



ACT Government

PLANNING AND LAND MANAGEMENT GROUP
URBAN SERVICES

LAND (PLANNING AND ENVIRONMENT) ACT 1991

**VARIATION TO THE
TERRITORY PLAN**

No. 200

**RESIDENTIAL LAND USE POLICIES,
MODIFICATIONS TO RESIDENTIAL CODES and
MASTER PLAN PROCEDURES**

June 2003

EXPLANATORY STATEMENT

1. INTRODUCTION

The Residential Land Use Policies are the key provisions in the Territory Plan for regulating land use and development on residential land. Draft Variation to the Territory Plan No 200 (DV 200) was introduced in response to the Government's commitment to put in place policies to protect the unique character of Canberra's suburbs and to better manage the process of residential redevelopment and change. The draft Variation proposed to substantially replace the existing Residential Land Use Policies in the Territory Plan Written Statement as well as make a number of targeted changes to other parts of the Plan, particularly the Residential Design and Siting Codes.

This Explanatory Statement describes the key changes to the Territory Plan that are contained within the Recommended Final Variation No 200. The actual proposed changes to the Territory Plan are set out at the end of this document at Attachment A (commencing on page 23). To differentiate between the original draft and the recommended final revisions, the Explanatory Statement separately describes the provisions of the original **May 2002** version of DV 200 and the changes that have been included in the recommended final version. The description of the recommended final revisions is surrounded by a border and headed **RECOMMENDED FINAL VARIATION**. It includes a description of the May 2002 provisions that have been retained as well as the revisions.

DV 200 had interim effect since its release on 30 May 2002. A revision relating to the application of the proposed new private open space standard was made to DV 200 on 1 September 2002 and had effect from that date.

A further revision, was made on 26 November 2002. That revision continued the 5% limit on dual / triple occupancy development (formerly contained in DV 192) until 30 May 2003 or until Variation No 200 commenced under the Land Act.

A recommended final version of DV 200 incorporating these earlier changes was submitted to the Executive on 17 December 2002. In response to an Executive Direction, the submitted version was again revised on 23 December 2003. The Standing Committee on Planning and Environment then considered the draft Variation during the early months of 2003 and released its Report No 15 on 29 April 2003. This June 2003 version of the draft Variation reflects the Government's response to the Committee's report.

DV 200 reflects a number of provisions contained within the document titled 'Draft Guidelines for Multi-unit including Dual Occupancy in Redevelopment Areas' (ACT Planning Authority; November 1994) sometimes referred to as Planning Practice Note 6 (PPN 6) or the "Lansdown Guidelines". Whilst this document currently continues in force as a Planning Guideline under the Territory Plan, it should be noted that it is proposed to be withdrawn when Variation No 200 is approved and becomes part of the Territory Plan.

2. DUAL OCCUPANCY PROVISIONS

Whilst reviewing the public submissions received on DV 200, PALM also undertook further analysis of issues associated with dual occupancy activity and commissioned a comprehensive survey of the attitudes of residents and neighbours of dual occupancy development about their homes and neighbourhoods. The survey, undertaken by Artcraft Research in July 2002, indicated generally high levels of satisfaction with most aspects of dual occupancy development. It also confirmed that dual occupancy provides a valuable alternative housing option for a wide range of household types.

Nonetheless, it is clear that there are still a number of issues of concern by some members of the community with some dual occupancy developments. Through DV 200, PALM has been striving to develop an appropriate dual occupancy policy framework to capture the benefits of this type of development whilst minimising any negative impacts.

