



Planning & Development Act 2007

**Proposed
Technical Amendment
to the Territory Plan
Variation
V2008-11**

Amendments to the
Single Dwelling Housing Development Code,
Multi-Unit Housing Development Code and
other development codes

21 November 2008

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1. INTRODUCTION

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 Land Act 2007* establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

Technical amendments to the Territory Plan are prepared in accordance with the *Planning and Development Act 2007* (the Act). A code variation is a technical amendment that

- would only change a code; and
- is consistent with the policy purpose and policy framework of the code; and
- is not an error variation.

Following the release of the code variation under section 90 of the Act, submissions from the public are invited. At the conclusion of the limited consultation period, any representations are considered by the ACT Planning and Land Authority (the Authority). The Authority then determines a day when the code variation is to commence by way of a Commencement Notice.

Limited Consultation

Comments from the public are invited on the technical amendment.

The documents relating to this draft plan variation may be obtained from: the Authority's website at: http://www.actpla.act.gov.au/topics/your_say ; or the Authority's Customer Service Centre, Ground Floor, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson (opposite the Motor Registry) 8:30am to 4:30pm weekdays.

Note that access to the Internet is available free of charge at all ACT Public Libraries during library opening hours.

Written comments from the public are invited on the draft plan variation by COB, **15 December 2008**. Comments should include reference to this technical amendment, a return postal address, and be addressed to:

The Manager, Development Policy Section
ACT Planning and Land Authority

Comments may be submitted in one of the following ways:

Hand deliver to:

The Authority's Customer Service Centre, 16 Challis Street, Dickson
Post to: GPO Box 1908
CANBERRA ACT 2601
Email: terrplan@act.gov.au

2. EXPLANATORY STATEMENT

Proposed Changes and Reasons

- A. Simply and clarify various meanings in the *Single Dwelling Housing Development Code* – several rules and criteria have been reworded to better clarify their meanings and remove ambiguities:**
- Specify that Part A of the code does not apply to compact blocks in New Residential Estates (**variation 1 of the technical amendment**);
 - Specify that required driveway grades are measured from the kerb (**variation 5**);
 - Improve the wording of the requirements to match footpath materials on driveway verges (**variation 6; also variation 30 for the *Multi-unit Housing Development Code***);
 - Replace references to “development” with references to “dwellings” (**variation 7**);
 - Specify that attics or basements are not permitted in addition to 2 storeys in RZ1 (as currently worded, it suggests that attics or basements are not permitted at any time) (**variation 8**);
 - Clarify headings relating to height requirements (**variation 9**);
 - Reword the requirements for bins storage and clothes drying areas to remove ambiguity (**variations 10 and 11**).
- B. Remove the requirement for utilities endorsement for most single dwelling development in the *Single Dwelling Housing Development Code* (variations 2 to 3) – this will simplify processes for single dwelling development, particularly in relation to demolition.**
- C. Specify allowable encroachments in the *Single Dwelling Housing Development Code* (variation 4) – this will clarify the allowable encroachments in single dwelling development.**
- D. Clarify consistency with National Capital Plan (variations 12, 16 and 37 to 52) –** reword *Multi-Unit Housing Development Code* at Part A, Element 1, R1 and Part B, Element 2, C30 and various other codes regarding consistency with requirements under the National Capital Plan. Special Requirements for Main Avenues apply to several sites in Yarralumula adjacent to Adelaide Avenue under Section 2.3 of the National Capital Plan. Development in areas subject to Special Requirements must conform with relevant Development Control Plans. Development Control Plan 171/06/0003 for Adelaide Avenue was approved by the National Capital Authority on 14 June 2007. This Development control Plan allows buildings up to 3 storeys in height in part of an RZ1 zone of Yarralumla.
- E. Amend heading references to “height” in the *Multi-Unit Housing Development Code* (variations 13, 17, 21, 23, 25, 27) – the amendment clarifies that the requirements relate to the number of storeys permitted and not specifically to the actual height.**
- F. Move notes to rules and criteria within the *Multi-Unit Housing Development Code* to ensure internal format consistency and improve useability (variations 14, 15, 18, 19, 22, 24 and 26) – this amendment moves several notes associated with plot ratio rules. There is no change to wording.**

