variation, is withdrawn under section 68(1)(b) or section 76(3)(b)(v);
  - (iii) the period of 1 year after the notification day ends.

The Territory, the Executive, a Minister or a territory authority must not, during the defined period or a period stated in the consultation notice, whichever is shorter, do or approve the doing of anything that would be inconsistent with the territory plan if it were varied accordance with the draft plan variation.

Neil Savery  
ACT Planning and Land Authority  
31 May 2011



Planning & Development Act 2007

# **Draft Variation to the Territory Plan Number 306**

Residential development, estate  
development and leasing codes:

Replacement of residential zones objectives,  
development tables, and housing development codes  
Introduction of Residential Zones Development Code  
and Lease Variation General Code  
Replacement of existing  
Residential Subdivision Development Code with  
Estate Development Code.

May 2011





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A	draft residential zone objectives and development tables
B	draft Residential Zones Development Code
C	draft Single Dwelling Housing Development Code
D	draft Multi Unit Housing Development Code
E	draft Estate Development Code
F	draft Lease Variation General Code
G	definitions

# 1. INTRODUCTION

## 1.1 Summary of the Proposal

The purpose of this draft variation is to:

- revise the residential zones objectives
- replace the residential zones development tables with revised versions
- introduce a Residential Zones Development Code
- replace the current Residential Subdivision Development Code with a new Estate Development Code
- introduce a Lease Variation General Code
- replace the current Residential Zones - Single Residential Housing Development Code with a new Single Residential Housing Development Code
- replace the current Residential Zones - Multi Unit Housing Development Code with a new Multi Unit Housing Development Code.

Section 2.10 identifies those parts of the draft variation that have interim effect.

## 1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the ACT Planning and Land Authority (ACTPLA) as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

The Territory Plan is comprised of the written statement and a map. The written statement contains a number of parts, namely: governance, strategic directions, zones, precinct codes, general codes, overlays, definitions and structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period ACTPLA submits a report on consultation and a recommended final variation to the Minister for Planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly Standing Committee on



Planning, Public Works and Territory and Municipal Services is warranted prior to approval, depending on the nature and significance of the proposal. The Standing Committee may decide to consider the draft variation if it is referred to it in another way. If the draft variation is referred to the standing committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

### 1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts:

- Part 1 - This **introduction**.
- Part 2 - An **explanatory statement**, which gives reasons for the proposed variation and describes its effect.
- Part 3 - The **draft variation**, which details the proposed changes to the Territory Plan.

Draft documents are found in the appendix.

### 1.4 Public Consultation

Comments from the public are invited on the draft variation. Subject to consideration of responses received, ACTPLA proposes to submit this draft variation to the Minister for Planning in accordance with the Act.

The documents relating to this draft variation may be obtained from

- [www.actpla.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/territory\\_plan/current\\_territory\\_plan\\_variations](http://www.actpla.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/current_territory_plan_variations)
- ACTPLA's Customer Service Centre, 16 Challis Street, Dickson between 8:30am and 4:30pm weekdays

Note that free internet access is available at all ACT Public Libraries.

**Written comments** from the public are invited on the draft variation by closing date: **COB Tuesday 2 August 2011**.

Comments should include reference to the draft variation and a return postal address.

Comments may be submitted to

- Territory Plan Variation Unit,  
GPO Box 1908, Canberra ACT 2601
- ACTPLA's customer service centre, 16 Challis Street, Dickson
- [terrplan@act.gov.au](mailto:terrplan@act.gov.au)

Copies of all written comments received from the public will be made available for public inspection at the ACTPLA's Customer Service Centre, Dickson for a period of not less than 15 working days after the closing date listed above.

## **2. EXPLANATORY STATEMENT**

### **2.1 Background**

As part of the reform of the ACT planning system, a restructured Territory Plan came into effect on 31 March 2008. In response to undertakings by the ACT government at the time, residential housing codes were reformatted, but no significant policy changes were made.

Before the introduction of the restructured Territory Plan in 2008, assessment of development applications relied on a number of planning guidelines including guidelines for Planning and Design of Residential Estates. While these guidelines were largely incorporated into the 2008 Territory Plan, much of the policy content remained unchanged.

In 2009 ACTPLA commenced a general review of the policy content of the Territory Plan, including policy relating to all forms of development in residential zones and the subdivision of land, particularly greenfield estates. The desirability of a general code applicable to the varying of leases also emerged during this process.

In response to commitments made by the ACT Government, a key focus of the Territory Plan review is improving solar performance, particularly of housing. The policy initiatives contained in this draft variation are based largely on a comprehensive review of solar access policy undertaken by ACTPLA in 2009. Many of these initiatives were presented to the public for comment in DV 301 and DV 303, following their release in June 2010.

#### **2.1.1 Public submissions on DV301 and DV303**

Submissions received during the consultation on DV301 and DV303, from June to September 2010, significantly influenced policy formulation. A total of 30 submissions were received on DV301 (Estate Development Code), and 97 on DV303 (residential development codes).

Following public consultation, the Minister for Planning established the 2010 Territory Plan Code Review Reference Group. Its key role was to assist the Minister and ACTPLA in evaluating the major issues raised in submissions and advancing the review of the Territory Plan. The reference group's findings and recommendations were submitted to the Minister in January 2011.

About one third of submissions on the draft Multi Unit Housing Development Code under DV303 were concerned with residential redevelopment in the suburban core zone (RZ2).

Submissions were received on the proposal under DV303 to reduce the current 800m<sup>2</sup> minimum block size for dual occupancy in RZ1 to 700m<sup>2</sup>.

Submissions generally supported the proposal for secondary residences in residential zones. Under these provisions a relatively small dwelling could be provided on a block that already has a single house without restrictions on the occupier.

Submissions were received for the retention of dwellings suitable for families with children in areas undergoing redevelopment, such as the inner north.

### 2.1.2 Key changes to DV306 compared with DV301 and DV303

In response to submissions and the recommendations of the reference group, a number of changes and refinements to the codes were made. A full description of the key changes is given in section 2.5 below. In summary, the key changes are:

#### *A reformatted Estate Development Code*

The Estate Development Code has been reformatted to reinforce the particular role played by ACT government agencies in the design and assessment of new estates, whilst providing certainty to applicants on agency requirements. Agency endorsement is now separate from planning aspects which are largely the responsibility of ACTPLA.

ACTPLA and government agencies, particularly TAMS, continue to work together to ensure that the Estate Development Code reflects community needs for public open space and includes relevant engineering, design and landscaping standards.

#### *Dual occupancy in RZ1*

The draft Multi Unit Housing Development Code released under DV303 reduced the current 800m<sup>2</sup> minimum block size for dual occupancy in RZ1 to 700m<sup>2</sup>. The latest draft retains the current 800m<sup>2</sup> minimum block size.

#### *Secondary residences*

The draft Residential Zones Development Code released under DV303 provided for a second, relatively small dwelling to be provided on a block that already has a single house. The maximum floor area for a secondary residence has been increased to 75m<sup>2</sup>, mainly to ensure that the dwelling can be readily adapted to suit a resident with special needs.

#### *Student accommodation*

Student accommodation, which was proposed as a distinct form of development in residential zones under the draft Residential Zones Development Code, has been dropped. This particular housing form is best suited to commercial rather than residential zones. In residential zones, accommodation for students will be adequately covered by secondary residences and other forms of permissible multi unit housing.

#### *Integrated housing development*

To foster innovation in housing design whilst protecting residential amenity and solar efficiency, the concept of an integrated housing development parcel has been added to the draft Estate Development Code. This allows for the creation

of two or more single dwelling blocks that are tied to an approved integrated housing proposal. If approved, the key components of the proposed housing, such as party walls, will be uplifted to the relevant suburban precinct code. This means that all subsequent development within the parcel must comply with the precinct code and the Single Dwelling Housing Development Code. A range of housing types are suited to this policy, including two storey terrace housing where each house has its own block.

### *Residential redevelopment in RZ2*

The draft Multi Unit Housing Development Code now includes the following provisions for multi unit residential redevelopment in RZ2:

- no building will contain more than four dwellings
- buildings containing 2 or more dwellings on the same block must be separated by at least 4m
- for residential redevelopment comprising two or more dwellings, the minimum site area for each dwelling is 350m<sup>2</sup> for up to 5 dwellings and 250m<sup>2</sup> for the sixth and each subsequent dwelling
- consolidation of blocks is only permitted where the resulting block has a continuous street frontage
- no more than 4 surface car parking spaces can be grouped together and groups of parking spaces must be separated by at least 4m.

Slightly higher density is allowed where the dwellings are to be used for supportive housing or housing that is adaptable.

A more detailed explanation of the building design and density provisions are given in section 2.5.3 below. Proposed limits on consolidation are outlined in section 2.5.1 below.

These provisions will have interim effect from 3 June 2011, but will not apply to development applications already lodged or proposals that have applied for a development application completeness check before this date. See section 2.10 below for further explanation of this provision.

### *Dwelling replacement policy*

In response to public submissions, a provision has been included in the Multi Unit Housing Development Code requiring a minimum number of larger dwellings to be included in any multi unit housing redevelopment. This proposal seeks to maintain the number of dwellings suitable for families in a neighbourhood, for the benefit of those families and the community services provided in the locality.

At least one dwelling with three or more bedrooms is required for each block that makes up a development parcel. For example, a development parcel formed by the consolidation of three blocks must include not fewer than three dwellings with three or more bedrooms – one for each original block. If consolidation is not involved, at least one of the proposed dwellings in a redevelopment must have three or more bedrooms. This policy does not apply to single houses or to supportive housing.

### *Height of buildings*

The provisions limiting the number of storeys in a building have been revised. Whilst the limitation on the number of storeys is retained at 2 for RZ3, 3 for RZ4 and between 3 and 6 (depending on adjoining land use) for RZ5, the draft code allows for departures if the associated criterion is satisfied, but only up to specified overall building height.

### *Adaptability of dwellings for use by disabled persons*

Rule 50 of the Multi Unit Housing Development Code requires a specified number of dwellings in a multi unit housing development to be adaptable under the relevant Australian standard (AS 4299, class C). Under the current Residential Zones Multi Unit Housing Development Code, the equivalent provision is mandatory ie. there is no related criterion. A criterion was included in the draft code released under DV303, such that departures could be considered if the proposal is shown to be consistent with the Access and Mobility General Code. After further consideration it is proposed to again make rule 50 mandatory.

### *Ventilation*

Natural ventilation provisions found in the Residential Zones Multi Unit Housing Development Code have been reintroduced in the draft Multi Unit Housing Development Code. These provisions apply to buildings containing three or more dwellings and require the applicant to demonstrate an adequate level of natural ventilation is provided.

## 2.1.3 Commencement date

The commencement date referred to in this document is the date on which this variation comes into force. It is nominated by the Minister for Planning following the Minister's approval of the variation and its passage through the Legislative Assembly, as outlined in section 1.2 above.

## 2.1.4 References to rules and criteria

Unless the context suggests otherwise, R1, R2, R3 ... refer to rules consecutively numbered in a code. Similarly C1, C2, C3 ... refer to criteria.

## **2.2 Current Territory Plan provisions for residential development**

Planning controls for residential zones are found in section 3 of the Territory Plan. Each zone has a list of zone objectives and a development table. Two development codes are pertinent: *Residential Zones – Single Residential Housing Development Code* and *Residential Zones - Multi Unit Housing Development Code*. Provisions for non-residential development in residential zones are found in the *Residential Zones - Multi Unit Housing Development Code*.

### 2.2.1 Zone objectives

Zone objectives provide context to the formulation of proposals to vary the plan, including the preparation of codes. Their key role is in the assessment of development proposals in the merit and impact tracks under sections 120 and 129 of the *Planning and Development Act 2007*.

### 2.2.2 Development tables

Under section 54 of the *Planning and Development Act 2007* development tables have four functions:

1. identify the minimum assessment track (ie code, merit or impact) applicable to a particular proposal
2. identify development that is exempt from requiring development approval
3. identify development that is prohibited
4. specify the code relevant to a particular development proposal.

Currently the Territory Plan contains a development table for each residential zone.

### 2.2.3 Residential Zones - Single Dwelling Housing Development Code

The current *Residential Zones - Single Dwelling Housing Development Code* applies to development for single dwelling housing in residential zones, commercial zones and NUZ2 rural zone.

### 2.2.4 Residential Zones - Multi Unit Housing Development Code

The current *Residential Zones - Multi Unit Housing Development Code* applies chiefly to multi unit housing in residential zones. Part C(5) of the code applies to multi unit housing in commercial zones, and part D applies to non-residential development (eg. home business) and other forms of residential development (eg. supportive housing).

### 2.2.5 Definitions

Definitions of terms used in the Territory Plan are found in section 13 of that plan, in the *Planning and Development Act 2007* and in the *Planning and Development Regulation 2008*.

## 2.3 Current Territory Plan provisions for estate development

The current *Residential Subdivision Development Code* applies to developments involving the subdivision of land and the installation of new public infrastructure. These applications are defined as *estate development plans* under the *Planning and Development Act 2007*.

The current code has two parts:

Part A – Residential estate planning and design process

Part B – Subdivision Development Code

Part B(1) – estate development plans supported by a precinct code

Part B(2) – additional requirements that apply when an estate development plan is not supported by a precinct code

## 2.4 Summary of key changes – zone objectives and development tables

### 2.4.1 Zone objectives

Residential zone objectives, as found in section 3 of the Territory Plan, are revised to better differentiate between zones, to more fully describe the “desired character” of urban development in each zone, and to recognise the importance of good solar access. The objectives for RZ1, for example, seek to convey that the nature of initial development is low rise and predominantly low density. The objectives go on to indicate that, once established, the pattern of urban development should be protected. Protection of the established pattern is an indication of “desired character”, which is defined under this draft variation as:

*desired character* means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives

Many of the criteria found in the draft residential development codes list “consistency with the desired character” as a matter to be considered when determining whether that criterion is achieved. Because “desired character” relates to the zone objectives, it is important that these objectives make a clear statement of the “desired character” of each zone. In some zones, notably RZ1, the desired character will ordinarily be a continuation of the current pattern of development. By contrast, the desired character in other zones, such as RZ4, may reflect quite different forms of urban development, such as higher density housing.

The objective of promoting good solar access is proposed to apply to all residential zones.

The key draft zone objectives are:

**RZ1 – suburban zone**

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly single dwelling and low density in character*
- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the pattern of subdivision and the density of dwellings.*

**RZ2 – suburban core zone**

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and contains a mix of single dwelling and multi unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres*
- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the pattern of subdivision and the density of dwellings.*

**RZ3 - urban low rise zone**

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly medium density in character and particularly in areas that have good access to facilities and services and/ or frequent public transport services*
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings.*

A number of submissions on DV303 and the recommendations of the 2010 Territory Plan Code Review Reference Group called for further efforts directed towards making the distinctions between the plan's residential zones clearer.

In response, it is ACTPLA's intention to publish further explanatory material on the plan's objectives that, while not part of the Territory Plan from a statutory viewpoint, will be linked to it and ACTPLA's website. Using plain English, photographs and diagrams, these documents will explain the key differences between the five residential zones.

Proposed residential zones objectives are at **Appendix A**.

## 2.4.2 Development tables

It is proposed to replace the current development tables. The layout of the draft tables is similar to the current, but with the following key changes.

### *Code track*

The list of development under the code track is expanded to include the following types of lease variations

1. expressing the number of units (dwellings)



2. removing easements (with the relevant approvals)
3. authorising a secondary residence

Assessment is to be made under the proposed lease variation general code, which is part of this draft variation.

#### *Merit track*

An updated list of development in the merit track takes account of changes in development definitions associated with this draft variation. For example, the list reflects the proposal to replace the terms “relocatable unit” and “habitable suite” with “secondary residence”, as described in section 2.5.1 below.

#### *Prohibited development*

Development and use listed under prohibited development in the development table cannot be added to a lease as a permitted use or, in the case of unleased territory land, a development application cannot be lodged for a prohibited use or development.

Two items are proposed to be removed from the list of prohibited development – “MAJOR UTILITY INSTALLATION” (an umbrella term) and “playing field”. Whilst unusual in a residential zone, major utility installations are not inconsistent with zone objectives. By removing this use from prohibited development and not adding it to the merit track list (as proposed), any development application will be considered under the impact track and thus subject to an environmental impact statement.

Playing field is removed because it is a type of “outdoor recreation facility” which is already listed as a prohibited use.

#### *Leasehold*

The draft development tables seek to acknowledge the role of leases in the regulation of land use in the Territory. The current tables might give the impression that an assessable development (ie. a development in either the code, merit or impact track) is permitted, subject to a development application. In fact, a development is permitted only where it is authorised by a lease. A note has been added under the “Assessable Development” heading to this effect.

Conversely, all development not authorised by a lease is prohibited. Accordingly a note has been added to the “Prohibited Development” list advising that the uses listed cannot be added to a lease. This is a more accurate reflection of the role of leases in authorising development.

#### *Code relevant to a particular development proposal*

For the purpose of specifying the codes relevant to a specific development proposal, the proposed development tables refer to the Residential Zones Development Code. As outlined in the next section, this code contains rules and criteria relevant to certain development proposals or refers to other codes such as the Multi Unit Housing Development Code or Single Dwelling Housing Development Code.

## *Document*

The proposed residential development tables are at **Appendix A**.

## **2.5 Summary of key changes – residential codes**

### **2.5.1 Residential Zones Development Code**

The proposed Residential Zones Development Code is intended to be the overarching code for all development in residential zones.

Following an introduction and a list of relevant codes, the draft code contains the following parts:

Part A - Residential Housing Development

Part B – Other Forms of Residential Development

Part C – Demolition

Part D – Subdivision

Contains provisions relating to residential subdivisions that do not involve the provision of public infrastructure.

Part E – Non-Residential Development

Includes controls applicable to forms of non-residential development located in residential zones, such as home business.

The draft code largely contains provisions transferred from other codes, notably from part D of the current Multi Unit Housing Development Code. In many cases these provisions have been reworded for clarity and consistency, without significantly altering the underlying policy. There are, however, some new provisions as well as provisions that have been refined in response to submissions on DV303.

### **Part B - Other Forms of Residential Development**

“Secondary residences” are a new form of residential development replacing the current “relocatable units” and “habitable suites”. A secondary residence can only be associated with an existing single dwelling. It is restricted to a gross floor area of 75m<sup>2</sup>, to large blocks (ie. over 500m<sup>2</sup>), cannot be further subdivided (including subdivision under the *Unit Titles Act*), and must be adaptable (under AS4299 class C). There is no restriction on the type of occupant of a secondary residence. A resident does not need to be a relative of the residents of the principal dwelling, nor does the resident need to be under any particular type of care.

Following a review of this provision, the current draft increases the maximum allowable GFA from 70m<sup>2</sup> to 75m<sup>2</sup>, to better accommodate adaptable features.

“Student accommodation” was part of the Residential Zones Development Code under DV303, but is not part of the current draft. It was deleted because the proposed housing policies for residential zones, including dual occupancy

development and secondary residences, adequately cater for this type of accommodation. Student accommodation is likely to be more suited to commercial zones, and will be considered in this context as part of the future commercial zones review.

## **Part D - Subdivision**

As part of the package of refinements related to redevelopment in RZ2 zones, rule 40 requires that consolidation of blocks is only permitted where the resulting block has a continuous street frontage, ie without gaps made by other blocks. The number of streets to which the consolidated block has frontage is not relevant.

### *Document*

The draft Residential Zones Development Code is at **Appendix B**.

## **2.5.2 Single Dwelling Housing Development Code**

A new Single Dwelling Housing Development Code is proposed to replace the current *Residential Zones - Single Dwelling Housing Development Code*. All rules and criteria have been reviewed and many re-worded for clarity and consistency.

The major policy change is the introduction of solar access provisions that limit overshadowing of neighbouring residential properties.

In addition, amendments to the Building Code of Australia from 1 July 2010 will require all new single dwelling houses to achieve an energy rating equivalent to at least a 6 star energy rating. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency. Provisions in the draft code that limit the overshadowing of residential blocks will facilitate passive solar design (see the discussion under “building envelopes” below).

Draft provisions with major or notable policy implications are outlined below.

### **Element 1: Building and site controls**

These controls seek to achieve a built form that is compatible with the *desired character* (as explained in section 2.4.1 above), with reasonable access to sunlight, reasonable privacy and limited overshadowing of neighbouring residential properties.

#### *Plot ratio*

R1 retains a maximum 50% plot ratio for large (over 500m<sup>2</sup>) *single dwelling blocks* in RZ1. The term *single dwelling block* replaces the term *standard block* but, because single dwelling block encompasses all blocks originally leased or used for single residential purposes, rather than just those over 500m<sup>2</sup>, the rule now contains a reference to large blocks.

The relevant new definitions are –

*Large block* means a block with an area greater than 500m<sup>2</sup>

*Mid-sized block* means a block with an area greater than 250m<sup>2</sup> but less than or equal to 500m<sup>2</sup>

*Compact block* means a block with an area of 250m<sup>2</sup> or less

*Single dwelling block* means a block with one of the following characteristics

- a) originally leased or used for the purpose of single dwelling housing
- b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing

*Plot ratios for single dwelling houses in RZ3, RZ4 and RZ5*

A maximum plot ratio of 50% is proposed for single dwelling houses on large *single dwelling blocks* in RZ3, RZ4 and RZ5. Currently there is no specified plot ratio for such development. This proposal is designed to bring consistency to single dwelling housing in all residential zones. It should be noted that this form of development is unusual in these zones.

A comparison of current and proposed plot ratio provisions is given in tables 3 and 4 below.

*Building envelopes*

To protect the solar access of neighbours, R7 and table 1 limit overshadowing of neighbouring blocks to not more than the shadow cast by a 1.8m fence on the boundary at noon on the winter solstice (21 June). At this time the sun angle in Canberra is at its lowest at 32° to the horizontal, and an east-west fence 1.8m high on a flat site will cast a 2.9m shadow. A fence at a different orientation on the same site will cast a shorter shadow. For example, a fence aligned north west to south east will cast a 2m shadow. This means that the “apparent” sun angle for this orientation is 42°, although the actual sun angle is still 32°.

Table 1 of the code lists the apparent sun angle (angle X) according to boundary orientation.

On other side and rear boundaries the building envelope is defined by planes at 45° from a line 3.5m above the boundary (R6). In a departure from the current code, this approach does not distinguish between principal building zone and rear building zone (although this distinction remains for the purposes of boundary setbacks). The changed policy effectively allows for additional building bulk adjacent to boundaries other than the northern boundary of an adjoining residential block subject, of course, to boundary setback and building height controls.

These provisions apply to

- all large blocks (ie. Greater than 500m<sup>2</sup>)
- all blocks in the Molonglo Valley
- all mid-sized blocks approved on or after the commencement date of this variation

- all compact blocks approved on or after the commencement date of this variation, but only in relation to the sun angle plane

Current provisions applying to mid-sized blocks approved before the commencement date are retained.

No building envelopes currently apply to compact blocks. This policy is retained in the new code except that the sun angle plane component of the building envelope will apply to compact blocks approved after the commencement date. This means that the owners of new compact blocks will have the same protection from overshadowing as mid sized and large blocks.

#### *Access to sunlight*

From 1 July 2010, amendments to the Building Code of Australia requires all new detached dwellings to achieve at least the equivalent of a 6 star energy rating. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency. Provisions in the draft code that limit the overshadowing of residential blocks will facilitate passive solar design (see the discussion under “building envelopes” above), thus contributing to the cost-effective achievement of the required energy rating.

As a consequence of this approach current provisions requiring 3 hour's access to sunlight on the winter solstice have been deleted.

#### *Setbacks*

R13 and the associated tables largely retain current front boundary setbacks except that the upper level front boundary setback for blocks approved before 18 October 1993 is reduced from 7.5m to 6m. This is consistent with upper level front boundary setbacks applying to all other residential blocks.

Similarly R14 and its associated tables retain most current side boundary setbacks. Among the major change is a nil setback for garages to one side boundary for large blocks, provided that the total length of the garage wall on the boundary does not exceed 8m. Garages at nil setbacks are commonly approved, but currently only as departures from the current 1.5m minimum setback. This change will allow for complying proposals with nil setbacks to garages to be exempt from development approval.

On mid-sized and compact blocks a nil upper floor level side boundary setback is permitted where specifically allowed under a precinct code and where the block is part of an integrated housing development. Similarly, a nil rear boundary setback is permitted on mid-sized and compact blocks at both lower and upper floor levels where specifically allowed under a precinct code and where the block is part of an integrated housing development. These provisions are designed to allow for innovative housing design where the proposed built form is determined at the time of subdivision. Integrated housing development is discussed in the section on the draft Estate Development Code (section 2.6 below).

#### *Setbacks to unscreened elements*

Provisions applying to the separation of *unscreened elements* (see definition below) are currently not consistent across the Territory Plan. For example, the minimum separation for buildings with 4 storeys is 12m while the upper floor level

separation for smaller buildings is 18m. The new provisions will introduce a more consistent approach.

Side and rear boundary setbacks associated with R14 are based on a 12m separation between *unscreened elements at upper floor levels*, ie. a 6m boundary setback.

*Unscreened element* means unscreened windows, decks, balconies and external stairs

*Upper floor level (UFL)* means a finished floor level, which is greater than 1.8 metres above datum ground level at any point

### *General*

Other elements largely retain previous provisions, with some amendments to improve clarity and consistency.

### *Document*

The draft Single Dwelling Housing Development Code is at **Appendix C**.

## 2.5.3 Multi Unit Housing Development Code

The current Multi Unit Housing Development Code is proposed to be replaced by a new code of the same name. As a result of a thorough review of the code, and in response to public submissions on DV303 in 2010, significant policy refinements are proposed, not least in the areas of solar access and residential redevelopment in RZ2. Many other rules and criteria have not changed significantly from a policy perspective, but been re-crafted to improve clarity and consistency.

The following elements contain provisions with major or notable policy implications.

### **Part A – General controls**

#### **Element 1: Restrictions on use**

##### *Minimum block size for dual occupancy in RZ1*

In response to submissions received on DV303 in 2010, the draft code makes no change to the minimum size of a *single dwelling block* for *dual occupancy* in RZ1. R1 retains the minimum area of 800m<sup>2</sup>.

#### **Element 3: Building and site controls**

##### *Housing replacement*

In recent years the redevelopment of RZ3 and RZ4 areas in the Inner North and RZ2 areas across Canberra has been largely characterised by the replacement of single dwelling housing with multiple 1 and 2 bedroom dwellings. This has led

to a polarisation of housing supply in these areas between multi unit development and large detached houses.

These dwellings, particularly single bedroom units, are not ordinarily suitable for families with children. Limited housing choice in this way may have social implications, not least in the character of the local school community. As the number of families in a neighbourhood declines, the proportion of children from the neighbourhood at local schools tends to decline. A similar affect on other community facilities may also accompany a decline in the number of local families with children.

The proposed housing replacement policy requires the provision of at least one large dwelling for each block comprising the multi unit (ie. 2 or more dwellings) redevelopment parcel. If, for example, three blocks were consolidated, any multi unit redevelopment of the site must have at least three dwellings with three or more bedrooms.

This policy applies to redevelopment in all residential zones, but it is likely to have its greatest effect in RZ2, RZ3 and RZ4. This policy does not apply to single houses or to supportive housing.

#### *Density controls for residential redevelopment in RZ2*

About one third of submissions on the draft Multi Unit Housing Development Code under DV303 were concerned with residential redevelopment in the suburban core zone (RZ2). The consistent theme of these submissions was that the bulk and scale of development in RZ2 should be more in keeping with existing development. In response, the draft code introduces new density controls for residential redevelopment in RZ2, in concert with plot ratio controls. These density controls are shown in table 1.

Under the current *Residential Zones – Multi Unit Housing Development Code*, the minimum block size for dual occupancy in RZ2 is 800m<sup>2</sup>. The proposed density controls will see this reduced to 700m<sup>2</sup>, in keeping with the general approach to dwelling density in the RZ2 zone ie. a maximum of one dwelling for each 350m<sup>2</sup> of site area.

**Table 1: Maximum number of dwellings allowable on single dwelling blocks in RZ2**

block size (m <sup>2</sup> )	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 to <2350	6
over 2350	6 + 1 for every 250m <sup>2</sup> ** of site area over 2350m <sup>2</sup>

\* not including a secondary residence

\*\* not less than 250m<sup>2</sup> is required for every additional dwelling

### *Density controls for residential redevelopment in RZ2 – adaptable housing*

R11 allows for slightly higher density where the dwellings are adaptable (under Australian Standard AS4299 class C). The maximum dwelling yield for this type of residential redevelopment in RZ2 is shown in table 2 below. It should be noted that, because all supportive housing must be adaptable, this provision also applies to supportive housing.

**Table 2: Maximum number of dwellings for adaptable housing allowable on single dwelling blocks in RZ2**

block size (m <sup>2</sup> )	maximum number of dwellings***
<600	1*
600 to <850	2
850 to <1100	3
1100 to <1350	4
over 1350	4 + 1 for every 250m <sup>2</sup> ** of site area over 1350m <sup>2</sup>

\* not including a secondary residence

\*\* not less than 250m<sup>2</sup> is required for every additional dwelling

\*\*\* all dwellings must be for supportive or adaptable housing

### *Other new controls on residential redevelopment in RZ2.*

In addition to the proposed residential density controls element 3 of the draft Multi Unit Housing Development Code also contains the following provisions for multi unit residential redevelopment in RZ2:

- no building can contain more than four dwellings (R15)
- buildings containing 2 or more dwellings on the same block must be separated by at least 4m (R32).

The draft Residential Zones Development Code also limits the consolidation of blocks for residential redevelopment in RZ2 to blocks that, following consolidation, have a continuous street frontage (see section 2.5.1 above).

R13 retains the current rule restricting multi unit housing redevelopment with 3 or more dwellings to blocks (or the consolidation of blocks) with a frontage of more than 20m. This restriction has the effect of excluding many blocks in culs-de-sac, whether consolidated or not, from multi unit redevelopment.

### *Plot ratio – RZ1*

R9 introduces a *plot ratio* of 65% for multi unit housing in RZ1 on *large blocks* that are not *single dwelling blocks* (ie. blocks originally set aside for multi unit development rather than for single houses). Currently, instead of *plot ratio* controls, the bulk and scale of buildings on such blocks are determined by a combination of building height and setback controls. These controls are to be



retained but, in keeping with the objectives and *desired character* of the RZ1 zone, the draft code proposes a 65% plot ratio for these blocks. This will bring consistency to development in RZ1 in keeping with its stated objectives, with a plot ratio appropriate for two storey multi unit housing. RZ3, which is also limited to two storeys, currently has a 65% plot ratio.

The equivalent provision in DV303 provided for a 50% plot ratio. This limit is considered to be too restrictive, bearing in mind that this only applies to blocks specifically identified for multi unit housing at the estate development stage, and not to the redevelopment of *single dwelling blocks* in established areas. A plot ratio of 65% has been associated with two storey multi unit residential development since the inception of the inner north Canberra B12 land use policy in the 1990s. In concert with a two storey height limitation, boundary setbacks, parking and open space requirements, a 65% plot ratio has been shown to provide a good balance between dwelling yield on the one hand, and residential amenity and streetscape value on the other.

This provision applies only to blocks approved after the commencement date of DV306.

#### *Triple occupancy housing – RZ2*

Special plot ratio provisions apply to *triple occupancy housing* under the current *Residential Zones - Multi Unit Housing Development Code*. This form of housing is limited to a 50% plot ratio, except where one or more of the proposed dwellings do not front a public road. In this case the overall maximum plot ratio is 35%. This imposes an unreasonable restriction on multi unit development containing three dwellings compared with similar development containing 4 or more. Under the proposed density controls outlined above, a site area of 1050m<sup>2</sup> is required for three dwellings. Applying a 35% plot ratio (as would apply in most cases), the maximum *gross floor area* (GFA) of the total development would be 368m<sup>2</sup>, at an average of 122.5m<sup>2</sup> per dwelling. In contrast 1400m<sup>2</sup> is required for four dwellings. At 50% plot ratio the total GFA would be 700m<sup>2</sup> or 175m<sup>2</sup> per dwelling. This is a significant difference that cannot be easily justified. It is therefore proposed that no special plot ratio provision apply to triple occupancy development. This will mean that all multi unit housing in RZ2, with the exception of *dual occupancy housing*, will be limited to a plot ratio of 50%.

The consequence of this policy change is that *triple occupancy housing* no longer needs to be defined under the Territory Plan. Accordingly, its deletion is proposed.

#### *Comparison of plot ratio controls*

Tables 3 and 4 summarise current and proposed plot ratio provisions for residential housing development.

**Table 3 - Current plot ratio provisions**

	block type	plot ratio (%)				
		RZ1	RZ2	RZ3	RZ4	RZ5
single house	sdb 500m <sup>2</sup> or greater	50	50	none	none	none
	other	none	none	none	none	none
dual occupancy	sdb 500m <sup>2</sup> or greater	up to 35	50 or 35*	65	80	none
	other	n/a	50	65	80	none
multi unit	sdb 500m <sup>2</sup> or greater	none	50 or 35#	65	80	none
	other	none	none	65	80	none

sdb – *single dwelling block*

n/a – not applicable

\* where at least one dwelling does not address the street

# where at least one dwelling in a triple occupancy does not address the street

**Table 4 - Proposed plot ratio provisions – DV306**

	block type	plot ratio (%)				
		RZ1	RZ2	RZ3	RZ4	RZ5
single house	sdb greater than 500m <sup>2</sup>	50	50	<b>50</b>	<b>50</b>	<b>50</b>
	other	none	none	none	none	none
dual occupancy	sdb greater than 500m <sup>2</sup>	up to 35	50 or 35*	65	80	none
	other	n/a	50	65	80	none
multi unit	sdb greater than 500m <sup>2</sup>	n/a	50	65	80	none
	other	<b>65</b>	<b>65</b>	65	80	none

changes from Table 3 are shown in bold

sdb – *single dwelling block*

n/a – not applicable

\* where at least one dwelling does not address the street

### *Building height*

The current approach of using limitations on the number of storeys in conjunction with an overall height of building is to be retained, but with some significant changes for RZ3, RZ4 and RZ5. Under R16 and R17 buildings in RZ1 and RZ2 are limited to 2 storeys, with additional restrictions on attics and basements for *single dwelling blocks* in RZ1. These are mandatory controls. Under R22 overall building height in RZ1 and RZ2 is limited to 8.5m but, as under current codes, departures can be approved where the relevant criterion is satisfied.

R19, R20 and R21 limit the number of storeys in RZ3 to 2, RZ4 to 3, and RZ5 to between 3 and 6 (depending on adjoining land use). In contrast to the current code where the limitations on storeys are mandatory, the draft code allows for departures if the associated criterion is satisfied. Two mechanisms are proposed to limit such departures. Firstly, additional storeys will be approved only if any

additional storey is not apparent from the street. C19, for example, applies to RZ3 as follows.

*Buildings achieve all of the following:*

- a) consistency with the desired character*
- b) the appearance of not more than two storeys for that part of the building facing the street*
- c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.*

Consistency with the desired character and reasonable solar access to adjoining blocks also need to be established before a departure is approved.

The second mechanism relies on establishing a mandatory overall building height limitation for RZ3, RZ4 and RZ5 through R23.

Table 5 below summarises the proposed approach to building height control in residential zones.

**Table 5: Building height controls**

zone	number of storeys		height of building	
	limit in rule	criterion	limit in rule	criterion
RZ1	2	no	8.5m	yes
RZ2	2	no	8.5m	yes
RZ3	2	yes	9.5m	no
RZ4	3	yes	12.5m	no
RZ5*	3 <sup>#</sup> , 4 <sup>#</sup> or 6	yes	21.5m	no

\* precinct codes may specify building height requirements for certain blocks

<sup>#</sup> determined by adjoining land use

### *Building envelopes*

R24 to R27 introduce building envelopes for multi unit housing with three storeys or less similar to building envelopes applying to single residential housing described above.

### *Access to sunlight*

From 1 July 2010, the Building Code of Australia requires all new multi unit housing projects to achieve, on average, at least the equivalent of a 6 star energy rating, with no dwelling achieving an energy efficiency of less than the equivalent of 5 stars. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency. Provisions in the draft code that limit the overshadowing of residential blocks will facilitate passive solar design (see the discussion under “building envelopes” above).

As a consequence current provisions requiring 3 hours access to sunlight on the winter solstice have been deleted.

### *Privacy*

The consistent approach to the separation of unscreened elements (such as windows to living areas and balconies), described in 2.3.4 above, is applied in the draft multi unit code. R53 and R54 apply the principle of a 12m separation of unscreened elements across boundaries to dwellings on the same block.

In a departure from the current approach, the measurement of separation for privacy is based on a person's standing vantage point (ie. an eye height of 1.5m). This allows for a variety of vantage points to be assessed, including balconies. It also allows for lines of sight away from the horizontal (eg. from an upper floor balcony to another dwelling's principal private open space).

### *Principal private open space*

R55 and the associated table A9 prescribe minimum areas of private open space based on the principle that private open space should increase with dwelling size (number of bedrooms) and should be larger in lower density residential zones (eg. RZ1 and RZ2).

*Principal private open space* means private open space that is directly accessible from a habitable room other than a bedroom.

### *Approaches to basement car parking*

R73 is a new rule that seeks to avoid vehicle conflicts at combined entrance/exits to basement car parking by requiring waiting areas and/or traffic signals.

### *Delivery and removalist vans*

Compared with the current rule, R77 reduces the threshold from 50 dwelling to 40 dwellings in relation to requirements for short stay parking of delivery and removalist vans.

## **Part B – Additional controls for multi unit housing with 4 or more storeys**

As the name suggests, this part contains additional controls that apply to residential buildings with 4 or more storeys in any zone. The introduction to this part advises that where there is an inconsistency between part A and part B, the provision in part B shall prevail to the extent of that inconsistency.

### **Element 10: Building and site design**

R87 and the associated table B1 specify side and rear boundary setbacks based on the building interface provisions of the current code. The revised side and rear boundary setbacks retain the principle that side and rear boundary setbacks should increase with building height for buildings with 4 or more storeys. The new setbacks also assume that there is no need to distinguish between *external walls* and *unscreened elements* at setbacks of 6m or more, consistent with other similar provisions in the draft code requiring a minimum 12m separation of unscreened elements.

*Unscreened element* means unscreened windows, decks, balconies and external stairs

*External wall* means an external wall that may also incorporate any of the following

- a) windows with sill heights at or above 1.7m from the floor
- b) screened decks
- c) fixed pane windows with obscure glass
- d) awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal
- e) obscure glass bricks.

Separate investigations are underway to determine a workable way to describe opacity in glass. This may be the subject of a future technical amendment to the Territory Plan.

### **Part C – Additional controls for multi unit housing in commercial zones**

Part C contains additional controls that apply to residential buildings in commercial zones. It contains only one provision relating to ground floor commercial use. It is consistent with current R178.

Broadly, there are two options for the regulation of building setbacks for residential development in commercial zones. The first, which is adopted by the draft Multi Unit Housing Development Code, is to nominate setbacks to residential buildings in commercial zones that would ordinarily apply in residential zones. Setbacks more typical of commercial zones, including nil front and side boundary setbacks could be applied through precinct codes.

The second option is to make no provision in the draft code for residential buildings in commercial zones. This approach would see residential buildings in commercial zones built to commercial building setbacks, unless overridden by a precinct code.

#### *Document*

The draft Multi Unit Housing Development Code is at **Appendix D**.

### **2.5.4 Block and area specific provisions**

Parts of the current *Residential Zones - Multi Unit Housing Development Code* and the *Residential Zones – Single Dwelling Housing Development Code* include site or area specific provisions for various suburbs in Canberra that differ from those applicable to the rest of Canberra. Typically, these provisions relate to building heights and front setbacks. The review of these provisions identified that some are no longer relevant due to the development that has occurred on the site. Other specific provisions are no longer relevant because they are superseded by the introduction of subsequent planning policies (eg. maximum heights in parts of Deakin and Forrest have been superseded by the introduction of building envelopes in the current single and multi unit development codes).

Parts C(1) – C(5) of the multi unit code contain particular planning provisions for various parts of Canberra. These provisions were developed at different times and, because of a commitment to policy neutrality there was no opportunity to rationalise them in the formulation of the current Territory Plan.

The relevant general provisions are now incorporated in the draft single and multi unit development codes, but those with particular block or area specific application are intended to be incorporated into suburban precinct codes. For example, the maximum building height of ten storeys applicable to part of Section 69 Lyons is intended to be incorporated into the Lyons Precinct Code, through a separate technical variation to the Territory Plan.

Considering the hierarchy of codes in the Territory Plan (ie. precinct codes, development codes and general codes), a precinct code is the most appropriate home for area or site specific provisions.

## **2.6 Summary of key changes – Estate Development Code**

The current *Residential Subdivision Development Code* is proposed to be replaced by a new Estate Development Code. It differs from the current code in format and some key policies, not least being new block compliance tables designed to achieve improved solar performance for residential subdivisions.

### *Code format*

In a departure from the draft Estate Development Code publicly released in 2010 as part of DV301, the provisions relating to entity endorsement are now in a separate part of the code (part D). Parts A, B and C now contain only estate planning provisions. “Entities” in this context are government agencies (eg. TAMS) or service providers (eg. ActewAGL).

There is a rule for each component of an estate development plan that requires endorsement. It simply states that endorsement by the relevant entity is a mandatory requirement – there is no associated criterion. A note associated with the rule contains details of the actual endorsement. This gives a measure of certainty to the applicant, by indicating that endorsement will be given if certain published standards are met. It also allows for departures to be considered through negotiation between the proponent and the relevant entity.

Under this approach it is possible for an entity to endorse a particular component under part D, but for ACTPLA to refuse the EDP on the grounds that the component does not meet planning requirements, under the relevant rule and criteria in parts A, B or C. The reverse is also possible.

### **2.6.1 Key policies**

Proposed provisions with major or notable policy implications are outlined as follows.

## **Part A – Estate planning in all zones**

### **Element 3: Street network**

Under the Estate Development Code released with DV301, rear lanes in any zone are permitted only where the block's address street has a current or projected traffic volume of more than 3000 vehicles per day. This policy has at least two important implications. A rear lane meeting this requirement could not be used to access blocks on the other side of the lane unless their address street is also a busy road. Further, rear lanes can only be used to access blocks less than 8m wide. This effectively rules out rear lanes in RZ1 because, under other provisions, blocks in this zone must be more than 8m wide.

R53 is a significant departure from the previously exhibited policy.

Firstly, it essentially mandates the use of rear lanes to serve blocks less than 8m wide (mostly compact blocks) that address a busy road. The draft code does not carry over the previous code's restriction on block widths in RZ1.

Secondly, it essentially mandates rear lane access for compact north-south blocks with an address street to the north. Its purpose is to allow good solar access to the front of the building, by allowing garages to be located at the rear and serviced from a rear lane.

In contrast to the previously released version, the proposed Estate Development Code does not restrict the use of rear lanes, even in RZ1. In some cases it mandates them. Further, it does not carry over the previous code's restriction on block widths in RZ1, thereby allowing both blocks narrower than 8m (mostly compact blocks) and rear lanes.

## **Part B – Estate planning in residential zones and CZ5**

### **Element 8: Block layout and orientation**

#### *Block compliance*

The ACT Government is committed to improving the energy efficiency of homes and by doing so minimise energy consumption and reduce greenhouse gas emissions. Homes that integrate sound environmental design such as proper insulation, northerly orientation and shading of windows and walls in summer, are more likely to achieve this target.

Canberra has hot summers and cool winters. Houses designed with environmental design principals in mind provide comfortable living conditions throughout the year and reduce energy consumption and greenhouse gas emissions. Energy efficient options cost little to implement at the design and construction stage, yet offer significant long-term benefits both to the homeowner and to the environment.

Residential blocks should be oriented and proportioned so that a house can have daytime living areas facing north and sunlit private open space, while limiting the overshadowing of adjoining residential blocks.

Certain combinations of block size, slope and orientation are more likely to achieve solar efficient house design. Accordingly, R41 requires compliance with

tables found in the appendix to the code. These tables are based on the principle that solar efficiency decreases as blocks:

- narrow
- tend towards an orientation 45° to the north-south axis
- slope towards the south.

Other factors also influenced the formulation of these tables, in addition to size, shape and orientation. Consideration was given to the likely upper level floor space yield taking account of building envelopes and boundary setbacks. A bias against blocks oriented at 45° to the north-south axis is evident because of the difficulty of properly orienting a house towards the sun, particularly on small blocks.

This provision is intended to have interim effect, as explained in section 2.10 below.

#### *Disclosure of non-complying blocks*

R41 requires full compliance with the compliance tables, but has an associated criterion to allow for departures, if justified. This approach contrasts with the approach taken in the Estate Development Code released in 2010 (DV301) which required at least 95% compliance with no prospect of departures (ie. no associated criterion). To balance this additional flexibility R42 requires that any approved, non-complying blocks must be identified in the estate development plan. This will alert prospective purchasers that there may be limitations on the development of non-complying blocks as they are still required to comply fully with the Single Dwelling Housing Development Code.

This provision is intended to have interim effect, as explained in section 2.10 below.