In response to a Government election commitment DV 192, released on 6 December 2001, put in place a 5% limit on the number of dual occupancies that could occur in any one section. This was clearly intended as an interim measure only - a holding device aimed at slowing down the level of dual occupancy activity whilst a more comprehensive policy framework was developed. However, whilst it may have had the result of dispersing dual occupancy housing, it does not appear to have diminished the overall level of activity (see Table 1)

Table 1 Dual Occupancy by Year

	TOTAL	Canberra Central
1998/1999	116	60
1999/2000	222	126
2000/2001	266	160
2001/2002	268	158

Source: Housing Development in Canberra, Land Group, June 2002

DV 200 was a more comprehensive policy document than DV 192 and addressed a much wider range of issues relating to development in residential areas beyond just that of dual occupancy housing. It established a strategic framework for managing residential redevelopment that focuses opportunities for providing more housing close to shopping centres and along some public transport corridors. It complemented existing policies in the Territory Plan, such as the B11, B12, and B13 Area Specific Policies which provide opportunities for higher density housing along the Northbourne Avenue public transport spine, and the B8 and B9 Area Specific Policies that aim to support a greater focus on transit orientated development over time in Gungahlin.

As part of developing the policy framework in DV 200, PALM has analysed the pattern of dual occupancy housing activity and concluded that the existing policy framework has contributed to many of the issues relating to recent dual occupancy developments. The existing policy framework consists principally of the draft Guidelines for Multi-Unit Development Including Dual Occupancy (introduced in 1994 following the Lansdown review of residential redevelopment and referred to below as the Dual Occupancy Guidelines). The framework also includes the Territory Plan, particularly the Residential Design and Siting Code for Multi Dwelling Development, and existing leasing arrangements.

The inclusion of an 800m² minimum block area requirement in the Dual Occupancy Guidelines has concentrated dual occupancy activity in areas where blocks exceed this figure. An analysis of block sizes in Canberra Central indicates that such blocks are concentrated predominantly in the suburbs of Ainslie, Turner, Griffith, Red Hill, Forrest and some parts of O'Connor, Yarralumla, Narrabundah and Campbell. There is a close correlation between the concentrations of dual occupancy activity and the concentrations of larger blocks. The other major contributing factor in these areas is the existence of older 'residential purposes only' leases which to date have not required variation to accommodate dual occupancy housing and therefore have not been subject to the change of use charge regime under the Land Act. These factors have significantly contributed to the high levels of dual occupancy activity in these areas.

The impact of dual occupancy development in these areas has been exacerbated by the plot ratio control (35%) in the Dual Occupancy Guidelines. Because it is a flat control, and not dependent on block area, it leads to larger houses on larger blocks. It is the scale along with the concentration of these large houses, particularly where they are located in former backyards, which has often been the concern expressed by surrounding residents.

To address the issues associated with dual occupancy development, DV 200 proposed a number of measures. Firstly, it set up the concept of 'Suburban Areas' where dual occupancy development would be much more tightly controlled than in the 'General' (now 'Residential Core') areas around commercial centres. Originally it proposed that in the Suburban Areas, dual occupancy would be permitted but not be able to be separately titled, ie no Unit Title subdivision. Whilst prohibiting subdivision would not by itself change the impact of a dual occupancy development, the restriction would serve to limit the extent of activity by removing the ability to capitalise the investment which has been a prime motivation for much of the dual occupancy development.

To address the physical impacts of dual occupancy development, DV 200 proposed to introduce a number of controls. Originally it proposed to limit the height of any additional dwelling to single storey with no attics or basements. Whilst the original intent of this provision has been retained, the specific wording of the policy is now proposed to be modified. The restriction will only apply to additional dwellings that are located at the rear of the block where they do not directly front a public road from which vehicular access is permitted. These buildings will now be required to be single storey in scale, (ie carefully designed loft rooms may be permissible) and not have basement carparking.

To address the issue of the scale of dual occupancy housing, DV 200 originally proposed that any additional new dwelling was not greater than 15% of the block area. The intent of this provision was to limit the size of new dwellings in backyards to reduce their impact. However, the wording in the original draft was ambiguous in situations where both dwellings were new and was not appropriate in other situations such as on corner blocks. The provision has been modified in the recommended final version to clarify that it only applies to dwellings in the rear of blocks that do not directly front a public road from which vehicular access is permitted. It has also been modified to clarify the original intent that dwellings at the rear of blocks be small in scale, ie not larger than half the maximum permissible plot ratio, and in no case have a floor area (plot ratio) of more than 17.5% of the block.