- G. Update reference to “standard block” in relation to vehicle access in RZ2 and clarify where block width is measured from in R17 of the *Multi-Unit Housing Development Code* (variation 20)** – this amendment brings the wording into line with other recent technical amendments (refer V2008-10) and clarifies where the 30m width is measured from.
- H. Clarify when Part C (1) does not apply in the *Multi-Unit Housing Development Code* (variation 28)** – Whilst Parts C(3) to (5) of the code clearly state in their introductions that those controls apply instead of the default position for multi-unit housing as outlined in Part C(1), as currently worded the introduction to Part C may imply that those controls apply in addition to the controls of Part C(1) rather than instead of them. This amendment will remove any ambiguity.
- I. Correct cross-references in R63 of the *Multi-Unit Housing Development Code* (variation 29)** – this amendment corrects a typographical error.
- J. Clarify references to “buildings on community land” in the *Community Facility Zone Development Code* (variations 31 to 34)** – the current reference to “community facilities buildings”, rather than buildings on community land, may be confusing and so the wording has been changed to clarify the meaning.
- K. Clarify the application of the *Subdivision Development Code* (variations 35 to 36)** – Currently the code only specifically applies to residential Future Urban Areas subject to an Estate Development Plan. Consistent with the previous subdivision guidelines, this amendment will provide certainty by clarifying that the code applies to the design and subdivision of any residential area subject to an Estate Development Plan, not only those in Future Urban Areas.
- L. Update references to waste management guidelines (variations 53 to 65)** – update current references in several codes to 1999 waste management guidelines to the current version of the guidelines.

3. TECHNICAL AMENDMENT

Variation to the Single Dwelling Housing Development Code

1 Part A – Zone Specific Controls

Insert after ‘Parts B and C of the Code also apply’:

Part A does not apply to Compact Blocks in New Residential Estates (refer Part C (3)).

2 Part B, Element 2.1, R15 and C15

Omit R15.

Omit C15.

3 Part B, Element 2.1, R28 and C28

Substitute R28 with the following:

There is no applicable rule.

Substitute C28 with the following:

C28

Where a development encroaches into a registered easement the application will be referred to the relevant utility provider in accordance with the requirements of the *Planning and Development Act 2007*.

4 Part C(1), Element 2.4, new rule and criteria

Insert new element heading, rule and criteria:

2.4 Allowable encroachments	
<p>R32A</p> <p>a) The following building elements may extend within the minimum side or rear setback:</p> <ul style="list-style-type: none"> i) Fascias, gutters, downpipes ii) Eaves up to 1m wide iii) Window shades and screens <p>b) The following building elements may extend within the minimum side or rear setback beyond the building element:</p> <ul style="list-style-type: none"> i) Structures and building elements that, if they were a stand alone development, are considered exempt under the <i>Planning and Development Act 2007</i>. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

5 Part C(1), R40 (d)

Insert after ‘less than 17%’ and before ‘downhill’:
as measured from the kerb

Insert after 'less than 12%':
as measured from the kerb

6 Part C(1), R41

Substitute:

Where there is a public footpath across the driveway verge crossing, the footpath is to be continuous (i.e. the footpath is to have precedence). If the existing footpath is replaced, it is to be constructed at the same level in the same material and colour as the original.

7 Part C(1), C44

Omit (d) and (f).

Substitute the word 'development' for 'dwellings' in (b) and (e).

8 Part C(3), R60

Insert after 'not permitted':
in addition to two storeys.

9 Part C(3), Element 2.2

Substitute for the current heading:
Height – Other Zones

10 Part C(3), R79

Substitute:

A storage space for mobile garbage and recycling bins is to be provided, to allow bins to be screened from public view.

11 Part C(3), R80

Substitute:

External clothes drying facilities are to be provided. These facilities are to be behind the building line and screened from public view.

Variation to the Multi-Unit Housing Development Code

12 Part A(1), Element 1, R1 and R2

Insert new note at the end of R1:

Note 5: This rule does not apply where Special Requirements under the National Capital Plan (including any relevant Development Control Plan) permit buildings to be at least 3 storeys in height.

Insert new note at the end of R2:

Note: This rule does not apply where Special Requirements under the National Capital Plan (including any relevant Development Control Plan) permit buildings to be at least 3 storeys in height.

13 Part A(1), Element 2.1

Substitute for the current heading:

Height (number of storeys)

14 Part A(1), R8

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

15 Part A(1), R9

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

Omit the note under Figure A1.

16 Part A(2), Element 1, R10

Insert new note under the rule:

Note: This rule does not apply where Special Requirements under the National Capital Plan (including any relevant Development Control Plan) permit buildings to be at least 3 storeys in height.

17 Part A(2), Element 2.1

Substitute for the current heading:

Height (number of storeys)

18 Part A(2), R15

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

19 Part A(2), R16

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

Omit the note under Figure A2.

20 Part A(2), R17

Insert after “standard block”:

(or blocks resulting from the consolidation of these blocks)

Insert after “30 m wide”:

as measured at the street frontage.

21 Part A(3), Element 2.1

Substitute for the current heading:

Height (number of storeys)

22 Part A(3), R20

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

Omit the note under Figure A3.

23 Part A(4), Element 2.2

Substitute for the current heading:

Height (number of storeys)

24 Part A(4), R24

Insert new note under the rule:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

Omit the note under the rules/criteria table.