#### *Integrated housing development*

The draft Estate Development Code released under DV301 in 2010 recognised two types of land parcels: single dwelling blocks and multi unit blocks. Single dwelling blocks are assessed against the block compliance tables which, as outlined above, place an emphasis on maintaining sunlight access to adjoining blocks. Multi unit housing blocks are assessed against a development intentions plan lodged for approval with an EDP, again with emphasis on solar access to adjoining blocks.

In response to submissions received, and the recommendations of the 2010 Territory Plan Code Review Reference Group, it is proposed to introduce a third category of land parcel to be assessed at EDP stage - “integrated housing development parcel”.

*Integrated housing development* parcel means a parcel of land that is intended to be

- a) subdivided into 2 or more single dwelling blocks, and
- b) used or intended to be used for integrated housing development.



Under element 8 an integrated housing development parcel is subject to the block compliance tables in the same way as a single dwelling block, but the subsequent single dwelling blocks would not necessarily need to comply. In all cases the applicant must demonstrate, through an integrated housing development plan lodged for approval with an EDP, that the resulting houses provide reasonable levels of residential amenity and solar access, comparable with the relevant provisions of the Single Dwelling Housing Development Code.

Essentially the applicant must demonstrate that each dwelling in the parcel has access to sunlit private open space, as required by the Single Dwelling Housing Development Code.

The mandatory components of an approved integrated design will be subsequently uplifted to the relevant suburb precinct code, taking the form of specific and quite detailed building envelope controls, including mandatory boundary or “party” walls. These provisions would be mandatory to ensure a high level of consistency in development within an integrated housing development parcel.

#### *Document*

The draft Estate Development Code is at **Appendix D**.

## **2.7 Summary of key changes – Lease Variation General Code**

The draft Lease Variation General Code seeks to provide a regulatory framework for the assessment of applications to vary leases. Currently such applications are predominantly considered in the merit track and assessed only against the matters listed in s120 of the P&D Act, as follows

### **120 Merit track—considerations when deciding development approval**

In deciding a development application for a development proposal in the merit track, the decision-maker must consider the following:

- (a) the objectives for the zone in which the development is proposed to take place;
- (b) the suitability of the land where the development is proposed to take place for a development of the kind proposed;
- (c) each representation received by the authority in relation to the application that has not been withdrawn;
- (d) if an entity gave advice on the application in accordance with section 149 (Requirement to give advice in relation to development applications)—the entity’s advice;

*Note* Advice on an application is given in accordance with section 149 if the advice is given by an entity not later than 15 working days (or shorter prescribed period) after the day the application is given to the entity. If the entity gives no response, the entity is taken to have given advice that supported the application (see s 150).

- (e) if the proposed development relates to land that is public land—the plan of management for the land;
- (f) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.

The draft code introduces more specific matters for consideration for particular variations including the provision of car parking, traffic generation, waste management and disposal, and noise generation. It also provides rules by which the following lease variations can be assessed under the code track

- expressing the number of units
- removing easements
- authorising a secondary residence

### *Document*

The draft Lease Variation General Code is at **Appendix F**.

## **2.8 Summary of key changes – other matters**

### **2.8.1 Precinct codes**

Both the current Multi Unit Housing Development Code and Single Dwelling Housing Development Code make reference at various places to precinct codes. For example, R61 of the Multi Unit Housing Development Code refers to blocks identified in a precinct code as “potentially affected by noise from external sources”.

Since the release of DV303 a number of suburban precinct codes have been added to the Territory Plan through DV302 in association with the adoption of the Community Facility Zone Development Code. Other suburban precinct codes will be added to the plan as required.

The draft codes under DV306 propose the expanded use of suburban precinct codes through, for example, identifying approved non-complying blocks and building form provisions associated with integrated housing development parcels (see section 2.6 above). Suburban precinct codes are ordinarily added to the Territory Plan through a technical variation associated with lifting the future urban area overlay following approval of the relevant estate development plan. Alternatively a full plan variation may be employed.

### **2.8.2 Definitions**

The draft variation seeks to introduce new definitions arising from the proposed codes, delete redundant definitions and modify some current definitions.

Among the new definitions is a definition for *datum ground level*.

*Datum ground level* means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

This is intended to eventually replace *natural ground level* throughout the Territory Plan. The new definition establishes a datum at the conclusion of greenfield development in an effort to more accurately reflect the surface condition. This means that the height of building, for example, will henceforth be measured from the surface level immediately following estate development, and will not be affected by subsequent filling or excavation. ACTPLA is currently exploring mechanisms by which datum ground levels can be made publicly available.

#### *Document*

Draft changes to the definitions in the Territory Plan are at **Appendix G**.

## **2.9 Planning Context**

### **2.9.1 National Capital Plan**

The Australian Capital Territory (Planning and Land Management) Act 1988 established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

### **2.9.2 Territory Plan**

The proposal is consistent with the Territory Plan's Statement of Strategic Directions in terms of environmental, economic and social sustainability, and spatial planning and urban design principles such as:

- reduce energy consumption by solar efficient siting and design of buildings
- support preferred pattern of development and efficient use of land

### **2.9.3 The Canberra Spatial Plan**

The Canberra Spatial Plan outlines the strategic direction for growth to achieve social, environmental and economic sustainability for Canberra. Through the introduction of the proposed codes the following objectives of the plan (Spatial Plan p17) will be advanced:

- provide opportunities for a diverse range of housing for the full range of household types and lifestyle preferences
- facilitate a high quality built environment

## 2.9.4 Time to talk – Canberra 2030

In December 2010 the report from *Time to talk – Canberra 2030* was released. Six key messages emerged from community engagement:

- population growth and demography
- management of water and energy
- housing diversity
- integrating transport and land use
- a compact city and quality urban environment
- Canberra's role in the region.

This draft variation responds to these principles in the following ways.

By increasing the solar performance of residential blocks, the new Estate Development code will improve energy management, by making it easier for future buildings to take advantage of sunlight. It will also foster housing diversity by requiring a range of block sizes in all new estates, and encourage walking, cycling and the use of public transport as part of the ongoing integration of transport and land use.

Similarly, the new residential development codes will improve energy management by limiting the overshadowing of neighbouring properties, and at the same time improve sustainability in the context of quality urban development. Housing diversity and quality urban development within the compact city will also be fostered through refined controls on multi unit residential redevelopment in RZ2 zones. These controls seek to strike the right balance between increasing density around local centres on the one hand, and housing design that is sustainable, in keeping with the desired character of the neighbourhood, and takes advantage of existing transport options and services, on the other hand. Housing diversity will be enhanced through the introduction of secondary residences to suburban areas. Low key housing of this sort will meet a range of housing needs – from students to elderly relatives – in a domestic setting in keeping with the existing neighbourhood.

## 2.10 Interim Effect

The following parts of this draft variation have interim effect, from date of the consultation notice (ie. on or about the date of release for public comment), but will not apply to current development applications, proposals for which an application for a completeness check has been lodged before the date of public release or, in the case of estate development plans, lodged with ACTPLA for pre-application circulation before the date of public release.

### **Estate Development Code**

Element 8, item 8.1, rule 41, criterion 41, rule 42 and tables referred to in rule 41.

Interim effect will require all affected estate development plans to comply with block layout and orientation controls. For the purposes of interim effect the code referred to in criterion 42 is the current *Residential Zones - Single Dwelling Housing Development Code*.

### **Multi Unit Housing Development Code**

Element 3 – items 3.8, 3.10, 3.11 and 3.25

Element 5 – item 5.3

Element 7 – item 7.6

For all affected proposals, compliance is required with new controls affecting the density of multi unit residential redevelopment in RZ2.

### **Residential Zones Development Code**

Element 11 – item 11.2

For all affected proposals, compliance is required with new controls affecting consolidation of blocks for multi unit residential redevelopment in RZ2.

The declaration of interim effect means that, after the date specified in the consultation notice, the identified provisions must be applied in the determination of a development application. In effect, if a draft provision with interim effect applies in a similar way to a current provision, the more onerous provision takes precedence. In this case, interim effect does not apply to proposals for which an application for a development application completeness check was lodged with ACTPLA or, in the case of estate development plans, pre-application circulation commenced, before the specified date.

Interim effect will end on the day the earliest of the following happens:

- (i) the day the public availability notice under section 70 for the draft variation is notified in accordance with the Legislation Act
- (ii) the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1) (b) or section 76 (3) (b) (v)
- (iii) 1 year after the date of the consultation notice.

## **2.11 Consultation with government agencies**

ACTPLA is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation

- (i) the national capital authority
- (ii) the conservator of flora and fauna
- (iii) the environment protection authority
- (iv) the heritage council

- (v) if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

## **National Capital Authority**

The NCA provided the following comments on 18 May 2011:

*“The National Capital Authority has no objection to Draft Variation to the Territory Plan No. 306 proceeding”*

### Response

Noted

## **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments on 13 May 2011:

*“In accordance with Section 61(b) of the Planning and Development Act 2007, I advise that I have examined Draft Variation to the Territory Plan No. 306 Residential development, estate development and leasing codes. The variation relates to the replacement of residential zones objectives, development tables, and housing development codes, introduction of a Residential Zones Development Code and Lease Variation General Code, and the replacement of the existing Residential Subdivision Development Code with the Estate Development Code.*

*It is noted that the new Estate Development Code does not contain a mandatory referral to the Conservator for comments on the retention of trees. This provision should remain as provided in the existing Residential Subdivision Code i.e.*

*Rule: All Exceptional, High, and Medium Value Trees are retained and protected in accordance with a tree management plan approved by the Conservator; and*

*Criteria: Having regard to the advice from the Conservator, justification for tree removals is provided and forms part of the development application to be considered by the Authority.*

*This is in accordance with the provisions of the Tree Protection Act 2005. Should the Conservator’s role under the Tree Protection Act change this can be corrected with a technical variation to the Territory Plan.*

*In addition the Code should contain a requirement that the Conservator is required to provide comments on the retention of significant vegetation*

*and habitat areas, including ecological connectivity. This will ensure that ecological considerations are addressed in the development of an Estate Development Plan. Element 1, 1.1 (e) should have the words “including consideration of ecological connectivity” added to the sentence.*

*I would like to note my support for the recognition that Public Realm Spaces can play an important role in the protection of biodiversity and ecological connectivity.*

*It is noted that the mandatory referral to the Conservator still remains for any development application for works on existing residential sites that may impact on a tree protected under the provisions of the Tree Protection Act 2005”.*

### Response

While there is a statutory requirement under the *Tree Protection Act 2005* for referral to the Conservator of Flora and Fauna, a mandatory rule has been added to Element 16 of the Estate Development Code stating that tree management plan requires endorsement from the Conservator of Flora and Fauna when exceptional, high and/or medium value trees are present on site.

The words “including consideration of ecological connectivity” have been added to C1(e).

### **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 20 May 2011:

*“Thankyou for referring Draft Variation to the Territory Plan No. 306 to the Environment Protection Authority for consideration prior its release for public consultation. Please see comments below.*

#### Explanatory document - Page 9 of 34

*The Environment Protection Authority (EPA) has no objections to the removal of “Major Utility Installation” from the list of prohibited development in residential zones, with the understanding that any such proposal would be subject to a rigorous Impact Track assessment and referral prior to approval.*

#### Explanatory document - Page 19 of 34

*The EPA is supportive of the first building setbacks option as adopted by the draft Multi Unit Housing Development Code. The second option of applying commercial building setbacks to residential buildings would increase the likelihood for impacts to residential amenity due to closer*

*proximity to odour sources, noise from ventilation, air conditioning unit noise sources and commercial activities.*

*Multi-unit housing development code – Part C (residential in commercial zones)*

*Rule 90 contains a note that states “Noise attenuation provisions in part B may also apply.” However, there doesn’t appear to be any noise attenuation provisions in part B. Perhaps this is a typographical error. Should this note instead refer to the noise attenuation provisions in the Commercial Zones Development Code?*

*Multi-unit housing development code – Rule 85 (erosion and sediment control)*

*A new note has been added that “If no evidence of compliance with the above guidelines is provided, the application may be referred to the relevant agency...” The EPA does not wish to see referrals on the basis of erosion and sediment control if the site is less than 3000m<sup>2</sup>. This is due to the relatively simple nature of checking the erosion and sediment (E&S) control plans for smaller sites, and the limited resources of the EPA to review every development application submitted to ACTPLA. The EPA has conducted short training sessions for ACTPLA staff in the past to ensure that Development Assessment Officers have the tools to assess a plan of this type. If a plan doesn’t appear to comply with the Guidelines then a revised plan should be sought, rather than referring the DA to the EPA. The EPA would be happy to arrange further training for ACTPLA staff in order to ensure the continued effectiveness of this arrangement as it currently applies.*

*Multi-unit housing development code – Rule 95 (contamination)*

*This rule appears to be a replacement for the existing rule 42. The EPA recommends that the current wording as in rule 42 remains in place for the new code as it accurately and sufficiently describes the EPA’s requirements regarding potential contamination. The new rule states that it only applies to any site listed under the ACT Government Strategic Plan – Contaminated Sites Management 1995. There are no sites listed under the strategic plan as it is not a site register or anything to that effect; it is a document broadly outlining the Government’s strategy, goals and principles for managing contaminated sites.*

*On this note, there is an opportunity to improve the development application process for contaminated sites, similar to that for Heritage listed sites, as the EPA provides ACTPLA with data on all blocks recorded by the EPA as being known or potentially contaminated. This data is updated regularly as sites are added or removed and is utilised as an enquiry in the Conveyancing Enquiry Search administered by ACTPLA. With this information ACTPLA could run an automated database check for each newly submitted DA which would flag whether or not there is a potential contamination issue at the site. This would reduce the possibility of any potentially contaminated site not being referred to the EPA.*



Multi-unit housing development code – Rule 96 (erosion and sediment control)

*This rule requires an erosion and sediment control plan but falls under the heading contamination, which may be confusing. Also, Note 1 appears to be a typographical error as it references contamination. Note 2 states “a condition of approval may be imposed to ensure compliance”. This appears to indicate that if a plan isn’t submitted with the development application (and hence doesn’t comply with this rule), this can be resolved through a condition of approval. This note also appears elsewhere in DV306, for example in the Estate Development Code’s rule 35. It is the EPA’s preference that a Development Application is not accepted until all required documentation and plans are submitted. This would facilitate a more holistic approach to assessment, taking into account all relevant information prior to issuing a decision. The alternative of adding a long list of conditions sends mixed messages about whether the DA is actually approved and can lead to antagonism between proponents and Government. There is obviously a place for conditional approvals in specific circumstances but perhaps this would be better detailed elsewhere in the Territory Plan, rather than under individual rules as this may encourage unnecessary use of this option.*

Single Dwelling Housing Development Code – Rule 41  
& Multi-unit Housing Development Code – Rule 61

*It is assumed that ACTPLA’s intention is to refer acoustic reports to the relevant agencies. If this is the case the rule should state that endorsement is required by a) TAMS (Traffic noise) and b) EPA (environmental noise).*

*In addition, in the EPA’s previous comments provided for DV303, it was requested that this rule be amended slightly with the addition of a new category: “iv) adjacent to a commercial or industrial zone”. This would extend the requirement for an acoustic assessment to those blocks immediately adjacent to noisy areas, as residents in these positions are likely to be affected if a building is not designed and built with acoustic attenuation in mind.*

Estate Development Code – Rule 35

*One of the major structural changes to the Code is the separation of elements requiring entity endorsement. If the intention is to completely separate these elements from those that ACTPLA assess, then rule 35 is out of place. On a strictly technical level, this rule should probably state “Earthworks are managed in accordance with an Environmental Management Concept Plan...” (removing the word ‘designed’ as the EMCP is not about design, but managing the environmental effects of the development.)*

*However, this rule could be removed altogether as it overlaps with rule 113. An EMCP is not required in addition to a sediment and erosion control concept plan as they essentially cover the same concepts.*

*Regarding rule 113, any reference in DV306 to the “Environment Protection Guidelines for Construction and Land Development in the ACT, 2007” should be updated to the most current version, 2011.*

*Estate Development Code – Rule 114*

*Depending on the scale of contamination an independent audit may not be required. Please reword part b) of this rule to reflect the EPA’s requirements, to something along the following lines:*

*“b) an environmental site assessment report and either*

*i) EPA endorsement of the report, or*

*ii) Independent audit endorsed by EPA*

*where potentially contaminated site(s) are identified within or adjacent to the site.”*

*Estate Development Code – Amelioration of impacts*

*For Mixed Use Estates and Industrial Estates there should be a criterion requiring an assessment of future visual, noise and odour impacts resulting from the layout of the proposed estate. The assessment should determine whether appropriate buffer distances have been considered/established for activities both within and adjacent to the estate (Examples include the commercial/residential interfaces within a mixed use estate, or the proposed development of a residential estate adjacent to industrial activities)*

*In order to achieve good planning outcomes these issues need to be at least assessed and, if required, addressed in the EDP design to avoid simply relying on the DA stage to deal with them.*

*This has been raised by the EPA on the previous circulations of the draft Estate Development Code in the form of DV301, which in its early form included these provisions.*

*Lease Variation General Code:*

*In the broader policy context, the EPA believes consideration be given to only permitting lease variation proposals to add extra uses if they are accompanied by a specific development proposal. It has been extremely difficult to assess land use suitability issues relating to site contamination, noise, odours and lighting without details of the development, resulting in the need to include prescriptive conditions of approval. These conditions are often challenged or borne by future lessees often resulting in conflicts between agencies and the eventual developer. The requirement to include a specific development/construction proposal will result in far greater certainty for developers and the community.*

*If the Lease Variation Code is implemented, it is suggested that certain changes be included to clarify the criteria. For example, the word “suitable” in Criteria 1, ii) is subjective and doesn’t alert the applicant to what makes land suitable or unsuitable for a particular use. For example,*

*contamination is not mentioned in the Code, yet this can be a major constraint to varying a lease particularly when adding sensitive uses such as residential to a site which has been used for potentially contaminating activities.*

*It is noted and appreciated that the EPA's previous suggestions regarding odour and light pollution have been incorporated into the code.*

*I look forward to continued discussion over Draft Variation to the Territory Plan No. 306 in the hope that we can achieve mutually desirable outcomes through its implementation."*

## Response

*Explanatory document - Page 9 of 34*

Noted

*Explanatory document - Page 19 of 34*

Noted

*Multi-unit housing development code – Part C (residential in commercial zones)*

Not agreed. Element 6 of Part B contains provisions for noise attenuation from external sources which are applicable to all zones.

*Multi-unit housing development code – Rule 85 (erosion and sediment control)*

Noted. This issue is being discussed with development assessment officers.

*Multi-unit housing development code – Rule 95 (contamination)*

Agreed. This rule will be amended to reflect the comments received.

*Multi-unit housing development code – Rule 96 (erosion and sediment control)*

Agreed in part. A new heading has been inserted before this rule to indicate it refers to erosion and sediment control rather than contamination. The note has also been corrected to remove the reference to contamination.

Before it is accepted, a development application is required to comply with the requirements of the DA form in regards to plans and documentation to be submitted. It is not agreed that conditions of approval are inappropriate. The assessing officer would determine whether a condition of approval was appropriate on a case by case basis.

*Single Dwelling Housing Development Code – Rule 41*

*& Multi-unit Housing Development Code – Rule 61*

Agreed in part. A reference to 'adjacent to a commercial or industrial zone' has been added to the rule in the Multi Unit Housing Development Code. For single dwellings affected blocks will be indicated in the relevant precinct code. The acoustic report will be assessed by the development assessment officer.

*Estate Development Code – Rule 35*

Noted. The words 'designed and' have been deleted from the rule.

*Estate Development Code – Rule 113*

Agreed. The wording of the rule has been amended

*Estate Development Code – Rule 114*

Agreed. The wording of the rule has been amended

*Estate Development Code – Amelioration of impacts*

A provision is included in Part A Element 11 in regards to blocks possibly affected by external noise.

*Lease Variation General Code:*

Not agreed. Under Section 7 of the *Planning & Development Act 2007* (Act) a lease variation, which may also mean consolidation or subdivision of the land, is defined as development for which a development application is required. A lease variation is not always a precursor to redevelopment of a site. In considering a proposal to vary a lease, an assessment needs to be made of the suitability of the land for the proposed use under Section 120 of the Act.

S120 also requires consideration of the objectives of the zone, the probable impact of the development and environmental issues such as contamination and use of adjacent sites.

## **Heritage Council**

The Heritage Council provided the following comments on 17 May 2011

*“Thank you for referring to the Heritage Unit the above draft variation 306. I understand that this document is similar in content to DV301 and DV303, which the Heritage Unit commented on in August 2010. The Heritage Unit has reviewed the documentation submitted and wishes to provide the following comments.*

*Previously, the Unit raised concerns about the draft variations specifically relating to Rule 16.1 of the Estate Development Code (page 37) - Protecting existing cultural heritage. This rule is not consistent with the provisions of the Heritage Act 2004. The current text requires that confirmation from the Heritage Unit only be provided if the site is listed or nominated to the Heritage Register. However, under the Act all Aboriginal sites and objects are protected regardless of whether they appear on the Heritage Register. Therefore, the Heritage Council requires that a Cultural Heritage Assessment and Conservation Management Plan are prepared in order to assess impacts to Aboriginal heritage sites and objects. Until these documents are formally endorsed by the Heritage Council disturbance to an Aboriginal site or object is an offence under Part 13 of the Act. By providing advice, the Heritage Council provides an exemption to this offence, as outlined in the Act. Consequently, the text needs to be modified to reflect the need for advice on Aboriginal sites regardless of whether they are listed or nominated to the Heritage Register.*

*The text in Rule 16.1 (page 37) refers to the Heritage Act 2006, this should be the Heritage Act 2004.*

*The Heritage Unit is also concerned about rule R43 of Single Dwelling Housing and Development Code, and R82 of Multi Unit Housing Development Code which are identical and state:*

*In accordance with section 148 of the Planning and Development Act 2007, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the Heritage Act 2004 are accompanied by advice from the Heritage Council stating the development meets the requirements of the Heritage Act 2004.*

*Note: If advice from the Heritage Council is required but not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.*

*It is my understanding that as of 2 December 2010, works other than Class 10 structures, that occur in heritage places have to be submitted to ACT Planning and Land Authority (ACTPLA) for approval in accordance with section 1.14 (2b) Criterion 4 – heritage and tree protection of the Planning and Development Regulation 2008. Therefore it appears that R43 and R82 would be contrary to this requirement.*

*The Heritage Unit considers that it is best practice for development applications to be referred to the Unit by ACTPLA. This ensures that the applications are well managed. Consequently, the Heritage Unit requests that R43 and R82 are modified to reflect the requirement that all works for non Class 10 structures in heritage places are submitted to ACTPLA on Merit Track before being forwarded to the Heritage Unit for comment. It is considered that the referral process would be in accordance with section 148(1) of the Planning and Development Regulation 2008.”*

## Response

Agreed. Changes have been made to this provision to include impacts to Aboriginal heritage sites and objects. The date of the Heritage Act has also been corrected.

The issue of whether all relevant development applications are referred to Heritage by ACTPLA or whether an applicant can obtain endorsement from Heritage prior to lodgement is being discussed with the development assessment area.

### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan

The Territory Plan is varied as follows

##### **a) Residential zones**

*Substitute* RZ1, RZ2, RZ3, RZ4 and RZ5 objectives with the relevant items in Appendix A

*Substitute* RZ1, RZ2, RZ3, RZ4 and RZ5 development tables with the relevant items in Appendix A

*Substitute* names for RZ3, RZ4 and RZ5 zones with respectively, RZ3 urban low rise zone, RZ4 urban medium rise zone, and RZ5 urban high rise zone

##### **b) Development codes**

*Insert* Residential Zones Development Code at Appendix B.

*Substitute* Residential Zones – Single Dwelling Housing Development Code with Single Dwelling Housing Development Code at Appendix C

*Substitute* Residential Zones – Multi Unit Housing Development Code with Multi Unit Housing Development Code at Appendix D

*Substitute* Residential Subdivision Development Code with Estate Development Code at Appendix E

##### **c) General codes**

*Insert* Lease Variation General Code at Appendix F

##### **d) Definitions**

*Omit* the definitions listed in Appendix G1

*Substitute* the definitions listed in Appendix G2

*Insert* the definitions listed in Appendix G3

## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

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## Draft Residential Zones Objectives and Development Tables

### RZ1 – Suburban zone

#### Zone objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly single dwelling and low density in character.
- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use



## RZ1 – Suburban zone development table

EXEMPT DEVELOPMENT	
On leased land, development must be authorised by a lease. Development approval is not required, but building approval may be required.	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
On leased land, development must be authorised by a lease. Development application required.	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> <li>express the number of units</li> <li>remove easements</li> <li>authorise a secondary residence</li> </ol>	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	parkland
boarding house	residential care accommodation
child care centre	retirement village
community activity centre	sign
consolidation	single dwelling housing (where not exempt development or code track assessable)
demolition	secondary residence
guest house	special dwelling
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
site identifier	additional development
O'Malley (land edged heavy black in Figure 1)	diplomatic residence chancellery
Turner Block 1 Section 42	COMMUNITY USE
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
<ol style="list-style-type: none"> <li>a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).</li> <li>a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.</li> </ol>	

3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.
PROHIBITED DEVELOPMENT	
Development listed below is prohibited development except where it is listed elsewhere in this development table.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
development listed below under the heading "area specific prohibited development" for the sites specified	recyclable materials collection
drink establishment	recycling facility
drive-in cinema	religious associated use
educational establishment	restaurant
emergency services facility	sand and gravel extraction
farm tourism	scientific research establishment
freight transport facility	serviced apartment
funeral parlour	service station
general industry	SHOP
group or organised camp	stock/sale yard
hazardous industry	store
hazardous waste facility	tourist facility
hospital	tourist resort
hotel	transport depot
incineration facility	vehicle sales
indoor entertainment facility	veterinary hospital
indoor recreation facility	warehouse
industrial trades	waste transfer station
land fill site	woodlot
land management facility	variation of a lease to add a use listed as "prohibited development" in this development table.

light industry	zoological facility
Area specific prohibited development	
<b>site Identifier</b>	<b>use</b>
<b>GRANTING LEASES</b>	
A lease cannot be granted that would authorise one or more of the developments listed as prohibited above. In addition a lease cannot be granted for one or more developments listed land in the table headed area specific prohibited development for the granting of leases for the land specified.	
Area specific prohibited development for the granting of leases	
<b>site Identifier</b>	<b>use</b>
land specified as “prohibited for supportive housing and retirement village” in a suburb precinct code	supportive housing retirement village
<b>RELEVANT CODE</b>	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

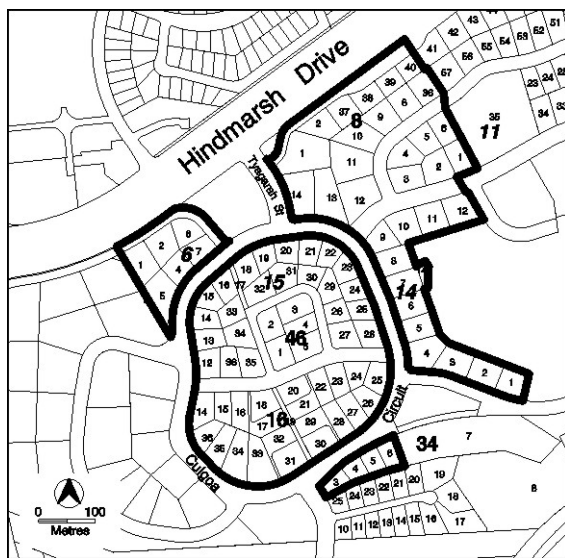


Figure 1 O'Malley

## **RZ2 – Suburban core zone**

### **Zone objectives**

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres.
- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Contribute to the support and efficient use of existing social and physical infrastructure and services in residential areas close to commercial centres
- e) Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- f) Provide opportunities for home based employment consistent with residential amenity
- g) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- h) Promote good solar access
- i) Promote energy efficiency and conservation
- j) Promote sustainable water use

## RZ2 – Suburban core zone development table

EXEMPT DEVELOPMENT	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
ASSESSABLE DEVELOPMENT	
Development application required Development must be authorised by a lease, unless the land is unleased	
MINIMUM ASSESSMENT TRACK CODE	
Development application required and assessed in the code track	
Development	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<div><div>1.</div><div>express the number of units</div></div> <div><div>2.</div><div>remove easements</div></div> <div><div>3.</div><div>authorise a secondary residence</div></div>	
MINIMUM ASSESSMENT TRACK MERIT	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
Development	
ancillary use	parkland
boarding house	residential care accommodation
child care centre	retirement village
community activity centre	sign
consolidation	single dwelling housing (where not exempt development or code track assessable)
demolition	secondary residence
guest house	special dwelling
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
Fisher Section 13 Blocks 1 & 6	COMMUNITY USE
Hackett Section 18 Blocks 4 & 5	
Monash Section 47 Blocks 2, 4 & 5	
MINIMUM ASSESSMENT TRACK IMPACT	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i> ).	
2. a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.	

3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.
<b>PROHIBITED DEVELOPMENT</b>	
<p>These uses cannot be added to a lease within a residential zone.  For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.</p>	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
<b>Site Identifier</b>	<b>Use</b>

I	
<b>RELEVANT CODE</b>	
Development proposals in residential zones must comply with the Residential Zones Development Code.	

## **RZ3 – Urban residential zone**

### **Zone objectives**

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise (maximum two storeys) and predominantly medium density in character and particularly in areas that have good access to facilities and services and/ or frequent public transport services.
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use



## RZ3 – Urban residential zone development table

<b>EXEMPT DEVELOPMENT</b>	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
<b>ASSESSABLE DEVELOPMENT</b>	
Development application required Development must be authorised by a lease, unless the land is unleased	
<b>MINIMUM ASSESSMENT TRACK CODE</b>	
Development application required and assessed in the code track	
<b>Development</b>	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> <li>express the number of units</li> <li>remove easements</li> <li>authorise a secondary residence</li> </ol>	
<b>MINIMUM ASSESSMENT TRACK MERIT</b>	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
<b>Development</b>	
ancillary use	parkland
boarding house	residential care accommodation
child care centre	retirement village
community activity centre	sign
consolidation	single dwelling housing (where not exempt development or code track assessable)
demolition	secondary residence
guest house	special dwelling
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
No additional development identified	
<b>MINIMUM ASSESSMENT TRACK IMPACT</b>	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i> ).	
2. a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.	
3. development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.	

4. development that is authorised by a lease and listed as a prohibited use in this table.	
5. development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.	
6. varying a lease add a use assessable under the impact track.	
PROHIBITED DEVELOPMENT	
These uses cannot be added to a lease within a residential zone. For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	

RELEVANT CODE
Development proposals in residential zones must comply with the Residential Zones Development Code.

## **RZ4 – Medium density residential zone**

### **Zone objectives**

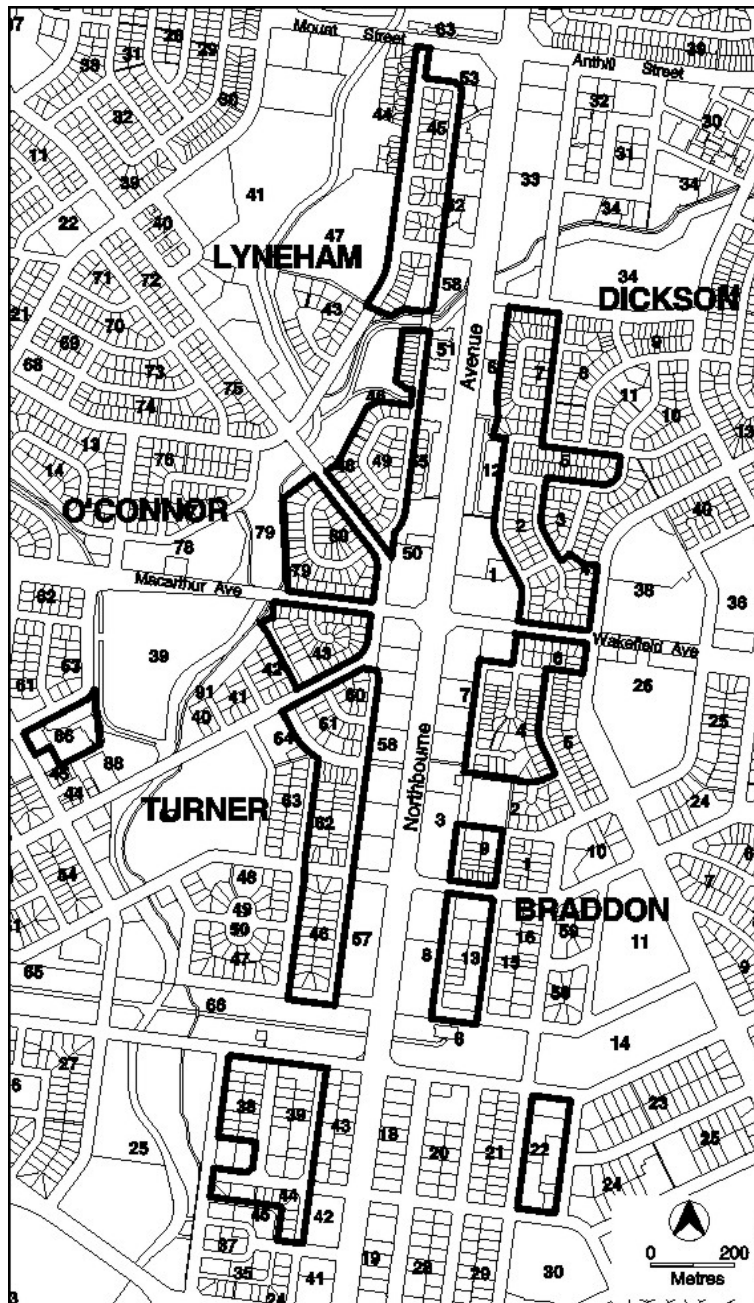
- a) Provide for the establishment and maintenance of residential areas where the housing is medium rise (maximum three storeys) and predominantly medium density in character and particularly in areas that have very good access to facilities and services and/ or frequent public transport services.
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

## RZ4 – Medium density residential zone development table

<b>EXEMPT DEVELOPMENT</b>	
Development must be authorised by a lease, unless the land is unleased Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
<b>ASSESSABLE DEVELOPMENT</b>	
Development application required Development must be authorised by a lease, unless the land is unleased	
<b>MINIMUM ASSESSMENT TRACK CODE</b>	
Development application required and assessed in the code track	
<b>Development</b>	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> <li>express the number of units</li> <li>remove easements</li> <li>authorise a secondary residence</li> </ol>	
<b>MINIMUM ASSESSMENT TRACK MERIT</b>	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
<b>Development</b>	
ancillary use	parkland
boarding house	residential care accommodation
child care centre	retirement village
community activity centre	sign
consolidation	single dwelling housing (where not exempt development or code track assessable)
demolition	secondary residence
guest house	special dwelling
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
RZ4 - Inner North Canberra (Figure 1)	business agency office restaurant shop
Barton Section 17 Block 4	restaurant take-away food
<b>MINIMUM ASSESSMENT TRACK IMPACT</b>	
Development application required and assessed in the impact track	
<ol style="list-style-type: none"> <li>a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i>).</li> </ol>	

2.	a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.
3.	development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
4.	development that is authorised by a lease and listed as a prohibited use in this table.
5.	development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
6.	varying a lease add a use assessable under the impact track.
<b>PROHIBITED DEVELOPMENT</b>	
These uses cannot be added to a lease within a residential zone. For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	

Site Identifier	Use
1	
<b>RELEVANT CODE</b>	
Development proposals in residential zones must comply with the Residential Zones Development Code.	



**Figure 1 RZ4 - Inner North Canberra**

## **RZ5 – High density residential zone**

### **Zone objectives**

- a) Provide for the establishment and maintenance of residential areas where the housing is generally high density in character and taller than three storeys particularly in areas that have very good access to facilities and services and/ or frequent public transport services.
- b) Provide opportunities for redevelopment by enabling changes to the pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use



## RZ5 – High density residential zone development table

<b>EXEMPT DEVELOPMENT</b>	
Development must be authorised by a lease, unless the land is unleased Development Approval not required, but may need building approval	
single dwelling housing – new residential land, subject to section 20 and schedule 1 of the Planning and Development Regulation 2008.	
exempt development identified in section 20 and schedule 1 of the Planning and Development Regulation 2008.	
<b>ASSESSABLE DEVELOPMENT</b>	
Development application required	
Development must be authorised by a lease, unless the land is unleased	
<b>MINIMUM ASSESSMENT TRACK CODE</b>	
Development application required and assessed in the code track	
<b>Development</b>	
single dwelling housing (in areas not covered by section 20 and schedule 1 of the Planning and Development Regulation 2008)	
varying a lease to do one or more of the following	
<ol style="list-style-type: none"> <li>express the number of units</li> <li>remove easements</li> <li>authorise a secondary residence</li> </ol>	
<b>MINIMUM ASSESSMENT TRACK MERIT</b>	
Development application required and assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track)	
<b>Development</b>	
ancillary use	parkland
boarding house	residential care accommodation
child care centre	retirement village
community activity centre	sign
consolidation	single dwelling housing (where not exempt development or code track assessable)
demolition	secondary residence
guest house	special dwelling
health facility	subdivision
home business	supportive housing
minor use	temporary use
multi-unit housing	varying a lease (where not code track or impact track assessable)
Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below	
Site identifier	Additional development
No additional development identified	
<b>MINIMUM ASSESSMENT TRACK IMPACT</b>	
Development application required and assessed in the impact track	
1. a development that is not an exempt, code track or merit track development (see section 134 of the <i>Planning and Development Act 2007</i> ).	
2. a development that is permissible under the National Capital Plan but is listed as a prohibited use in this table.	
3. development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.	
4. development that is authorised by a lease and listed as a prohibited use in this table.	

5. development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.	
6. varying a lease add a use assessable under the impact track.	
PROHIBITED DEVELOPMENT	
These uses cannot be added to a lease within a residential zone. For unleased Territory Land within a residential zone, a development application cannot be lodged for any of these uses, unless it is listed as assessable development in this table.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	motel
aquatic recreation facility	municipal depot
bulk landscape supplies	nature conservation area
car park	offensive industry
caretakers residence	office
caravan park/camping ground	outdoor recreation facility
cemetery	overnight camping area
civic administration	pedestrian plaza
club	place of assembly
communications facility	place of worship
community theatre	plant and equipment hire establishment
commercial accommodation unit	plantation forestry
corrections facility	produce market
craft workshop	public agency
cultural facility	public transport facility
defence installation	railway use
drink establishment	recyclable materials collection
drive-in cinema	recycling facility
educational establishment	religious associated use
emergency services facility	restaurant
farm tourism	sand and gravel extraction
freight transport facility	scientific research establishment
funeral parlour	serviced apartment
general industry	service station
group or organised camp	SHOP
hazardous industry	stock/sale yard
hazardous waste facility	store
hospital	tourist facility
hotel	tourist resort
incineration facility	transport depot
indoor entertainment facility	vehicle sales
indoor recreation facility	veterinary hospital
industrial trades	warehouse
land fill site	waste transfer station
land management facility	woodlot
light industry	zoological facility
In addition to the above, the following uses are prohibited in the areas specified	
Site Identifier	Use
I	
RELEVANT CODE	

Development proposals in residential zones must comply with the Residential Zones Development Code.



**DRAFT**

# **Residential Zones Development Code**

**May 2011**



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# 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 five parts:

**Part A – Residential housing development** makes reference to other development codes for single dwelling housing development and multi-unit housing development, as well as provisions for redevelopment in residential zones.

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

**Part C – Demolition**

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

**Part E – Non-residential development** provide 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*.

## Assessment tracks

Assessment track for a 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**

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

### **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.

## 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 A1. 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 A1 – Development codes applicable to development and uses in residential zones.**

development/ use	this code	Multi Unit Housing Development Code	Single Dwelling Housing Development Code
boarding house	Y	Y	
business agency	Y		
chancellery	Y		
childcare centre	Y		
community activity centre	Y		
consolidation	Y		
demolition	Y		
diplomatic residence	Y		Y
guest house	Y	Y	
health facility	Y		
home business	Y		
multi unit housing	Y	Y	
office	Y		
residential care accommodation	Y	Y	
restaurant	Y		
retirement complex	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	

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design 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

Development must comply with all relevant codes, subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11 of the Territory Plan.

## Part A – Residential housing development

This part refers to the relevant general codes for single dwelling housing and multi-unit housing development. It also includes controls that apply to the subdivision of existing residential blocks.

### 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.

### Element 3: Redevelopment

Rules	Criteria
<b>3.1 Redevelopment generally – RZ1 and RZ2</b>	
There is no applicable rule.	C3 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.
<b>3.2 Plot ratio – redevelopment</b>	
There is no applicable rule.	C4 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:  a) the development does not involve an increase in the number of <i>dwelling</i> s on the site  b) there are no additional adverse impacts on adjoining properties including, but not limited to, solar access.

Rules	Criteria
<b>3.3      Number of storeys – redevelopment – RZ1, RZ2, RZ3, RZ4 and RZ5</b>	
There is no applicable rule.	<p>C5</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>
<b>3.4      Height of buildings – redevelopment</b>	
There is no applicable rule.	<p>C6</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>

## 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 4: Supportive housing

Rules	Criteria
<b>4.1 Design and siting</b>	
There is no applicable rule.	<p>C7</p> <p>Buildings accommodating <i>supportive housing</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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li><li>c) reasonable solar access to <i>dwellings</i> 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>R8</p> <p>All <i>dwellings</i> for the purpose of <i>supportive housing</i> meet both of the following:</p> <ul style="list-style-type: none"><li>a) Australian Standard AS4299 <i>Adaptable housing</i> (Class C)</li><li>b) Access and Mobility General Code.</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R9</p> <p>For a <i>single dwelling block</i> containing <i>supportive housing</i> the maximum <i>plot ratio</i> for the whole block is specified in Table B1</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

### Element 5: Secondary residence

Rules	Criteria
<b>5.1 Design and siting</b>	
<p>R10</p> <p>A <i>secondary residence</i> is developed only in association with <i>single dwelling housing</i>.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p>R11</p> <p>The maximum <i>gross floor area</i> of a <i>secondary</i></p>	<p>This is a mandatory requirement, there is no</p>

Rules	Criteria
<i>residence</i> is 75m <sup>2</sup> .	applicable criterion.
R12 The minimum <i>gross floor area</i> of a <i>secondary residence</i> is 40m <sup>2</sup> .	C12 A <i>secondary residence</i> is of a size sufficient to meet the needs of a typical resident.  Access to facilities shared with the residents of the primary residence within the dwelling such as storage or a laundry may be considered when determining compliance with this criterion.
R13 The minimum block size for <i>secondary residence</i> is 500m <sup>2</sup> .	This is a mandatory requirement, there is no applicable criterion.
R14 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.	This is a mandatory requirement, there is no applicable criterion.
R15 <i>Secondary residences</i> comply with Element 1 of the Single Dwelling Housing Development Code.	This is a mandatory requirement, there is no applicable criterion.
R16 No <i>block</i> contains more than one <i>secondary residence</i> .	This is a mandatory requirement, there is no applicable criterion.
R17 A <i>secondary residence</i> complies with <i>Australian Standard AS 4299 Adaptable housing (Class C)</i> .	C17 Secondary residence is easily adaptable to suit the needs of people with disabilities.
There is no applicable rule.	C18 The development is consistent with the <i>desired character</i> .
<b>5.2 Subdivision</b>	
R19 <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>5.3 Parking</b>	
R20 At least one parking space is provided in addition to that required for the primary residence.	This is a mandatory requirement, there is no applicable criterion.
R21	

Rules	Criteria
The parking space associated with the <i>secondary residence</i> is not located in the <i>front zone</i> .	This is a mandatory requirement, there is no applicable criterion.

## Element 6: Residential care accommodation

Rules	Criteria
<b>6.1 Design and siting</b>	
<p>R22</p> <p><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>.</p>	This is a mandatory requirement. There is no applicable criterion.
<p>R23</p> <p><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>.</p>	This is a mandatory requirement. There is no applicable criterion.
<p>R24</p> <p>For <i>residential care accommodation</i> developments, the maximum plot ratio is specified in Table B1.</p>	<p>C24</p> <p>Buildings accommodating <i>residential care accommodation</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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>c) reasonable solar access to <i>dwellings</i> 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>
<b>6.2 Distribution</b>	
<p>R25</p> <p>No <i>section</i> has more than one <i>residential care accommodation</i> development.</p>	<p>C25</p> <p><i>Residential care accommodation</i> developments are distributed to protect the amenity of residential areas.</p>

## Element 7: Boarding houses

Rules	Criteria
<b>7.1 Design and siting</b>	
<p>R26</p> <p>The minimum <i>gross floor area</i> of a boarding room</p>	This is a mandatory requirement, there is no



Rules	Criteria
<p>is:</p> <p>a) for a single occupant - 12m<sup>2</sup></p> <p>b) for 2 or more occupants - 16m<sup>2</sup>.</p>	applicable criterion.
<p>R27</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>	This is a mandatory requirement, there is no applicable criterion.
<p>R28</p> <p>The maximum plot ratio for <i>boarding houses</i> is specified in Table B1.</p>	<p>C28</p> <p><i>Boarding houses</i> achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility with exterior building materials of existing buildings in the locality.</p>
<p>R29</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>	This is a mandatory requirement, there is no applicable criterion.
<b>7.2 Subdivision</b>	
<p>R30</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>	This is a mandatory requirement, there is no applicable criterion.
<b>7.3 Distribution</b>	
<p>R31</p> <p>No <i>section</i> has more than one <i>boarding house</i>.</p>	<p>C31</p> <p>The amenity of the area is protected by restricting the agglomeration of non-residential activities.</p>

## Element 8: Diplomatic residences

This element applies only to *leases* that authorise *diplomatic residences*.