In addition, dual occupancy housing will be subject to the proposed new building envelope and private open space provisions which have been designed to minimise the impacts on adjoining blocks of this as well as other forms of residential development.

The original proposal in DV 200 was to retain the flat 35% plot ratio. PALM has further considered the issues associated with plot ratio, subdivision and minimum block area following the analyses referred to above and is now proposing a different approach. In this recommended final version of Variation No 200, it is proposed to replace the flat 35% plot ratio control in Suburban Areas with a new sliding scale. This new approach will reduce the potential size of dual occupancy dwellings on larger blocks in these areas and thereby reduce their impact. The new control is based on the following formula:

$$P = (140/B + 0.15)100$$

Where:

P is the maximum permissible plot ratio expressed as a percentage, and

B is the block area in square metres.

A comparison of the implications of the new standard with the existing standard is set out in Table 2 below.

**Table 2
PROPOSED DUAL OCCUPANCY PLOT RATIO CONTROL FOR SUBURBAN AREAS**

Block Area (B)	Proposed Standard		Existing Standard
	Max Plot Ratio (P)	Max GFA (m ²)	GFA with 35% PR (m ²)
800	32.50%	260	280
900	30.56%	275	315
1000	29.00%	290	350
1100	27.73%	305	385
1200	26.67%	320	420
1300	25.77%	335	455
1400	25.00%	350	490
1500	24.33%	365	525
2000	22.00%	440	700
2500	20.60%	515	875
3000	19.67%	590	1050

The provision in the Dual Occupancy Guidelines that requires 18m² for each carport or roofed open carparking space provided to meet Territory requirements to be added to the gross floor area of the building when calculating the plot ratio of the development, has also been incorporated into the proposed Residential Land Use Policy.

It is proposed that the new plot ratio control be combined with a new clause relating to subdivision. The new clause will close the loophole that currently exists which has often allowed leases for dual occupancy and other forms of multi-unit housing to be subdivided under the *Unit Titles Act 2001* without being subject to change of use charge (CUC). The new clause reads as follows:

'A subdivision of a lease under the *Unit Titles Act 2001* may only be approved where the lease expressly provides for the number of units or dwellings provided for in the proposed subdivision.'

This clause would mean that a 'residential purposes only' lease could only be unit-titled if it was first varied to expressly specify the number of dwellings permitted. For example, before

a dual occupancy development could be unit-titled, the lease would need to be varied to specify that it expressly provided for two dwellings. The implication of this is that intensification of development on 'residential purposes only' leases would no longer be able to avoid paying CUC except where they did not propose to subdivide.

Because the new policies relating to dual occupancy represent a significant departure from the proposed prohibition on subdivision contained in the original version of DV 200, it is proposed that the 5% rule be retained until Variation No 200 is finalised and becomes part of the Territory Plan. The existing plot ratio (35%) and minimum block size (800m²) controls will be also retained until the Variation becomes part of the Territory Plan. However, on commencement of Variation No 200 under the Land Act, the new sliding scale plot ratio control would take over and the 5% rule would cease to apply.

3. CHANGES TO THE TERRITORY PLAN MAP

May 2002

A key feature of the May 2002 version of DV 200 was the identification of the majority of the Territory's residential areas as 'Suburban Areas'. The areas were defined by way of the definition of 'Suburban Areas' contained in the May 2002 version but were not shown on the Territory Plan Map. The definition typically applied to land that was more than 200 metres from a local centre or 300 metres from a group or town centre. The areas close to the town, group and local centres not defined as Suburban Areas were referred to as "General Areas". The application of this definition led to a number of anomalies and also meant that all local, town and group centres had surrounding 'General Areas' regardless of their size, location or the nature of the surrounding development.