25 Part A(5), Element 2.1

Substitute for the current heading:

Height (number of storeys)

26 Part A(5), C34

Insert new note under the criterion:

Note: Where a maximum plot ratio is specified the gross floor area of the development used in the calculation of the plot ratio shall be taken to be the gross floor area of the buildings plus 18m² for each roofed open car space or car port provided to meet Territory requirements for resident car parking (not including basement car parking) and the area of any balcony that is roofed and substantially enclosed by solid walls.

Omit the note under the rules/criteria table.

27 Part B, Element 2.6

Substitute for the current heading:

Height (number of storeys)

28 Part C – Development Type Controls

In the introductory statement, second paragraph, omit ‘As such, it is the default position for multi unit housing’, and substitute:

Part C(1) is therefore the default position for multi unit housing. Part C(2) provides additional controls in some areas, however Parts C(3) to C(5) provide controls that apply instead of Part C(1) in some areas. Parts A and B of the Code also apply.

Insert after ‘Part C(3)...and the Gunghalin District.’

These controls apply instead of Part C(1).

Insert after ‘Part C(4)...as it applies to Kingston and Griffith.’

These controls apply instead of Part C(1).

Insert after ‘Part C(5)...multi-unit housing in the Commercial Zones.’

These controls apply instead of Part C(1).

29 Part C(1), R63 (d)

Substitute:

d) it is a courtyard that meets the requirements of R64/C64, C65 and R66/C66.

30 Part C(1), R73

Substitute:

Where there is a public footpath across the driveway verge crossing, the footpath is to be continuous (i.e. the footpath is to have precedence). If the existing footpath is replaced, it is to be constructed at the same level in the same material and colour as the original.

Variation to the Community Facility Zone Development Code

31 Part A, Element 2, R10

Substitute:

Maximum building height of buildings on community facility land within 30 m of blocks of a Residential Zone: two storeys.

32 Part A, Element 2, C10

Substitute:

The height of buildings on community facility land minimises their impact on items such as solar access, privacy and residential amenity on adjacent residential sites.

33 Part A, Element 2, R11

Substitute:

Minimum setback of buildings on community facility land to boundaries of blocks in a Residential Zone: 6 m.

34 Part A, Element 2, C11

Substitute:

The setback of buildings on community facility land minimises their impact on items such as solar access, privacy and residential amenity on adjacent residential sites.

Variation to the Future Urban Areas Residential Subdivision Development Code

35 Name of code

Omit “Future Urban Areas” from the title page and all footers, so that the name of the code is as follows:

Residential Subdivision Development Code

36 Part B

Under “Application of this code”, omit the first sentence and substitute:

This code applies to the design and subdivision of residential areas that are subject to an Estate Development Plan (EDP).

Variation to Various Codes - National Capital Plan

37	Single Dwelling Housing Development Code, Part B, C16
38	Multi-Unit Housing Development Code, Part B, C30
39	City Centre Precinct Code, Part B, C62
40	Town Centre Precinct Code, Part B, C64
41	Group Centres Precinct Code, Part B, C37
42	Local Centres Precinct Code, Part A, C13
43	CZ2 Office Areas Outside Centres Precinct Code, Part A, C8
44	CZ5 Mixed use Zone Development Code, Part A, C8
45	CZ6 Leisure and Accommodation Zone Development Code, Part A, C10
46	Industrial Zones Development Code, Part B, C13
47	Community Facility Zone Development Code, Part A, C12
48	Parks and Recreation Zone Development Code, Part B, C15
49	Transport and Services Zone Development Code, Part B, C10
50	Non-urban Zones Development Code, Part B, C21
51	Northbourn Avenue Precinct Code, Part B, C29
52	Rural Villages Precinct Code, Part D, C50

Substitute:

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.

Variation to Various Codes – Waste Management

53	City Centre Precinct Code, Element 7.1 R99 and C99
54	Town Centre Precinct Code, Element 7.1, R99 and C99
55	Group Centres Precinct Code, Element 7.1, R71 and C71
56	Local Centres Precinct Code, Element 7.1, R48 and C48
57	CZ2 Office Areas Outside Centres Precinct Code, Element 7.1, R43 and C43
58	CZ5 Mixed use Zone Development Code, Element 7.1, R43 and C43
59	CZ6 Leisure and Accommodation Zone Development Code, Element 7.1, R45 and C45
60	Industrial Zones Development Code, Element 7.1, R50 and C50
61	Community Facility Zone Development Code, Element 7.1, R39 and C39
62	Parks and Recreation Zone Development Code, Element 7.1, R43 and C43
63	Transport and Services Zone Development Code, Element 7.1, R33 and C33
64	Non-urban Zones Development Code, Element 7.1, R40 and C40
65	Northboune Avenue Precinct Code, Element 7.1, R73 and C73

Substitute for 'Development Control Code for Best Practice Waste Management in the ACT 1999':

the current version of the *Development Control Code for Best Practice Waste Management in the ACT*

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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, çempel:
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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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131 450
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