Rules	Criteria
<b>8.1 Design and Siting</b>	
R32 There is no applicable rule.	C32 <i>Diplomatic residences</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 of exterior building materials with existing buildings in the locality.
R33 The maximum <i>plot ratio</i> for a <i>diplomatic residence</i> is 35%.	This is a mandatory requirement, there is no applicable criterion.
<b>8.2 Distribution</b>	
R34 No section has more than one <i>diplomatic residence</i> .	C34 The amenity of the area is protected by restricting the agglomeration of non-residential activities.

## Element 9: Guest houses

Rules	Criteria
<b>9.1 Design and siting</b>	
R35 Except where otherwise provided for in this code <i>guest houses</i> comply with the Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
<b>9.2 Distribution</b>	
R36 <i>Guest houses</i> are permitted only where: a) there is a maximum of one per section b) the block is adjacent to a commercial zone This rule does not apply to the following parcels: i) Belconnen Section 55 Block 37	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<ul style="list-style-type: none"> <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>	

## Part C – Demolition

This part applies to demolition in all residential zones

### Element 10: Demolition

Rules	Criteria
<b>10.1 Statement of endorsement</b>	
<p><b>R37</b></p> <p>The <i>development application</i> for demolition is accompanied by 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> 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>10.2 Hazardous materials survey</b>	
<p><b>R38</b></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</p>	<p><b>C38</b></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>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>a) is a licensed disposal facility in the ACT</li> <li>b) another site outside the ACT.</li> </ul> <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

This part applies to the *subdivision* of existing residential blocks, but not to subdivisions that are affected by an *estate development plan*.

### Element 11: Subdivision and consolidation

The next element (element 13) applies to blocks that are registered or provisionally registered under the Heritage Act 2004.

Rules	Criteria
<b>11.1 Consolidation of single dwelling blocks – RZ1</b>	
<p>R39</p> <p>This rule applies to <i>consolidation</i> of <i>blocks</i> in RZ1, one or more of which is a <i>single dwelling block</i>.</p> <p><i>Consolidation</i> complies with all of the following:</p> <ul 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></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.2 Consolidation of single dwelling blocks – RZ2</b>	
<p>R40</p> <p>This rule applies to <i>consolidation</i> of <i>blocks</i> in RZ2, one or more of which is a <i>single dwelling 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>11.3 Subdivision of single dwelling blocks – RZ1</b>	
<p>R41</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1.</p> <p><i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ul style="list-style-type: none"><li>a) were lawfully constructed on or before 1 September 2003</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>b) were subject to <i>development approval</i> issued on or before 1 September 2003</p> <p>c) were the subject of a <i>development application</i> lodged on or before 1 September 2003 that was subsequently approved.</p> <p>This rule does not apply to <i>single dwelling 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>11.4 Subdivision of blocks other than single dwelling blocks – all residential zones</b>	
<p>R42</p> <p>This rule applies to <i>blocks</i> other than <i>single dwelling blocks</i>.</p> <p><i>Subdivision</i> is only permitted where one or more of the following apply:</p> <p>a) all the <i>dwellings</i> on the land are lawfully constructed</p> <p>b) the proposed development complies with all of the following -</p> <p>i) it is part of an <i>integrated housing development</i></p> <p>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 the Single Dwelling Housing Development Code.</p> <p>For the purposes of this rule <i>subdivision</i> does not include a minor boundary adjustment, unless new blocks are created as a consequence of that boundary adjustment.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.5 Consolidation of blocks other than single dwelling blocks – all residential zones</b>	
<p>R43</p> <p>This rule applies to <i>blocks</i> other than <i>single dwelling blocks</i>.</p> <p><i>Consolidation</i> is only permitted where one or more of the following apply:</p> <p>a) all the <i>dwellings</i> on the land are lawfully constructed</p> <p>b) the proposed development complies with all of the following -</p> <p>i) it is part of an <i>integrated housing</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p><i>development</i></p> <p>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.</p>	
<b>11.6 Subdivision under the Unit Titles Act – all residential zones</b>	
<p>R44</p> <p><i>Subdivision</i> under the <i>Unit Titles Act 2001</i> is permitted only where the <i>lease</i> expressly provides for the number of units or <i>dwellings</i> provided for in the proposed <i>subdivision</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.7 Subdivision of a dual occupancy – other than RZ1</b>	
<p>R45</p> <p>This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none"> <li>i) located in a residential zone other than RZ1</li> <li>ii) the site of an approved and constructed <i>dual occupancy development</i>.</li> </ul> <p><i>Subdivision</i> 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 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>11.8 Requirements for access and utility easements</b>	
<p>R46</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
<p>R47</p> <p>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.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.9 Restrictions on irregular shaped blocks</b>	
<p>R48</p> <p><i>Blocks</i> created by the <i>subdivision</i> of a <i>single dwelling block</i> are rectangular or battleaxe in shape.</p>	<p>C48</p> <p>Where possible, <i>blocks</i> created by the <i>subdivision</i> a <i>single dwelling block</i> have a regular shape without multiple corners or bends.</p>

## Element 12: Subdivision and consolidation – heritage listed

This element applies to blocks that are registered or provisionally registered under the *Heritage Act 2004*. It applies despite the provisions of the previous element. 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>12.1 Consolidation of single dwelling blocks - RZ1</b>	
<p>R49</p> <p>In RZ1, <i>consolidation</i> involving one or more <i>single dwelling blocks</i> registered or provisionally registered under the <i>Heritage Act 2004</i> is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>12.2 Subdivision of single dwelling blocks – heritage registered - RZ1</b>	
<p>R50</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1 that are registered or provisionally registered under the <i>Heritage Act 2004</i>.</p> <p><i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ol style="list-style-type: none"> <li>were lawfully constructed on or before 1 September 2002</li> <li>were subject to <i>development approval</i> issued on or before 1 September 2002</li> <li>were the subject of a <i>development application</i> lodged on or before</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>1 September 2002 that was subsequently approved.</p> <p>This rule does not apply to <i>single dwelling 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>12.3 Subdivision or consolidation of blocks – other than RZ1</b>	
<p>R51</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 development

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

### Element 13: Home business

Rules	Criteria
<b>13.1 Use</b>	
<p><b>R52</b></p> <p>In a <i>home business</i> at least one worker is a bona fide resident of the associated <i>dwelling</i>.</p>	<p>This is a mandatory requirement, there is no applicable criterion.</p>
<p><b>R53</b></p> <p>Not more than 3 people (including resident workers) are employed at any one time in the <i>home business</i>.</p>	<p><b>C53</b></p> <p><i>Home businesses</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) primacy of residential use</li> <li>b) consistency with the <i>desired character</i>, particularly (but not only) in relation to vehicle parking and manoeuvring areas.</li> </ul>
<p><b>R54</b></p> <p>The total area of the site used for a <i>home business</i> is not more than the greater of the following:</p> <ul style="list-style-type: none"> <li>i) one third of the ground floor area of the <i>dwelling</i></li> <li>ii) 40m<sup>2</sup>.</li> </ul> <p>For this rule the area used by a <i>home business</i> includes all of the following:</p> <ul style="list-style-type: none"> <li>a) the floor area designated for the <i>home business</i> in any building</li> <li>b) any substantially enclosed storage areas</li> </ul> <p>but does not include any of the following:</p> <ul style="list-style-type: none"> <li>c) kitchen, bathroom and toilet facilities shared by the <i>home business</i> and the <i>dwelling</i></li> <li>d) areas for car parking</li> <li>e) areas used that do not contribute to the <i>gross floor area</i>.</li> </ul>	<p><b>C54</b></p> <p><i>Home businesses</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable <i>amenity</i> for <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i></li> <li>b) primacy of residential use</li> <li>c) consistency with the <i>desired character</i>, particularly (but not only) in relation to vehicle parking and manoeuvring areas</li> <li>d) the protection of residential character by ensuring all of the following - <ul style="list-style-type: none"> <li>i) the <i>home business</i> is ancillary to the primary use of the lease as a residence</li> <li>ii) the retention of car parking for the residents of the block</li> <li>iii) the retention of on-street car parking.</li> </ul> </li> </ul>
<b>13.2 Storage</b>	
<p><b>R55</b></p> <p>The storage of all goods and materials associated with the business complies with at least one of the following:</p> <ul style="list-style-type: none"> <li>a) stored in a lawfully erected building or</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>structure on the lease</p> <p>b) located behind the building line so that storage area cannot be seen or is visually screened from the street.</p>	
<b>13.3 Parking</b>	
There is no applicable rule.	<p>C56</p> <p>Any vehicles for the purpose of the <i>home business</i> are parked to achieve the following:</p> <p>a) on the <i>block</i> in one or more of the following -</p> <ul style="list-style-type: none"> <li>i) driveway</li> <li>ii) garage</li> <li>iii) carport</li> <li>iv) other locations provided they are screened and compatible with the <i>streetscape</i></li> </ul> <p>b) if the business is operated from a unit under the <i>Unit Titles Act 2001</i> — in the parking space or spaces assigned to the unit.</p> <p>c) safe and efficient manoeuvring</p> <p>d) configured to allow vehicles to exit the block in a forward direction.</p> <p>e) in parking spaces with appropriate drainage and materials to encourage on-site infiltration of stormwater run-off.</p>
<b>13.4 Distribution</b>	
<p>R57</p> <p>No <i>section</i> has more than 2 <i>home businesses</i>.</p>	<p>C57</p> <p>The amenity of the area is protected by restricting the agglomeration of non-residential activities.</p>
<b>13.5 Amenity</b>	
There is no applicable rule.	<p>C58</p> <p>Retailing associated with the <i>home business</i> does not, or is unlikely to generate an increase in the traffic, parking demand or noise, which is unreasonably deleterious to the amenity of the surrounding area.</p>
There is no applicable rule.	<p>C59</p> <p>Traffic generated by the <i>home business</i> does not unacceptably affect the flow of traffic or residential character of the area.</p>

Rules	Criteria
There is no applicable rule.	<p>C60</p> <p>The operation of the <i>home business</i> does not cause unreasonable annoyance, offence, nuisance or danger to any tenant or occupant of adjacent dwellings or leases.</p> <p><b>Note:</b> <i>Environmental Protection Act 1997</i> regulates amenity and environmental impacts such as noise, air and other emissions. Compliance with standards for residential areas will be required under the <i>Environmental Protection Act</i>.</p>
<p>R61</p> <p>External lighting for home business is in accordance with <i>AS 4282: Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>C61</p> <p>Outdoor lighting, including security and car park lighting limits light spill to adjacent dwellings through screening or location of lighting.</p>
<b>13.6 Signs</b>	
There is no applicable rule.	<p>C62</p> <p>Signage meets the requirements of the signs general code.</p>

## Element 14: Community uses

Rules	Criteria
<b>14.1 Distribution</b>	
<p>R63</p> <p>No section has more than one of each of the following:</p> <ul style="list-style-type: none"> <li>a) <i>child care centre</i></li> <li>b) <i>community activity centre</i></li> <li>c) <i>health facility</i>.</li> </ul> <p>This rule does not apply to <i>child care centres</i> or <i>health facilities</i> on 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> </ul>	<p>C63</p> <p><i>Community uses</i> are distributed to avoid the concentration of non-residential uses in residential zones.</p>
There is no applicable rule.	<p>C64</p> <p>Buildings accommodating <i>community uses</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>dwellings</i> on</li> </ul>

Rules	Criteria
	<p>adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility of exterior building materials with existing buildings in the locality.</p>
There is no applicable rule	<p>C65</p> <p><i>Child care centres</i> and <i>community activity centres</i> achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility with exterior building materials of existing buildings in the locality.</p>
<p>R66</p> <p>For <i>child care centres</i> and <i>community activity centres</i>, the maximum plot ratio is specified in table E1.</p>	<p>C66</p> <p><i>Child care centres</i> and <i>community activity centres</i> are consistent with the <i>desired character</i>.</p>
<p>R67</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> <p>a) anticipated noise levels from the use of proposed building</p> <p>b) appropriate noise thresholds for <i>dwellings</i> in the vicinity</p> <p>c) building construction measures that will attenuate the expected noise to levels at or below the identified thresholds.</p>	<p>C67</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> <p>a) a noise management plan prepared on behalf of the applicant by a suitably qualified person</p> <p>b) advice from the Environment Protection Authority.</p>

## Element 15: Non-retail commercial uses

This element applies only to *leases* that authorise *NON-RETAIL COMMERCIAL* uses.

Rules	Criteria
<b>15.1 Size and location</b>	
<p>R68</p> <p><i>NON-RETAIL COMMERCIAL</i> uses comply with all of the following:</p> <ul style="list-style-type: none"><li>a) the total <i>gross floor area</i> used for <i>NON-RETAIL COMMERCIAL</i> uses in any section does not exceed 100m<sup>2</sup></li><li>b) the use is part of an integrated mixed-use development that includes <i>multi-unit housing</i></li><li>c) on approval of the subject development, the proportion of the total land area of the section that has been approved for <i>multi-unit housing</i> is not less than 75%.</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 16: Shop

This element applies only to *leases* that authorise *SHOP*.

Rules	Criteria
<b>16.1 Size and location</b>	
<p>R69</p> <p><i>SHOPS</i> comply with all of the following:</p> <ul style="list-style-type: none"><li>a) the total <i>gross floor area</i> used for <i>SHOP</i> any section does not exceed 100m<sup>2</sup> in total</li><li>b) the use part of an integrated mixed use development that includes <i>multi-unit housing</i></li><li>c) on approval of the subject development, the proportion of the total land area of the section that has been approved for <i>multi-unit housing</i> is not less than 75%.</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>16.2 Amenity</b>	
<p>R70</p> <p>The design of <i>SHOP</i> is in accordance with a noise, odour and light emission management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority.</p> <p>A management plan shall address, as a minimum:</p> <ul style="list-style-type: none"><li>a) anticipated noise, odour and light emission</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>levels from the use of proposed building</p> <p>b) appropriate noise, odour and light emission thresholds for dwellings in the vicinity</p> <p>c) building construction measures that will attenuate the expected noise, odour and light emission to levels at or below the identified thresholds.</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with this rule.</p>	

## Element 17: Chancellery

This element applies only to *leases* that authorise *chancelleries*.

Rules	Criteria
<b>17.1 Design and siting</b>	
There is no applicable rule	<p>C71</p> <p>A <i>chancellery</i> achieves all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p> <p>d) compatibility with exterior building materials of existing buildings in the locality.</p>
<p>R72</p> <p>A <i>chancellery</i> complies with all relevant building envelope, boundary setbacks and <i>height of building</i> provisions found in the Single Dwelling Housing Development Code.</p>	This is a mandatory requirement. There is no applicable criterion.

**Table B1: Plot ratios**

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





ACT Planning &  
Land Authority

**DRAFT**

# **Single Dwelling Housing Development Code**

**May 2011**



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# Introduction

## Name

The name of this code is **Single Dwelling Housing Development Code**.

## Application

This code applies to *single dwelling housing* in all zones.

## 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 must not 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 zone.

It will be used by the *Authority* to assess development applications. It also offers guidance to applicants in designing development proposals and preparing development applications.

## Structure

This code has a number of elements. Each element has one or more rules, each having an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls. In 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 track for a particular developments are specified in the relevant 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 that the relevant criterion is satisfied, through supporting drawings and/or written documentation. 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

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

## **Related codes**

### *Residential Zones Development Code*

Applies to all forms of development in residential zones and makes reference to development codes and general codes that may also apply.

### *Precinct codes*

Precinct codes may contain additional provisions that apply to certain specified *blocks*. Precinct codes are found in part 10.

## **Definitions**

Defined terms, references to legislation and 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.

## Relevant Development Codes and General Codes

Development codes that may be relevant to housing development or development associated with housing development are marked Y in table 1.

**Table 1 – Development codes applicable to residential and related development.**

development/ use	this code	Residential Zones Development Code	Multi Unit Housing Development Code
boarding house	Y	Y	Y
demolition		Y	
diplomatic residence	Y	Y	
guest house		Y	Y
home business		Y	
multi unit housing		Y	Y
residential care accommodation	Y	Y	Y
retirement complex		Y	Y
secondary residence	Y	Y	
sign		Y	
single dwelling housing	Y	Y	
special dwelling (one dwelling)	Y	Y	
special dwelling (more than one dwelling)		Y	Y
supportive housing		Y	Y

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to housing development.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Crime Prevention through Environmental Design General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Water Ways: Water Sensitive Urban Design General Code

Development must comply with all relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11.

## Element 1: Building and site controls

Related code: Planning for Bushfire Risk Mitigation General Code

Rules	Criteria
<b>1.1 Plot ratio – single dwelling blocks</b>	
<p>R1</p> <p>This rule applies to <i>single dwelling blocks</i>.</p> <p><i>Plot ratio</i> is:</p> <ul style="list-style-type: none"><li>a) for <i>large blocks</i> - not more than 50%</li><li>b) in all other cases – not applicable.</li></ul> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.2 Number of storeys</b>	
<p>R2</p> <p>The number of <i>storeys</i> does not exceed:</p> <ul style="list-style-type: none"><li>a) in RZ1, RZ2 and RZ3 – 2</li><li>b) in RZ4 – 3.</li></ul> <p>Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.3 Attics and basement car parking – single dwelling blocks - RZ1</b>	
<p>R3</p> <p>In RZ1, on <i>single dwelling blocks</i>, <i>attics</i> are not permitted where they are located directly above any 2 storey element of a <i>single dwelling house</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R4</p> <p>In RZ1, on <i>single dwelling blocks</i>, <i>basement</i> car parking is not permitted where located directly below any 2 storey element of a <i>single dwelling house</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.4 Height of buildings</b>	
<p>R5</p> <p>Maximum <i>height of building</i> is:</p> <ul style="list-style-type: none"><li>a) in RZ1, RZ2 and RZ3 – 8.5m</li><li>b) in RZ4 – 12m</li></ul>	<p>C5</p> <p>Buildings are consistent with the <i>desired character</i>.</p>



Rules	Criteria
<b>1.5 Building envelope - all large blocks, mid sized blocks approved after (commencement date), all large and mid sized blocks in the Molonglo Valley and integrated housing development parcels</b>	
<p>R6</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> <li>a) <i>large blocks</i></li> <li>b) <i>mid sized blocks</i> approved under an estate development plan after (commencement date)</li> <li>c) <i>mid sized blocks</i> in the district of Molonglo Valley</li> <li>d) <i>integrated housing development parcels</i></li> </ul> <p>but does not apply to that part of the building on a <i>single dwelling block</i> that is required to be built to a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule</p> <p>Refer to figure 1.</p>	<p>C6</p> <p>Buildings 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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>
<b>1.6 Sun angle building envelope - all large blocks, mid sized blocks approved after (commencement date), compact blocks approved after (commencement date), all blocks in the Molonglo Valley and integrated housing development parcels</b>	
<p>R7</p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"> <li>a) <i>large blocks</i></li> <li>b) <i>mid sized blocks</i> approved under an estate development plan after (commencement date)</li> <li>c) <i>compact blocks</i> approved under an estate development plan after (commencement date)</li> <li>d) all blocks in the district of Molonglo Valley</li> <li>e) <i>integrated housing development parcels</i></li> </ul> <p>but does not apply to that part of the building on a <i>single dwelling block</i> that is required to be built to</p>	<p>C7</p> <p>Buildings 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 solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>c) do not shadow the windows of habitable rooms (other than bedrooms) of any approved and constructed dwelling on an adjoining <i>residential block</i> at noon on the winter solstice</li> <li>d) do not overshadow the <i>principal private open space</i> of any approved and constructed dwelling on an adjoining</li> </ul>

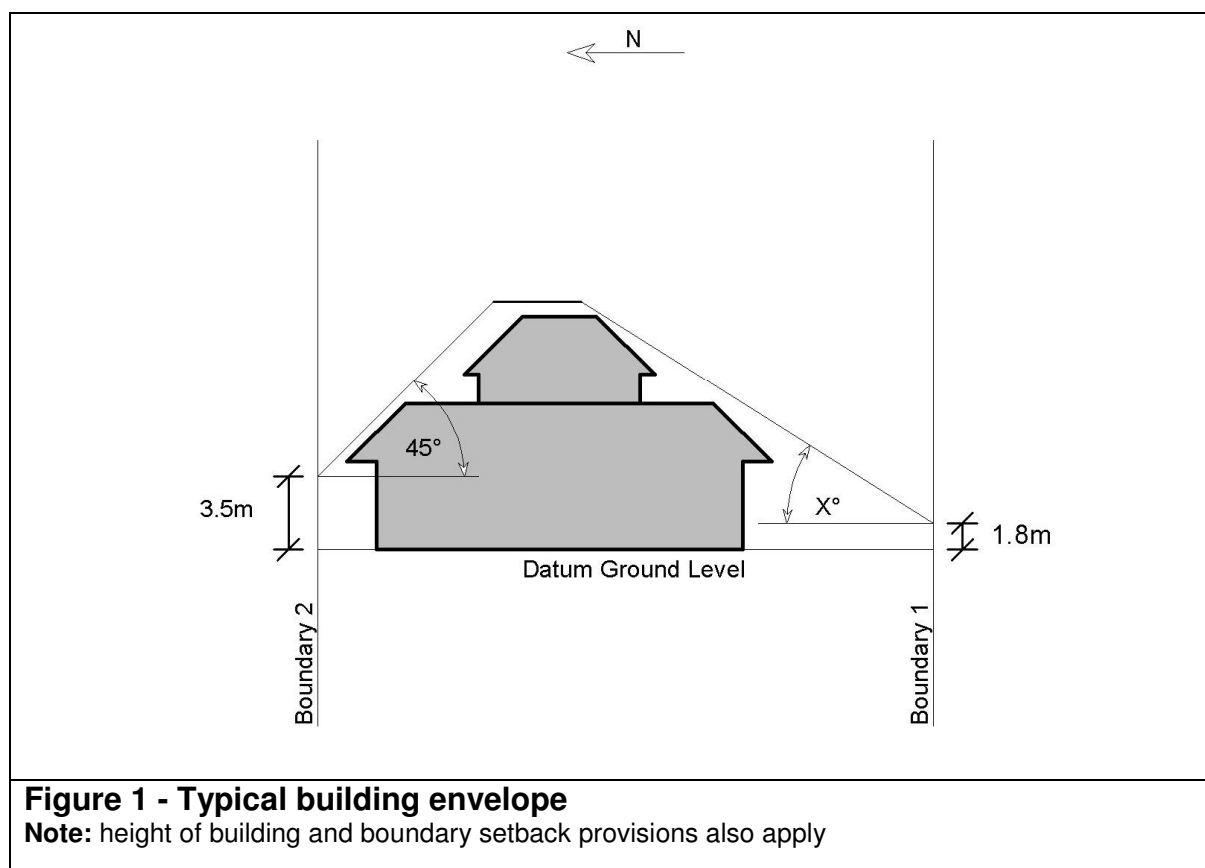
Rules	Criteria
<p>a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at <math>X^\circ</math> to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i></p> <p><math>X^\circ</math> is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for <math>X</math> are given in table 1.</p> <p>Refer to figure 1.</p>	<p><i>residential block</i> to a greater extent than a 1.8m fence on the boundary at noon on the winter solstice.</p>
<b>1.7 Building envelope – mid sized blocks approved before (commencement date) except in Molonglo Valley</b>	
<p>R8</p> <p>This rule applies to <i>mid-sized blocks</i> with one of the following characteristics:</p> <ul style="list-style-type: none"> <li>i) approved under an <i>estate development plan</i> before (commencement date)</li> <li>ii) for which a <i>lease</i> was granted before (commencement date)</li> </ul> <p>but does not apply to <i>blocks</i> located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising:</p> <ul style="list-style-type: none"> <li>a) within the <i>primary building zone</i> - <ul style="list-style-type: none"> <li>i) lines projected at <math>45^\circ</math> to the horizontal from an infinite number of points on a line of infinite length 4.5m above each side boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i></li> <li>ii) from <i>northern boundaries</i> of adjoining <i>residential blocks</i>, lines projected at <math>45^\circ</math> to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</li> <li>iii) despite item ii), where a wall is located on a <i>northern boundary</i> lines projected at <math>30^\circ</math> to the horizontal from an infinite number of points on a line of infinite</li> </ul> </li> </ul>	<p>C8</p> <p>Buildings 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>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i></li> <li>c) reasonable solar access to <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.</li> </ul>

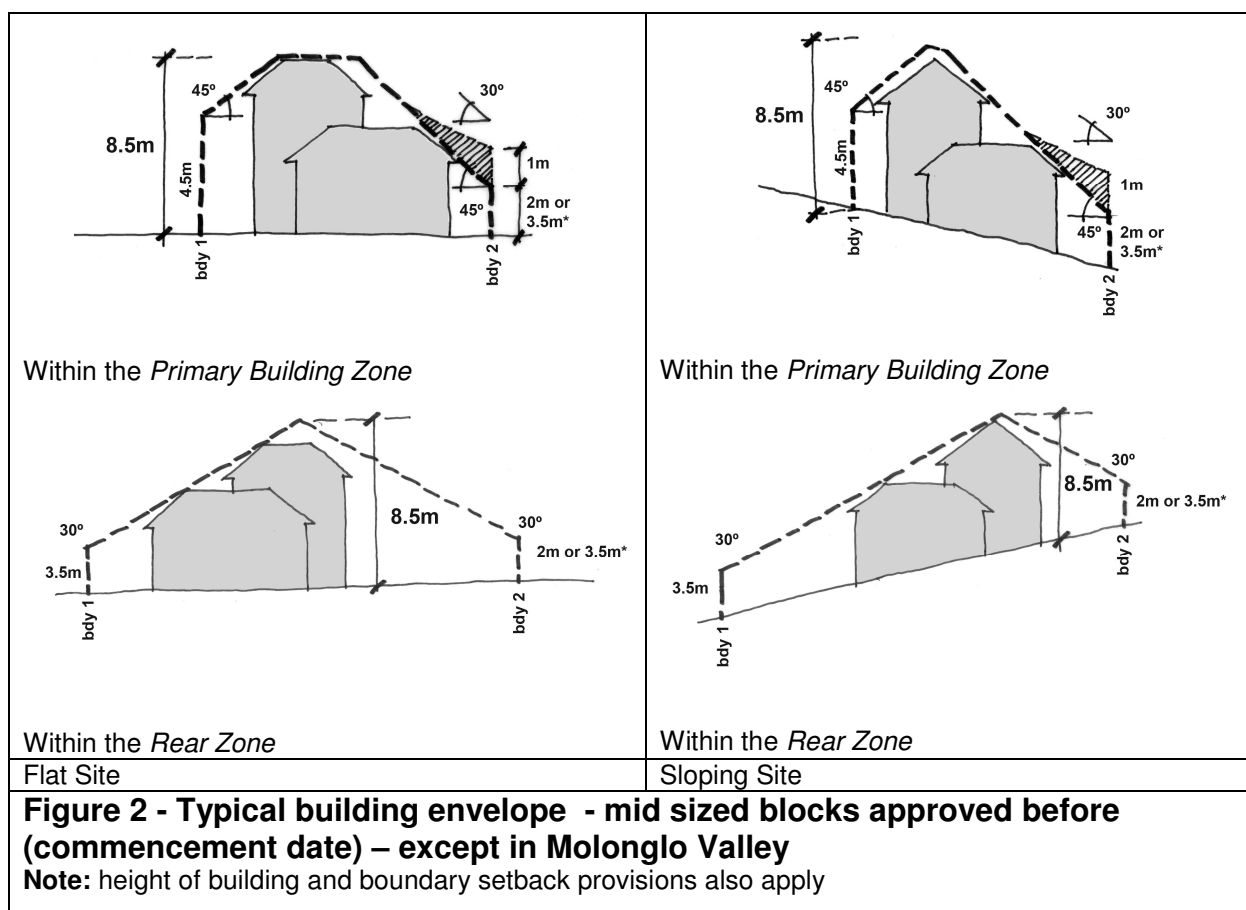
Rules	Criteria
<p>length 3m above these boundaries.</p> <p>b) within the <i>rear zone</i> -</p> <p>i) lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i></p> <p>ii) from <i>northern boundaries</i> of <i>adjoining residential blocks</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</p> <p>Refer Figure 2.</p>	
<p>R9</p> <p>This rule applies to <i>mid-sized blocks</i> and <i>compact blocks</i> with one of the following characteristics:</p> <p>i) approved under an <i>estate development plan</i> before (commencement date)</p> <p>ii) for which a <i>lease</i> was granted before (commencement date)</p> <p>but does not apply to blocks located in the district of Molonglo Valley.</p> <p>Where a garage wall is located on, or setback from, the <i>northern boundary</i> of an adjoining <i>residential block</i>, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane comprising lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above the respective boundary.</p> <p>Refer Figure 2.</p>	<p>C9</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy for <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i></p> <p>c) reasonable solar access to <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.</p>
1.8 Approved lease and development conditions	
<p>R10</p> <p>This rule applies to <i>blocks</i> affected by approved and current <i>lease and development conditions</i>.</p> <p>The development proposal complies with approved and current <i>lease and development conditions</i> applying to the site. Where there is an inconsistency between the relevant <i>lease and</i></p>	<p>C10</p> <p>The development meets the intent of approved and current <i>lease and development conditions</i> applying to the site.</p>

Rules	Criteria
<i>development conditions</i> and the provisions of this code, the former shall take precedence, but only to the extent of that inconsistency.	
<b>1.9 Development proposals where there is a precinct code</b>	
R11 The development proposal complies with all relevant rules in any relevant precinct code.	C11 The development meets all relevant criteria in any relevant precinct code.
<b>1.10 Bushfire</b>	
R12 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire-prone areas</i> .	This is a mandatory requirement. There is no applicable criterion.

**Table 1 – Apparent sun angle (X) at noon on the winter solstice (21 June)**

<b>Aspect of northern boundary</b> (bearing of line drawn perpendicular to the boundary)	<b>Angle (X)</b>
North 0-9° East North 0-9° West	32°
North 10-19° East North 10-19° West	35°
North 20-29° East North 20-29° West	37°
North 30-39° East North 30-39° West	39°
North 40-45° East North 40-45° West	41°





Rules	Criteria
<b>1.11 Front boundary setbacks – all blocks</b>	
<p>R13</p> <p>Front boundary setbacks comply with the following:</p> <ol style="list-style-type: none"> <li><i>large blocks</i> - tables 2A, 2B or 2C, as applicable</li> <li><i>mid-sized blocks</i> - tables 3A, 3B or 3C, as applicable</li> <li><i>compact blocks</i> - tables 3A, 3B or 4, as applicable.</li> </ol> <p>The minimum boundary setbacks for corner blocks apply only to one street frontage nominated by the applicant or nominated in a precinct code as a <i>secondary street frontage</i>. Nomination by a precinct code takes precedence.</p> <p>Chamfers may be included in the <i>secondary street frontage</i>, but only if the length of the chamfer is less than the length of the front boundary.</p> <p><b>Note:</b> Chamfers are ordinarily found at the corner of a block at</p>	<p>C13</p> <p>Front boundary setbacks achieve all of the following:</p> <ol style="list-style-type: none"> <li>consistency with the <i>desired character</i></li> <li>reasonable amenity for residents</li> <li>pedestrian scale at street level</li> <li>space for street trees to grow to maturity.</li> </ol>

Rules	Criteria
the junction of streets.	

**Table 2A: Front boundary setbacks – large blocks in subdivisions approved before 18 October 1993 (refer appendix 1 diagram 1)**

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	6m	4m	4m
<i>upper floor level</i>	6m	6m	4m
<i>garage</i>	6m	5.5m	4m

**Table 2B: Front boundary setbacks – large blocks in subdivisions approved on or after 18 October 1993 but before 31 March 2008 (refer appendix 1 diagram 2)**

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	4m	4m	4m
<i>upper floor level</i>	6m	6m	4m
<i>garage</i>	5.5m with a minimum of 1.5 m behind the front building line	5.5m	4m

**Table 2C: Front boundary setbacks – large blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagram 3)**

		exceptions
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	minimum front boundary setback	minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m	minimum front boundary setback to rear lane front boundary or pedestrian paths less than 6m wide
<i>lower floor level</i>	4m	3m	4m	nil
<i>upper floor level</i>	6m	3m	4m	nil
<i>garage</i>	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		4m	nil

**Table 3A: Front boundary setbacks – mid sized and compact blocks in subdivisions approved before 18 October 1993 (refer appendix 1 diagrams 4 and 8)**

	minimum front boundary setback	exceptions	
		minimum front boundary setback to <i>secondary street frontage</i>	minimum front boundary setback to open space or pedestrian paths wider than 6m
<i>lower floor level</i>	6m	3m	4m
<i>upper floor level</i>	6m	3m	4m
<i>garage</i>	6m	5.5m	4m

**Table 3B: Front boundary setbacks – mid sized and compact blocks in subdivisions approved on or after 18 October 1993 but before 31 March 2008 (refer appendix 1 diagrams 5 and 9)**

		exceptions
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	<b>minimum front boundary setback</b>	<b>minimum front boundary setback to <i>secondary street frontage</i></b>	<b>minimum front boundary setback to open space or pedestrian paths wider than 6m</b>
<b><i>lower floor level</i></b>	4m	3m	4m
<b><i>upper floor level</i></b>	6m	3m	4m
<b><i>garage</i></b>	5.5m with a minimum of 1.5 m behind the front building line	5.5 m	4m

**Table 3C: Front boundary setbacks – mid sized blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 6 and 7)**

	<b>minimum setback to front boundary</b>	<b>exceptions</b>		
		<b>minimum setback to <i>secondary street frontage</i></b>	<b>minimum setback to open space or pedestrian paths wider than 6m</b>	<b>minimum setback to rear lane or pedestrian paths less than 6m wide</b>
<b>all floor levels</b>	4m	3m	3m	nil
<b><i>articulation elements</i> – all floor levels</b>	3m	not applicable	not applicable	not applicable
<b>garage</b>	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		3m	nil

**Table 4: Front boundary setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer appendix 1 diagrams 10 and 11)**

		<b>exceptions</b>
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	<b>minimum setback to front boundary</b>	<b>minimum setback to <i>secondary street frontage</i></b>	<b>minimum setback to open space or pedestrian paths wider than 6m</b>	<b>minimum setback to rear lane or pedestrian paths less than 6m wide</b>
<b>all floor levels</b>	3m	3m	3m	nil
<b><i>garage</i></b>	5.5m with a minimum of 1.5m behind the front building line except where there is a courtyard wall in the <i>front zone</i>		3m	nil

**Note:** see tables 3A and 3B for compact *blocks* in subdivisions approved before 31 March 2008

Rules	Criteria
<b>1.12 Side and rear setbacks – all blocks</b>	
<p>R14</p> <p>This rule applies to one of the following:</p> <ul style="list-style-type: none"> <li>i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i></li> <li>ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel.</li> </ul> <p>Side and rear setbacks for:</p> <ul style="list-style-type: none"> <li>a) <i>large blocks</i> - comply with table 5</li> <li>b) <i>mid-sized blocks</i> - comply with tables 6A or 6B, as applicable</li> <li>c) <i>mid-sized blocks</i> nominated for alternative side boundary setbacks in a precinct code - comply with table 6C</li> <li>d) <i>compact blocks</i> - comply with table 7.</li> </ul> <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code</p> <p>Ordinarily a corner block has a front boundary, a secondary frontage, two side boundaries, but no rear boundary.</p>	<p>C14</p> <p>Buildings and other structures are sited to 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 separation between adjoining developments</li> <li>c) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i></li> <li>d) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i></li> <li>e) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</li> </ul>
<b>1.13 Nil setback</b>	
<p>R15</p> <p>Where nil setback is permitted, the <i>external wall</i> is either on the boundary or setback a minimum 900mm.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.14 Garage walls on or near side and rear boundaries – large blocks</b>	
<p>R16</p> <p>This rule applies to <i>large blocks</i>.</p> <p>The length of a garage wall on the boundary or at a 900mm setback is no greater than 8m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.15 Walls on or near side and rear boundaries – mid sized blocks</b>	
<p>R17</p> <p>This rule applies to <i>mid sized blocks</i>, but does not apply to that part of the building that is</p>	<p>This is a mandatory requirement. There is no</p>

Rules	Criteria
<p>required to be built to a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>A wall on the boundary or at a 900mm setback complies with all of the following:</p> <p>a) not more than 13m in length</p> <p>b) extends no more than 2.5m into the rear zone.</p>	applicable criterion.

**Table 5: Side and rear setbacks – large blocks (refer Appendix 1 Diagrams 1, 2 and 3)**

	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 1	side boundary 2	side boundary 1	side boundary 2	
<i>lower floor level – external wall</i>	3m	1.5m	3m	1.5m	3m
<i>upper floor level – external wall</i>	3m	3m	6m	6m	6m
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m
<i>garage or carport</i>	3m	nil* ^	3m	nil* ^	3m

\* see R16

^ does not apply to that part of a wall with a window of any sort

**Table 6A: Side and rear setbacks – mid sized blocks in subdivisions approved before 2 October 2009 (refer Appendix 1 Diagrams 4, 5 and 6)**

	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 1 or <i>northern boundary of adjoining residential block</i>	side boundary 2	side boundary 1	side boundary 2	
<i>lower floor level – external wall</i>	3m	>15m frontage 1.5m <15m frontage nil ^	3m	1.5m	3m
<i>upper floor level – external wall</i>	3m	3m	6m	6m	6m
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m

^ does not apply to that part of a wall with a window of any sort

**Note:** Minimum side boundary setbacks requirements apply to buildings and Class 10 structures, except for side boundary 2 on blocks >800m<sup>2</sup>, where the minimum side boundary setback for Class 10 structures is 1.5m.

**Table 6B: Side and rear setbacks – mid sized blocks in subdivisions approved on or after 2 October 2009 (refer Appendix 1 Diagram 7)**

	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 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2***	side boundary 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2***	
<i>lower floor level – external wall</i>	1.5m	1.5m nil* ^	3m	0.9	3m nil** ^
<i>upper floor level – external wall</i>	3m	1.5m nil* ^ **	6m	6m	6m nil** ^
<i>upper floor level – unscreened element</i>	6m	6m	6m	6m	6m

\* see R17

\*\* Only where specifically permitted under a precinct code.

\*\*\* Side boundary 2 is identified in Figure 2.

^ does not apply to that part of a wall with a window of any sort

**Table 6C: Alternative side and rear setbacks – mid sized blocks in subdivisions approved on or after 2 October 2009 – applicable only to *blocks* nominated in a precinct code as an alternative boundary setback block (refer Appendix 1 Diagram 7)**

	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 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2***	side boundary 1 or <i>northern boundary</i> of an adjoining <i>residential block</i>	side boundary 2***	
<i>lower floor level – external wall</i>	1.5m 4m <sup>^</sup>	1.5m nil <sup>^^</sup>	1.5 4m <sup>^</sup>	1.5	3m nil** <sup>^^</sup>
<i>upper floor level – external wall</i>	3m	1.5m nil* <sup>^^</sup> **	not applicable		
<i>upper floor level – unscreened element</i>	6m	6m			

\* see R17

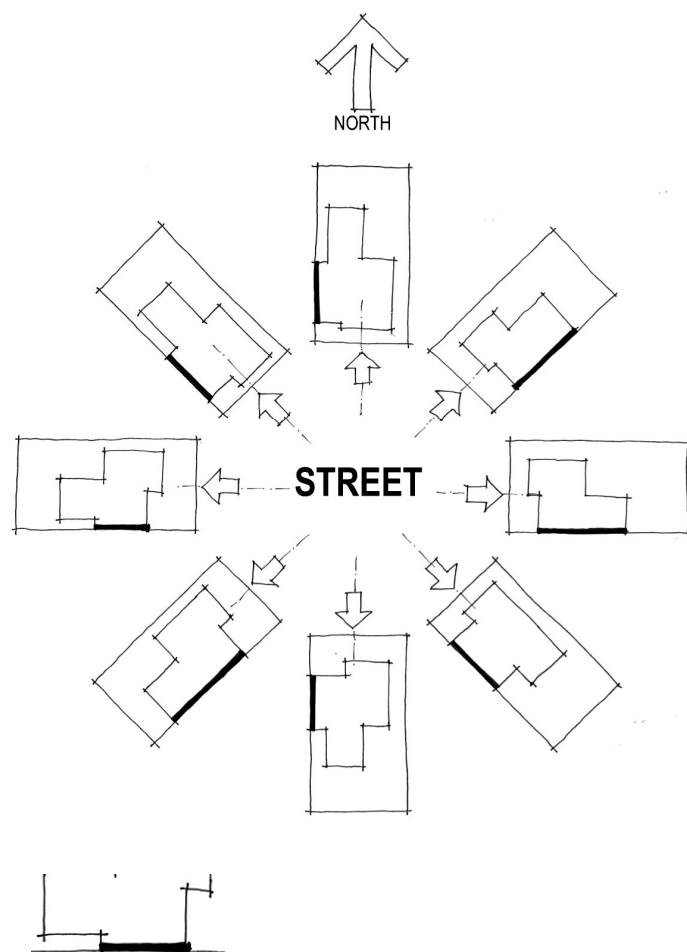
\*\* Only where specifically permitted under a precinct code.

\*\*\* Side boundary 2 is identified in Figure 2.

<sup>^</sup> Applicable only to the *northern boundary* of an adjoining *residential block* – minimum setback applies to not less than 50% of the building length from a point 4m rearwards of the front building line.

<sup>^^</sup> does not apply to that part of a wall with a window of any sort

**Figure 2 – Nominated side boundary 2 - applies only to mid sized blocks in subdivisions approved on or after 2 October 2009 but before (commencement date) (refer table 6C)**



Denotes the location of side boundary 2



**Table 7: Side and rear setbacks – compact blocks in subdivisions approved on or after 31 March 2008 (refer Appendix 1 Diagrams 10 and 11) – not corner 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 – <i>external wall</i>	nil <sup>^</sup>	nil <sup>^</sup>	3m	3m nil* <sup>^</sup>
lower floor level – <i>unscreened element</i>	1.5m	1.5m	3m	3m
upper floor level – <i>external wall</i>	nil <sup>**^</sup>	nil <sup>**^</sup>	3m	4m nil* <sup>^</sup>
upper floor level – <i>unscreened element</i>	1.5m	1.5m	3m	4m
garage or carport	nil <sup>^</sup>	nil <sup>^</sup>	nil <sup>^</sup>	3m nil* <sup>^</sup>

\* Only where specifically permitted under a precinct code.

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

<sup>^</sup> does not apply to that part of a wall with a window of any sort

Rules	Criteria
<b>1.16 Allowable encroachments - setback and building envelope</b>	
<p>R18</p> <p>Encroachments into one or more of the following:</p> <ul style="list-style-type: none"> <li>i) minimum side setback</li> <li>ii) minimum rear setback</li> <li>iii) the space outside the building envelope</li> </ul> <p>are permitted for one or more of the following building elements:</p> <ul style="list-style-type: none"> <li>a) an eave or roof overhang with a horizontal width of not more than 600mm</li> <li>b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings,</li> </ul>	<p>C18</p> <p>Buildings and other structures 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 on adjoining <i>residential blocks</i> for <i>dwellings</i> and their associated <i>private open space</i></li> <li>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>

Rules	Criteria
<p>electricity and gas meters, aerials, antennae, pergolas, sun blinds</p> <p>c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	
<p>R19</p> <p>Encroachments into one or more of the following minimum front setback are permitted for one or more of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, light fittings, sun blinds</p> <p>c) landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>C19</p> <p>Buildings and other structures achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i>dwelling</i>s and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
<b>1.17 Surveillance blocks</b>	
<p>R20</p> <p>Where identified in a precinct code or current and approved <i>lease and development conditions</i> as a surveillance block, provide <i>habitable room</i>(s) above the garage with windows facing and overlooking the rear lane.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.18 Blocks between 500m<sup>2</sup> and 550m<sup>2</sup></b>	
<p>R21</p> <p>The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m<sup>2</sup> or greater but less than 550m<sup>2</sup> that are identified in a precinct code as <i>mid-sized blocks</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 2: Building design

Related legislation: *Common Boundaries Act 1981*

**Note:** Under the *Building Act 2004* most buildings need to meet the requirements of the Building Code of Australia. For certain classes of buildings, this will include prescribed energy requirements.

Rules	Criteria
<b>2.1 Materials and finishes</b>	
<p>R22</p> <p>Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i>.</p>	<p>C22</p> <p>Structures and plant and equipment situated on the roof that are not exempt under <i>Planning and Development Act 2007</i> achieve all of the following:</p> <p>a) do not diminish the value of the <i>streetscape</i></p>

Rules	Criteria
	b) do not diminish residential amenity of neighbouring <i>blocks</i> .
<b>2.2 Fencing – large blocks and mid sized blocks</b>	
<p>R23</p> <p>For <i>large blocks</i> and <i>mid-sized blocks</i>, walls or fencing are not permitted forward of the building line except where they comply with one or more of the following:</p> <ul style="list-style-type: none"> <li>a) a previously approved estate development plan</li> <li>b) a relevant precinct code</li> <li>c) form a gate to a maximum height of 1.8m in an established, vigorous hedge</li> <li>d) otherwise complies with this code (eg courtyard wall provisions)</li> <li>e) is exempt under the <i>Planning and Development Act 2007</i>.</li> </ul>	<p>C23</p> <p>Fences comply with the Residential Boundaries Fences General Code.</p>
<b>2.3 Courtyard walls - large blocks</b>	
<p>R24</p> <p>For <i>large blocks</i>, courtyard walls forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) total length complies with one of the following <ul style="list-style-type: none"> <li>i) not more than 50% of the width of the <i>block</i></li> <li>ii) not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m</li> </ul> </li> <li>b) setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i></li> <li>c) height does not exceed 1.8m</li> <li>d) constructed only of brick, block or stonework, any of which may be combined with feature panels</li> <li>e) incorporate shrub planting between the wall and the front boundary</li> <li>f) do not obstruct site lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1- <i>The Australian Standard for Off-Street Parking</i>.</li> </ul>	<p>C24</p> <p>Courtyard walls forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistent with the <i>desired character</i></li> <li>b) the dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into account <ul style="list-style-type: none"> <li>i) height</li> <li>ii) relationship to verge footpath</li> <li>iii) total proportion relative to the building width</li> <li>iv) colour and design features</li> <li>v) transparency</li> <li>vi) articulation</li> <li>vii) protection of existing desirable landscape features</li> <li>viii) tree and shrub planting forward of the wall</li> </ul> </li> <li>c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in</li> </ul>

Rules	Criteria
	accordance with Australian Standard AS2890.1- <i>The Australian Standard for Off-Street Parking</i> .
<b>2.4 Courtyard walls – mid sized blocks</b>	
<p>R25</p> <p>For <i>mid-sized blocks</i>, courtyard walls forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) have a total length not exceeding 50% of the width of the <i>block</i>, or 70% where the width of the <i>block</i> at the line of the wall is less than 12m</li> <li>b) have a minimum setback from the front boundary of not less than the lesser of the following - <ul style="list-style-type: none"> <li>i) 50% of the minimum front setback applying to the <i>block</i></li> <li>ii) 1m, provided the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height</li> </ul> </li> <li>c) do not exceed 1.8m in height</li> <li>d) are constructed of one of the following - <ul style="list-style-type: none"> <li>i) only of brick, block or stonework, any of which may be combined with feature panels</li> <li>ii) finished to match or complement the <i>single dwelling house</i></li> </ul> </li> <li>e) incorporate shrub planting between the wall and the front boundary</li> <li>f) do not obstruct site lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</li> </ul>	<p>C25</p> <p>Courtyard walls forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistent with the <i>desired character</i></li> <li>b) the dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into account <ul style="list-style-type: none"> <li>i) height</li> <li>ii) relationship to verge footpath</li> <li>iii) total proportion relative to the building width</li> <li>iv) colour and design features</li> <li>v) transparency</li> <li>vi) articulation</li> <li>vii) protection of existing desirable landscape features</li> <li>viii) tree and shrub planting forward of the wall</li> </ul> </li> <li>c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i>.</li> </ul>
<b>2.5 Front fences and courtyard walls – compact blocks</b>	
<p>R26</p> <p>For <i>compact blocks</i>, courtyard walls forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) have a total length not exceeding 50% of the width of the <i>block</i>, or 60% where the width of the <i>block</i> at the line of the wall is less than 12m</li> </ul>	<p>C26</p> <p>Courtyard walls forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) dominance of the building's facade in the <i>streetscape</i> taking all of the following aspects of the proposed courtyard wall into</li> </ul>

Rules	Criteria
<ul style="list-style-type: none"> <li>b) have a minimum setback from the front boundary of not less than -               <ul style="list-style-type: none"> <li>i) 1m where the courtyard encloses north facing <i>principal private open space</i></li> <li>ii) 2m in all other cases</li> </ul> </li> <li>c) have a maximum height of -               <ul style="list-style-type: none"> <li>i) 1.5m where the courtyard encloses <i>principal private open space</i></li> <li>ii) 1.8m where both of the following apply                   <ul style="list-style-type: none"> <li>a) the courtyard encloses <i>principal private open space</i></li> <li>b) the <i>block</i> is a corner <i>block</i></li> </ul> </li> <li>iii) 1.2m in all other cases</li> </ul> </li> <li>d) comply with one or more of the following -               <ul style="list-style-type: none"> <li>i) constructed of brick, block or stonework, any of which may be combined with feature panels</li> <li>ii) constructed and finished to match or complement the <i>single dwelling house</i></li> </ul> </li> <li>e) provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</li> </ul>	<ul style="list-style-type: none"> <li>account:               <ul style="list-style-type: none"> <li>i) height</li> <li>ii) relationship to verge footpath</li> <li>iii) total proportion relative to the building width</li> <li>iv) colour and design features</li> <li>v) transparency</li> <li>vi) articulation</li> <li>vii) protection of existing desirable landscape features</li> <li>viii) tree and shrub planting forward of the wall</li> </ul> </li> <li>c) sight lines for vehicles and pedestrians on public paths or driveways in accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i>.</li> </ul>
<p>R27</p> <p>For <i>compact blocks</i>, front fences and side fences forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) do not exceed one of the following -               <ul style="list-style-type: none"> <li>i) where located adjacent to the dwelling's <i>principal private open space</i> – 1.5m in height</li> <li>ii) where located adjacent to the dwelling's <i>principal private open space</i>, where the <i>block</i> is a corner <i>block</i> - 1.8m in height</li> <li>iii) in all other cases – 1.2m in height</li> </ul> </li> <li>b) A2890.1-<i>The Australian Standard for Off-Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways.</li> </ul>	<p>C27</p> <p>Front and side fences forward of the building line achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) appropriate proportions and character with respect to -               <ul style="list-style-type: none"> <li>i) height</li> <li>ii) relationship to verge footpath</li> <li>iii) total proportion relative to the building width</li> <li>iv) colour and design features</li> <li>v) transparency and articulation</li> <li>vi) protection of existing desirable landscape features</li> </ul> </li> <li>c) do not obstruct sight lines for vehicles and pedestrians on public paths or driveways in</li> </ul>

Rules	Criteria
	accordance with Australian Standard AS2890.1- <i>Parking facilities, part 1 off-street parking</i> .
<p>R28</p> <p>If approved <i>lease and development conditions</i> affecting the block provide for one or more of the following matters, such provisions shall take precedence over this code, but only to the extent of any inconsistency:</p> <ul style="list-style-type: none"> <li>a) plot ratio</li> <li>b) building envelope</li> <li>c) building height</li> <li>d) front street setback</li> <li>e) side setback</li> <li>f) rear setback</li> <li>g) building design</li> <li>h) materials and finish</li> <li>i) interface</li> <li>j) vehicle access</li> <li>k) parking</li> <li>l) solar access</li> <li>m) private open space</li> <li>n) water sensitive urban design</li> <li>o) landscaping.</li> </ul> <p><b>Note:</b> the provisions of lease and development conditions will cease to have effect after 31 March 2013.</p>	<p>C28</p> <p>The development meets the intent any current, relevant <i>lease and development conditions</i>.</p>

### Element 3: Parking and site access

Related code: Parking and Access General Code

Rules	Criteria
<b>3.1 Pedestrian access</b>	
<p>R29</p> <p>For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>3.2 Vehicle access</b>	
R30	C30

Rules	Criteria
<p>Driveway verge crossings comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) 1.2m horizontally clear of stormwater sumps and other services</li> <li>b) 1.5m horizontally clear of transformers, bus stops, public light poles</li> <li>c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance)</li> <li>d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb</li> <li>e) at a right angle to the kerb line with a maximum 10% deviation</li> <li>f) for <i>large blocks</i> and <i>mid sized blocks</i>, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb</li> <li>g) for <i>compact blocks</i>, 3m wide at the front street boundary</li> <li>h) outside of the drip line of mature trees</li> <li>i) minimum of 3m clear of small and new street trees</li> <li>j) compliant with Australian Standard AS2890.1- <i>Parking facilities</i> as amended from time to time, having particular regard for sightlines and cross fall of the site</li> <li>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence).</li> <li>l) If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original.</li> </ul>	<p>Driveway verge crossings are endorsed by Department of Territory and Municipal Services.</p>
<b>3.3 Parking</b>	
<p><b>R31</b></p> <p>The minimum number of car parking spaces provided on the <i>block</i> complies with the following:</p>	<p><b>C31</b></p> <p>Car parking provided on the <i>block</i> is adequate for residents and visitors.</p>

Rules	Criteria
<p>a) for a <i>single dwelling house</i> on <i>compact blocks</i> containing not more than 1 bedroom – 1</p> <p>b) in all other cases - 2.</p>	
<p>R32</p> <p>Dimensions of car parking spaces are not less than the following:</p> <ul style="list-style-type: none"> <li>i) single roofed space - 6m x 3m</li> <li>ii) double roofed space - 6m x 5.5m</li> <li>iii) single unroofed space - 5.5m x 3m</li> <li>iv) multiple unroofed spaces side by side - 5.5m x 2.6m</li> <li>v) parallel parking spaces - 6.7m x 2.3m</li> <li>vi) 2.1m minimum clearance to any overhead structure.</li> </ul>	<p>C32</p> <p>Car parking spaces are sized to allow for all of the following:</p> <ul style="list-style-type: none"> <li>a) convenient access to the vehicle by the driver and passengers</li> <li>b) reasonable side and overhead clearance to vehicles</li> <li>c) reasonable access by vehicles (ie minimal turning movements).</li> </ul>
<p>R33</p> <p>Car parking spaces on the <i>block</i> comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are not located in the <i>front zone</i>, except on <i>compact blocks</i></li> <li>b) do not encroach any property boundaries</li> <li>c) at least one car parking space is roofed and is behind the <i>front zone</i></li> <li>d) comply with sightlines for off-street car-parking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</li> </ul>	<p>C33</p> <p>Car parking and related access on <i>block</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable amenity of neighbouring <i>residential blocks</i></li> <li>b) consistency with the value of the <i>streetscape</i></li> <li>c) public safety especially in relation to pedestrians and cyclists</li> <li>d) reasonable surveillance of parking spaces.</li> </ul>
<p>R34</p> <p>In RZ1 and RZ2, on <i>single dwelling blocks</i> ramps accessing <i>basement</i> car parking are behind the building line, where the <i>block</i> is less than 30 m wide as measured at the street frontage. Ramps comply with the relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>C34</p> <p>Ramps to <i>basement</i> car parking maintain the value of the <i>streetscape</i> and allow safe and efficient vehicle and pedestrian movement.</p>
<p>R35</p> <p>Car parking is not permitted on verges.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R36</p> <p>This rule applies to street frontages except frontages to laneways.</p>	<p>C36</p> <p>Garages or carports achieve all of the following:</p>



Rules	Criteria
<p>The maximum total width of garage doors and external width of carports the lesser of the following:</p> <p>a) 6m</p> <p>b) 50% of the frontage.</p>	<p>a) consistency with the <i>streetscape</i></p> <p>b) consistency with the <i>desired character</i></p> <p>c) compatibility with the façade of the associated <i>dwelling</i>.</p>

#### Element 4: Amenity

Rules	Criteria
<b>4.1 Private open space</b>	
<p>R37</p> <p>For <i>large blocks</i>, <i>private open space</i> complies with all of the following:</p> <p>a) has a minimum area equal to 60% of the block area, less 50m<sup>2</sup></p> <p>b) has a minimum dimension of 6m for an area not less than 10% of the block</p> <p>c) at least 50% of the minimum area in a) is <i>planting area</i>.</p>	<p>C37</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <p>a) limits site coverage of buildings and vehicle parking and manoeuvring areas</p> <p>b) provides space for planting</p> <p>c) facilitates on-site infiltration of stormwater run-off</p> <p>d) provides outdoor areas that are readily accessible by residents for a range of uses and activities</p> <p>e) provides space for service functions such as clothes drying and domestic storage.</p>
<p>R38</p> <p>For <i>mid-sized blocks</i>, <i>private open space</i> complies with all of the following:</p> <p>a) a minimum area equal to 40% of the block area, less 50m<sup>2</sup></p> <p>b) a minimum dimension as follows -</p> <p>i) blocks that are identified in a precinct code as an alternative boundary setback block – 4m for an area not less than 20% of the block area</p> <p>ii) in all other cases - 6m for an area not less than 10% of the block</p> <p>c) at least 50% of the minimum area specified in a) is <i>planting area</i>.</p>	<p>C38</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <p>a) limits site coverage of buildings and vehicle parking and manoeuvring areas</p> <p>b) provides space for planting</p> <p>c) facilitates on-site infiltration of stormwater run-off</p> <p>d) provides outdoor areas that are readily accessible by residents for a range of uses and activities</p> <p>e) provides space for service functions such as clothes drying and domestic storage.</p>

Rules	Criteria
<p>R39</p> <p>For <i>compact blocks</i>, <i>private open space</i> complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) a minimum area is not less than 60% of the block area, less 50m<sup>2</sup></li> <li>b) minimum dimension is 6m for an area not less than 10% of the block</li> <li>c) at least 50% of the minimum area specified in a) is <i>planting area</i>.</li> </ul>	<p>C39</p> <p><i>Private open space</i> provides residential amenity on the subject site and protects the residential amenity of adjoining sites by achieving all of the following:</p> <ul style="list-style-type: none"> <li>a) limits site coverage of buildings and vehicle parking and manoeuvring areas</li> <li>b) provides space for planting</li> <li>c) facilitates on-site infiltration of stormwater run-off</li> <li>d) provides outdoor areas that are readily accessible by residents for a range of uses and activities</li> <li>e) provides space for service functions such as clothes drying and domestic storage.</li> </ul>
<p><b>4.2 Principal private open space</b></p>	
<p>R40</p> <p>At least one area of <i>principal private open space</i> on the block complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) minimum area and dimensions specified in table 8.</li> <li>b) at ground level</li> <li>c) directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom</li> <li>d) screened from adjoining public streets and public open space</li> <li>e) located behind the building line, except where enclosed by a courtyard wall</li> <li>f) is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June).</li> </ul>	<p>C40</p> <p><i>Principal private open space</i> achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) is proportionate to the size of the dwelling</li> <li>b) capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation, and it is directly accessible from the dwelling</li> <li>c) accommodates service functions such as clothes drying and mechanical services</li> <li>d) is screened from public streets and public open space with pedestrian or cycle paths.</li> </ul>

**Table 8: Principal Private Open Space**

Zone	Dwelling Size	Minimum Area	Minimum Dimension
<b>RZ1</b>	1 or 2 Bedrooms	28m <sup>2</sup>	4m
<b>RZ2</b>	3 or more Bedrooms	36m <sup>2</sup>	6m
<b>RZ3</b> <b>RZ4</b>	all	24m <sup>2</sup>	4m

Rules	Criteria
<b>4.3 Noise attenuation – external sources</b>	
<p><b>R41</b></p> <p>Where a <i>block</i> is identified in a precinct code as being potentially affected by noise from external sources the building complies with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> <li>a) AS/NZS 3671 <i>Acoustics – Road traffic Noise Intrusion, Building Siting and Construction</i></li> <li>b) AS/NZS 2107 <i>Acoustics – Recommended design sound levels and reverberation terms for building interiors</i></li> <li>c) ACT Environment Protection Regulation 2005.</li> </ul> <p>A report prepared by a suitably qualified acoustics consultant that is a member of the Australian Acoustic Society and has experience in assessing noise effects demonstrates compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 5: Environment

Water Ways: Water Sensitive Urban Design General Code

Rules	Criteria
<b>5.1 Water sensitive urban design</b>	
<p><b>R42</b></p> <p>This rule applies to all new single <i>dwellings</i>, except <i>minor extensions</i>.</p> <p>The development complies with one of the</p>	<p><b>C42</b></p> <p>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</p>

Rules	Criteria
<p>following:</p> <ul style="list-style-type: none"> <li>i) Option A</li> <li>ii) Option B</li> </ul> <p>For this rule</p> <p>Option A is:</p> <ul style="list-style-type: none"> <li>a) on <i>compact blocks</i> - <ul style="list-style-type: none"> <li>i) no minimum water storage requirement</li> <li>ii) minimum ★★★ rated plumbing fixtures</li> </ul> </li> <li>b) on <i>mid-sized blocks</i> - <ul style="list-style-type: none"> <li>i) minimum on site water storage of water from roof harvesting is 2,000 litres</li> <li>ii) 50% or 75m<sup>2</sup> of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps</li> </ul> </li> <li>c) on <i>large blocks</i> up to 800m<sup>2</sup> - <ul style="list-style-type: none"> <li>i) minimum on site water storage of water from roof harvesting is 4,000 litres</li> <li>ii) 50% or 100m<sup>2</sup> of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps</li> </ul> </li> <li>d) on <i>large blocks</i> 800m<sup>2</sup> or greater - <ul style="list-style-type: none"> <li>i) minimum on site water storage of water from roof harvesting is 5,000 litres</li> <li>ii) 50% or 125m<sup>2</sup> of roof plan area, whichever is the lesser, is connected to the tank and the tank is connected to at least a toilet, laundry cold water and all external taps.</li> </ul> </li> </ul> <p>Option B is:</p> <p>A greywater system captures all bathroom and laundry greywater and treats it to Class A standard. The treated greywater is connected to all laundry cold water, toilet flushing and all external taps.</p> <p>For this rule</p> <p><b>minor extension</b> means an extension where the increase in the combined roof plan area,</p>	<p>ACTPLA on-line assessment tool or another tool.</p> <p>The 40% target is met without any reliance on landscaping measures to reduce consumption.</p>

Rules	Criteria
driveway, car manoeuvring areas and car parking areas is less than 25% of the total of the areas of these components at the date of lodgement of the development application.	
<b>5.2 Heritage</b>	
<p>R43</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the <i>Heritage Act 2004</i> are accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i>.</p> <p><b>Note:</b> If advice from the Heritage Council is required but not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>5.3 Trees</b>	
<p>R44</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application is accompanied by a tree management plan approved under the <i>Tree Protection Act 2005</i>.</p> <p>Note 1: 'Protected tree' is defined under the <i>Tree Protection Act 2005</i>.</p> <p><b>Note:</b> If an approved tree management plan is required but not provided, a draft tree management plan is to accompany the application. The draft tree management plan will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>5.4 Erosion and sediment control</b>	
<p>R45</p> <p>For sites less than 3,000m<sup>2</sup>, development complies with the Environment Protection Authority, <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>, August 2007.</p>	This is a mandatory requirement. There is no applicable criterion.
<p>R46</p> <p>For sites 3,000m<sup>2</sup> or larger, the application is accompanied by an erosion and sediment control</p>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>plan endorsed by the ACT Environment Protection Authority.</p> <p><b>Note:</b> If an erosion and sediment control plan is required but not provided, the application will be referred to the ACT Environment Protection Authority to the Heritage Council before the determination of the application.</p>	

## Element 6: Services

Rules	Criteria
<b>6.1 Construction waste management – all zones</b>	
<p>R47</p> <p>This rule applies to <i>residential</i> development that is likely to generate more than 20m<sup>3</sup> of construction waste comprising one or more of the following:</p> <ul style="list-style-type: none"> <li>a) demolition waste</li> <li>b) construction waste</li> <li>c) excavation material.</li> </ul> <p>The management of construction waste is to be endorsed by TAMS.</p> <p>TAMS will endorse waste facilities and management associated with the development if they comply with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i>.</p> <p>TAMS may endorse departures.</p> <p><b>Note:</b> a condition of approval may be imposed to ensure compliance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>6.2 Utilities – all zones</b>	
<p>R48</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The encroachment is to be approved in writing by the relevant service provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

# Appendix 1 – Boundary setback diagrams

Diagram 1: Large blocks approved before 18 October 1993  
(refer Tables 2A and 5)

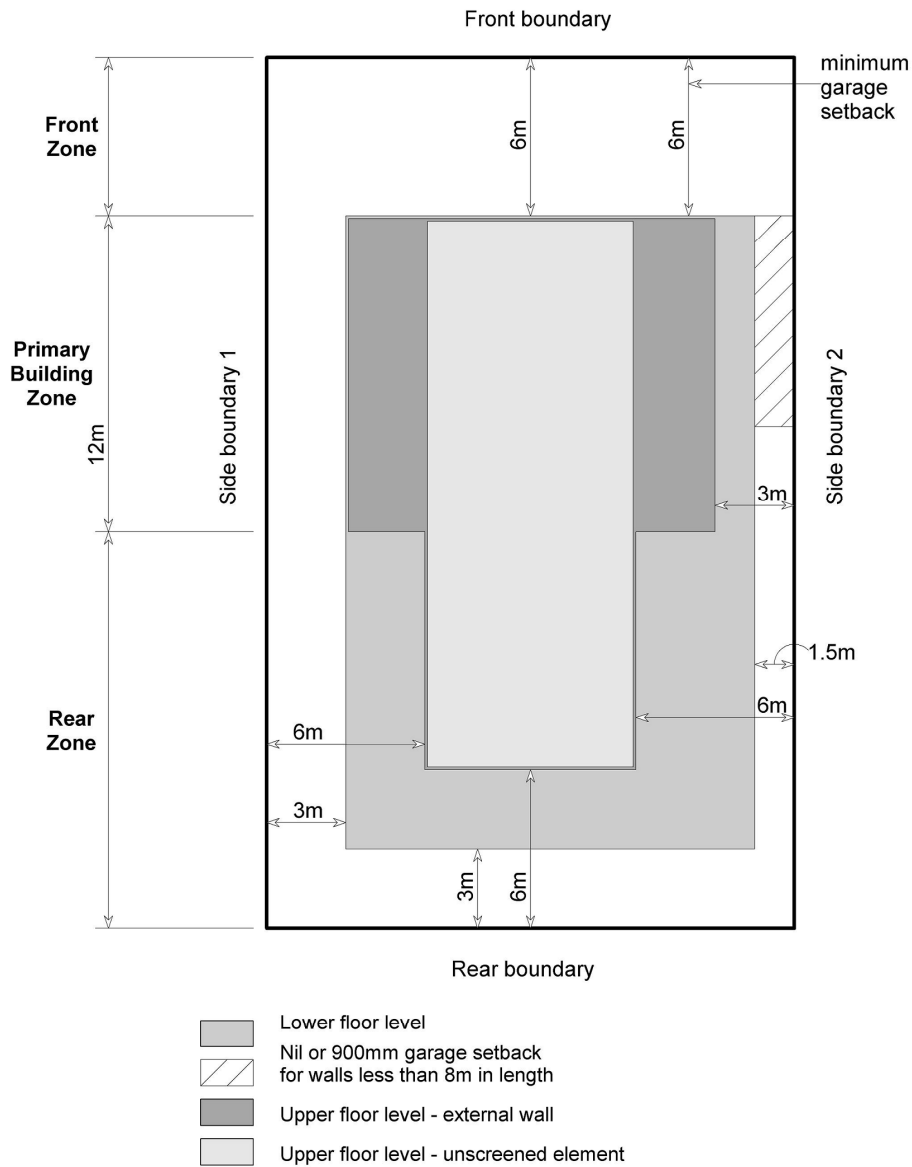


Diagram 2: Large blocks approved on or after 18 October 1993  
but before 31 March 2008 (refer Tables 2B and 5)

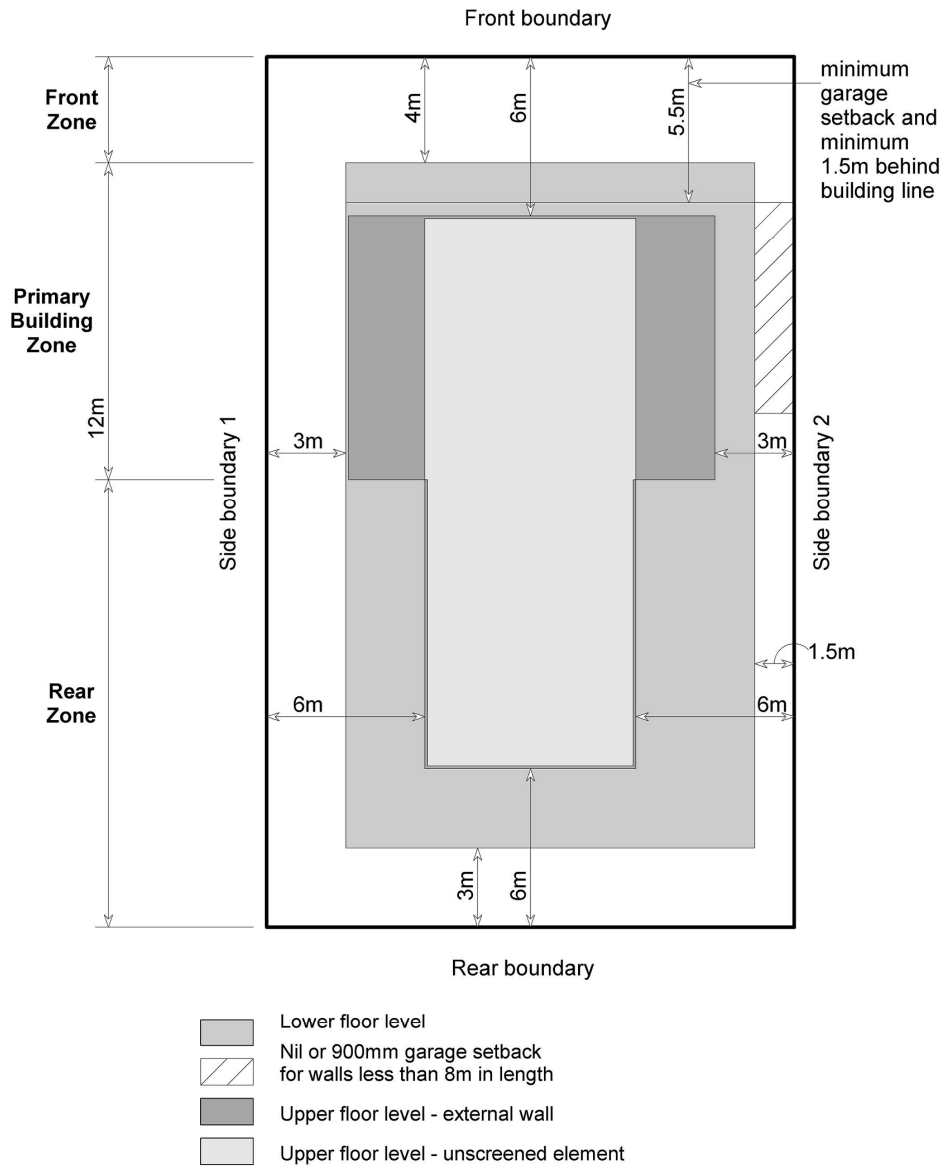




Diagram 3: Large blocks approved on or after 31 March 2008  
(refer Tables 2C and 5)

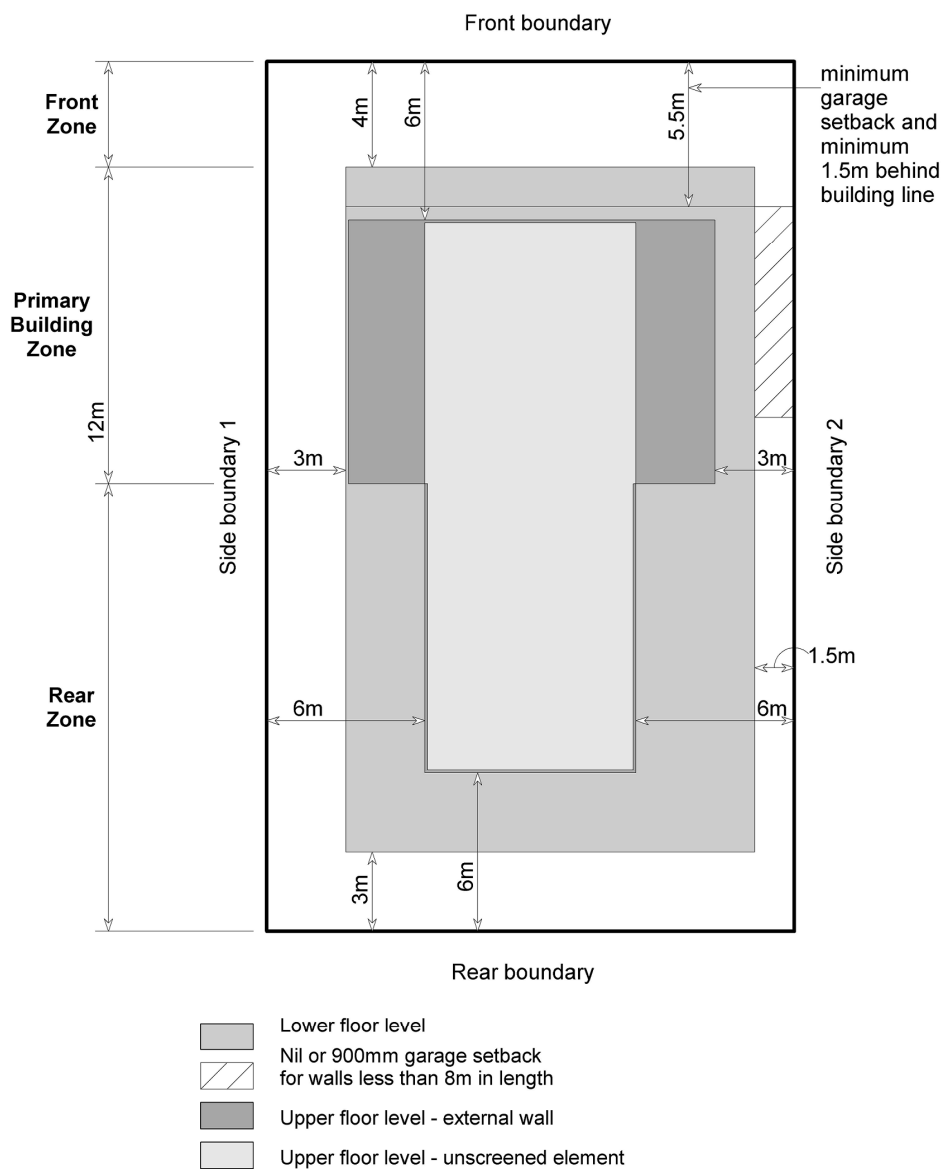
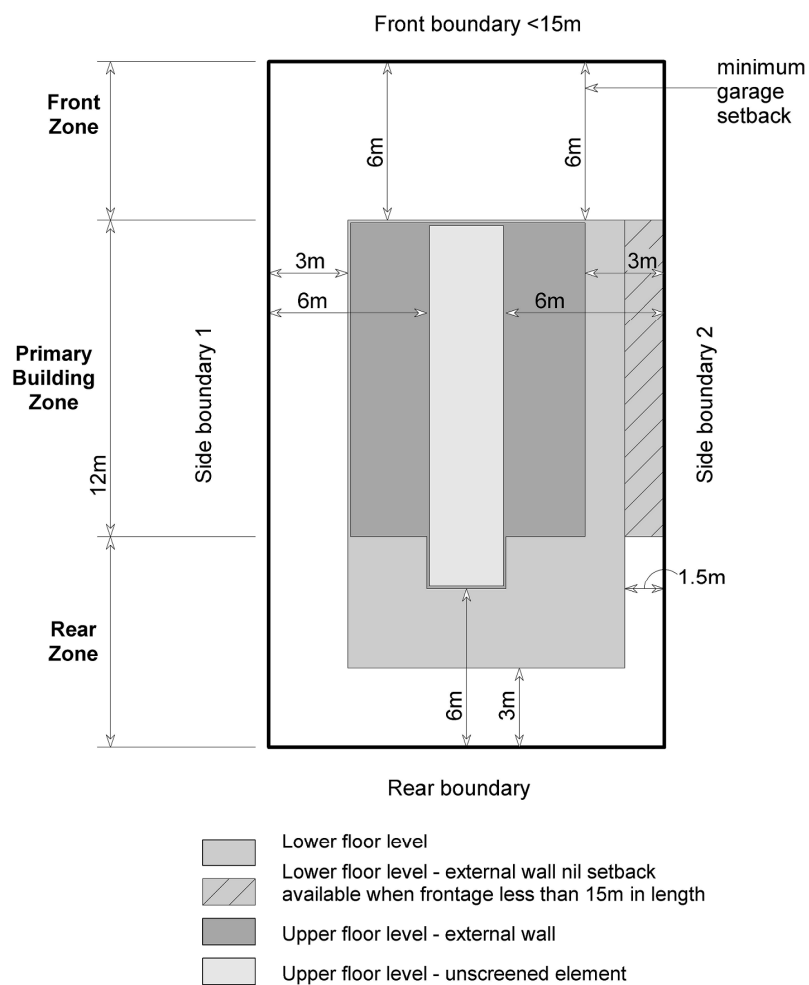


Diagram 4: **Mid-sized blocks approved before 18 October 1993** (refer Table 3A)



**Diagram 5: Mid-sized blocks approved on or after 18 October 1993 but before 31 March 2008 (refer Tables 3B and 6A)**

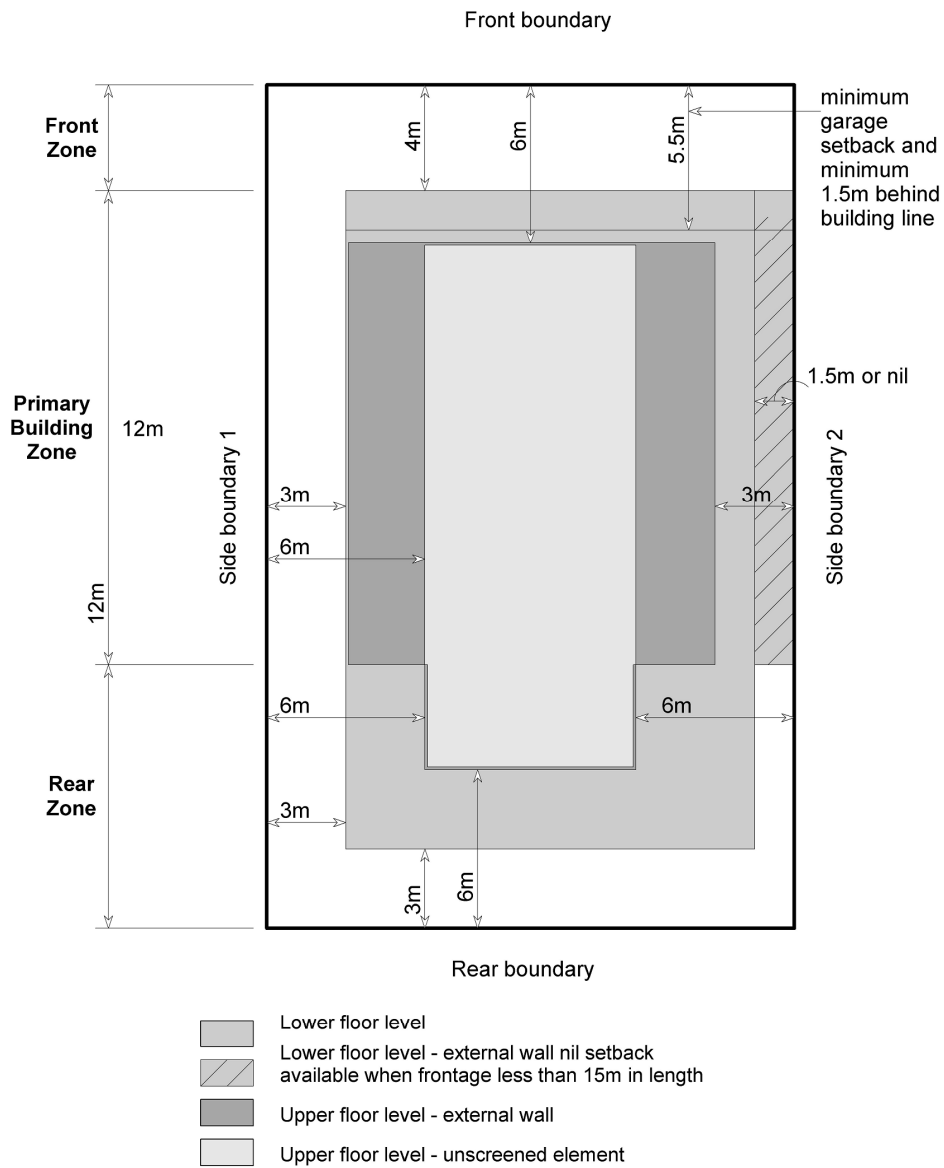


Diagram 6: Mid-sized blocks approved on or after 31 March 2008  
before 2 October 2009 (refer Tables 3C and 6A)

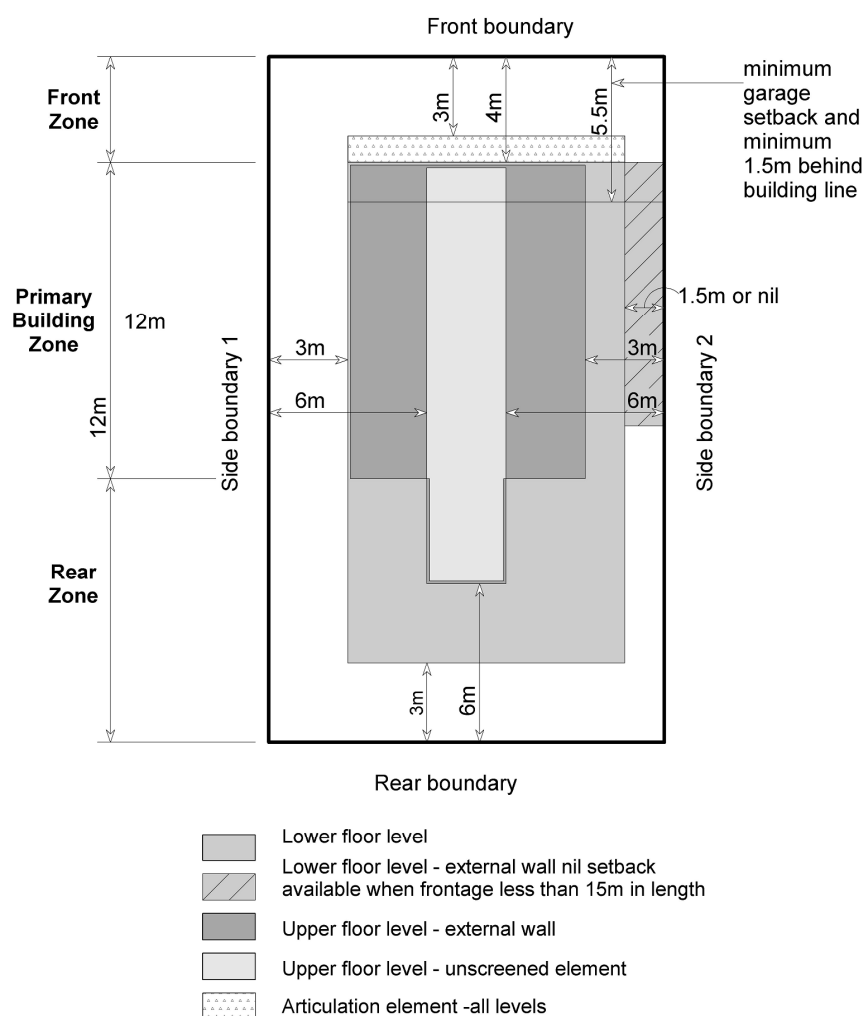


Diagram 7: **Mid-sized blocks approved on or after 2 October 2009**  
(refer Tables 3C and 6B or 6C)

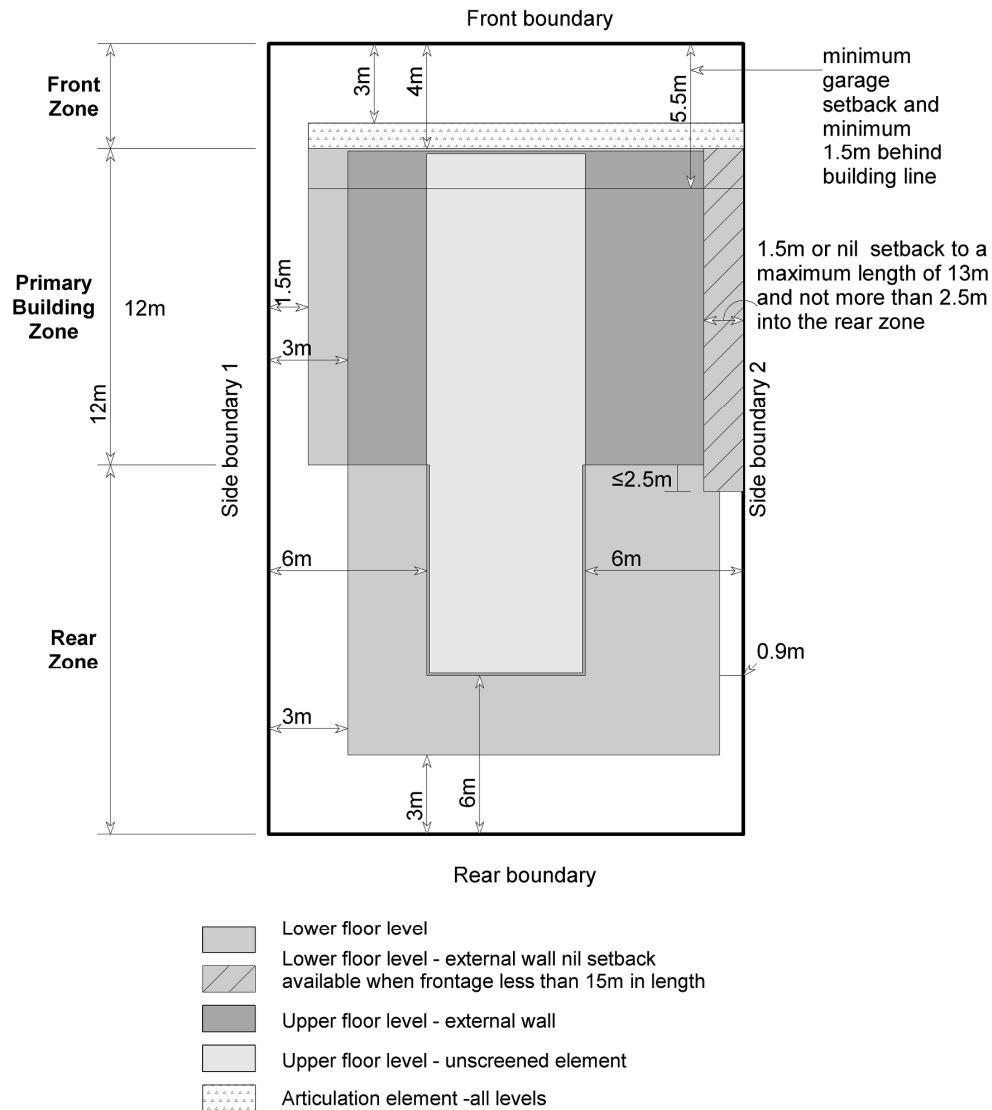


Diagram 8: **Compact blocks approved before 18 October 1993**  
(refer Table 3A)

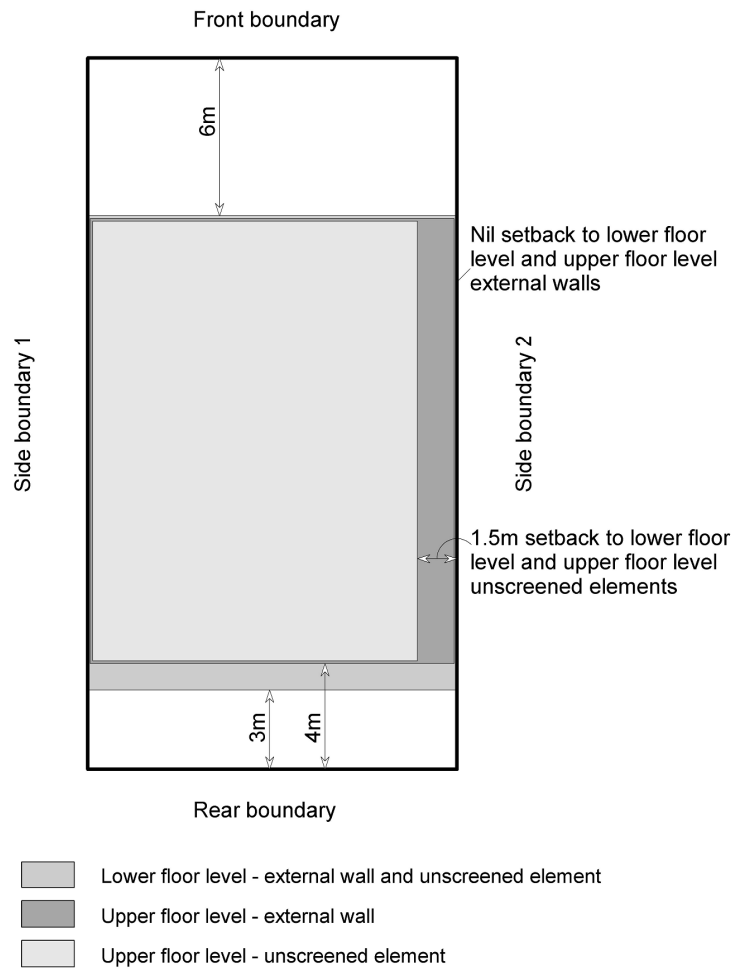


Diagram 9: Compact blocks approved on or after 18 October 1993 but before 31 March 2008 (refer Table 3B)

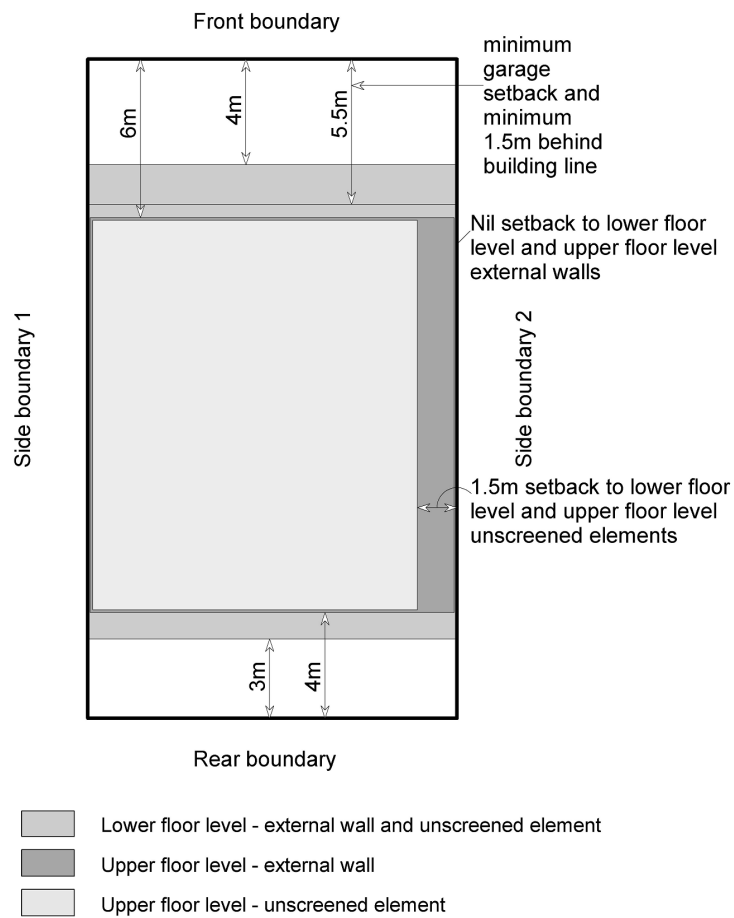


Diagram 10: Compact blocks approved on or after 31 March 2008  
but before 2 October 2009 (refer Tables 4 and 7)

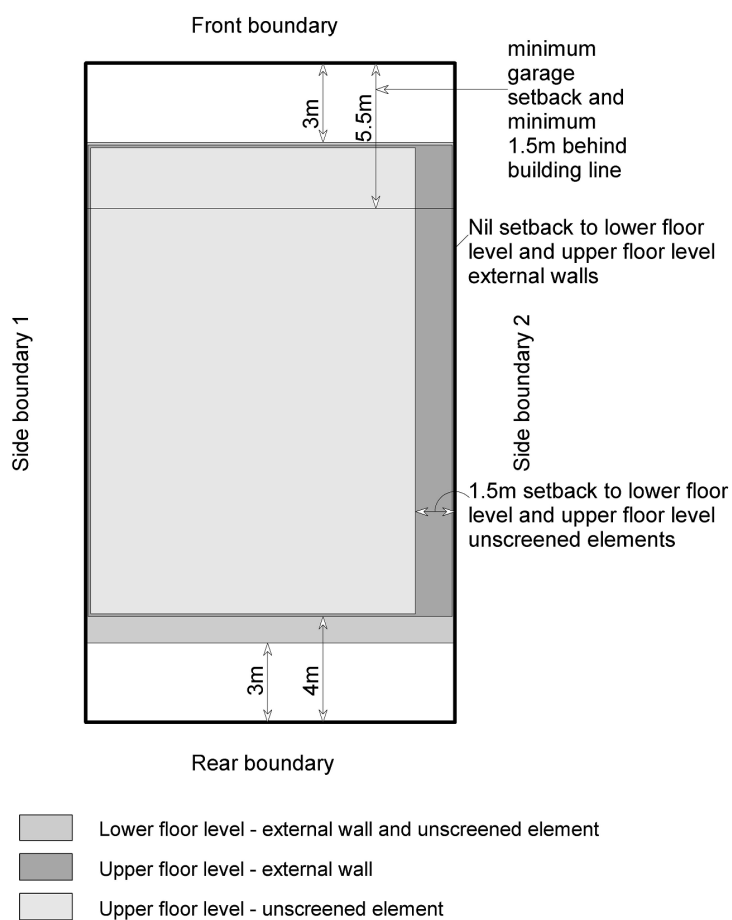
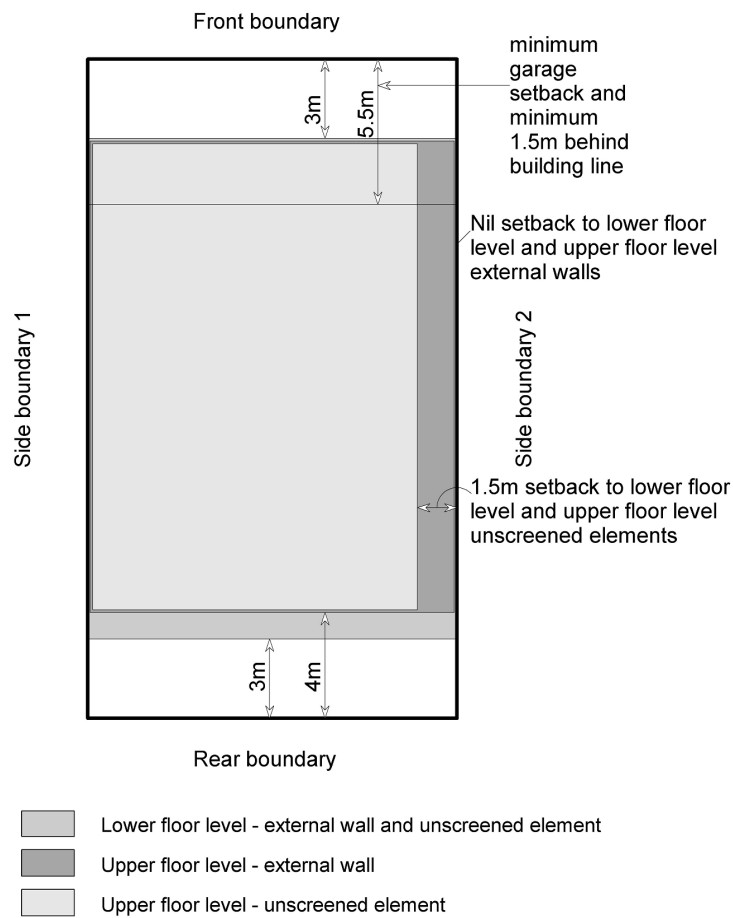




Diagram 11: **Compact blocks approved on or after 2 October 2009**  
(refer Tables 4 and 7)





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# **Multi Unit Housing Development Code**

**May 2011**



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# Introduction

## Name

The name of this code is **Multi Unit Housing Development Code**.

## Application

This code applies to *multi unit housing* in all zones.

## 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 must not 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 zone.

It will be used by the *Authority* to assess development applications. It also offers guidance to applicants in designing development proposals and preparing development applications.

## Structure

This code has 4 parts

**Part A – General controls for multi unit housing in all zones**

**Part B – Additional controls for multi unit housing with 4 or more storeys**

**Part C – Additional controls for multi unit housing in commercial zones**

**Part D – Endorsement by government agencies**

Generally, each part is divided into one or more elements. Each element has one or more rules, each having an associated criterion (unless the rule is mandatory). Rules provide quantitative, or definitive, controls, while criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules 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

The assessment track for a particular development is specified in the relevant 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 each rule or satisfy 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 that the relevant criterion is satisfied, through supporting drawings and/or written documentation. 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, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code, and general code.

## **Related codes**

Residential Zones Development Code applies to all forms of development in residential zones and makes reference to development codes and general codes that may also apply.

Precinct codes may contain additional provisions that apply to certain specified blocks. Precinct codes are found in part 10.

## **Definitions**

Defined terms and references to legislation and 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.

## Relevant Development Codes and General Codes

Development codes that may be relevant to housing development or development associated with housing development are marked Y in table 1.

**Table 1 – Development codes applicable to residential and related development.**

development/ use	this code	Residential Zones Development Code	Single Dwelling Housing Development Code
boarding house	Y	Y	
demolition		Y	
diplomatic residence		Y	Y
guest house	Y	Y	
home business		Y	
multi unit housing	Y	Y	
residential care accommodation	Y	Y	
retirement complex	Y	Y	
secondary residence		Y	Y
sign		Y	
single dwelling housing		Y	Y
special dwelling (one dwelling)			Y
special dwelling (more than one dwelling)	Y	Y	
supportive housing	Y	Y	

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to housing development.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Crime Prevention through Environmental Design General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Water Ways: Water Sensitive Urban Design General Code

Development must comply with all relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11.



## Part A – General Controls

This part applies to all multi-unit housing development irrespective of zone. Part B contains additional controls that apply to multi-unit housing with four or more storeys. Part C contains additional controls that apply to multi-unit housing in commercial zones.

### Element 1: Restrictions on use

Rules	Criteria
<b>1.1 Dual occupancy housing – single dwelling blocks – RZ1</b>	
<b>R1</b> In RZ1, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is 800m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.
<b>1.2 Dual occupancy housing – single dwelling blocks – RZ2</b>	
<b>R2</b> In RZ2, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is 700m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.
<b>1.3 Apartments - single dwelling blocks – RZ1 and RZ2</b>	
<b>R3</b> This rule applies to <i>single dwelling blocks</i> in RZ1 and RZ2 on <i>single dwelling blocks</i> . No new <i>apartments</i> are permitted.	This is a mandatory requirement. There is no applicable criterion.

### Element 2: Lease and development conditions

Rules	Criteria
<b>2.1 Development proposals affected by approved lease and development conditions - all zones</b>	
<b>R4</b> Where approved <i>lease and development conditions</i> affecting the <i>block</i> provide for one or more of the following matters: <ul style="list-style-type: none"> <li>a) plot ratio</li> <li>b) building envelope</li> <li>c) building height</li> <li>d) front street setback</li> <li>e) side setback</li> <li>f) rear setback</li> <li>g) building design</li> <li>h) materials and finish</li> <li>i) interface</li> </ul>	<b>C4</b> The development meets the intent of any current, relevant <i>lease and development conditions</i> .

Rules	Criteria
<p>j) vehicle access</p> <p>k) parking</p> <p>l) solar access</p> <p>m) private open space</p> <p>n) water sensitive urban design</p> <p>o) landscaping.</p> <p>Such provisions shall take precedence over this code, but only to the extent of any inconsistency.</p> <p><b>Note:</b> the provisions of lease and development conditions will cease to have effect after 31 March 2013.</p>	

### Element 3: Building and site controls

Rules	Criteria
<b>3.1 Dwelling replacement – single dwelling blocks – all zones</b>	
<p>R5</p> <p>This rule applies to <i>single dwelling blocks</i> in all residential zones that are proposed to be redeveloped for <i>multi unit housing</i>, but does not apply to <i>supportive housing</i>.</p> <p>The number of <i>dwellings</i> with three or more bedrooms is not fewer than:</p> <p>a) where there has been no consolidation of blocks – 1</p> <p>b) in all other cases – the total number of blocks originally leased or used for the purpose of single dwelling housing that have been consolidated or proposed to be consolidated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.2 Plot ratio – dual occupancy - single dwelling blocks – RZ1</b>	
<p>R6</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1.</p> <p>The maximum <i>plot ratio</i> for <i>dual occupancy housing</i> is determined by the formula:</p> $P = (140/B + 0.15) \times 100.$ <p>The maximum <i>plot ratio</i> for any additional new <i>dwelling</i> which is part of a <i>dual occupancy</i> and does not directly front a public road from which vehicular access is permitted is the lesser of:</p> <p>a) the <i>plot ratio</i> determined by the formula</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p><math>P = (140/B + 0.15) \times 50</math></p> <p>and</p> <p>b) 17.5%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p> <p>For the formulae used in this rule:</p> <p>P is the maximum permissible <i>plot ratio</i> expressed as a percentage</p> <p>B is the <i>block</i> area in square metres.</p>	
<b>3.3 Plot ratio – dual occupancy - single dwelling blocks – RZ2</b>	
<p>R7</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2.</p> <p>The maximum <i>plot ratio</i> for <i>dual occupancy housing</i> is:</p> <ul style="list-style-type: none"> <li>i) where at least one dwelling does not directly front a public road from which vehicular access is permitted – 35%</li> <li>ii) in all other cases – 50%</li> </ul> <p>The maximum <i>plot ratio</i> for any additional new <i>dwelling</i> which is part of a <i>dual occupancy</i> and does not directly front a public road from which vehicular access is permitted is 17.5%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p> <p>For the formulae used in this rule:</p> <p>P is the maximum permissible <i>plot ratio</i> expressed as a percentage</p> <p>B is the <i>block</i> area in square metres.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.4 Plot ratio – large single dwelling blocks – RZ2, RZ3 and RZ4</b>	
<p>R8</p> <p>This rule applies to <i>large blocks</i> that are <i>single dwelling blocks</i> in RZ2, RZ3 and RZ4.</p> <p>In RZ2 the maximum <i>plot ratio</i> is 50%.</p> <p>In RZ3 the maximum <i>plot ratio</i> is 65%.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>In RZ4 the maximum <i>plot ratio</i> is 80%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	
<b>3.5 Plot ratio – other than single dwelling blocks – RZ1, RZ2, RZ3 and RZ4</b>	
<p>R9</p> <p>This rule applies to blocks other than <i>single dwelling blocks</i> in RZ1, RZ2 and RZ3.</p> <p>The maximum <i>plot ratio</i> is:</p> <p>a) in RZ1, RZ2 and RZ3 – 65%</p> <p>b) in RZ4 – 80%.</p> <p>This rule does not apply to:</p> <p>i) <i>blocks</i> with both of the following characteristics:</p> <ul style="list-style-type: none"> <li>subject to either a residential B1 or B8 area specific policy under the Territory Plan at 30 March 2008</li> <li>held under a holding lease at 30 March 2008</li> </ul> <p>ii) <i>blocks</i> in RZ1 approved before (commencement date)</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.6 Additional dwellings – single dwelling blocks – RZ1</b>	
<p>R10</p> <p>The maximum number of <i>dwellings</i> permitted on <i>single dwelling block</i> in RZ1 is 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.7 Residential density – supportive housing – single dwelling blocks - RZ1</b>	
<p>R11</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ1 that are intended to be used for <i>supportive housing</i>.</p> <p>Despite any other rule in this element, the maximum number of <i>dwellings</i> is shown in table A1.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>3.8 Residential density – single dwelling blocks – RZ2</b>	
<p>R12</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2.</p> <p>The maximum number of <i>dwellings</i> is shown in table A2.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Refer to Element 4 of the Residential Zones Development Code for provisions relating to supportive housing.</li> <li>2. Refer to element 3 for provisions relating to the number of dwellings permitted in each building.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.9 Additional dwellings – single dwelling blocks – RZ2</b>	
<p>R13</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2 with a street frontage of 20m or less.</p> <p>Despite any other rule in this element, the maximum number of <i>dwellings</i> is 3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.10 Residential density – adaptable housing – single dwelling blocks - RZ2</b>	
<p>R14</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2 where all dwellings comply with Australian Standards AS4299 <i>Adaptable Housing (Class C)</i></p> <p>Despite any other rule in this element, the maximum number of <i>dwellings</i> is shown in table A3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.11 Number of dwellings in each building – single dwelling blocks – RZ2</b>	
<p>R15</p> <p>In RZ2 on <i>single dwelling blocks</i> the maximum number of dwellings in any building is 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.12 Number of storeys – single dwelling blocks – RZ1</b>	
<p>R16</p> <p>In RZ1 on <i>single dwelling blocks</i> buildings comply with all of the following:</p> <ol style="list-style-type: none"> <li>a) contain no more than 2 <i>storeys</i></li> <li>b) <i>attics</i> or <i>basement</i> car parking are not permitted where they are located directly above or below any 2 <i>storey</i> element of the <i>dwelling</i>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R17</p> <p>This rule applies to a <i>detached house</i> with all of</p>	<p>This is a mandatory requirement. There is no</p>

Rules	Criteria
<p>the following characteristics:</p> <ul style="list-style-type: none"> <li>i) located on a <i>single dwelling block</i></li> <li>ii) located in RZ1</li> <li>iii) is part of a <i>dual occupancy housing</i></li> <li>iv) does not directly front a public road</li> </ul> <p>Despite the previous rule the building complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) contains no more than 1 <i>storey</i></li> <li>b) has no <i>basement</i> car parking.</li> </ul>	applicable criterion.
<b>3.13 Number of storeys – other than single dwelling blocks – RZ1</b>	
<p>R18</p> <p>In RZ1 on <i>blocks</i> other than <i>single dwelling blocks</i>, the maximum number of <i>storeys</i> is 2.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>3.14 Number of storeys – RZ2</b>	
<p>R19</p> <p>In RZ2 the number of <i>storeys</i> does not exceed 2.</p> <p>Rooftop plant that is set back and screened from the street is not included in the number of storeys.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>3.15 Number of storeys – RZ3</b>	
<p>R20</p> <p>In RZ3 the maximum number of <i>storeys</i> is 2.</p> <p>Rooftop plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>C20</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) the appearance of not more than two storeys for that part of the building facing the street</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> </ul>
<b>3.16 Number of storeys – RZ4</b>	
<p>R21</p> <p>In RZ4 the maximum number of <i>storeys</i> is 3.</p> <p>Rooftop plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>C21</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) the appearance of not more than three storeys for that part of the building facing the street</li> <li>c) reasonable solar access to <i>dwelling</i>s on</li> </ul>

Rules	Criteria
	adjoining <i>residential blocks</i> and their associated <i>private open space</i> .
<b>3.17 Number of storeys – RZ5</b>	
<p>R22</p> <p>In RZ5, the maximum number of <i>storeys</i> is:</p> <ol style="list-style-type: none"> <li>for that part of the building within 50m of the boundaries of <i>blocks</i> in RZ1, RZ2 or RZ3 - 3</li> <li>for that part of the building within 40m of the boundaries of <i>blocks</i> in CFZ, PRZ1 or PRZ2 - 3</li> <li>for that part of the building within 9 m of the boundaries of <i>blocks</i> in RZ4 - 4</li> <li>in all other cases – 6.</li> </ol> <p>Roof top plant that is set back and screened from the street is not included in the number of storeys.</p>	<p>C22</p> <p>Buildings achieve all of the following:</p> <ol style="list-style-type: none"> <li>consistency with the <i>desired character</i></li> <li>reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> <li>compatibility with the both of the following – <ol style="list-style-type: none"> <li>the height of existing buildings on adjoining blocks</li> <li>the height of future buildings on adjoining blocks.</li> </ol> </li> </ol>
<b>3.18 Height of buildings – RZ1 and RZ2</b>	
<p>R23</p> <p>In RZ1 and RZ2 the maximum <i>height of building</i> is 8.5m.</p>	<p>C23</p> <p>Buildings achieve all of the following:</p> <ol style="list-style-type: none"> <li>consistency with the <i>desired character</i></li> <li>reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ol>
<b>3.19 Height of buildings – RZ3, RZ4 and RZ5</b>	
<p>R24</p> <p>Maximum <i>height of building</i> is:</p> <ol style="list-style-type: none"> <li>in RZ3 – 9.5m</li> <li>in RZ4 – 12.5m</li> <li>in RZ5 – 21.5m.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>3.20 Building envelope – buildings with 3 storeys or fewer – all blocks approved before (commencement date) except in Molonglo Valley – all zones</b>	
<p>R25</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on <i>blocks</i> with one of the following characteristics:</p> <ol style="list-style-type: none"> <li>approved under an <i>estate development plan</i> before (commencement date)</li> <li>for which a <i>lease</i> was granted before (commencement date).</li> </ol>	<p>C25</p> <p>Buildings 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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ol>

Rules	Criteria
<p>but does not apply to blocks located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule.</p> <p>Refer figure A1.</p>	
<p>R26</p> <p>This rule applies to buildings with 3 <i>storeys</i> or fewer on blocks with one of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) approved under an <i>estate development plan</i> before (commencement date)</li> <li>b) for which a <i>lease</i> was granted before (commencement date)</li> </ul> <p>but does not apply to blocks located in the district of Molonglo Valley.</p> <p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in Table A1.</p> <p>Refer figure A1.</p>	<p>C26</p> <p>Buildings 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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> <li>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>
<p><b>3.21 Building envelope – buildings with 3 storeys or fewer – blocks approved on or after (commencement date) and in Molonglo Valley – all zones</b></p>	
<p>R27</p> <p>This rule applies to <i>blocks</i> with one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) approved under an <i>estate development plan</i> on or after (commencement date)</li> <li>b) located in the district of Molonglo Valley.</li> </ul> <p>but does not apply to buildings with four or more storeys in RZ5 or commercial zones.</p>	<p>C27</p> <p>Buildings 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>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>



Rules	Criteria
<p>Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i>, which are dealt with by the next rule.</p> <p>Refer figure A1.</p>	
<p>R28</p> <p>This rule applies to <i>blocks</i> with one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) approved under an <i>estate development plan</i> on or after (commencement date).</li> <li>b) located in the district of Molonglo Valley</li> </ul> <p>but does not apply to buildings with four or more storeys in RZ5 or commercial zones.</p> <p>For any <i>northern boundary</i> of an adjoining <i>residential block</i> buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. Values for X are given in table A1.</p> <p>Refer Figure A1.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**Table A1 - Maximum number of dwellings for supportive housing allowable on single dwelling blocks in RZ1**

block size (m <sup>2</sup> )	maximum number of dwellings
<600	1*
over 600	1 + 1 for every 250m <sup>2**</sup> of site area over 600m <sup>2</sup>

\* not including a secondary residence

\*\* not less than 250m<sup>2</sup> is required for every additional dwelling

**Table A2 - Maximum number of dwellings allowable on single dwelling blocks in RZ2**

block size (m <sup>2</sup> )	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 to <2350	6
over 2350	6 + 1 for every 250m <sup>2</sup> ** of site area over 2350m <sup>2</sup>

\* not including a secondary residence

\*\* not less than 250m<sup>2</sup> is required for every additional dwelling

**Table A3 - Maximum number of dwellings for adaptable housing allowable on single dwelling blocks in RZ2**

block size (m <sup>2</sup> )	maximum number of dwellings***
<600	1*
600 to <850	2
850 to <1100	3
1100 to <1350	4
over 1350	4 + 1 for every 250m <sup>2</sup> ** of site area over 1350m <sup>2</sup>

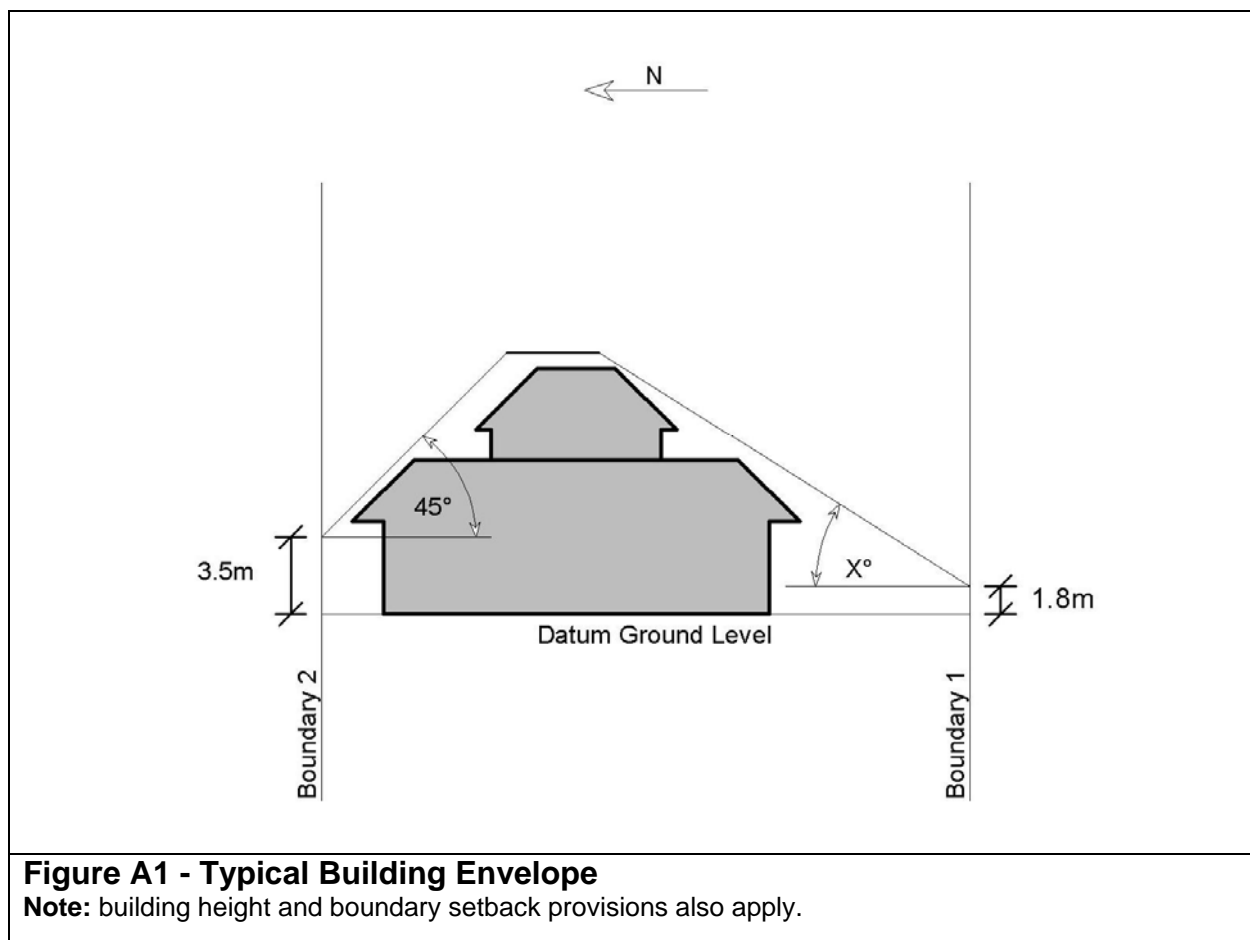
\* not including a secondary residence

\*\* not less than 250m<sup>2</sup> is required for every additional dwelling

\*\*\* all dwellings must be for supportive or adaptable housing

**Table A4 – Apparent sun angle at noon on the winter solstice**

<b>Aspect of northern boundary</b> (bearing of line drawn perpendicular to the boundary)	<b>Angle (X)</b>
North 0-9° East North 0-9° West	32°
North 10-19° East North 10-19° West	35°
North 20-29° East North 20-29° West	37°
North 30-39° East North 30-39° West	39°
North 40-45° East North 40-45° West	41°



Rules	Criteria
<b>3.22 Front boundary setbacks – all zones</b>	
<p>R29</p> <p>Front boundary setbacks comply with Table A5.</p> <p>Minimum boundary setbacks for corner <i>blocks</i> apply only to the street frontage nominated as a <i>secondary street frontage</i>. If street frontages on corner <i>blocks</i> are of equal length, the minimum setbacks apply only to one <i>secondary street frontage</i>. Chamfers may be included in the <i>secondary street frontage</i>.</p>	<p>C29</p> <p>Front boundary setbacks 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 amenity for residents</li> <li>c) sufficient space for street trees to grow to maturity.</li> </ul>

**Table A5: All Zones - Front Boundary Setbacks – (explanatory diagram in Appendix 1)**

Minimum front boundary setbacks					
floor level	blocks in subdivisions approved on or after 18 October 1993	blocks in subdivisions approved before 18 October 1993	exceptions		
			corner blocks		public open space or pedestrian paths wider than 6m
			<i>secondary street frontage - mid-sized blocks</i>	<i>secondary street frontage-large blocks</i>	
<b>lower floor level</b>	4m	6m	3m	4m	4m
<b>upper floor levels</b>	6m	6m	3m	6m	4m
<b>garage</b>	5.5 m with a minimum of 1.5 m behind the front building line	6m	5.5m	5.5m	4m

Rules	Criteria
<b>3.23 Side and rear boundary setbacks – all zones</b>	
<p>R30</p> <p>Side and rear boundary setbacks comply with the following:</p> <ul style="list-style-type: none"> <li>a) in RZ1 and RZ2 - Table A6</li> <li>b) in RZ3, RZ4, RZ5 and commercial zones - Table A7</li> <li>c) in all other zones – the relevant zone development code</li> </ul>	<p>C30</p> <p>Buildings and other structures are sited to 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 separation between adjoining developments</li> <li>c) reasonable privacy for <i>dwellings</i> on adjoining <i>residential blocks</i></li> <li>d) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i></li> <li>e) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</li> </ul>

**Table A6: RZ1 and RZ2 - Side and Rear Boundary Setbacks (explanatory diagram in Appendix 1)**

	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
<i>Lower floor level – external wall, unscreened element and basement</i>	3m	3m	3m
<i>Upper floor level – external wall</i>	3m	6m	6m
<i>Upper floor level – unscreened element</i>	6m	6m	6m

**Table A7: RZ3, RZ4, RZ5 and commercial zones - Side and Rear Boundary Setbacks**  
(explanatory diagram in Appendix 1)

	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
<i>lower floor level – external wall</i>	nil <sup>^</sup>	3m	3m
<i>lower floor level – unscreened element</i>	1m	3m	3m
<i>first upper floor level – external wall</i>	nil <sup>^</sup>	3m	6m
<i>first upper floor level – unscreened element</i>	6m	6m	6m
<i>second upper floor level – external wall</i>	nil <sup>^</sup>	6m	6m
<i>second upper floor level – unscreened element</i>	6m	6m	6m

<sup>^</sup> does not apply to that part of a wall with a window of any sort

Rules	Criteria
<b>3.24 Allowable setback encroachments – all zones</b>	
<p>R31</p> <p>Encroachments into one or more of the following:</p> <ul style="list-style-type: none"> <li>i) minimum side setback</li> <li>ii) minimum rear setback</li> <li>iii) the space outside the building envelope</li> </ul> <p>are permitted for one or more of the following building elements -</p> <ul style="list-style-type: none"> <li>a) an eave or roof overhang with a horizontal width of not more than 600mm</li> <li>b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials,</li> </ul>	<p>C31</p> <p>Buildings and other structures 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 on adjoining <i>residential blocks</i> for <i>dwellings</i> and their associated <i>private open space</i></li> <li>c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul>

Rules	Criteria
<p>antennae, pergolas, sun blinds</p> <p>c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	
<p>R32</p> <p>Encroachments into one or more of the following minimum front setback are permitted for one or more of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, light fittings, sun blinds</p> <p>c) landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>C32</p> <p>Buildings and other structures achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable levels of privacy on adjoining <i>residential blocks</i> for <i> dwellings</i> and their associated <i>private open space</i></p> <p>c) reasonable solar access to <i> dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</p>
<b>3.25 Building separation – single dwelling blocks – RZ2</b>	
<p>R33</p> <p>This rule applies to <i>single dwelling blocks</i> in RZ2.</p> <p>The minimum horizontal separation between a building containing 2 or more <i> dwellings</i> and any other building on the <i>site</i> is 4m.</p> <p>For the purposes of this rule, <i>basements</i> are not part of a building.</p>	<p>C33</p> <p>The siting of buildings on <i>single dwelling blocks</i> in RZ2 achieves all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) consistency with the separation of existing buildings in the immediate neighbourhood.</p>

## Element 4: Site design

Rules	Criteria
<b>4.1 Site design – all zones</b>	
<p>R34</p> <p>For developments (other than <i>apartments</i>) of 40 <i> dwellings</i> or more, the design of the common areas, pedestrian and vehicle access areas comply with all of the following provisions of the Estate Development Code:</p> <p>a) public realm standards for on-street parking</p> <p>b) pedestrian paths</p> <p>c) verge landscaping</p> <p>d) water sensitive urban design.</p>	<p>C34</p> <p>Publicly accessible and communal areas within large developments that are intended to be unit titled or community titled achieve all of the following:</p> <p>a) reasonable safety</p> <p>b) reasonable functionality</p> <p>c) reasonable residential amenity</p> <p>d) landscaping beside internal driveways</p> <p>e) provision for pedestrians</p> <p>f) sufficient off-street parking.</p>

Rules	Criteria
<b>4.2 Site open space – RZ1 and RZ2</b>	
<p>R35</p> <p>This rule applies to RZ1 and RZ2.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <ul style="list-style-type: none"> <li>a) <i>communal open space</i> with a minimum dimension of 2.5m</li> <li>b) <i>private open space</i> that complies with all of the following - <ul style="list-style-type: none"> <li>i) a minimum dimension of 2.5m</li> <li>ii) is associated with dwellings at the <i>lower floor level</i>.</li> </ul> </li> </ul> <p>Not less than 20% of the total site area is <i>planting area</i>.</p>	<p>C35</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) sufficient space for the recreation and relaxation of residents</li> <li>b) sufficient space for planting, particularly trees with deep root systems</li> <li>c) provision for on-site infiltration of stormwater run-off</li> <li>d) provision of outdoor areas that are readily accessible by residents for a range of uses and activities.</li> </ul> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> <li>i) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the site</li> <li>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</li> </ul>
<b>4.3 Site open space – RZ3, RZ4, RZ5 and commercial zones</b>	
<p>R36</p> <p>This rule applies to RZ3, RZ4, RZ5 and commercial zones.</p> <p>Not less than 20% of the total site area is allocated to the following:</p> <ul style="list-style-type: none"> <li>a) for developments with fewer than 20 <i>dwellings</i>, none of which are <i>apartments</i>, one or more of the following - <ul style="list-style-type: none"> <li>i) <i>communal open space</i> that complies with all of the following <ul style="list-style-type: none"> <li>a) a minimum dimension of 2.5m</li> <li>b) is directly accessible from common entries and pathways</li> </ul> </li> <li>ii) <i>private open space</i> that complies with all of the following <ul style="list-style-type: none"> <li>a) a minimum dimension of 2.5m</li> </ul> </li> </ul> </li> </ul>	<p>C36</p> <p>Open space on the site achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) sufficient space for a range of recreational activities for residents</li> <li>b) sufficient space for planting, particularly trees with deep root systems</li> <li>c) a contribution to on-site infiltration of stormwater run-off</li> <li>d) reasonable accessibility to all residents.</li> </ul> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> <li>i) whether the total area of <i>upper floor level private open space</i> contributes to the function of other open space on the site</li> </ul>



Rules	Criteria
<p>b) is associated with <i> dwellings </i>at the <i> lower floor level </i></p> <p>b) in all other cases, <i> communal open space </i> that complies with all of the following -</p> <p>a) a minimum dimension of 2.5m</p> <p>b) is directly accessible from common entries and pathways.</p> <p>Not less than 10% of the total site area is <i> planting area </i>.</p>	<p>ii) whether any adjoining or adjacent public open space is readily available for the use of residents.</p>
<b>4.4 Landscape design – all zones</b>	
<p>There is no applicable rule.</p>	<p>C37</p> <p>Landscape and site design achieves all of the following:</p> <p>a) planting of trees of semi-mature stock</p> <p>b) planting of tress with a minimum mature height of 4m</p> <p>c) a contribution to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car-parking areas, and admitting winter sunlight to outdoor and indoor living areas, especially to the north</p> <p>d) reasonable residential amenity</p> <p>e) reasonable visibility along paths and driveways</p> <p>f) visual interest in pavement materials and finishes</p> <p>g) species with appropriate growth habits and mature height in relation to site conditions.</p>
<b>4.5 Fences – all zones</b>	
<p>R38</p> <p>Fences are permitted forward in the <i> front zone </i> or on the <i> front boundary </i> only where they comply with any of the following:</p> <p>a) it is a gate to a maximum height of 1.8m and 1m width in an established hedge</p> <p>b) exempt under the <i> Planning and Development Act 2007 </i></p> <p>c) permitted under the <i> Common Boundaries Act 1981 </i>.</p>	<p>C38</p> <p>Fences may be permitted where the proposal meets the requirements contained in the Residential Boundaries Fences General Code.</p>

Rules	Criteria
<b>4.6 Courtyard walls – all zones</b>	
<p>R39</p> <p>Courtyard walls are permitted forward of the <i>building line</i> where they comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) maximum height of 1.8m above <i>datum ground level</i></li> <li>b) a minimum setback to the front boundary complying with the following: <ul style="list-style-type: none"> <li>i) where the wall encloses the <i>principal private open space</i> of a ground floor <i>dwellings</i> that is located to the west, north-west, north, north-east or east of the <i>dwelling</i> – 0.7m</li> <li>ii) in all other cases - half the front boundary setback nominated elsewhere in this code</li> </ul> </li> <li>c) trees and/or shrubs between the wall and the front boundary, in accordance with an approved landscape plan</li> <li>d) a variety of materials or indentations not less than 15m apart where the indents are not less than 1m in depth and 4m in length</li> <li>e) constructed of brick, <i>block</i> or stonework, any of which may be combined with timber or metal panels that include openings not less than 25% the surface area of the panel</li> <li>f) maintain clear sightlines between vehicles on driveways and pedestrians on public paths in accordance with A2890.1- <i>The Australian Standard for Off-Street Parking</i>.</li> </ul>	<p>C39</p> <p>Courtyard walls achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) visual softening though associated planting</li> <li>c) reduced traffic noise, where necessary</li> <li>d) reasonable privacy to <i>lower floor level</i> windows</li> <li>e) opportunities for natural surveillance of public areas and the street</li> <li>f) the articulation of elements</li> <li>g) a variety of materials</li> <li>h) reasonable solar access to <i>principal private open space</i>.</li> </ul>
<b>4.7 External facilities – all zones</b>	
<p>There is no applicable rule.</p>	<p>C40</p> <p>The following external facilities or equipment are screened or adequately separated from public areas:</p> <ul style="list-style-type: none"> <li>a) external storage areas</li> <li>b) water tanks</li> <li>c) waste storage enclosures</li> <li>d) mechanical services (including air</li> </ul>

Rules	Criteria
	<p>conditioners and hot water storage units)</p> <p>e) clothes drying areas.</p>
There is no applicable rule.	<p>C41</p> <p>Mailboxes are located for convenient access by residents and deliverers with passive surveillance from the street or from active uses.</p> <p>To demonstrate compliance with this criterion a site plan is submitted with the application showing the location and design of mail boxes.</p>
<b>4.8 Electrical and telecommunication facilities – all zones</b>	
<p>R42</p> <p>Electrical and telecommunication reticulation within existing residential areas or streets with residential access complies with all of the following:</p> <p>a) do not result in continuous rows of supply poles erected on residential streets</p> <p>b) for developments involving up to 2 <i>blocks</i> or 2 <i>dwellings</i>, are underground or along the rear spine or side of <i>blocks</i></p> <p>c) for developments involving more than 2 <i>blocks</i> or 2 <i>dwellings</i>, are underground</p> <p>d) there is no overhead cabling to <i>dwellings</i> within the site.</p>	<p>C42</p> <p>Electrical and telecommunication reticulation within existing residential areas or streets with residential access limits the amount of visual clutter in the <i>streetscape</i>, particularly from supply poles and overhead cabling.</p>
<p>R43</p> <p>There is no applicable rule.</p>	<p>C43</p> <p>Ground level electrical and telecommunication facilities (such as electrical substations, switching stations, telecommunications nodes) within existing residential areas or streets with residential access are screened from public view whilst allowing for reasonable access for service providers.</p>

## Element 5: Building design

Related code: Access and Mobility General Code

Rules	Criteria
<b>5.1 Surveillance – all zones</b>	
<p>R44</p> <p>This rule applies to buildings facing any adjoining public street or public open space.</p>	<p>C44</p> <p>Buildings achieve passive surveillance of all of the following:</p>

Rules	Criteria
Buildings have all of the following: a) at least one window to a habitable room that is not screened by a courtyard wall b) at least one door with roofed element such as a verandah or <i>balcony</i> .	a) adjoining streets b) adjoining <i>public open space</i> .
<b>5.2 Building entries – all zones</b>	
R45 Common entries to <i>dwelling</i> s have all of the following features: a) an external sheltered area outside the entrance b) a direct line of sight between the front door and the public footpath or road c) finished floor levels at or above the level of the adjoining verge d) separate access to any non-residential uses, which are clearly distinguishable and secured after hours.	C45 Common entries to <i>dwelling</i> s achieve all of the following: a) a transitional area from the street b) secure, all-weather access c) surveillance of public areas (including between buildings and open space areas, paths, <i>dwelling</i> entries, car parking areas and driveways) d) safety, security and convenience for residents and visitors e) the separation of residential entries and commercial entries.
<b>5.3 Building design – RZ2</b>	
R46 This rule applies to <i>single dwelling blocks</i> in RZ2 containing 2 or more <i>dwelling</i> s. All <i>dwelling</i> s adjacent to a public street (other than a <i>rear lane</i> ) have at least one of the following facing the street: a) front door b) living room window c) living room glass sliding door.	C46 Dwellings address the street wherever practicable.
<b>5.4 Building design – all zones</b>	
R47 This rule applies to buildings containing more than 2 <i>dwelling</i> s. Maximum length of unarticulated walls in buildings is 15m. Wall articulation is provided by at least one of the following: a) changes in wall planes of a minimum 1m in depth and 4m in length	C47 Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between <i>dwelling</i> s when viewed from adjoining public spaces and adjoining <i>residential blocks</i> .

Rules	Criteria
b) inclusion of balconies, bay windows, verandas, fin walls, etc. c) horizontally stepping facades by at least 1m.	
<b>R48</b> This rule applies to buildings containing more than 2 <i>dwelling</i> s. Maximum length of an unarticulated roof is 15m.	<b>C48</b> Building design, articulation, detailing and finish provide an appropriate scale, add visual interest and enable visual differentiation between <i>dwelling</i> s when viewed from adjoining public spaces and adjoining <i>residential blocks</i> .
<b>R49</b> Garages and carports within 15m of the front boundary are constructed with the same material as the corresponding elements of the <i>dwelling</i> .	<b>C49</b> The exterior colours and finishes of garages and carports achieve all of the following: <ul style="list-style-type: none"> <li>a) compatibility with the <i>dwelling</i> design when viewed from public spaces</li> <li>b) integration with the overall design</li> <li>c) a contribution to the articulation of the building.</li> </ul>
<b>5.5 Basements and undercroft parking</b>	
<b>R50</b> This rule applies to all of the following: <ul style="list-style-type: none"> <li>i) <i>basements</i></li> <li>ii) <i>undercroft parking</i>.</li> </ul> Exposed <i>external walls</i> comply with all of the following: <ul style="list-style-type: none"> <li>a) except for ventilation openings, are finished in the same manner as the building</li> <li>b) where ventilation openings are provided, they are treated as part of the façade with grilles and screens.</li> </ul>	<b>C50</b> <i>Basements and undercroft parking</i> structures achieve all of the following: <ul style="list-style-type: none"> <li>a) visual interest through architectural elements, features or modulation</li> <li>b) visual softening by landscaping</li> <li>c) avoidance of prominent ventilation openings.</li> </ul>
<b>5.6 Adaptability of dwellings for use by disabled persons – all zones</b>	
<b>R51</b> This rule applies to <i>multi-unit housing</i> comprising more than 9 dwellings. The minimum number of dwellings designed to meet to meet Australian Standard AS4299 – <i>Adaptable Housing</i> (Class C) is shown in table A8.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<b>5.7 Minimum dwelling size – all zones</b>	
<p>R52</p> <p>Minimum <i>dwelling</i> floor areas are as follows:</p> <ul style="list-style-type: none"> <li>a) studio <i>dwelling</i>s - 40 m<sup>2</sup></li> <li>b) one-bedroom <i>dwelling</i>s - 50 m<sup>2</sup></li> <li>c) 2-bedroom <i>dwelling</i>s - 70 m<sup>2</sup></li> <li>d) <i>dwelling</i>s with 3 or more bedrooms - 95 m<sup>2</sup></li> </ul> <p>The minimum <i>dwelling</i> floor area excludes balconies and car parking facilities. Storage within <i>dwelling</i>s is included in the area calculations.</p>	<p>C52</p> <p><i>Dwelling</i> sizes and layouts provide functional living spaces, flexibility in furniture layout, and adequate storage and service areas.</p> <p>The provision of shared facilities (eg. open space, laundry, lounge and storage) may be considered when determining compliance with the criterion.</p>
<b>5.8 Housing diversity – all zones</b>	
<p>R53</p> <p>For developments containing 40 or more <i>dwelling</i>s, a combination of dwelling types, including studio or 1-bedroom <i>dwelling</i>s, 2-bedroom <i>dwelling</i>s, and <i>dwelling</i>s with 3 or more bedrooms are provided.</p>	<p>C53</p> <p>Housing developments comprising multiple <i>dwelling</i>s are required to achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) a range of housing types</li> <li>b) increased diversity of <i>dwelling</i> types within a neighbourhood.</li> </ul>

**Table A8 – Minimum number of dwellings designed to meet Australian Standard AS4299 – Adaptable Housing (Class C)**

total number of dwellings	minimum number of dwellings designed to meet Australian Standard AS4299 – Adaptable Housing (Class C)
9	nil
10	1
11 to 19	2
20 to 29	3
30 to 39	4
40 and over	4 + 1 for every 10 dwellings (or part thereof)

## Element 6: Amenity

Rules	Criteria
<b>6.1 Privacy – all zones</b>	
<p>R54</p> <p>This rule applies to <i>dwelling</i>s on the same <i>block</i>.</p> <p>The relationship between <i>unscreened elements</i> of one <i>dwelling</i> and the <i>primary windows</i> of another <i>dwelling</i> complies with one of the following:</p> <ul style="list-style-type: none"> <li>a) a person (with an eye height of 1.5m) standing at any and every point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight into the <i>primary window</i> of any other <i>dwelling</i></li> <li>b) the direct line of sight referred to in item a) is more than 12m.</li> </ul>	<p>C54</p> <p>Reasonable privacy between <i>dwelling</i>s on the same <i>block</i> is achieved.</p>
<p>R55</p> <p>This rule applies to <i>principal private open space</i> on the same <i>block</i> and on adjacent <i>blocks</i>.</p> <p>The relationship between <i>unscreened elements</i> of one <i>dwelling</i> and the <i>principal private open space</i> of another <i>dwelling</i> complies with one of the following:</p> <ul style="list-style-type: none"> <li>a) a person (with an eye height of 1.5m) standing at any and every point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight to more than 50% of the minimum <i>principal private open space</i> of any other <i>dwelling</i></li> <li>b) the direct line of sight referred to in item a) is more than 12m.</li> </ul>	<p>C55</p> <p>Reasonable privacy of <i>principal private open space</i> of each <i>dwelling</i> is achieved.</p>
<b>6.2 Principal private open space – all zones</b>	
<p>R56</p> <p>Each <i>dwelling</i> has at least one area of <i>principal private open space</i> that complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) located on the site</li> <li>b) has minimum area and dimensions specified in table A9</li> <li>c) is screened from adjoining public streets and public open space</li> <li>d) is directly accessible from, and adjacent to,</li> </ul>	<p>C56</p> <p><i>Principal private open space</i> for each <i>dwelling</i> achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) an area proportionate to the size of the <i>dwelling</i></li> <li>b) an extension of the function of the <i>dwelling</i> for relaxation, dining, entertainment, recreation</li> <li>c) directly accessible from the <i>dwelling</i></li> <li>d) service functions such as clothes drying and</li> </ul>

Rules	Criteria
<p>a <i>habitable room</i> other than a bedroom</p> <p>e) is not located to the south, south-east or south-west of the <i>dwelling</i>, unless it achieves one or more of the following -</p> <p>i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June)</p> <p>ii) located at an <i>upper floor level</i> and overlooks a public street or public open space.</p>	<p>mechanical services</p> <p>e) reasonable privacy</p> <p>f) reasonable solar access.</p>

**Table A9 - Principal Private Open Space**

		<i> dwellings wholly or partially at lower floor level</i>		<i> dwellings located entirely on an upper floor level</i>	
zone	dwelling size	minimum area	minimum dimension	minimum area	minimum dimension
<b>RZ1 RZ2</b>	1 bedroom	28m <sup>2</sup> *	5m	6m <sup>2</sup> plus 2m <sup>2</sup> for service functions**	1.8m
	2 or 3 bedrooms	36m <sup>2</sup> *	6m	36m <sup>2</sup> *	2.5m
	4 or more bedrooms	45m <sup>2</sup> *	6m	45m <sup>2</sup> *	2.5m
<b>RZ3 RZ4</b>	1 or 2 bedrooms	24m <sup>2</sup> *	4m	6m <sup>2</sup> plus 2m <sup>2</sup> for service functions**	1.8m
	3 or more bedrooms	36m <sup>2</sup> *	6m	24m <sup>2</sup> *	2.5m
<b>RZ5 and commercial zones</b>		24m <sup>2</sup> *	4m	6m <sup>2</sup> plus 2m <sup>2</sup> for service functions**	1.8m

\* Includes allowance of 2m<sup>2</sup> area for service functions such as clothes drying and air conditioners and require screening from public areas as described under Rule R37.

\*\* Service functions include clothes drying and air conditioners and require screening from public areas. Service functions may be provided on a separate balcony to the *principal private open space*.



Rules	Criteria
<b>6.3 Setbacks to external walls – all zones</b>	
<p><b>R57</b></p> <p>The minimum separation between an <i>unscreened element</i> and an <i>external wall</i> on the same <i>block</i> or an adjoining <i>block</i>, is 3m.</p>	<p><b>C57</b></p> <p>The outlook from an <i>unscreened element</i> is not unreasonably impeded by <i>external walls</i> on the same or adjoining <i>blocks</i>.</p>
<p><b>R58</b></p> <p>The separation between <i>external walls</i> at the <i>lower floor level</i> on the same <i>block</i> or an adjoining <i>block</i> is one of the following:</p> <ul style="list-style-type: none"> <li>a) not less than 1m</li> <li>b) nil.</li> </ul>	<p><b>C58</b></p> <p>The separation between blank walls on the same or adjoining blocks at ground level achieves one of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable access for maintenance</li> <li>b) reasonable management of rodents.</li> </ul>
<b>6.4 Balustrades – all zones</b>	
<p><b>R59</b></p> <p>This rule applies to balconies with both of the following characteristics:</p> <ul style="list-style-type: none"> <li>i) located on the third <i>upper floor level</i> or lower (ie the first four storeys)</li> <li>ii) facing public streets or public open space.</li> </ul> <p>Balustrades are constructed of one or more of the following:</p> <ul style="list-style-type: none"> <li>a) obscure glass panels</li> <li>b) solid panels</li> </ul> <p>with a total of all openings not more than 25% of the surface area of the balustrade.</p>	<p><b>C59</b></p> <p>Balustrades achieve reasonable privacy for residents and screen household items from adjoining public streets and public open space.</p>
<b>6.5 Storage – all zones</b>	
<p><b>R60</b></p> <p>This rule applies to <i>dwelling</i>s without an associated <i>garage</i>.</p> <p>An enclosed storage area complying with all of the following is provided for each <i>dwelling</i>:</p> <ul style="list-style-type: none"> <li>a) at least 2m in height and 0.6m internal dimension</li> <li>b) an area of not less than - <ul style="list-style-type: none"> <li>i) in RZ1 and RZ2 - 4m<sup>2</sup></li> <li>ii) in all other zones -1.5m<sup>2</sup></li> </ul> </li> </ul>	<p><b>C60</b></p> <p>All <i>dwelling</i>s are provided with adequate and secure storage areas for all of the following:</p> <ul style="list-style-type: none"> <li>a) equipment such as gardening, sporting, leisure and fitness equipment</li> <li>b) accommodate bicycles as per Bicycle Parking Code.</li> </ul>

Rules	Criteria
c) one of the following - <ul style="list-style-type: none"> <li>i) accessible externally from the <i>dwelling</i></li> <li>ii) adjacent to a dedicated car space.</li> </ul>	
<b>6.6 Natural Ventilation</b>	
There is no applicable rule.	C61  For buildings containing 3 or more <i>dwelling</i> s, dwelling layouts are to ensure natural ventilation is provided to <i>habitable rooms</i> by cross or stack effect ventilation by maximising separation between opening windows.
<b>6.7 Noise attenuation – external sources - all zones</b>	
R62  Where a <i>block</i> is in one or more of the following categories: <ul style="list-style-type: none"> <li>i) identified in a precinct code as being potentially affected by noise from external sources</li> <li>ii) adjacent to a <i>major road</i></li> <li>iii) located in a commercial zone</li> <li>iv) adjacent to a commercial or industrial zone</li> </ul> the building design and construction complies with the relevant sections of all of the following - <ul style="list-style-type: none"> <li>a) <i>AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i></li> <li>b) <i>AS/NZS 2107 - Acoustics – Recommended design sound levels and reverberation terms for building interiors</i></li> <li>c) ACT Environment Protection Regulation 2005.</li> </ul> A report by a member of the Australian Acoustic Society with experience in the assessment of noise effects demonstrates compliance with this rule.	This is a mandatory requirement. There is no applicable criterion.

## Element 7: Parking and vehicular access

Related codes: Parking and Access General Code, Bicycle Parking General Code

Rules	Criteria
<b>7.1 Ramps to basement car parking – RZ1 and RZ2</b>	
<p><b>R63</b></p> <p>This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) zoned RZ1 or RZ2</li> <li>b) <i>single dwelling blocks</i></li> <li>c) less than 30 m wide at the street frontage.</li> </ul> <p>Ramps accessing <i>basement</i> car parking are not permitted forward of the <i>building line</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.2 Driveway verge crossings – all zones</b>	
<p><b>R64</b></p> <p>This rule applies to previously undeveloped <i>blocks</i>.</p> <p>No more than one driveway verge crossing is provided to each <i>block</i>.</p>	<p><b>C64</b></p> <p>More than one driveway verge crossing to each <i>block</i> may be allowed in one of the following circumstances:</p> <ul style="list-style-type: none"> <li>a) where forward entry to roads carrying more than 3000 vehicles per day is desirable</li> <li>b) where all of the following are achieved: <ul style="list-style-type: none"> <li>i) compatibility with the <i>streetscape</i></li> <li>ii) priority for pedestrians and cyclists</li> <li>iii) retention of existing street trees</li> <li>iv) protection of existing landscape features</li> <li>v) public safety</li> </ul> </li> <li>c) where the <i>block</i> is a corner block.</li> </ul>
<p><b>R65</b></p> <p>This rule applies to previously developed <i>blocks</i> or the consolidation of previously developed <i>blocks</i>.</p> <p>No additional driveway verge crossings are permitted.</p>	<p><b>C65</b></p> <p>Additional driveway verge crossings may be allowed in one of the following circumstances:</p> <ul style="list-style-type: none"> <li>a) where forward entry to roads carrying more than 3000 vehicles per day is desirable</li> <li>b) where all of the following are achieved - <ul style="list-style-type: none"> <li>i) compatibility with the <i>streetscape</i></li> <li>ii) priority for pedestrians and cyclists</li> </ul> </li> </ul>

Rules	Criteria
	<ul style="list-style-type: none"> <li>iii) retention of existing street trees</li> <li>iv) protection of existing landscape features</li> <li>v) public safety</li> </ul> <p>c) where the <i>block</i> is a corner block.</p>
<p><b>R66</b></p> <p>This rule applies to previously developed <i>blocks</i> or the consolidation of previously developed <i>blocks</i>.</p> <p>Redundant driveway verge crossings are removed, and the verge and kerb restored.</p> <p><b>Note:</b> a condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R67</b></p> <p>Driveway verge crossings comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) 1.2m horizontally clear of stormwater sumps and other services</li> <li>b) 1.5m horizontally clear of transformers, bus stops, public light poles</li> <li>c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance)</li> <li>d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb</li> <li>e) at a right angle to the kerb line with a maximum 10% deviation</li> <li>f) a maximum of 5.5m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb</li> <li>g) except for <i>blocks</i> 250m<sup>2</sup> or less, 3m wide at the front street boundary</li> <li>h) outside of the drip line of mature street trees</li> <li>i) a minimum of 3m clear of small and new street trees</li> <li>j) compliant with Australian Standard</li> </ul>	<p><b>C67</b></p> <p>Driveway verge crossings are endorsed by Department of Territory and Municipal Services.</p>

Rules	Criteria
<p><i>AS2890.1 – Off Street Parking</i>, having particular regard for sightlines and cross fall of the site</p> <p>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence)</p> <p>l) if the existing footpath is replaced, it is to be constructed at the same level in the same material and colour as the original.</p> <p><b>Note:</b> a condition of development approval may be imposed to ensure compliance with this rule.</p>	
7.3 Internal driveways – all zones	
<p><b>R68</b></p> <p>This rule applies to internal driveways that are used by residents of more than one <i>dwelling</i>.</p> <p>Internal driveways comply with all of the following:</p> <p>a) are setback from external <i>block</i> boundaries by not less than 1m</p> <p>b) are setback from the <i>external walls</i> of buildings on the site by not less than 1m</p> <p>c) the setbacks referred to in items a) and b) are planted to a width of not less than 1m</p> <p>d) windows to <i>habitable rooms</i> and exterior doors within 1.5 of an internal driveway have at least one of the following -</p> <p>i) an intervening fence or wall not less than 1.5m high</p> <p>ii) for windows, a sill height not less than 1.5m above the driveway</p> <p>e) are not less than 5m wide for a distance of 7m from the boundary when the driveway has one or more of the following characteristics -</p> <p>i) serves more than 10 car spaces</p> <p>ii) connects to a public road</p> <p>f) the relevant requirements in Australian Standard <i>AS2890.1 - Off Street Parking</i> for sightlines and gradients</p> <p>g) provide internal radius of at least 4m at changes in direction and intersections</p>	<p><b>C68</b></p> <p>Internal driveways achieve all of the following:</p> <p>a) sufficient space for planting along property boundaries</p> <p>b) sufficient space for planting between internal driveways and buildings</p> <p>c) reasonable residential amenity, particularly in relation to the intrusion of light and noise into <i>habitable rooms</i>.</p>

Rules	Criteria
<p>h) have turning spaces to allow vehicles to enter and leave in a forward direction when driveways have one or more of the following characteristics -</p> <ul style="list-style-type: none"> <li>i) serve 4 or more car parking spaces</li> <li>ii) connect to a major road</li> </ul> <p>i) have a surface treatment that is distinct from car parking spaces.</p>	
There is no applicable rule.	<p>C69</p> <p>Internal driveways are designed to be safely used by both pedestrians and vehicles, including emergency vehicles.</p> <p>Measures to reduce vehicle speed on internal driveways will be considered when determining compliance with this criterion, including one or more of the following:</p> <ul style="list-style-type: none"> <li>a) changes in pavement materials</li> <li>b) the lack of kerb and gutters</li> <li>c) difference in height to adjacent streets</li> <li>d) avoiding long lengths of driveway</li> <li>e) suitable planting</li> <li>f) signage.</li> </ul>
<b>7.4 Residents' car parking – all zones</b>	
<p>R70</p> <p>Car-parking spaces on the site for residents comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) located behind the <i>front zone</i> (except for <i>apartment</i> car parking)</li> <li>b) can be in tandem where they belong to the same <i>dwelling</i>, except for visitor parking where required</li> <li>c) do not encroach any property boundaries</li> <li>d) one car space per <i>dwelling</i> is roofed and located behind the <i>front zone</i></li> <li>e) are separated by not less than 1.5m from windows to <i>habitable rooms</i> of <i>dwellings</i> that are not associated with the parking space.</li> </ul>	<p>C70</p> <p>Car parking for residents achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable residential amenity</li> <li>b) consistency with the <i>desired character</i></li> <li>c) public safety</li> <li>d) reasonable opportunities for surveillance</li> <li>e) the reasonable requirements of residents for car parking</li> <li>f) reasonable privacy.</li> </ul>
R71	C71

Rules	Criteria
Shared resident car parking spaces are located within 50m walking distance of the associated <i>dwelling</i> .	Car parking spaces are located close to, and with convenient access to <i>dwelling</i> s.
<p>R72</p> <p>The maximum total width of garage door openings and external width of <i>carports</i> facing a street complies with the following:</p> <p>a) for up to 3 <i>dwelling</i>s, the lesser of the following</p> <p>i) 6m</p> <p>ii) 50% of the total length of the building façade facing that street</p> <p>b) for more than 3 <i>dwelling</i>s, 50% of the total length of the building façade facing that street.</p>	<p>C72</p> <p>Garages and car parking structures are consistent with the <i>desired character</i>.</p>
<p>R73</p> <p>The maximum total width of an entry and/or exit to <i>basement</i> car parking facing the street is 8m.</p>	<p>C73</p> <p>Entries to <i>basements</i> do not dominate the <i>streetscape</i>.</p>
<p>R74</p> <p>This rule applies to all of the following:</p> <p>i) all zones</p> <p>ii) developments containing 10 <i>dwelling</i>s or more</p> <p>iii) development with a combined entry and exit to <i>apartment</i> car parking less than 6m wide.</p> <p>Approaches to <i>basements</i> containing car parking comply with one of the following:</p> <p>a) include sufficient areas for vehicles to wait to allow for an entering or leaving vehicle to pass</p> <p>b) at least one waiting area and traffic signals.</p>	<p>C74</p> <p>Approaches to <i>basements</i> achieve all of the following:</p> <p>a) public safety</p> <p>b) convenience for all users.</p>
<b>7.5 Visitor parking – all zones</b>	
<p>R75</p> <p>Visitor car-parking spaces on the site comply with all of the following:</p> <p>a) located behind the <i>front zone</i> (except for <i>apartment</i> car parking)</p> <p>b) do not encroach any property boundaries</p> <p>c) are separated by not less than 1.5m from</p>	<p>C75</p> <p>Visitor parking achieves all of the following:</p> <p>a) accessible for all visitors</p> <p>b) safe and direct visitor entry to common building entries.</p>

Rules	Criteria
<p>windows to <i>habitable rooms</i> of <i>dwellings</i></p> <p>d) are not more than 50m walking distance to all common building entries</p> <p>e) clearly identified and visible from driveways.</p>	
<p>R76</p> <p>Visitor car parking complies with one of the following:</p> <p>a) is located outside of any security barriers</p> <p>b) an intercom and remote barrier release system allows access to visitor parking located behind security barriers.</p>	<p>C76</p> <p>Visitor parking is accessible to all visitors.</p>
<b>7.6 Number of co-located parking spaces – RZ2</b>	
<p>R77</p> <p>In RZ2 on <i>single dwelling blocks</i>, co-located car parking spaces on the <i>site</i> comply with all of the following:</p> <p>a) the maximum number of car parking spaces (including spaces in garages but excluding those in basements) is 4</p> <p>b) the minimum separation between groups of co-located car parking spaces (including spaces in garages but excluding those in basements) is 4m.</p>	<p>C77</p> <p>Car parking spaces on the <i>site</i> (including garages but excluding basement car parking) achieves all of the following:</p> <p>a) do not dominate site landscaping</p> <p>b) are consistent with the <i>desired character</i></p>
<b>7.7 Delivery and removalist vans – all zones</b>	
<p>R78</p> <p>For developments with 40 or more <i>dwellings</i>, at least one short stay parking space and associated access is provided for delivery trucks such as furniture delivery and removalist vans.</p>	<p>C78</p> <p>Reasonable provision is made for short stay parking for delivery trucks.</p>

## Element 8: Environment

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

Rules	Criteria
<b>8.1 Water sensitive urban design – all zones</b>	
<p>R79</p> <p>This rule applies to all multi-unit residential development except for <i>minor extensions</i>.</p> <p>The development achieves a minimum 40%</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<p>reduction in mains water consumption compared to an equivalent development constructed in 2003, without any reliance on landscaping measures.</p> <p>Compliance with this rule is demonstrated by a report by a suitably qualified person using the ACTPLA on-line assessment tool or another tool referred to in the Water Ways: Water Sensitive Urban Design General Code.</p> <p>For this element:</p> <p><b>minor extension</b> means an extension where the increase in the combined roof plan area, driveway, car manoeuvring areas and car parking areas is less than 25% of the total of the areas of these components at the date of lodgement of the development application.</p>	
<p>R80</p> <p>This rule applies to all <i>multi-unit housing</i> except <i>minor extensions</i>.</p> <p>On sites larger than 2,000m<sup>2</sup> stormwater management measures comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) provision for the retention of stormwater on the <i>block</i> is equivalent to at least 1.4kl per 100m<sup>2</sup> of impervious area</li> <li>b) the retained stormwater complies with one or more of the following - <ul style="list-style-type: none"> <li>i) it is stored for later reuse</li> <li>ii) it is released to the stormwater system over a period of not less than 1 day.</li> </ul> </li> </ul> <p>Rainwater tanks connected to at least the toilet and all external taps may be counted towards this requirement.</p>	<p>C80</p> <p>On sites larger than 2,000m<sup>2</sup> all of the following stormwater management measures are achieved:</p> <ul style="list-style-type: none"> <li>a) the equivalent of 1-in-3 month stormwater peak pre-development stormwater run-off is retained on the <i>block</i></li> <li>b) the retained stormwater complies with one or more of the following - <ul style="list-style-type: none"> <li>i) it is stored for later reuse</li> <li>ii) its is released to the stormwater system over a reasonable period.</li> </ul> </li> </ul> <p>Compliance with this criterion is demonstrated by a report by a suitably qualified person.</p>
<p>R81</p> <p>This rule applies to all <i>multi-unit housing</i> except <i>minor extensions</i>.</p> <p>For <i>blocks</i> 5,000m<sup>2</sup> or larger, the average annual stormwater pollutant export is reduced for all of the following:</p> <ul style="list-style-type: none"> <li>a) suspended solids by at least 60%</li> <li>b) total phosphorous by at least 45%</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>c) total nitrogen by at least 40% compared with an urban catchment with no water quality management controls.</p> <p>Compliance with this rule is demonstrated by a report by a suitably qualified person, using the MUSIC model or another nationally recognised model.</p>	
<p><b>R82</b></p> <p>On previously developed <i>blocks</i> larger than 2,000m<sup>2</sup> the capacity of the existing pipe (minor) stormwater connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland stormwater system is not exceeded in 1-in-100 year storm event</p> <p>Compliance with this rule is demonstrated by a report by a suitably qualified person.</p>	<p><b>C82</b></p> <p>On previously developed <i>blocks</i> larger than 2,000m<sup>2</sup> the 1-in-5 year and 1-in-100 year stormwater peak run off does not exceed pre-development levels.</p> <p>Compliance with this criterion is demonstrated by a report by a suitably qualified person.</p>
<p><b>8.2 Heritage – all zones</b></p>	
<p><b>R83</b></p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for developments on land or buildings subject to provisional registration or registration under s.41 of the <i>Heritage Act 2004</i> are accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i>.</p> <p><b>Note:</b> If advice from the Heritage Council is required but not provided, the application will be referred to the Heritage Council and its advice considered before the determination of the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>8.3 Trees – all zones</b></p>	
<p><b>R84</b></p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application is accompanied by a tree management plan approved under the <i>Tree Protection Act 2005</i>.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Protected tree is defined under the <i>Tree Protection Act 2005</i>.</li> <li>2. If an approved tree management plan is required but not</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
provided, a draft tree management plan is to accompany the application. The draft tree management plan will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	
<b>8.4 Bushfire – all zones</b>	
<p><b>R85</b></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>	This is a mandatory requirement. There is no applicable criterion.
<b>8.5 Erosion and sediment control – all zones</b>	
<p><b>R86</b></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>	This is a mandatory requirement. There is no applicable criterion.

## Element 9: Services

Rules	Criteria
<b>9.1 Post occupancy waste management – all zones</b>	
There is no applicable rule.	<p><b>C87</b></p> <p>Post occupancy waste management achieves all of the following:</p> <ol style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) reasonable levels of residential amenity for <i>dwellings</i> and their associated <i>private open space</i> on the subject site</li> <li>c) reasonable levels of amenity for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ol>

## Part B – Additional Controls for Multi-unit Housing with 4 or more storeys

Part B contains rules and criteria additional to those in part A. They apply to *multi-unit housing* with 4 or more storeys.

To remove any doubt, the provisions of this part apply to the whole building, including the first 3 storeys.

Where there is an inconsistency between part A and part B, the latter shall prevail to the extent of that inconsistency.

### Element 10: Building and site design – buildings with 4 or more storeys

Rules	Criteria
<b>10.1 Side and rear boundary setbacks</b>	
<b>R88</b> In RZ5 side and rear boundary setbacks comply with table B1.	<b>C88</b> Buildings and other structures are sited to achieve all of the following: <ul style="list-style-type: none"><li>a) consistency with the <i>desired character</i></li><li>b) reasonable separation between adjoining developments</li><li>c) reasonable privacy for <i>dwelling</i>s on adjoining <i>residential blocks</i></li><li>d) reasonable privacy for <i>principal private open space</i> on adjoining <i>residential blocks</i></li><li>e) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>principal private open space</i>.</li></ul>

**Table B1: Side and Rear Boundary Setbacks - buildings with 4 or more storeys**

parts of buildings	minimum side boundary setback	minimum rear boundary setback
<b>first 4 storeys - external wall</b>	3m	3m
<b>first 4 storeys - unscreened element</b>	6m	6m
<b>between 5 and 8 storeys - external wall</b>	4.5m	4.5m
<b>between 5 and 8 storeys - unscreened element</b>	6m	6m
<b>9 storeys or more - external wall or unscreened element</b>	6m	6m

Rules	Criteria
<b>10.2 Access to lifts or stairs</b>	
<p><b>R89</b></p> <p>No more than 9 <i>apartments</i> on each floor are accessible from a single common lift or stair lobby.</p>	<p><b>C89</b></p> <p>Convenient access to <i>apartments</i> is achieved.</p> <p>One or more of the following matters may be considered when determining compliance with this criterion:</p> <ul style="list-style-type: none"> <li>a) whether there is a high level of public amenity and safety in common lobbies</li> <li>b) whether spaces are well-proportioned with clear sightlines</li> <li>c) whether there is a high proportion of dual aspect <i>apartments</i></li> <li>d) whether there is a high proportion of <i>apartments</i> with northern orientation.</li> </ul>

## Part C – Additional Controls for Multi-unit Housing in Commercial Zones

### Element 11: Ground floor commercial use

Rules	Criteria
<b>11.1 Ground floor commercial use in commercial zones</b>	
<p><b>R90</b></p> <p>This rule applies to all of the following:</p> <ul style="list-style-type: none"><li>a) commercial zones</li><li>b) <i>blocks</i> nominated in a precinct code for ground floor commercial use</li><li>c) buildings containing one or more <i>dwellings</i></li><li>d) the <i>building line</i> for any ground floor <i>dwelling</i> is less than 6m</li></ul> <p>The ground floor finished floor level to finished ceiling level height is not less than 3.6m.</p> <p><b>Note:</b> Noise attenuation provisions in part B may also apply.</p>	<p><b>C90</b></p> <p>In commercial zones, buildings afford the opportunity to accommodate non-residential uses, including office and retail, at the ground floor.</p>

## Part D – Endorsement by government agencies (entities)

Rules	Criteria
<b>11.2 Construction waste management – all zones</b>	
<p>R91</p> <p>This rule applies to <i>residential</i> development that is likely to generate more than 20m<sup>3</sup> of construction waste comprising one or more of the following:</p> <ul style="list-style-type: none"> <li>a) demolition waste</li> <li>b) construction waste</li> <li>c) excavation material.</li> </ul> <p>The management of construction waste is to be endorsed by TAMS.</p> <p>TAMS will endorse waste facilities and management associated with the development if they comply with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i>.</p> <p>TAMS may endorse departures.</p> <p><b>Note:</b> a condition of approval may be imposed to ensure compliance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.3 Post occupancy waste management – all zones</b>	
<p>R92</p> <p>Post occupancy waste management facilities are to be endorsed by TAMS.</p> <p>TAMS will endorse post occupancy waste management facilities where they are in accordance with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i>.</p> <p>TAMS may endorse departures.</p> <p><b>Note:</b> a condition of approval may be imposed to ensure compliance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.4 Utilities – all zones</b>	
<p>R93</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The proposed encroachment is to be approved in writing by the relevant service provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

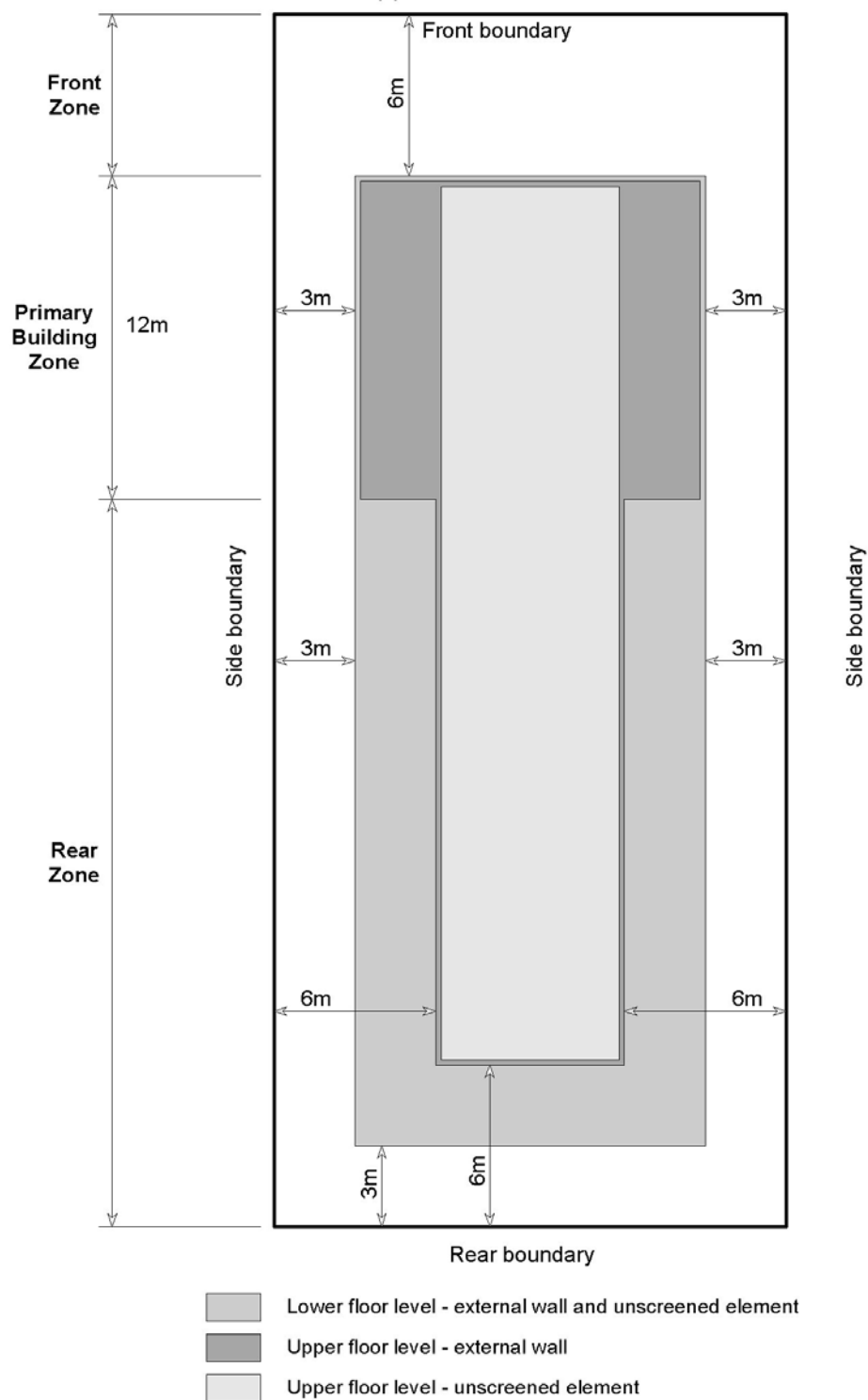
Rules	Criteria
<p>R94</p> <p>A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMS (Asset Acceptance) is not required to be obtained</li> <li>2. Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions</li> <li>3. If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.5 Contamination– all zones</b>	
<p>R95</p> <p>This rule applies to any site located adjacent to a potentially polluting source (including a petrol station).</p> <p>The site is assessed for the potential for land contamination in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>Contaminated Sites Environment Protection Policy 2000</i>.</p> <p>If land contamination is identified, the development complies with the requirements of Environment Protection Authority.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If no evidence of assessment of the site for land contamination 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. a condition of approval may be imposed to ensure compliance.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.6 Erosion and sediment control</b>	
<p>R96</p> <p>This rule applies to sites 3,000m<sup>2</sup> or larger.</p> <p>The development complies with an erosion and sediment control plan endorsed by the ACT</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<p>Environment Protection Authority.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If no evidence of assessment of the site for erosion and sediment control 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. a condition of approval may be imposed to ensure compliance</li> </ol>	

# Appendix 1 – Boundary setback diagrams

**Diagram 1: RZ1 and RZ2**  
Blocks approved before 18 October 1993



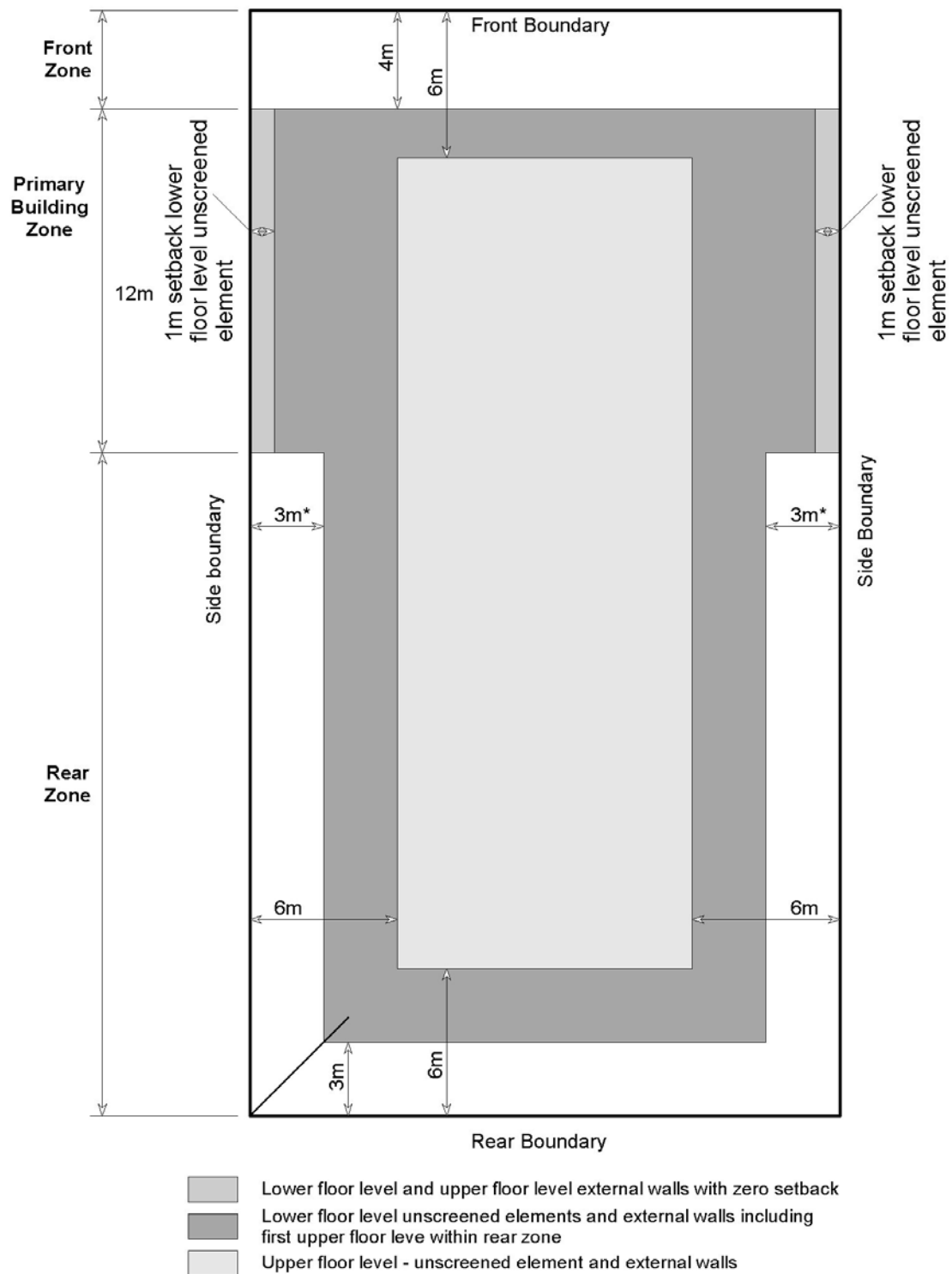
The diagram shows a rectangular building footprint within a larger site boundary. The site is divided into three horizontal zones: Front Zone, Primary Building Zone (12m wide), and Rear Zone. The building footprint consists of a central light gray rectangle (Upper floor level - unscreened element) surrounded by darker gray areas (Lower floor level - external wall and unscreened element). Minimum setbacks are indicated by arrows:

- Front boundary:** Minimum garage setback 5.5m and minimum of 1.5m behind building line.
- Side boundaries:** Minimum setbacks of 3m on both sides.
- Rear boundary:** Minimum setbacks of 6m on both sides.

Legend:

- [Light Gray Box] Upper floor level - unscreened element
- [Dark Gray Box] Lower floor level - external wall and unscreened element
- [Medium Gray Box] Upper floor level - external wall

**Diagram 3: RZ3, RZ4, RZ5, and Commercial Zones**





ACT Planning &  
Land Authority

**DRAFT**

# **Estate Development Code**

**May 2011**



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# INTRODUCTION

## Name

The name of this code is **Estate Development Code**.

## Application

This code applies to all proposals in the ACT for the subdivision of land requiring the preparation of an estate development plan.

## 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 must not 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 zone.

It will be used by the ACT Planning and Land Authority (ACTPLA) to assess development applications for estate development plans. It also offers guidance to applicants preparing estate development plans.

## Objective

To facilitate sustainable, safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community. This encompasses offering a wide choice in good quality housing and associated community and commercial facilities, providing for local employment opportunities, encouraging walking and cycling, minimising energy consumption, and promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment. (after AMCORD 1995)

## Structure

This code has four parts:

### **Part A – Estate planning in all zones**

### **Part B – Estate planning in residential zones and CZ5**

### **Part C – Estate planning in industrial zones**

### **Part D – Endorsement by government agencies**

Each part is divided into one or more elements. Each element has rules and associated criteria (unless a rule is mandatory). Rules provide quantitative or definitive controls, while criteria are chiefly qualitative in nature.

Where rules are mandatory they 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 applies.

## Assessment tracks

Assessment track for a particular developments are specified in the relevant 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 (i.e. it has no related criterion). When 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 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.

Estate development plans are ordinarily assessed under the **merit track**.

## Code hierarchy

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

## Precinct codes and concept plans

Precinct codes and concept plans may apply to certain areas. These documents contain more detailed or site-specific provisions. Where there is an inconsistency between one of these documents and this code, the precinct code or concept plan will prevail to the extent of that inconsistency.

## General codes

The following general codes may be relevant to estate development plans.

Crime Prevention through Environmental Design General Code

Planning for Bushfire Risk Mitigation General Code

Waterways: Water Sensitive Urban Design General Code

## Estate development plans

Estate development plans (EDPs) set out the proposed subdivision pattern and infrastructure works for an estate. EDPs must be submitted as development applications for approval by ACTPLA. Development approval of the EDP is required before starting the works and granting leases for the subdivided blocks. The EDP is assessed against the relevant parts of this code and any applicable structure plan or precinct code.

An EDP that relates to a future urban area must comply with section 94 of the *Planning and Development Act 2007*. For land that is not future urban area, or subject to a precinct code, an EDP will be assessed primarily against this code.

## Future urban areas

An estate development plan may introduce additional ongoing provisions relating to particular blocks or areas within a future urban area, providing such provisions are not inconsistent with the objectives of the applicable zone and to any concept plan applying to the area. At the discretion of ACTPLA these provisions may be incorporated into the Territory Plan under s96(2) of the *Planning and Development Act 2007*, typically in a precinct code. Section 115 of the *Planning and Development Act 2007* would apply where there is any inconsistency between a provision in a precinct code and this code.

## **Endorsement by government agencies**

ACTPLA co-ordinates pre-application referrals of EDPs to “entities”, as government agencies are known under the *Planning and Development Act 2007*. Many of the relevant entities’ requirements are codified in part D of this code. In addition, the applicant can expect endorsement of a particular aspect if it is compliant the relevant provisions specified in the code. For example, if carriageway widths fully comply with the relevant table found in the code, the entity’s endorsement (in this case TAMS’ endorsement) of carriageway widths will be given. Many provisions also allow the entity to endorse aspects of the proposal that do not fully comply with its standards. In these cases, the onus is on the proponent to justify any departure.

In addition to infrastructure in the public realm, which ordinarily requires asset acceptance, infrastructure within common property under a proposed community title scheme (*Community Titles Act 2001*) must also be endorsed by the relevant entity under part D.

## **Definitions**

Defined terms, references to legislation and 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.

## Part A – Estate planning in all zones

Refer to part D for related entity endorsement provisions.

### Element 1: Layout

Rules	Criteria
<b>1.1 Estate layout</b>	
There is no applicable rule.	<p>C1</p> <p>The subdivision layout and movement networks achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) blocks that are suited to their intended use and are consistent with the <i>desired character</i> of the relevant land use zone.</li> <li>b) a high level of internal accessibility</li> <li>c) effective external connections for local vehicle, pedestrian and cycle movements</li> <li>d) effective traffic management to restrain vehicle speed, deter through-traffic and create safe conditions for other road users</li> <li>e) retention of significant vegetation and habitat areas including consideration of ecological connectivity</li> <li>f) incorporation of natural and cultural features</li> <li>g) minimal risk of soil erosion including the risk of soil erosion from cut and fill</li> <li>h) enhanced personal safety and perceptions of safety including way finding, passive surveillance and avoidance of entrapment points.</li> <li>i) minimised potential for crime and vandalism and through estate design and surveillance by drivers of passing vehicles and pedestrians</li> <li>j) integration with the surrounding urban environment, existing attractive streetscapes and landscapes, and provision for shared use of public facilities by adjoining communities</li> <li>k) a reasonable level of protection for residents from known sources of noise and light pollution through measures including earth mounds, sound walls, landscaping or separation.</li> </ul>

## Element 2: Public transport, walking and cycling

Rules	Criteria
<b>2.1 Bus routes</b>	
There is no applicable rule	<p>C2</p> <p>Convenient access is provided to bus routes and bus stops by residents of the <i>estate</i>.</p>
<p>R3</p> <p>Schools are adjacent to at least one bus stop on a nominated bus route.</p>	<p>C3</p> <p>Convenient access is provided to bus routes and bus stops for students of existing or proposed schools.</p>
<b>2.2 Bus stops</b>	
<p>R4</p> <p>At least 90 per cent of dwellings proposed for the estate comply with at least one of the following</p> <ul style="list-style-type: none"> <li>a) are within 500m of a bus stop on an existing or proposed <i>coverage route</i></li> <li>b) are within 800m of a bus stop on an existing or proposed <i>frequent network</i>.</li> </ul>	<p>C4</p> <p>The location of bus stops achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) a reasonable distance from all dwellings in the <i>estate</i></li> <li>b) reasonable way-finding</li> <li>c) convenient access for users.</li> </ul>
There is no applicable rule.	<p>C5</p> <p>Bus stops are provided in locations that achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) passive surveillance from adjoining areas</li> <li>b) minimal impacts on adjoining land uses</li> <li>c) links with the path network</li> <li>d) passenger convenience</li> </ul>
<p>R6</p> <p>Bus stops on coverage routes and frequent local service routes are located not less than 400m apart.</p>	<p>C6</p> <p>Bus stops are located to achieve legibility and convenience for passengers.</p>
<p>R7</p> <p>No bus stop is more than 100m from another bus stop serving the opposite direction on the same bus route.</p>	<p>C7</p> <p>Bus stops are located to achieve legibility and convenience for passengers.</p>

Rules	Criteria
<b>2.3 Pedestrian and cyclist facilities</b>	
<b>2.3.1 On-road cycling</b>	
<p>R8</p> <p>Major collectors are provided with a 1.5m wide on-road cycling lane on each side.</p> <p>Major collectors are defined in table 1A.</p>	<p>C8</p> <p>On road cycling lanes achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) opportunities for high speed commuter cycling</li> <li>b) safe and convenient use by cyclists.</li> </ul>
<p>R9</p> <p>Designated on-road cycle lanes connect with the existing or proposed shared path network.</p>	<p>C9</p> <p>On road cycling lanes are integrated with the existing or proposed shared path network.</p>
<b>2.3.2 Shared path design</b>	
<p>R10</p> <p>Shared paths comply with the following:</p> <ul style="list-style-type: none"> <li>a) a minimum of 2.5m wide for the entire frontage of any block used or proposed to be used for one or more of the following: <ul style="list-style-type: none"> <li>i) schools</li> <li>ii) shops</li> <li>iii) community facilities</li> </ul> </li> <li>b) a minimum of 2.5m wide for the entire frontage of any block adjacent to an existing or proposed bus stop</li> <li>c) a minimum 1.2m wide for the entire frontage of any block used or proposed to be used for multi unit housing containing 10 or more dwellings:</li> <li>d) are provided on both sides of endorsed bus routes.</li> </ul>	<p>C10</p> <p>Shared paths achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) physical and visual connections to the wider shared path network that promote way finding and avoid entrapment points</li> <li>b) accommodation of all likely users (eg. school children, parents with prams, the aged, people with disabilities, commuter and recreational cyclists).</li> </ul>
<b>2.3.3 Shared path network</b>	
<p>R11</p> <p>Shared paths are connected to one or more of the following:</p> <ul style="list-style-type: none"> <li>a) any existing or proposed shared path networks, including any nearby Main Routes (as defined in TAMS <i>Design Standards for Urban Infrastructure (DS-13)</i> or its successor)</li> <li>b) open space networks</li> <li>c) community facilities such as educational</li> </ul>	<p>C11</p> <p>Shared paths achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) physical and visual connections to the wider shared path network that promote way finding and avoid entrapment points</li> <li>b) accommodation of all likely users (e.g. school children, parents with prams, the aged, people with disabilities, commuter and recreational cyclists)</li> </ul>



Rules	Criteria
establishments and local activity centres d) public transport routes and bus stops.	
There is no applicable rule.	C12 Shared path networks achieve a reasonable level of passive surveillance from public streets, existing or future leased land, community facilities, commercial areas or other public spaces.

### Element 3: Street network

Rules	Criteria
<b>3.1 Street layout</b>	
There is no applicable rule.	C13 The street layout achieves all of the following: a) distribution of traffic flows to reflect the function and type of the streets proposed b) legibility, convenience and safety c) avoidance of through traffic from external areas (other than for pedestrians, cyclists and public transport) and 'rat runs' d) opportunities for permeable and direct bus routes that i) minimise bus travel time ii) are not circuitous iii) avoid back tracking.
There is no applicable rule	C14 Vehicle entry and egress points to the <i>estate</i> achieve all of the following: a) reasonable distribution of traffic flows in consideration of all of the following – i) road hierarchy ii) forecast traffic volumes b) safe and convenient vehicular ingress and egress c) integration with the street network within the <i>estate</i> .
There is no applicable rule	C15 Street verge widths provide reasonable levels of amenity for all likely users appropriate to the

Rules	Criteria
	expected use of adjoining land.
<b>3.2 Rear lanes</b>	
There is no applicable rule.	C16 <i>Rear lanes</i> do not contribute to a more desirable alternative to the higher level street network (i.e. do not contribute to 'rat running')
R17 <i>Rear lanes</i> comply with all of the following: a) do not directly align with <i>rear lanes</i> across higher order streets b) include threshold or other treatments to differentiate the <i>rear lane</i> from other streets c) do not terminate in a <i>cul-de-sac</i> .	C17 <i>Rear lanes</i> achieve all of the following: a) do not contribute to a pattern of long, continuous straight lengths of <i>rear lanes</i> b) differentiation of the <i>rear lane</i> from other streets c) convenient access d) accommodation of service vehicles.
<b>3.3 Culs-de-sac</b>	
R18 No more than 15 per cent of blocks in an <i>estate</i> have vehicular access to culs-de-sac.	C18 Culs-de-sac achieve all of the following: a) legibility b) reasonable neighbourhood connectivity c) access to blocks where alternate access is not feasible.
R19 This rule applies to culs-de-sac that are greater than 50m in length. A shared path at least 1.2m wide is provided within an access way from the head of the cul-de-sac to one or more of the following: a) another local street b) existing or proposed shared path network.	C19 Culs-de-sac are provided with convenient and legible pedestrian and cyclist access with connections to a local street or the shared path network.
<b>3.4 On-street car parking</b>	
R20 The dimensions of designated on-street car spaces comply with Australian Standard AS 2890 – <i>Parking Facilities</i> .	This is a mandatory requirement. There is no applicable criterion.
<b>3.5 Design of streets in bushfire prone areas</b>	
R21 Edge streets are provided within or adjacent to a <i>bushfire prone area</i> on the long-term urban edge or conservation area.	C21 Edge treatments on the long term urban edge provide all of the following: a) reasonable protection to people and

Rules	Criteria
	property from bush fire b) reasonable access for emergency vehicles.
<p>R22</p> <p>Street trees and vegetation within the verge of edge streets referred to in the previous rule comply with the asset protection zone requirements in the Planning for Bushfire Risk Mitigation General Code.</p> <p><b>Note:</b> Fire hydrants are required in accordance with the requirements of ESA – see part D.</p>	This is a mandatory requirement. There is no applicable criterion.

## Element 4: Public realm

The public realm consists of different types of unleased open spaces such as:

- street verges and planted medians
- parks and urban open space of all sizes
- walkways and linear spaces
- open hill or bushland reserves and conservation areas
- unenclosed sports or playing fields.

Rules	Criteria
<b>4.1 Networks</b>	
There is no applicable rule	<p>C23</p> <p>Public realm spaces achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) accommodation of a range of uses and activities (such as those listed in table 4)</li> <li>c) links between existing or proposed areas of open space</li> <li>d) opportunities for recreational facilities, including facilities for pedestrians and cyclists</li> <li>e) opportunities for wildlife corridors between natural areas, where appropriate</li> <li>f) stormwater management, where appropriate.</li> </ul>
<b>4.2 Street trees</b>	
<p>R24</p> <p>Street trees are provided in the street types identified in the following:</p> <ul style="list-style-type: none"> <li>a) for residential <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for estates in commercial zones (excluding</li> </ul>	<p>C24</p> <p>Street tree plantings achieve an attractive <i>streetscape</i>.</p>

Rules	Criteria
<p>CZ5 ) – table 2B</p> <p>c) for <i>estates</i> in industrial zones – table 2C.</p>	
<p>R25</p> <p>Street trees will, at maturity, shade not less than 30% of footpaths and shared paths in the estate at noon on the summer solstice.</p> <p><b>Note:</b> Maturity is the estimated canopy size at 20 years of age.</p>	<p>C25</p> <p>Street trees at maturity achieve reasonable summer shade to foot paths and shared paths with regard to heat gain and user comfort.</p>
<p><b>4.3 Safety</b></p>	
<p>R26</p> <p>This rule applies to public realm spaces with all of the following characteristics:</p> <p>a) adjoin watercourses, drainage swales or stormwater detention basins</p> <p>b) contain or are likely to contain shared paths, formalised meeting places (such as picnic and barbeque areas), playgrounds or play spaces. that adjoin watercourses, drainage swales and stormwater detention basins are</p> <p>Inundation only occurs in storm events greater than the two year average recurrence interval (ARI).</p> <p><b>Note:</b> Compliance with this rule is demonstrated by a stormwater master plan prepared by a suitably qualified person.</p>	<p>C26</p> <p>The nature and location of services and facilities in public realm spaces that adjoin watercourses, drainage swales or stormwater detention basins achieve reasonable levels of public safety in relation to their actual or intended use.</p> <p><b>Note:</b> Compliance with this criterion is demonstrated by a stormwater master plan prepared by a suitably qualified person.</p>
<p>R27</p> <p>This rule applies to all public realm spaces except for the following:</p> <p>i) street verges</p> <p>ii) street medians</p> <p>iii) access ways (as defined in table 4)</p> <p>iv) pedestrian lanes (as defined in table 4)</p> <p>A minimum of 75% of the perimeter of public realm spaces is bordered by one or more of the following:</p> <p>a) edge roads with kerbside parking</p> <p>b) public car parking areas</p> <p>c) trunk shared paths</p> <p>d) blocks with a commercial or community facility zoning.</p>	<p>C27</p> <p>Public realm spaces (excluding street verges and medians, access ways and pedestrian lanes) are bounded by uses that provide all of the following:</p> <p>a) reasonable levels of surveillance, through the use such measures as edge roads, address frontages and lighting</p> <p>b) reasonable public access including links from footpaths to the existing or proposed shared path network and the provision of public car parking in convenient locations.</p>

Rules	Criteria
<p>R28</p> <p>The minimum width of pedestrian parkland and access ways, as defined in table 4, is as follows:</p> <ul style="list-style-type: none"> <li>a) where the pedestrian parkland or access way is 60m or longer - 6m</li> <li>b) where the pedestrian parkland or access way is less than 60m in length - 4m.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C29</p> <p>Reasonable levels of public safety are achieved in pedestrian parkland and access ways (as defined in table 4).</p> <p>This may be achieved by all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable legibility</li> <li>b) reasonable sightlines</li> <li>c) avoidance of potential entrapment spots or hiding places.</li> </ul> <p><b>Note:</b> The proposal must also comply with the Crime Prevention Through Environmental Design General Code.</p>

## Element 5: Environment protection

Rules	Criteria
<b>5.1 Water sensitive urban design</b>	
<p>R30</p> <p>For <i>estates</i> 5000m<sup>2</sup> or larger, the average annual stormwater pollutant export is reduced for all of the following:</p> <ul style="list-style-type: none"> <li>a) suspended solids by at least 60 per cent</li> <li>b) total phosphorous by at least 45 per cent</li> <li>c) total nitrogen by at least 40 per cent</li> </ul> <p>compared with an urban catchment with no water quality management controls.</p> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R31</p> <p>For <i>estates</i> 2000m<sup>2</sup> or larger, stormwater management complies with one of the following:</p> <ul style="list-style-type: none"> <li>a) the capacity of the existing pipe (minor) stormwater connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland stormwater system is not exceeded in the 1-in-100 year</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>storm event</p> <p>b) the 1-in-5 year and 1-in-100 year stormwater peak run off does not exceed pre-development levels.</p> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	
<p>R32</p> <p>For <i>estates</i> 2,000m<sup>2</sup> or larger, provision is made for one or more of the following:</p> <p>a) the storage of stormwater equivalent to at least 1.4kl per 100m<sup>2</sup> of impervious area, and its release over a period of 1 to 3 days</p> <p>b) runoff peak flow for the 3 month ARI storm to be no more than pre-development levels and release of captured flow over a period of 1 to 3 days.</p> <p><b>Note:</b> Compliance with this rule is demonstrated by a water sensitive urban design outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C33</p> <p>Underground piping of natural stormwater overland flow paths is minimised.</p>
<p><b>5.2 Earthworks</b></p>	
<p>There is no applicable rule.</p>	<p>C34</p> <p>The extent of earthworks is minimised.</p> <p>The proposed street and block layout minimises the extent of earthworks.</p>
<p>R35</p> <p>Earthworks are managed in accordance with an Environmental Management Concept Plan endorsed by Environment Protection Authority.</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 6: Services and infrastructure

Rules	Criteria
<p><b>6.1 Buffer zones to utility services</b></p>	
<p>There is no applicable rule.</p>	<p>C36</p> <p>Buffer zones or suitable barriers are provided between blocks proposed for residential, commercial or community facility use and utility</p>

	service equipment, such as sewer vents, sewer pump stations and water pump stations, to reduce the impacts of noise and odour in accordance with the requirements of the relevant utility service provider. Utility service equipment must also be adequately screened from public view.
<b>6.2 Utility services</b>	
<p><b>R37</b></p> <p>Utility services, including water, sewer, stormwater, electricity, gas and telecommunications are provided to each block.</p> <p><b>Note:</b> A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R38</b></p> <p>Utility services are located within road verges or other territory land.</p>	<p><b>C38</b></p> <p>Utility services may be located within leased blocks where all of the following are achieved:</p> <ul style="list-style-type: none"> <li>a) located within service easements and accessed by means of emergency or maintenance access routes in accordance with the requirements of utility service providers</li> <li>b) located on blocks that are of sufficient size to accommodate the required service easements and access routes whilst providing comparable building footprint area to that of unencumbered blocks.</li> </ul>
<p>There is no applicable rule.</p>	<p><b>C39</b></p> <p>Above ground utility services that are located in pedestrian parkland or access ways avoid potential entrapment spots or hiding places.</p>

## Part B – Estate planning in residential zones and CZ5

This part applies to estates in residential and CZ5 zones. These provisions are additional to the general provision of the previous part.

### Element 7: Block diversity

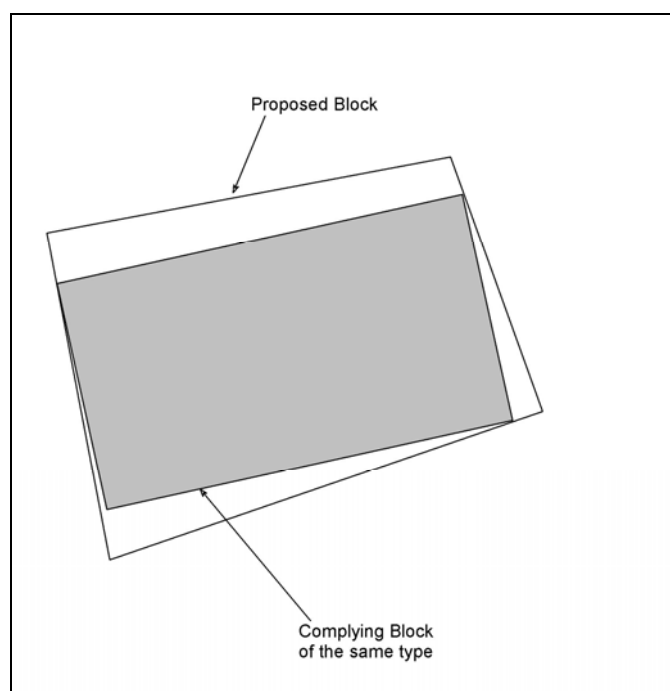
Rules	Criteria
<b>7.1 Block diversity and distribution</b>	
There is no applicable rule.	<p>C40</p> <p>In RZ1, a range of block sizes are provided and distributed to promote housing diversity and choice, and to meet a range of housing needs.</p> <p>For the purposes of this criterion, <i>single dwelling blocks</i> (whether indicated or projected) within an <i>integrated housing development</i> parcel are to be considered.</p>

### Element 8: Block layout and orientation

Rules	Criteria
<b>8.1 Block size, slope and orientation</b>	
<p>R41</p> <p>This rule applies to <i>single dwelling blocks</i>.</p> <p><i>Single dwelling blocks</i> comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) Block Compliance Tables in appendix A.</li> <li>b) minimum block depth – <ul style="list-style-type: none"> <li>i) for <i>compact blocks</i> – 17m</li> <li>ii) for <i>mid-sized blocks</i> – 25m</li> <li>iii) for <i>large blocks</i> – 28m</li> </ul> </li> <li>c) minimum block width – <ul style="list-style-type: none"> <li>i) for <i>compact blocks</i> – 6m</li> <li>ii) for <i>mid-sized blocks</i> – 10m</li> <li>iii) for <i>large blocks</i> – 14m</li> </ul> </li> </ul> <p><b>Note 1:</b> Blocks or parcels comply if a block of the same type that complies with the Block Compliance Tables fits entirely within its boundaries (refer figure 1). The three block types are: large blocks, mid-sized blocks and compact blocks.</p> <p><b>Note 2:</b> Block width and block depth are defined in Appendix A.</p>	<p>C41</p> <p><i>Single dwelling blocks</i> achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) adequate dimensions for the siting and construction of a dwelling and any ancillary outbuildings; the provision of private outdoor space, vehicle access and parking</li> <li>b) orientation to facilitate the design and siting of the dwelling to achieve passive solar energy efficiency and direct solar access to principal private open space</li> <li>c) capacity to design a house that complies with the rules of the Single Dwelling Housing Development Code.</li> </ul> <p><b>Note:</b> Compliance with this criterion will be established through an assessment of development intentions plans submitted with the estate development plan.</p>



**Figure 1: Determining the compliance of irregularly shaped blocks**



Rules	Criteria
<p><b>R42</b></p> <p><i>Single dwelling blocks</i> that do not comply with the previous rule are clearly identified in the estate development plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p><b>C43</b></p> <p>Each <i>single dwelling block</i> within an <i>integrated housing development parcel</i> enables a house to be designed which achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the <i>desired character</i></li> <li>b) solar access to nominated <i>principal private open space</i> comparable with the relevant provisions of the Single Dwelling Housing Development Code</li> <li>c) reasonable levels of privacy for other <i>dwellings</i> and their associated <i>principal private open space</i> within the <i>integrated housing development parcel</i> comparable with the relevant provisions of the Single Dwelling Housing Development Code</li> <li>d) where the proposed house is part of a building containing two or more houses, compliance with Multi Unit Housing Development Code R46/C46 in relation to that building.</li> </ul>

Rules	Criteria
	<p><b>Note 1:</b> Compliance with this criterion will be established through an assessment of an integrated housing development plan submitted with the estate development plan for each integrated housing development parcel.</p> <p><b>Note 2:</b> The location, type and profile of mandatory boundary walls identified in the relevant integrated housing development plan and approved as part of the estate development plan will be incorporated into the Territory Plan under section 96(2) of the <i>Planning and Development Act 2007</i>.</p> <p><b>Note 3:</b> <i>Integrated housing development parcels</i> must comply with the boundary setback and building envelope provisions under the Single Dwelling Housing Development Code.</p>
There is no applicable rule.	<p>C44</p> <p>Blocks nominated for multi unit housing are sized and oriented to allow housing development to achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) compliance with the principal private open space rules for solar access in the relevant housing development code</li> <li>b) consistency with the <i>desired character</i></li> <li>c) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>.</li> </ul> <p><b>Note:</b> Compliance with this criterion will be established through an assessment of a development intentions plan submitted with the estate development plan.</p>
<b>8.2 Compact blocks – slope</b>	
<p>R45</p> <p>This rule applies to <i>compact blocks</i>.</p> <p><i>Slope</i> is no greater than 10%.</p> <p>For this rule -</p> <p><b>Slope</b> means the slope of land, expressed as a percentage, calculated using the difference in <i>datum ground level</i> from the highest to lowest points on the proposed block boundary and the horizontal distance between those points</p>	<p>C45</p> <p>Block size and dimensions take into account the slope of the land and minimise the need for earthworks and retaining walls associated with dwelling construction.</p>

Rules	Criteria
<b>8.3 Battle-axe blocks</b>	
<p>R46</p> <p>Battle-axe blocks for residential purposes comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) are at least 500m<sup>2</sup>, exclusive of the driveway access corridor</li> <li>b) have a common boundary with public open space.</li> <li>c) are not designated for multi unit housing</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R47</p> <p>A access handle serving a battle-axe block residential purposes has a minimum width of :</p> <ul style="list-style-type: none"> <li>a) where it is adjacent to an access handle serving another block, and both access handles have a legal right of access over the other - 3m</li> <li>b) in all other cases – 5m.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>8.4 Multi unit blocks</b>	
<p>R48</p> <p>Multi-unit blocks enable all dwellings to front a public road or public open space.</p> <p>Note: Compliance with this rule is demonstrated by reference to a development intentions plan lodged with an estate development plan.</p>	<p>C48</p> <p>The size and shape of multi unit blocks will enable those dwellings in a multi unit housing development that cannot front a public road or public open space, to front an internal road.</p> <p><b>Note:</b> Compliance with this criterion is demonstrated by reference to a development intentions plan lodged with an estate development plan.</p>
<p>R49</p> <p>No more than 50 per cent of the boundary of a multi unit block is common with single dwelling blocks.</p>	<p>C49</p> <p>Multi unit housing does not unreasonably diminish the residential amenity of adjacent single dwelling blocks.</p>

## Element 9: Street network

Rules	Criteria
<b>9.1 Street network</b>	
<p>R50</p> <p>Maximum driving distance between any dwelling and specified roads complies with the following:</p> <ul style="list-style-type: none"> <li>a) minor or major collector street or higher order road – 700m</li> <li>b) <i>arterial road</i> – 1200m.</li> </ul>	<p>C50</p> <p>The street layout achieves convenient movement of vehicles between dwellings and collector streets and <i>arterial roads</i>.</p>

Rules	Criteria
<p>R51</p> <p>No more than three turning movements at intersections or junctions are required in order to travel from any dwelling to the nearest collector street or <i>arterial road</i>.</p>	<p>C51</p> <p>The street layout achieves convenient movement of vehicles between dwellings and collector streets and <i>arterial roads</i>.</p>
<b>9.2 Street verge</b>	
<p>R52</p> <p>No more than 50% of the finished street verge surface is impervious.</p>	<p>C52</p> <p>The finished surface treatment of street verges achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable opportunities for stormwater infiltration and landscaping, including the use of such measures as overland flow paths, castellated kerbing, and infiltration pits around street trees</li> <li>b) reasonable maintenance access to utility services in accordance with the standards of the relevant utility provider</li> <li>c) suitability for uses generating high levels of pedestrian traffic such as retail centres, schools and community facilities</li> <li>d) enables street trees to mature fully without suffering undue compaction of the root system.</li> </ul>
<b>9.3 Vehicular access – blocks less than 8m wide</b>	
<p>R53</p> <p>This rule applies to <i>single dwelling blocks</i> where the length of the <i>building line</i> at the minimum allowable setback is less than 8m.</p> <p>No direct vehicular access is provided to either of the following:</p> <ul style="list-style-type: none"> <li>a) a road with actual or forecast traffic volumes in excess of 3000 vehicles per day</li> <li>b) any road that is adjacent to an address street boundary with a bearing between 70° and 120°</li> </ul> <p><b>Note:</b> Item b) refers to narrow blocks oriented north-south, with the access street to the north. Refer to appendix A for an explanation of how a street boundary bearing is defined.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>9.4 Rear lanes</b>	
<p>R54</p> <p>Residential blocks with frontage to rear lanes are to incorporate habitable rooms above garages at spacing of not less than 50m along the rear lane.</p> <p><b>Note:</b> Blocks incorporating habitable rooms above garages must be nominated on planning control plans submitted with</p>	<p>C54</p> <p>Reasonable passive surveillance is provided to rear lanes through the use of measures such as dwellings located in adjoining sections.</p>

Rules	Criteria
the estate development plan and, if approved, will be nominated in the relevant precinct code.	
<b>9.5 On-street car parking</b>	
<p><b>R55</b></p> <p>For single dwelling blocks with a frontage to the street of less than 12.5m, undesignated on-street visitor car parking is available at a rate of one car parking space for every two blocks. The on-street visitor car parking spaces are provided within 60m from the frontage of the blocks being served.</p> <p><b>Note:</b> The next rule provides controls in relation to undesignated (unmarked) on-street car parking spaces.</p>	<p><b>C55</b></p> <p>A reasonable level of on street or other public car parking for visitors is available at a reasonable distance from each dwelling.</p>
<p><b>R56</b></p> <p>Undesignated on-street car parking complies with the following:</p> <ul style="list-style-type: none"> <li>a) where the carriageway width is less than 5.5m, on-street car parking is not permitted</li> <li>b) where the carriageway width is 5.5m or greater and less than 6m, on-street car parking can only be permitted on one side of the street</li> <li>c) where the carriageway width is greater than 6m and 7.5m or less, on-street car parking is allowed on both sides of the street where car parking spaces are staggered down the street</li> <li>d) where the carriageway width is greater than 7.5m, on-street car parking spaces can be provided on both sides of the street.</li> </ul> <p><b>Note:</b> Refer to note 2 to table 2A for the calculation of carriageway widths.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p><b>C57</b></p> <p>Where on-street car parking is provided as indented car parking spaces, the resulting verge is able to effectively accommodate all of the following:</p> <ul style="list-style-type: none"> <li>a) any required utility services and infrastructure</li> <li>b) the required street tree plantings</li> <li>c) pervious surfaces for natural stormwater infiltration and healthy tree growth</li> <li>d) the required shared paths</li> <li>e) a reasonable level of amenity for the adjoining land use</li> <li>f) compliance with the <i>desired character</i>.</li> </ul>

## Element 10: Public realm

Rules	Criteria
<b>10.1</b>	<b>Size and location</b>
<p>R58</p> <p>Local neighbourhood parks have an area not less than 0.5ha.</p> <p>Central neighbourhood parks have an area of between 1ha and 2ha.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R59</p> <p>Blocks for <i>residential use</i> comply with at least one of the following:</p> <p>a) not more than 300m from at least one of the following:</p> <ul style="list-style-type: none"><li>i) a local neighbourhood park</li><li>ii) town park or a pedestrian parkland containing recreational facilities such as picnic and barbeque areas and playgrounds</li></ul> <p>b) not more than 500m from at least one of the following:</p> <ul style="list-style-type: none"><li>i) a central neighbourhood park</li><li>ii) neighbourhood oval</li><li>iii) district park</li><li>iv) district sportsground.</li></ul>	<p>C59</p> <p>Public realm spaces containing recreational facilities or space are provided at accessible walking distances from all blocks for <i>residential use</i>.</p>

## Element 11: Blocks with special characteristics

Rules	Criteria
<b>11.1</b>	<b>Blocks possibly affected by external noise</b>
<p>R60</p> <p>In all residential zones, blocks possibly affected by external noise (including, but not restricted to traffic noise) are nominated in an <i>estate development plan</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.2</b>	<b>Universal housing blocks</b>

Rules	Criteria
<p>R61</p> <p><i>Single dwelling blocks</i> that are identified to provide universal housing are nominated in the <i>estate development plan</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.3 Alternative setbacks</b>	
<p>R62</p> <p>Blocks to which alternative setbacks under the Single Dwelling Housing Development Code apply, are nominated on a planning control plan as part of an <i>estate development plan</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>11.4 Bushfire prone blocks</b>	
<p>R63</p> <p>Blocks assessed as requiring buildings to be constructed to a specified bushfire construction level in accordance with Australian Standards <i>AS3959- Construction of buildings in bushfire prone areas</i> are to be nominated on a planning control plan as part of the <i>estate development plan</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Part C – Estate planning in industrial zones

This part applies to estates in industrial zones. These provisions are additional to the general provisions of part A.

### Element 12: Block Layout

Rules	Criteria
<b>12.1 Block size – IZ1</b>	
<p>R64</p> <p>In IZ1 the minimum block size resulting from a subdivision of an industrial lease is 5000m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule</p>	<p>C65</p> <p>All industrial blocks contain sufficient area to allow for the development of buildings for a permissible use within the zone.</p> <p>For the purposes of this criterion the battle-axe block access handle is not to be included in the area calculation.</p>
<b>12.2 Block frontage and slope</b>	
<p>There is no applicable rule.</p>	<p>C66</p> <p>Each industrial block achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) adequate access for heavy vehicles</li> <li>b) access and egress of heavy vehicles in a forward direction.</li> </ul> <p><b>Note:</b> Compliance with this criterion is demonstrated by the application of vehicle turning templates.</p>
<p>R67</p> <p>The slope across the frontage or length of the block is not to exceed 10 per cent.</p> <p><b>Note:</b> Slope is to be calculated from the proposed finished ground levels.</p>	<p>C67</p> <p>The finished gradient of a block is suitable for industrial development.</p> <p><b>Note:</b> Compliance with this criterion is demonstrated by a geotechnical assessment prepared by a suitably qualified person.</p>
<b>12.3 Block access</b>	
<p>R68</p> <p>Access to an industrial estate area through existing or future residential areas is not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>12.4 Battle-axe blocks</b>	
<p>R69</p> <p>Battle-axe blocks allow for all of the following:</p> <ul style="list-style-type: none"> <li>a) heavy vehicular access and egress in a</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<p>forward direction</p> <p>b) the passing of heavy vehicles on the access handle</p> <p>by applying AUSTROADS Design Vehicles and Turning Templates.</p>	

## Part D – Endorsement by government agencies (entities)

In addition to infrastructure in the public realm this part also applies to infrastructure within common property under a proposed community title scheme (*Community Titles Act 2001*).

### Element 13: Public transport, walking and cycling

Rules	Criteria
<b>13.1 Public transport</b>	
<p>R70</p> <p>Bus routes are to be endorsed by TAMS</p> <p><b>Note:</b></p> <p>In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) Strategic Public Transport Network, including the Frequent Network structure and service characteristics</li> <li>b) TAMS <i>Design Standards for Urban Infrastructure (DS-02)</i> or its successor</li> <li>c) whether the configuration of the bus route meets all of the following - <ul style="list-style-type: none"> <li>i) allows for the movement of buses unimpeded by parked cars</li> <li>ii) safely accommodates on-road cycling</li> <li>iii) avoids the need for cars to overtake parked buses</li> <li>iv) ensures that buses maintain priority en route and from departing bus stops</li> </ul> </li> <li>d) whether the nominated bus routes are consistent with - <ul style="list-style-type: none"> <li>i) for residential <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>ii) for estates in commercial zones (excluding CZ5) – table 2B</li> <li>iii) for <i>estates</i> in industrial zones – table 2C</li> </ul> </li> <li>e) whether the any of the following features on the proposed route will adversely affect its function as a bus route – <ul style="list-style-type: none"> <li>i) local area traffic management</li> <li>ii) traffic calming</li> </ul> </li> <li>f) whether bus priority is facilitated through one or more of the following – <ul style="list-style-type: none"> <li>i) queue jump lanes</li> <li>ii) local signal priority</li> <li>iii) local traffic/parking controls</li> </ul> </li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<ul style="list-style-type: none"> <li>iv) bus only lanes</li> <li>v) bus only streets</li> <li>vi) no turning exemptions.</li> </ul>	
<p><b>R71</b></p> <p>Bus stop locations are to be endorsed by TAMS.</p> <p><b>Note:</b> In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) TAMS <i>Design Standards for Urban Infrastructure (DS-02)</i> or its successor</li> <li>b) whether bus stops on coverage routes and frequent local service routes are located not less than 400m apart</li> <li>c) whether bus stops on the same route but serving opposite directions of bus travel are located not less than 100m apart</li> <li>d) whether bus stops are located to achieve legibility and convenience for passengers.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion</p>
<p><b>R72</b></p> <p>Bus routes that cross busy roads are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse the junction of a bus route with a road that carries or is forecast to carry in excess of 6000 vehicles per day (<i>arterial road</i>) if one or more of the following are provided:</p> <ul style="list-style-type: none"> <li>a) a left turn onto the <i>arterial road</i> and right turn from the <i>arterial road</i> into the adjoining area</li> <li>b) a signalised intersection.</li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>i) whether the junction will allow buses to safely gain access to adjoining neighbourhoods without the need for complicated turning manoeuvres</li> <li>ii) whether the junction will unreasonably add to bus travel times</li> </ul> <p>TAMS <i>Design Standards for Urban Infrastructure (DS-02)</i> or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>13.2 Pedestrian and cycling facilities</b></p>	
<p><b>R73</b></p> <p>On-road cycling is to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse on-road cycling lanes if they comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) 1.5m wide</li> <li>b) AUSTROADS Guidelines</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>c) TAMS <i>Design Standards for Urban Infrastructure (DS-13)</i> or its successor.</p>	
<p><b>R74</b></p> <p>Shared paths are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse the shared paths if they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for residential <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for estates in commercial zones (excluding CZ5 ) – table 2B</li> <li>c) for <i>estates</i> in industrial zones – table 2C</li> </ul> <p>TAMS may endorse departures. In making its assessment TAMS will consider TAMS <i>Design Standards for Urban Infrastructure (DS-13)</i> or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R75</b></p> <p>Shared paths are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse the shared paths if they comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) table 5</li> <li>b) TAMS <i>Design Standards for Urban Infrastructure (DS-13)</i> or its successor</li> <li>c) pram crossings are provided for all shared paths at street intersections. Driveway verge crossings cannot be substituted for pram crossings.</li> <li>d) lighting is provided to shared paths in accordance with Australian Standards <i>AS115.3.1- Lighting for roads and public spaces</i>.</li> </ul> <p>TAMS may endorse departures. In making its assessment TAMS will consider TAMS <i>Design Standards for Urban Infrastructure (DS-13)</i> or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R76</b></p> <p>Shared path crossings of busy streets are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse shared path crossings of busy streets (where the actual or forecast traffic volumes exceed 3000 vehicles per day) if one or more of the following are provided:</p> <ul style="list-style-type: none"> <li>a) signals</li> <li>b) pedestrian refuges</li> <li>c) slow points</li> <li>d) raised thresholds</li> </ul> <p>TAMS may consider other crossing options.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R77</b></p> <p>Sight distances at shared path street crossings are to be endorsed by TAMS.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p><b>Note:</b> In making its assessment TAMS will consider all of the following -</p> <ul style="list-style-type: none"> <li>a) <i>AUSTROADS Guidelines</i></li> <li>b) <i>Australian Standard AS1742.10 – Pedestrian control and protection</i></li> <li>c) <i>TAMS Design Standards for Urban Infrastructure (DS-13)</i> or its successor.</li> </ul>	

## Element 14: Street networks

Rules	Criteria
<b>14.1 Street function</b>	
<p><b>R78</b></p> <p>Street types are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse street types if they comply with the design speed and traffic volume provisions in the following:</p> <ul style="list-style-type: none"> <li>a) for <i>estates</i> in residential zones and CZ5 – table 1A</li> <li>b) for <i>estates</i> in commercial zones (excluding CZ5) – table 1B</li> <li>c) for <i>estates</i> in industrial zones – table 2C.</li> </ul> <p>TAMS may endorse the upgrading of a street (from the level complying with the relevant table specified in this rule) to the next highest level in the hierarchy of roads. In making its assessment TAMS will consider whether the street in question performs the function of the specified street type.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R79</b></p> <p>Connections between streets with different hierarchies are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse connections between streets with different hierarchies where there are no more than two levels of separation in the hierarchy. For the purposes of this rule the street hierarchy is:</p> <ul style="list-style-type: none"> <li>i) rear lane</li> <li>ii) access street A</li> <li>iii) access street B</li> <li>iv) minor collector</li> <li>v) major collector</li> <li>vi) arterial road</li> </ul> <p>These street types are defined in tables 1A, 1B and 1C. For the purposes of this rule an <i>arterial road</i> is one level higher than a major collector.</p> <p>TAMS may consider departures. In making its assessment</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) the safety and legibility of the proposed street connections.</li> <li>b) TAMS <i>Design Standards for Urban Infrastructure (DS-02)</i> or its successor.</li> </ul>	
<p><b>R80</b></p> <p>Intersection designs are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS may endorse intersection designs where left-in and left-out intersections supplement crossroads or staggered junctions.</p> <p>In making its assessment TAMS may consider TAMS <i>Design Standards for Urban Infrastructure (DS-02)</i> or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R81</b></p> <p>This rule applies to residential zones and CZ5.</p> <p><b>Note:</b></p> <p>Spacing of junctions is to be endorsed by TAMS. TAMS will endorse the spacing of junctions if they comply with table 6.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider whether the proposed spacing of junctions will allow for safe and convenient vehicle movements.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R82</b></p> <p>This rule applies to zones other than residential zones and CZ5.</p> <p><b>Note:</b></p> <p>Spacing of junctions are to be endorsed by TAMS. In making its assessment TAMS will consider whether the proposed spacing of junctions will allow for safe and convenient vehicle movements.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R83</b></p> <p>Four-way intersections are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse four-way intersections where they are controlled by traffic signals or a roundabout.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider whether the intersection design and forecast traffic volumes meet the recommended limits as specified in AUSTROADS Guidelines.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R84</b></p> <p>Vehicle entry and egress points are endorsed by the Emergency Services Authority (ESA).</p> <p><b>Note:</b></p> <p>ESA will endorse vehicle entry and egress points where they allow access by a 12.5m single unit truck (Hazmat vehicle).</p> <p>ESA may consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>

Rules	Criteria
<b>14.2 Street geometry</b>	
<p><b>R85</b></p> <p>Street verge widths are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse street verge widths where they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for <i>estates</i> in commercial zones (excluding CZ5) – table 2B</li> <li>c) for <i>estates</i> in industrial zones – table 2C.</li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider whether street verge widths achieve all of the following:</p> <ul style="list-style-type: none"> <li>i) and all relevant utility providers comply with TAMS Design Standards for Urban Infrastructure (DS-02) or its successor</li> <li>ii) are capable of accommodating the required utility services, street tree planting, shared paths, and street lighting</li> <li>iii) reasonable maintenance costs</li> <li>iv) will encourage traffic speeds consistent with the street design speed and function when all relevant utility providers agree</li> <li>v) compliance with the requirements of relevant utility providers.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R86</b></p> <p>Street carriageway widths are to be endorsed by TAMS.</p> <p><b>Note 1:</b> TAMS will endorse street carriageway widths where they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for <i>estates</i> in commercial zones (excluding CZ5) – table 2B</li> <li>c) for <i>estates</i> in industrial zones – table 2C.</li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider whether proposed carriageway widths achieves all of the following:</p> <ul style="list-style-type: none"> <li>i) compliance with <i>TAMS Design Standards for Urban Infrastructure (DS-02)</i> or its successor</li> <li>ii) compliance with <i>TAMS Design Standards for Urban Infrastructure (DS-03)</i> or its successor</li> <li>iii) safe and efficient movement of all road users.</li> </ul> <p><b>Note 2:</b> Streets proposed as bus routes have additional requirements in table 3.</p> <p><b>Note 3:</b> Refer to the notes supporting tables 2A, 2B and 2C for how to</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
measure the carriageway width.	
<p><b>R87</b></p> <p>Street pavement cross-falls are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse street pavement cross-falls where they are 3%.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider</p> <ul style="list-style-type: none"> <li>a) whether proposed pavement cross-falls reflect the physical land characteristics and major drainage functions</li> <li>b) safety criteria for vehicle movement</li> <li>c) overland flow paths</li> <li>d) TAMS Design Standards for Urban Infrastructure (DS-03) or its successor.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R88</b></p> <p>Street longitudinal gradients are to be endorsed by TAMS.</p> <p><b>Note 1:</b> TAMS will endorse street longitudinal gradients where they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for <i>estates</i> in commercial zones (excluding CZ5) – table 2B</li> <li>c) for <i>estates</i> in industrial zones – table 2C.</li> </ul> <p>TAMS may endorse departures. In making its assessment TAMS will consider the following:</p> <ul style="list-style-type: none"> <li>i) reasonable access for pedestrian, cyclists and waste collection vehicles</li> <li>ii) adequate stormwater management</li> <li>iii) reasonable levels of public safety</li> <li>iv) TAMS Design Standards for Urban Infrastructure (DS-03) or its successor.</li> </ul> <p><b>Note 2:</b> Streets proposed as bus routes have additional requirements in table 3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R89</b></p> <p>Geometric design for intersections, roundabouts and slow points are to be endorsed by TAMS.</p> <p><b>Note:</b> In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) AUSTROADS Guidelines</li> <li>b) Australian Road Rules for the relevant vehicle speed</li> <li>c) maximum design vehicle envelope for each street</li> <li>d) TAMS Design Standards for Urban Infrastructure (DS-02) or its successor.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Rules	Criteria
<p><b>R90</b></p> <p>Intersection turning path designs are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse intersection turning path designs where vehicle turning movements (using <i>AUSTROADS Design Vehicles and Turning Templates</i>) enable turns in a single forward movement to comply with the following:</p> <ul style="list-style-type: none"> <li>a) for turns between a major collector and a minor collector or <i>access street</i>, the 'design articulated vehicle' provides a turning path radius of at least 15m in accordance with the Australian Road Rules</li> <li>b) for turns between a minor collector street and <i>access streets</i>, the 'design heavy rigid vehicle' provides a turning path radius of at least 12.5m, using any part of the pavement, in accordance with the Australian Road Rules</li> <li>c) for turns between <i>access streets</i>, the B99 'design car' provides a turning path radius of at least 8m using the correct side of the pavement only</li> <li>d) TAMS <i>Design Standards for Urban Infrastructure (DS-03)</i> or its successor.</li> </ul> <p>TAMS will not consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R91</b></p> <p>Kerb types are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse kerb types where they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for <i>estates</i> in residential zones and CZ5 – table 2A</li> <li>b) for <i>estates</i> in commercial zones (excluding CZ5) – table 2B</li> <li>c) for <i>estates</i> in industrial zones – table 2C.</li> <li>d) in all zones, all bus routes have upright kerbs.</li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider:</p> <ul style="list-style-type: none"> <li>i) public safety</li> <li>ii) maintenance costs</li> <li>iii) whether water sensitive urban design outcomes are achieved</li> <li>iv) TAMS <i>Design Standards for Urban Infrastructure (DS-03)</i> or its successor.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R92</b></p> <p>Kerb radii are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse kerb radii where they comply with the following:</p> <ul style="list-style-type: none"> <li>a) for residential zones and CZ5 – minimum 8m</li> <li>b) for commercial zones (excluding CZ5) – minimum 10m</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>c) for industrial zones – minimum 10m.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider:</p> <ul style="list-style-type: none"> <li>i) <i>AUSTROADS Guidelines</i></li> <li>ii) <i>TAMS Design Standards for Urban Infrastructure (DS-03)</i> or its successor.</li> </ul>	
<b>14.3 Traffic control and management</b>	
<p>R93</p> <p><i>Street leg lengths</i> are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>For streets other than major collector streets TAMS will endorse <i>street leg lengths</i> that do not exceed 160m.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider whether the proposed traffic speed reduction measures will achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) traffic speeds no greater than the design speeds of the street</li> <li>b) minimal noise</li> <li>c) convenience and safety for cyclists and public transport.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R94</p> <p>Bends introduced to control speed are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse slow points that are created through the introduction of bends if they comply with table 7.</p> <p>TAMS may consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>14.4 Shared zones</b>	
<p>R95</p> <p>Shared use zones are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS may endorse <i>shared use zones</i> after consideration of all of the following:</p> <ul style="list-style-type: none"> <li>a) pedestrian priority</li> <li>b) <i>AUSTROADS Guidelines</i></li> <li>c) <i>TAMS Design Standards for Urban Infrastructure</i>.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>14.5 Rear lanes</b>	
<p>R96</p> <p>The configuration of <i>rear lanes</i> is to be endorsed by TAMS.</p> <p><b>Note 1:</b></p> <p>TAMS will endorse the configuration of a <i>rear lane</i> if it complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) the relevant provisions of tables 1A, 1B, 2A and 2B</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>b) the number of <i>dwelling</i>s accessed from it is not more than 40 (see Note 1)</p> <p>c) maximum <i>leg length</i> is 120m (Figure 1)</p> <p>d) maximum peak hour traffic volume at any junction with a higher order street is 160 vehicles per day</p> <p>e) the relevant Australian Standard for sight lines (particularly at bends and junctions)</p> <p>f) a suitable median is provided in a higher order street where rear lanes directly align across that street</p> <p>g) TAMS <i>Design Standard for Urban Infrastructure (DS-12)</i>, or its successor for street lighting</p> <p>h) if waste collection from a <i>rear lane</i> is proposed, turning circles at the junction of the <i>rear lane</i> and higher order streets and/or junctions between different legs of <i>rear lane</i>, accommodate 12.5m single unit truck (refuse vehicles) and comply with TAMS Design Standard for Urban Infrastructure (DS-12), or its successor</p> <p>i) incorporates fire hydrants located not less than 60m from any location within the <i>rear lane</i>.</p> <p>TAMS may consider departures.</p> <p><b>Note 2:</b> For the purposes of this rule, a <i>rear lane</i> comprises all interconnecting sections of a lane within an area bounded by higher order streets.</p>	
<p><b>R97</b></p> <p>The configuration of <i>rear lanes</i> is endorsed by ESA.</p> <p><b>Note:</b> ESA will endorse the configuration of a <i>rear lane</i> if it complies with one of the following:</p> <p>a) caters for access by a 12.5m single unit truck (Hazmat vehicle).</p> <p>b) no part of the <i>rear lane</i> is more than 100m from where a 12.5m single unit truck (Hazmat vehicle) can park.</p> <p>ESA may consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R98</b></p> <p>The location of fire hydrants in <i>rear lanes</i> is endorsed by ESA.</p> <p><b>Note:</b> ESA will endorse the configuration of a <i>rear lane</i> if it incorporates fire hydrants located not less than 60m from any location within the <i>rear lane</i>.</p> <p>ESA may consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R99</b></p> <p>The length of <i>rear lanes</i> is to be endorsed by TAMS.</p> <p><b>Note:</b> Where street lights are provided only at the entry and exit points of the <i>rear lane</i> TAMS will endorse the length of the</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p><i>rear lane</i> provided that it does not exceed 60m.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) the adequacy of proposed street lighting</li> <li>b) TAMS <i>Design Standard for Urban Infrastructure (DS-12)</i>, or its successor</li> </ul>	
<p><b>R100</b></p> <p>The location of street lighting in <i>rear lanes</i> is to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse street lighting in <i>rear lanes</i> , if it complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) minimum clearance to back of kerb – 1.7m</li> <li>b) minimum clearance to any boundary or indented boundary of block that is leased (or intended to be leased) – 0.5m</li> <li>c) upright kerb along the side where street lighting is located</li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>i) the design and location of proposed street lighting</li> <li>ii) maintenance access to proposed street lighting</li> <li>iii) TAMS <i>Design Standard for Urban Infrastructure (DS-12)</i>, or its successor.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R101</b></p> <p>Reticulation of utility services for blocks with frontage to a <i>rear lane</i> is to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse local stormwater drainage located within a <i>rear lane</i>, where it located along the centreline of the <i>rear lane</i> and include grated sumps designed for zero capacity.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>14.6 Culs-de-sac</b>	
<p><b>R102</b></p> <p>Culs-de-sac lengths are to be endorsed by TAMS</p> <p><b>Note:</b></p> <p>TAMS will endorse the length of a cul-de-sac if it is no longer than 100m.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider TAMS <i>Design Standard for Urban Infrastructure (DS-03)</i>, or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R103</b></p> <p>Culs-de-sac lengths are endorsed by ESA</p> <p><b>Note:</b></p> <p>ESA will endorse the length of a cul-de-sac if it is no longer than 100m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
ESA may consider departures. In making its assessment ESA will consider the availability of alternative emergency access.	
<p><b>R104</b></p> <p>Culs-de-sac head diameters are to be endorsed by TAMS</p> <p><b>Note:</b></p> <p>TAMS will endorse the diameter of the head of a cul-de-sac if it is not less than 17m.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider whether the head of culs-de-sac head will accommodate a three point turn by a 'design refuse vehicle'.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>14.7 Edge treatments in bushfire prone areas</b>	
<p><b>R105</b></p> <p>Edge streets within or adjacent to a <i>bushfire prone area</i> on the long-term urban edge or conservation area are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse such edge streets if they have a 7.5m wide carriageway.</p> <p>TAMS may consider departures. In making its assessment TAMS will consider whether other treatments, including fire trails will offer suitable protection.</p>	This is a mandatory requirement. There is no applicable criterion.
<p><b>R106</b></p> <p>Edge streets within or adjacent to a <i>bushfire prone area</i> on the long-term urban edge or conservation area are endorsed by ESA.</p> <p><b>Note:</b></p> <p>ESA may endorse an edge street of this sort after considering all of the following:</p> <ul style="list-style-type: none"> <li>a) the provision of fire hydrants</li> <li>b) whether intersection and kerb returns are sufficient to accommodate emergency services vehicles</li> <li>c) whether roadside embankments allow vehicular access to surrounding areas (maximum embankment gradients are 1 vertical to 4 horizontal).</li> </ul>	This is a mandatory requirement. There is no applicable criterion.
<b>14.8 Driveway verge crossings</b>	
<p><b>R107</b></p> <p>Driveway verge crossings are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>TAMS will endorse driveway verge crossings where they comply with all of the following</p> <ul style="list-style-type: none"> <li>a) 6m horizontally clear of the tangent point of the radius of the curve on a corner block, where not adjacent to a roundabout or signalised intersection</li> <li>b) <i>AS2890.1 – The Australian Standard for Off Street Parking</i> as amended from time to time, in relation to sightlines and cross fall of the site</li> </ul>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>c) clear of any existing or proposed indented on-street car parking bays, valves, fire hydrants and electricity equipment</p> <p>d) TAMS <i>Design Standard for Urban Infrastructure (DS-05)</i> or its successor.</p> <p>TAMS may consider departures.</p>	

## Element 15: Public realm

The public realm consists of different types of unleased open spaces such as:

- street verges and planted medians
- parks of all sizes
- walkways and linear spaces
- open hill or bushland reserves and conservation areas
- unenclosed sports or playing fields.

Rules	Criteria
<b>15.1 Street trees</b>	
<p>R108</p> <p>The selection and location of street trees is to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse the selection and location of street trees if they comply with TAMS <i>Design Standards for Urban Infrastructure (DS-23)</i> or its successor</p> <p>TAMS may consider departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>15.2 Neighbourhood ovals</b>	
<p>R109</p> <p>The configuration of neighbourhood ovals is to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS may endorse the configuration of neighbourhood ovals. In making its assessment TAMS will consider all of the following:</p> <p>a) whether it has a minimum area of 3.8ha</p> <p>b) TAMS <i>Design Standards for Urban Infrastructure (DS-24 Sportsgrounds Design)</i> or its successor</p> <p>c) the specific needs of the neighbourhood</p> <p>d) the provision of site access, car parking, amenities and required engineering treatments</p> <p>e) the cost of maintenance.</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>
<b>15.3 Bushfire</b>	
<p>R110</p> <p>The selection and location of vegetation in public realm spaces within bushfire prone areas is to be endorsed by TAMS.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p><b>Note:</b> In making its assessment TAMS will consider all of the following:</p> <ul style="list-style-type: none"> <li>a) TAMS <i>Design Standards for Urban Infrastructure (DS-20)</i> or its successor</li> <li>b) TAMS (Parks Conservation and Lands) Roding Manual version 1.1, January 2006 or its successor.</li> </ul>	
<p><b>R111</b></p> <p>Provision for access by emergency vehicles to public realm spaces within bushfire prone areas is endorsed by ESA.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 16: Environment protection

Rules	Criteria
<b>16.1 Tree protection</b>	
<p><b>R112</b></p> <p>This rule applies where Exceptional, High, and/or Medium Value Trees are present.</p> <p>A tree management plan indicating that all Exceptional, High, and/or Medium Value Trees are retained and protected is endorsed by the Conservator of Flora and Fauna.</p> <p><b>Note:</b> The Conservator of Flora and Fauna may endorse the removal of trees in accordance with the provisions of the <i>Tree Protection Act 2005</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>16.2 Protecting existing cultural heritage</b>	
<p><b>R113</b></p> <p>In relation to heritage, one of the following is provided:</p> <ul style="list-style-type: none"> <li>a) written confirmation from the ACT Heritage Council that there are no sites within the development area that are either listed or nominated to the Heritage Register</li> <li>b) where a heritage site that has been listed or nominated to the Heritage Register is within a development area, a statement of compliance from the Heritage Council to the effect that the proposal meets the requirements of the <i>Heritage Act 2004</i>.</li> </ul> <p><b>Supporting document:</b> heritage statement including mitigation measures (see <i>Heritage Act, 2004</i>)</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R114</b></p> <p>Where Aboriginal sites and/or objects are located</p>	<p>This is a mandatory requirement. There is no</p>

Rules	Criteria
<p>within the development area, a cultural heritage assessment and conservation management plan are endorsed by the ACT Heritage Council.</p> <p><b>Supporting document:</b> heritage statement including mitigation measures (see <i>Heritage Act, 2004</i>)</p>	applicable criterion.
<b>16.3 Sediment and erosion control</b>	
<p>R115</p> <p>This rule applies to <i>estates</i> greater than 3000m<sup>2</sup>, A sediment and erosion control concept plan is endorsed by the Environment Protection Authority.</p> <p>A sediment and erosion control concept plan is prepared in accordance with the <i>ACT EPA Environmental Protection Guidelines for Construction and Land Development in the ACT 2011</i>.</p>	This is a mandatory requirement. There is no applicable criterion.
<b>16.4 Contamination</b>	
<p>R116</p> <p>In relation to contamination one of the following is provided:</p> <ul style="list-style-type: none"> <li>a) written confirmation from the EPA that there are no contaminated sites within the development area</li> <li>b) an environmental site assessment report and either <ul style="list-style-type: none"> <li>i) EPA endorsement of the report, or</li> <li>ii) independent audit endorsed by EPA</li> </ul> </li> </ul> <p>where potentially contaminated site(s) are identified within or adjacent to the site.</p>	This is a mandatory requirement. There is no applicable criterion
<b>16.5 Waste management</b>	
<p>R117</p> <p>Waste management facilities are to be endorsed by TAMS.</p> <p><b>Note:</b> TAMS will endorse waste management facilities that comply with one of the following:</p> <ul style="list-style-type: none"> <li>a) on-street collection points for single dwelling blocks and multi-unit blocks of up to 10 dwellings</li> <li>b) internal collection points for the following – <ul style="list-style-type: none"> <li>i) multi-unit blocks greater than 10 dwellings</li> <li>ii) commercial blocks</li> <li>iii) industrial blocks.</li> </ul> </li> </ul> <p>TAMS may consider departures. In making its assessment TAMS will consider <i>Development Control Code for Best</i></p>	This is a mandatory requirement. There is no applicable criterion.



Rules	Criteria
<i>Practice Waste Management in the ACT</i> or its successor.	
<p>R118</p> <p>Waste management plans are to be endorsed by TAMS.</p> <p><b>Note:</b></p> <p>In making its assessments TAMS will consider <i>Development Control Code for Best Practice Waste Management in the ACT</i> or its successor.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 17: Services and infrastructure

Rules	Criteria
<b>17.1      Utility services</b>	
<p>R119</p> <p>The reticulation of water, sewer, stormwater, electricity and gas is endorsed by ActewAGL.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R120</p> <p>The provision of telecommunications infrastructure including reticulation is endorsed by the relevant service providers.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R121</p> <p>The placement of utility service reticulation in shared trenching in the street verge is endorsed by the relevant utility service providers.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Table 1A: Street hierarchy for estates in residential zones and CZ5		
Street type and function	Design speed (km/h)	Traffic volume (vehicles per day) <sup>(1)</sup>
<b>REAR LANE</b>	20	0-160 <sup>(2)</sup>
Rear lanes are narrow and short local public streets which have the primary function of providing rear vehicular access to blocks.		
<b>ACCESS STREETS</b>		
<b>Access Street A</b>	50	0–300
<b>Access Street B</b>	50	301–1000
Access streets are used where the residential environment is dominant, traffic is subservient, speed and traffic volumes are low, and pedestrian and cycle movements are facilitated. Access streets are categorised as Access Street A or Access Street B according to traffic volumes and width requirements for the road reservation.. Access Street A provides access do not accommodate traffic generated by sites in other streets, excluding rear lanes.		
<b>COLLECTOR STREETS</b>		
<b>Minor collector</b>	50	1001–3000
A minor collector street collects traffic from access streets and carries higher volumes of traffic. A reasonable level of residential amenity and safety is maintained by restricting traffic volumes and vehicle speeds. Vehicle speeds are controlled by street alignment, intersection design and, in some cases, by speed-control measures.		
<b>Major collector</b>	60	3001–6000
A major collector street is generally short and connects a minor collector street with the corridor network.		

**Notes supporting table 1A**

1	To calculate the traffic volume apply a traffic generation rate of 8 vehicle movements per day per dwelling for single dwellings and a rate of 6 vehicles per day per dwelling for multi unit developments, and a rate of N vehicles per day for compact blocks.
2	160 vpd maximum at legs of rear lanes intersecting with other streets.

Table 1B: Street hierarchy for estates commercial zones (excluding CZ5)		
Street type and function	Design speed (km/h) <sup>(1)</sup>	Traffic volume (vehicles per day)
<b>REAR LANE</b>	20	0–100
Rear lanes are narrow and short local public streets which have the primary function of providing rear vehicular access to blocks.		
<b>ACCESS STREET</b>	50	0–1000
An access street is generally a street where the speed and traffic volumes are low, and pedestrian and cycle movements are facilitated.		
<b>COLLECTOR STREETS</b>		
<b>Minor collector</b>	50	1001–3000
A minor collector street collects traffic from access streets and carries higher volumes of traffic. A reasonable level of amenity and safety is maintained by restricting traffic volumes and vehicle speeds. Vehicle speeds are controlled by street alignment, intersection design and, in some cases, by speed-control measures.		
<b>Major collector</b>	60	3001–6000
A major collector street is generally short and connects a minor collector street with the corridor network.		
Table 1C: Street hierarchy for estates in industrial zones		
Street type and function	Design speed t (km/h) <sup>(1)</sup>	Traffic volume (vehicles per day)
<b>ACCESS STREET</b>	50	0–1000
An access street is generally a street where the speed and traffic volumes are low, and pedestrian and cycle movements are facilitated.		
<b>COLLECTOR STREETS</b>		
<b>Minor collector</b>	50	1001–3000
A minor collector street collects traffic from access streets and carries higher volumes of traffic. A reasonable level of amenity and safety is maintained by restricting traffic volumes and vehicle speeds. Vehicle speeds are controlled by street alignment, intersection design and, in some cases, by speed-control measures.		
<b>Major collector</b>	60	3001–6000
A major collector street is generally short and connects a minor collector street with the corridor network.		

**Table 2A: Street network requirements – estates in residential zones and CZ5**

Facility Type	Rear lane <sup>(2)</sup>	Shared use access street 'Woonerf' style	Access street A
Traffic volume range (vpd) <sup>(1)</sup>	0-160 <sup>(3)</sup>	0-40	0-300
Design speed (km/h)	20	20	50
Carriageway width (m) <sup>(2)</sup>	5.5 (5.0 where the lane is less than 60m in length)	3.5-3.7 (single lane)	5.5
Verge width (m)	minimum 1.5m	5.0	5.5
Minimum horizontal radius (to accommodate)	12.5m single unit truck		
On-street car parking	Prohibited	Permitted only as indented spaces	Permitted
Kerb type	Flush or layback upright kerb adjacent to street lighting	Flush or layback	Layback or upright
Maximum street longitudinal gradient	12.5%	12.5%	12.5%
Minimum shared path requirement	No shared path required	No shared path required	1.2m wide shared path on one side only
Bus route requirement	Not to be used as bus route	Not to be used as bus route	Not to be used as bus route
Street tree requirement	No trees required	Street trees to be provided	Street trees to be provided
Intermittent street lighting	Must be provided when length exceeds 60m		

**Notes supporting table 2A**

1	To calculate the traffic volume for streets apply a traffic generation rate of 8 vehicle movements per day per dwelling for single dwellings and a rate of 6 vehicles per day per dwelling for multi unit developments and a rate of N vehicles per day for compact blocks. For a rear lane traffic generation is measured at its junction with a higher order street.
2	The carriageway width is measured from kerb invert to kerb invert. The carriageway width measurement does not include any designated on-road car parking spaces, on-road cycle lanes, indented car parking bays or medians.
3	160vpd maximum at legs of rear lanes intersecting with other streets.

**Table 2B: Street network requirements – estates in commercial zones (excluding CZ5)**

Facility type	Rear lane	Access street	Minor collector street	Major collector street
Traffic volume range (vpd)	0-100	0-1000	1001-3000	3001-6000
Design speed (km/h)	20	50	50	60
Carriageway width (m) <sup>(1)</sup>	5.5  (5.0 where the lane is less than 60m in length)	7	10	10
Verge width each side (m)	minimum 1.5	6.25	6.25	6.25
On-street car parking	Prohibited	Permitted	Permitted	Permitted
Kerb type	Flush or layback upright kerb adjacent to street lights	Layback or upright	Upright	Upright
Maximum street longitudinal gradient	12%	12%	12%	12%
Minimum shared path requirement	No shared path required	2.0m wide shared path on both sides	2.0m wide shared path on both sides and aligned at least 1.5m away from the kerb	2.0m wide shared path on both sides and aligned at least 1.5m away from the kerb
Bus route requirement	Not to be used as bus route	Not to be used as bus route	Can be used as a bus route where in accordance with table 3	Can be used as a bus route where in accordance with table 3
Street tree requirement	No trees required	Street trees to be provided	Street trees to be provided	Street trees to be provided

**Note supporting Table 2B**

1	The carriageway width is measured from kerb invert to kerb invert. The carriageway width measurement does not include any designated on-road car parking spaces, on-road cycle lanes, indented car parking bays or medians.
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**Table 2C: Street network requirements - estates in industrial zones –**

Facility type	Access street	Minor collector street	Major collector street
Traffic volume range (vpd)	0–1000	1001–3000	3001–6000
Design speed (km/h)	50	50	60
Carriageway width (m) <sup>(1)</sup>	10	10	10
Verge width each side (m)	6.25	6.25	6.25
On-street car parking	Permitted	Permitted	Permitted
Kerb type	Layback or upright	Upright	Upright
Maximum street longitudinal gradient	12%	12%	12%
Minimum shared path requirement	1.5m wide shared path on both sides	1.5m wide shared path on both sides and aligned at least 1.5m away from the kerb	1.5m wide shared path on both sides and aligned at least 1.5m away from the kerb
Bus route requirement	Can be used as a bus route where in accordance with table 3	Can be used as a bus route where in accordance with table 3	Can be used as a bus route where in accordance with table 3
Street tree requirement	Street trees to be provided	Street trees to be provided	Street trees to be provided

**Note supporting Table 2C**

1	The carriageway width is measured from kerb invert to kerb invert. The carriageway width measurement does not include any designated on-road car parking spaces, on-road cycle lanes, indented car parking bays or medians.
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**Table 3: Bus route requirements**

**Street carriageway widths<sup>(1)</sup>**

One-way: 4 m

Two-way: 8.0 m

**Minimum geometric layout**

Curve radius for turns on a bus route between a minor collector street and a major collector street

Radius = 12.5 m for single bus unit

Radius = 15m for 14.5m long rigid buses and articulated buses

Note: some routes may require geometry to suit 14.5m long rigid buses and articulated buses.

**Roundabouts**

Maximum desirable pavement crossfall: to comply with AUSTROADS Guidelines

Absolute maximum gradient: to comply with AUSTROADS Guidelines

**Note supporting table 3**

1	The carriageway width is measured from kerb invert to kerb invert. The carriageway width measurement does not include any designated on-road car parking spaces, on-road cycle lanes, indented car parking bays or medians.
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Table 4: Types and purposes of public realm spaces

PUBLIC REALM TYPE	PRIMARY FUNCTIONS	MANAGEMENT INTENTIONS	STAGE IDENTIFIED
<b>Town park</b>	<p><b><i>Located in a town centre</i></b></p> <p>A meeting place park, formal in character. With irrigated grass, paving, art, and street furniture. May have shrub or flower beds, pavilions and water features. May be associated with play facilities, lakes or ponds.</p>	Managed to a high standard for intensive use with capacity to host special events.	Structure Plans/Concept Plans
<b>District parks</b>	<p><b><i>Recreational facilities</i></b></p> <p>Extensive, informal park or series of spaces, 4 -10 Ha Serving population catchment area of 25 - 50,000 minimum people. With grass and trees and a diversity of recreation facilities to cater for informal recreation for all age groups such as picnics, barbecues, adventure playgrounds and skateboard parks. May have natural or cultural heritage conservation or habitat creation purposes. May be associated with waterways, wetlands, lakes and ponds.</p>	Managed to a high standard for intensive use with capacity to hold large gatherings.	Structure Plans/Concept Plans
<b>District sportsgrounds</b>	<p><b><i>Sportsground complex</i></b></p> <p>Training and competition venue for organised nominated sports at all levels, 8 ha minimum. Serving population catchment area of 25 - 50,000 minimum people. May be associated with high schools. With irrigated grass, public parking, training lights and a pavilion that includes change rooms, toilets and kiosk.</p>	Managed to a high standard for intensive sports training and events. May be enclosed and leased.	Structure Plans/Concept Plans
<b>*Neighbourhood ovals</b>	<p><b><i>Recreational or sporting activities</i></b></p> <p>(Not applicable to commercial and industrial <i>estates</i>)</p> <p>Ovals used for sporting purposes and recreational space for local residents. Generally located adjacent to primary schools and/or local shopping centres with shared or separate parking. Neighbourhood ovals are an integral part of surrounding parkland when not in use for sporting purposes. The area is irrigated and will require sufficient space for related amenities (small pavilion/toilet block and training lights).</p>	Moderate intensity management with seasonal variability.	Estate Development Plans



<b>Neighbourhood parks</b>	<p><b><i>Recreational or sporting activities</i></b></p> <p>Neighbourhood parks are classified as Local neighbourhood parks (0.5ha-1ha) or Central neighbourhood parks (1ha-2ha). Focal point park of all neighbourhood open spaces and off road movement networks to be an outdoor meeting place. To accommodate opportunities for informal free and innovative play as well as a range of unstructured recreation activities for a range of ages. The play space may include standardised playground equipment. Parks are linked or adjacent to other public realm spaces and may be located adjacent to a neighbourhood sportsground. Neighbourhood parks can also accommodate remnant native vegetation and other natural features. Provided with shade and shelter and drinking water.</p>	Moderate intensity management with seasonal variability.	Estate Development Plans
<b>Heritage parks</b>	<p><b><i>Special purpose park</i></b></p> <p>Open space area created to conserve heritage character and elements. May have heritage conservation and monitoring activities.</p>	Moderate intensity management with seasonal variability. Can be enclosed.	Estate Development Plans
<b>Lakes and ponds</b>	<p><b><i>For control of stormwater quality and quantity including flood mitigation from the urban catchments</i></b></p> <p>Designed waterscape for aesthetics and water storage for irrigation and other second class water needs. Water uses may include conservation and or active recreation (e.g. fishing, swimming, boating) and passive recreation around lakes and ponds.</p>	Low intensity management with seasonal variability with a range of human uses that are nominated/ controlled for each site.	Structure Plans/Concept Plans/Estate Development Plans
<b>Broad scale open space</b>	<p><b><i>The bushland setting for Canberra</i></b></p> <p>Areas of remnant and planted native vegetation, hills and ridges, waterway corridors and buffer areas between suburbs. To provide visual and landscape amenity, informal recreation and wildlife habitat. May contain sites for biological diversity or connectivity, cultural heritage conservation and or for community activities (e.g. Landcare, Parkcare, Community Garden groups).</p>	Low intensity management with seasonal variability plus a range of human uses that are nominated/ controlled for each site. May be agisted with grazing sock.	Structure Plans/Concept Plans/Estate Development Plans

<b>Habitat sites</b>	<p><b><i>The bushland setting for Canberra</i></b></p> <p>Remnant grassland or woodland sites important for nature conservation purposes.</p> <p>May form part of a regional ecosystem, provide the food source for migratory species or contain endangered plant or animal species or be used for connectivity and be subject to conservation activities and monitoring in accord with Action Plans for their conservation prepared under provisions of the <i>Nature Conservation Act 1980</i>.</p>	Low intensity management with seasonal variability.	Structure Plans/Concept Plans/Estate Development Plans
<b>Pedestrian parkland</b>	<p><b><i>Movement network</i></b></p> <p>Corridors providing for pedestrian and cyclist routes within and between suburbs and linkages with parks, schools and workplaces.</p> <p>May include playgrounds and fitness stations in suitable locations.</p> <p>Often co-located with waterways for urban stormwater management and treatment and may contain small ponds and wetlands.</p> <p>Often includes remnant vegetation and other natural features, may provide wildlife habitat conservation and/or connectivity.</p> <p>Generally, the dominant surface treatment is dryland grass as dominant ground surface unless otherwise specified for the conservation of habitat, with planted vegetation to enhance shade, shelter, character, seasonal diversity or wildlife movement.</p>	Moderate intensity management with seasonal variability.	Concept Plans/estate Development Plans
<b>Access ways</b>	<p><b><i>Movement network</i></b></p> <p>Linear spaces for pedestrians and cyclists between residential properties providing direct access between streets and other public realm spaces.</p>	Low intensity management with seasonal variability.	Estate Development Plans
<b>Pedestrian lanes</b>	<p><b><i>Movement network</i></b></p> <p>Routes for pedestrians between buildings and /or properties providing direct access between shops and or streets.</p>	Low intensity management with seasonal variability.	Estate Development Plans

Street verges and medians	<p><b><i>Movement network</i></b></p> <p>An interconnected network of spaces, not necessarily symmetrical, for off road movement networks, and to incorporate trees, shrubs and ground cover plantings. To provide for aesthetic purposes and microclimate control as well as driving experience, character of place and environmental services.</p> <p>May contain underground services and street /traffic furniture. Surface treatments designed to maximise capture of rainfall for ground water recharge and vegetation health.</p>	Low intensity management with seasonal variability.	Estate Development Plans
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\*Sport and Rec Services are currently proposing a new Sportsground Provision Model, replacing the Neighbourhood Oval concept with School Ovals and Community Recreation Irrigated Parks (CRIPs). If and when this model is adopted by the ACT Government, the reference to Neighbourhood Oval will be changed.

**Table 5: Shared path requirements**

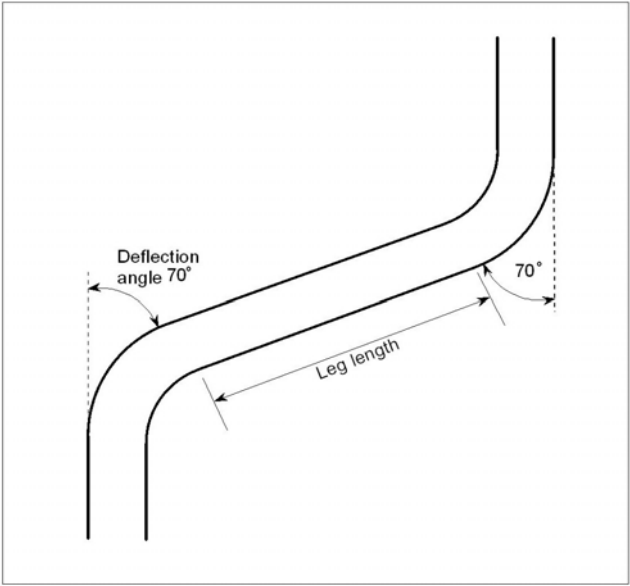
Path type	Function	Minimum width (m)	Maximum longitudinal gradient
Minor Path	Local access path with low traffic volumes; Pedestrian and low speed cyclist use.	1.2	In accordance with AUSTROADS Guide to Traffic Engineering Practice Part 13
Intermediate Path	Commuting and local access path with low traffic volumes; Pedestrian and cyclist use where cyclists passing in opposite directions is rare.	2.0	In accordance with AUSTROADS Guide to Traffic Engineering Practice Part 14
Trunk Path	Commuting and local access path required to accommodate cyclist speeds of up to 20km/h; Pedestrian and cyclist use where two way cyclist movements are common.	2.5	In accordance with AUSTROADS Guide to Traffic Engineering Practice Part 14
Trunk Path (high use)	Commuting path required to accommodate cyclist speeds of up to 30km/h; High levels of pedestrian and cyclist use in both directions.	3.0	In accordance with AUSTROADS Guide to Traffic Engineering Practice Part 14

**Table 6: Spacing of junctions along traffic routes – estates in residential zones and CZ5**

Road type	Minimum spacing of staggered junctions	
	Left – right stagger	Right – left stagger
Local access street	40	20
Collector (minor)	40	20
Collector (major)	40	20
2-lane sub-arterial	60	30
3-lane sub-arterial	100	30
Divided sub-arterial	150	50
Divided arterial	150	50
Divided major arterial	150	50
* Each crossroad counts as one junction. A right–left stagger on a three-lane sub-arterial of higher road also counts as one junction. Other junctions may form T-junctions or allow only restricted vehicle movements.		

Table 7 – Minimum deflection angles for speed control to 20km/h (refer figure 2)			
Bend Type	Street Carriageway width (m) *		
	3.5- <5.5m	5.5-7.0m	7.0-7.5m
Single bend	60°	70°	90°
Chicane (two reverse single bends)	30°-30°	45°-45°	60°-60°

**Figure 2: Measuring deflection angles for speed control to 20km/h (refer table 7)**



## Appendix A – Block compliance tables

### *Using the block compliance tables*

The block compliance tables schedule a range of block sizes, slope and orientation to ensure adequate solar access.

### Calculating variables:

#### **^ Block width**

Defined as the average of the width of the front and rear boundaries.

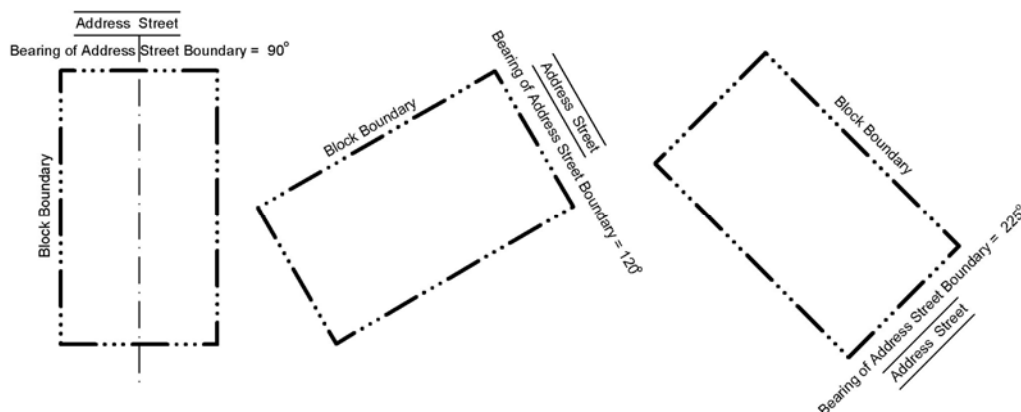
#### **^^ Block depth**

Defined as the average of the length of the two side boundaries.

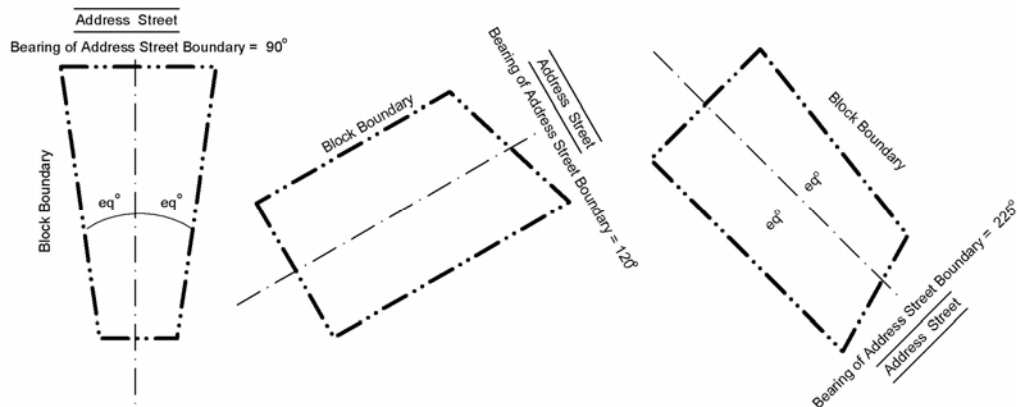
#### **^^^ Bearing of address street boundary**

Used to indicate the predominant orientation of the Block.

In the case of regular rectangular blocks, this is as stated: the 360° bearing of the address street boundary, starting at 0° for a West loading block (ie boundary running NS) and increasing clockwise, as shown in the examples below:

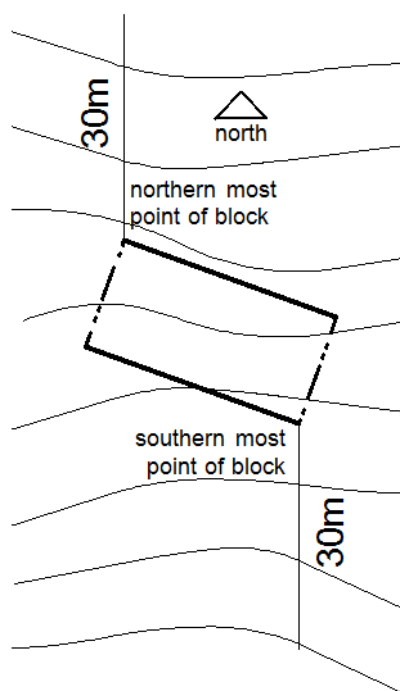


In the case of irregularly shaped blocks, the 'bearing of address street boundary' shall be taken to be the bearing of a line perpendicular to the primary axis of the proposed block, as shown in the examples below:



### (s) Slope

Slope (s) is an average of two slope measurements: one extending 30m due north from the northern most point of the subject block, and one extending 30m due south from the southern most point of the subject block (see **Figure C1**). North-facing slopes (slopes falling to the north) have a positive value, south-facing slopes (slopes falling to the south) have a negative value. Slope is represented as a decimal number as in per cent slope.



**Figure C1**

Slope may be demonstrated by using a geographic information system and/or digital terrain model.

<b>Block compliance Table A1.1</b> large blocks (>500m <sup>2</sup> ) block width ^ <16m minimum block width^ 14m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✓	✓	✓	✓
	street to east	160° - <180°	✓	✓	✓	✓	✓	✓	✓
		180° - <210°	✓	✓	✓	✓	✓	✓	✓
		210° - <250°	✗	✗	✗	✓	✓	✓	✓
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✓	✓	✓	✓
	street to west	340° - <360°	✓	✓	✓	✓	✓	✓	✓
		0° - <30°	✓	✓	✓	✓	✓	✓	✓
		30° - <70°	✗	✗	✗	✓	✓	✓	✓

<b>Block compliance Table A1.2</b> large blocks (>500m <sup>2</sup> ) block width ^ 16m - < 18m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✓	✓	✓	✓	✓
	street to east	160° - <180°	✓	✓	✓	✓	✓	✓	✓
		180° - <210°	✓	✓	✓	✓	✓	✓	✓
		210° - <250°	✗	✗	✓	✓	✓	✓	✓
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✓	✓	✓	✓	✓
	street to west	340° - <360°	✓	✓	✓	✓	✓	✓	✓
		0° - <30°	✓	✓	✓	✓	✓	✓	✓
		30° - <70°	✗	✗	✓	✓	✓	✓	✓



<b>Block compliance Table A1.3</b> large blocks (>500m <sup>2</sup> ) block width ^ ≥18m minimum block depth^^ 28m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✓	✓	✓	✓	✓	✓
	street to east	160° - <180°	✓	✓	✓	✓	✓	✓	✓
		180° - <210°	✓	✓	✓	✓	✓	✓	✓
		210° - <250°	✗	✓	✓	✓	✓	✓	✓
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✓	✓	✓	✓	✓	✓
	street to west	340° - <360°	✓	✓	✓	✓	✓	✓	✓
		0° - <30°	✓	✓	✓	✓	✓	✓	✓
		30° - <70°	✗	✓	✓	✓	✓	✓	✓

<b>Block compliance Table A2.1</b> mid sized blocks (<250 - ≤ 500m <sup>2</sup> ) block width ^ < 12m minimum block width^ 10m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✗	✗	✗
	street to east	160° - <180°	✗	✗	✗	✗	✗	✗	✗
		180° - <210°	✗	✗	✗	✗	✗	✗	✗
		210° - <250°	✗	✗	✗	✗	✗	✗	✗
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✗	✗	✗
	street to west	340° - <360°	✗	✗	✗	✗	✗	✗	✗
		0° - <30°	✗	✗	✗	✗	✗	✗	✗
		30° - <70°	✗	✗	✗	✗	✗	✗	✗

<b>Block compliance Table A2.2</b> mid sized blocks (<250 - ≤ 500m <sup>2</sup> ) block width ^ 12m - < 14m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✗	✗	✓
	street to east	160° - <180°	✗	✗	✗	✗	✓	✓	✓
		180° - <210°	✗	✗	✗	✗	✓	✓	✓
		210° - <250°	✗	✗	✗	✗	✗	✗	✗
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✗	✗	✓
	street to west	340° - <360°	✗	✗	✗	✗	✓	✓	✓
		0° - <30°	✗	✗	✗	✗	✓	✓	✓
		30° - <70°	✗	✗	✗	✗	✗	✗	✓

<b>Block compliance Table A2.3</b> mid sized blocks (<250 - ≤ 500m <sup>2</sup> ) block width ^ 14m - < 16m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary ^^^	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✗	✓	✓
	street to east	160° - <180°	✗	✗	✓	✓	✓	✓	✓
		180° - <210°	✗	✗	✓	✓	✓	✓	✓
		210° - <250°	✗	✗	✗	✗	✗	✗	✓
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✗	✓	✓
	street to west	340° - <360°	✗	✗	✓	✓	✓	✓	✓
		0° - <30°	✗	✗	✓	✓	✓	✓	✓
		30° - <70°	✗	✗	✗	✗	✗	✓	✓

<b>Block compliance Table A2.4</b> mid sized blocks (<250 - ≤ 500m <sup>2</sup> ) block width <sup>^</sup> ≥16m minimum block depth <sup>^^</sup> 25m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary <sup>^^^</sup>	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✓	✓	✓
	street to east	160° - <180°	✗	✓	✓	✓	✓	✓	✓
		180° - <210°	✗	✓	✓	✓	✓	✓	✓
		210° - <250°	✗	✗	✗	✗	✗	✓	✓
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✓	✓	✓
	street to west	340° - <360°	✗	✓	✓	✓	✓	✓	✓
		0° - <30°	✗	✓	✓	✓	✓	✓	✓
		30° - <70°	✗	✗	✗	✗	✓	✓	✓

<b>Block compliance Table A3.1</b> compact blocks (≤250m <sup>2</sup> ) block width <sup>^</sup> < 12m minimum block width <sup>^</sup> 6m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary <sup>^^^</sup>	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✗	✗	✗
	street to east	160° - <180°	✗	✗	✗	✗	✗	✗	✗
		180° - <210°	✗	✗	✗	✗	✗	✗	✗
		210° - <250°	✗	✗	✗	✗	✗	✗	✗
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✗	✗	✗
	street to west	340° - <360°	✗	✗	✗	✗	✗	✗	✗
		0° - <30°	✗	✗	✗	✗	✗	✗	✗
		30° - <70°	✗	✗	✗	✗	✗	✗	✗

<b>Block compliance Table A3.2</b> compact blocks ( $\leq 250\text{m}^2$ ) block width $\wedge \geq 12\text{m}$ minimum block depth $\wedge\wedge$ 17m			slope (s)						
			fall to south			flat	fall to north		
			> -15%	-15% to < -10%	-10% to < -5%	-5% to < +5%	+5% to < +10%	+10% to < 15%	> +15%
bearing of address street boundary $\wedge\wedge\wedge$	street to north	70° - <90°	✓	✓	✓	✓	✓	✓	✓
		90° - <120°	✓	✓	✓	✓	✓	✓	✓
		120° - <160°	✗	✗	✗	✗	✗	✗	✗
	street to east	160° - <180°	✗	✗	✗	✗	✗	✓	✓
		180° - <210°	✗	✗	✗	✗	✗	✓	✓
		210° - <250°	✗	✗	✗	✗	✗	✗	✗
	street to south	250° - <270°	✓	✓	✓	✓	✓	✓	✓
		270° - <300°	✓	✓	✓	✓	✓	✓	✓
		300° - <340°	✗	✗	✗	✗	✗	✗	✗
	street to west	340° - <360°	✗	✗	✗	✗	✗	✓	✓
		0° - <30°	✗	✗	✗	✗	✗	✓	✓
		30° - <70°	✗	✗	✗	✗	✗	✗	✗



**DRAFT**

# **Lease Variation General Code**

**May 2011**



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# Introduction

## Name

The name of this code is **Lease Variation General Code**.

## Application of the code

This code applies to the varying of *leases*.

## Limits of variations to leases

No lease variation can be inconsistent with the Territory Plan.

## 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 is not 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 will be used by the *Authority* to assess proposals to vary leases. It also offers guidance to applicants.

## Structure

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

In some instances rules are mandatory. Such rules 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 track for a particular developments are specified in the relevant 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 that the relevant criterion is satisfied, through supporting drawings and/or written documentation. 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

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes is precinct code, development code, and general code, as defined by the *Planning and Development Act 2007*.

## Definitions

Defined terms and references to legislation and 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.

## Relevant Development Codes and General Codes

Development codes that may be relevant to lease variation are:

- Residential Zones Development Code
- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code
- City Centre Development Code
- Town Centres Development Code
- Group Centres Development Code
- Local Centres Development Code
- CZ2 Office Areas Outside Centres Development Code
- CZ5 Mixed Use Zone Development Code
- CZ6 Leisure and Accommodation Zone Development Code
- Industrial Zones Development Code
- Community Facility Zone Development Code
- Parks and Recreation Zone Development Code
- Transport and Services Zone Development Code
- Non-Urban Zones Development Code
- Bonner Precinct Code
- Casey Precinct Code
- Franklin Precinct Code
- Macgregor Precinct Code
- Northbourne Avenue Precinct Code
- Rural Villages Precinct Code
- Inner North Precinct Code

In addition to the **development codes** specified above, **general codes** may be relevant. The following general codes, in particular, may be relevant to lease variation.

- Parking and Vehicular Access General Code
- Home business general code
- Signs General Code

## Element 1: Variations generally

Rules	Criteria
<b>1.1 Varying leases - general</b>	
There is no applicable rule.	<p>C1</p> <p>A <i>lease</i> is varied only where all of the following are achieved:</p> <ul style="list-style-type: none"><li>i) the varied lease is consistent with the Territory Plan</li><li>ii) the land to which the <i>lease</i> applies is suitable for the development or use authorised by the varied <i>lease</i>.</li></ul>

## Element 2: Particular variations

Rules	Criteria
<b>2.1 Increasing rights</b>	
There is no applicable rule.	<p>C2</p> <p>A right under a <i>lease</i> is increased only when all of the following are achieved in relation to the increase in that right:</p> <ul style="list-style-type: none"><li>i) sufficient car parking can be provided on site or in the near vicinity</li><li>ii) local streets are capable of accommodating any additional traffic</li><li>iii) adequate waste management and disposal</li><li>iv) will not unreasonably increase the level of noise for the occupants of <i>dwellings</i> on the <i>block</i> or on adjoining <i>blocks</i>.</li></ul> <p>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</p>
<b>2.2 Adding secondary residence</b>	
<p>R3</p> <p>A variation to a <i>lease</i> to authorise a <i>secondary residence</i> is approved only where the <i>block</i> affected by the <i>lease</i> is 500m<sup>2</sup> or larger.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.3 Adding uses other than secondary residence</b>	
There is no applicable rule.	<p>C4</p> <p>An additional use (other than a <i>secondary residence</i>) is authorised by a <i>lease</i> only when all of the following are achieved in relation to the</p>

Rules	Criteria
	<p>additional use:</p> <ul style="list-style-type: none"> <li>i) sufficient car parking can be provided on site or in the near vicinity</li> <li>ii) local streets are capable of accommodating any additional traffic</li> <li>iii) adequate waste management and disposal</li> <li>iv) will not create an unreasonable level of noise for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land</li> <li>v) will not create an unreasonable risk to occupants of the <i>block</i> through any contamination of the <i>block</i> or on adjoining land</li> <li>vi) will not create an unreasonable level of odour for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land</li> <li>vii) will not create an unreasonable level of light emission for the occupants of <i>dwelling</i>s on the <i>block</i> or on adjoining land.</li> </ul>
<b>2.4 Community and Recreational Facilities</b>	
There is no applicable rule.	<p>C5</p> <p>Community facilities or recreational facilities are authorised by a <i>lease</i> only in compliance with the <i>Community and Recreational Facilities Locational Guidelines General Code</i>.</p>
<b>2.5 Removing concessional status</b>	
<p>R6</p> <p>A variation to a <i>lease</i> that removes its concessional status is supported by a social impact assessment prepared by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.6 Expressing the number of units</b>	
<p>R7</p> <p>A variation to a <i>lease</i> that expresses the number of dwelling units authorised by the lease is consistent with all other provisions of the lease.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

### A. Redundant Definitions

**Building envelope plan**

**North facing boundary**

**Standard block**

**Streetscape concept plan**

**Retirement complex**

**Triple occupancy housing**

### B. Amended Definitions

**Basement** means a space within a *building* where the floor level of the space is predominantly below *datum ground level* and where the *finished floor level* of the level immediately above the space is less than 1.0 metre above *datum ground level*.

**Boarding house** means the use of land to principally provide long term accommodation where meals, laundry or other services are provided only to those residents of the *boarding house*, and which is not licensed to sell liquor, but does not include *student accommodation*.

**Child care centre** means the use of land for the purpose of supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the *Children and Young People Act 2008* and which does not include residential care.

**Communal open space** means common outdoor open space for recreation and relaxation of residents of a housing development but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

**Estate Development Plan** has the same meaning as in the *Planning and Development Act 2007*.

**Front zone** means the area of a *block* between the *front boundary* and the *building line* or between the *front boundary* and a line drawn parallel to and 10m from the *front boundary*, whichever is the lesser.

**Height of building** means the vertical distance between any point on *datum ground level* to the highest point of the *building* directly above it.

**Height of wall** means the vertical distance between the *datum ground level* directly beneath the outside face of any external wall and the top of the wall or roof at the wall line, parapet or balustrade (whichever is the higher). In the case of a gable or skillion end, the maximum height of wall shall be measured to a level midway between the ridge line and the top of the eaves or fascia.

**Lower floor level (LFL)** means a *finished floor level* which is 1.8 metres or less above *datum ground level* at any point.

**Multi-unit housing** means the use of land for more than one *dwelling* and includes but is not limited to *dual occupancy housing*.

**Private open space** means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

**Supportive housing** means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and personal care for residents as required, but excludes *student accommodation*. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained dwellings.

**Upper floor level (UFL)** means a *finished floor level*, which is greater than 1.8 metres above *datum ground level* at any point.

## C. New Definitions

**Compact block** means a *block* with an area of 250m<sup>2</sup> or less.

**Datum ground level** means the level of the surface of the ground as defined in a field survey and authorised by a qualified surveyor at the time of operational acceptance for greenfield development or prior to any new earthworks having occurred after that time.

**Desired character** means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

**External wall** means an external wall that may also incorporate any of the following

- a) windows with sill heights at or above 1.7m from the floor
- b) screened decks
- c) fixed pane windows with obscure glass
- d) awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal
- e) obscure glass bricks.

**Integrated housing development parcel** means a parcel of land intended to be

- a) subdivided into two or more *single dwelling blocks*, and
- b) used for an *integrated housing development*.

**Integrated housing development plan** means one or more drawings describing a proposed *integrated housing development*.

**Large block** means a *block* with an area greater than 500m<sup>2</sup>.

**Mid sized block** means a *block* with an area greater than 250m<sup>2</sup> but less than or equal to 500m<sup>2</sup>.

**Northern boundary** means a boundary of a *block* where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.

**Principal private open space** means private open space that is directly accessible from a habitable room other than a bedroom.

**Residential block** means a *block* that has at least one of the following characteristics –

- a) zoned residential
- b) affected by a lease which authorises residential use.

under **RESIDENTIAL USES**

**Secondary residence** means a second dwelling on a *block*.

**Screening device** means a permanent structure that comprise one or more of the following

- a) opaque or translucent glazing
- b) solid panels
- c) perforated panels or trellises with a maximum 25% openings.

**Secondary street frontage** means the frontage of a corner *block* nominated in a precinct code or, if not so nominated, nominated by the applicant.

**Single dwelling block** means a block with one of the following characteristics -

- a) originally leased or used for the purpose of single dwelling housing
- b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing.

**Unscreened element** means unscreened windows, decks, balconies and external stairs.