RECOMMENDED FINAL VARIATION

Following consideration of comments on the definition and its implications, it is proposed that the 'General Areas' be referred to as 'Residential Core Areas' and that they be defined by way of an "A10 – Residential Core" Area Specific Policy Overlay on the Territory Plan Map. The Recommend Final Variation contains maps showing the location of the proposed Residential Core Areas. It should be noted that this has resulted in a number of modifications to the definition of the areas as proposed originally in the May 2002 version (for further explanation, see below under the heading 'A10 - Residential Core Area Specific Policy').

By showing the areas on the Territory Plan Map, it is possible to modify boundaries and remove anomalies created by relying totally on section boundaries. Physical boundaries, such as roads, paths, and open space have been used to ensure that the boundary of the Core Areas more closely reflects the intended radius of 200 and 300 metres distances from commercial centres. These areas may be amended through future variations to the Territory Plan resulting from Neighbourhood Planning processes.

Unlike the May 2002 version, it is not proposed that all local centres have a Core Area. It is proposed to generally exclude those local centres with less than 500m² commercial gross floor area or which are significantly constrained by heritage issues. The changes to the Territory Plan Map are set out at Section 1 of Attachment A. A description of the A10 – Residential Core Area Specific Policy Statement is set out under that heading below. The Area Specific Policy Statement is set out at Section 2(e) of Attachment A.

4. KEY CHANGES TO TERRITORY PLAN RESIDENTIAL LAND USE POLICIES

Variation No 200 replaces the majority of the existing Residential Land Use Policies in the Territory Plan Written Statement. Although many of the changes to the Residential Land Use Policies are minor and cosmetic in nature, there are a number of significant policy changes, particularly in relation to residential redevelopment. This section describes those key policy changes. Other changes are described in the section below titled 'Other Changes to the Residential Land Use Policies'. The key changes proposed by the May 2002 draft Variation are listed followed by a description of the recommended final provisions. The headings with square bullets below relate to the relevant headings contained in the Residential Land Use Policies as set out at Section 2(d) and (e) of Attachment A.

□ Residential Redevelopment - General

May 2002

The May 2002 draft plan variation introduced a new definition of 'residential redevelopment', meaning development that involves:

- (a) substantial or total demolition of an existing dwelling on land previously used for residential purposes and replacement with one or more new dwellings;
- (b) establishment of one or more new dwellings on land previously used for residential purposes in addition to an existing dwelling; or
- (c) substantial alterations to an existing dwelling that would result in a significant change to the scale and / or character of the dwelling.

The May 2002 draft plan variation made approval of residential redevelopment:-

- subject to the pre-application process as set out in "Designing for High Quality & Sustainable Design" or its successor;
- subject to the submission of an evaluation of existing trees and a landscape design; and
- for a proposal for dual occupancy housing, the block has an area greater than 800m² and for triple occupancy, 1400m², and the resulting gross floor area is not to exceed 35% of the area of the block.

In the May 2002 version, the non-Suburban Areas were not given a name but became known as the "General Areas". This has led to some confusion as the 'General Controls - Residential Redevelopment' clause is intended to apply to all Residential Areas including the Suburban Areas.

In the non-Suburban Areas many of the existing policies of the Territory Plan, prior to the 5% limit on dual and triple occupancy, were proposed to continue to apply. Consolidation and subdivision of blocks for multi-unit housing would continue to be permissible, as would be the subdivision of single blocks for dual and triple occupancy housing (including Unit Title subdivision). Previous height limits of 2 storeys would continue to apply.

RECOMMENDED FINAL VARIATION

A revision has been made to clarify that the General Controls on residential redevelopment apply to all Residential Areas (ie both Residential Core and Suburban Areas).

The definition of 'residential redevelopment' and the requirement that all residential redevelopment be subject to the High Quality Sustainable Design process have been retained. However, the requirement in the May 2002 version that the evaluation of existing trees and the comprehensive landscape design should be carried out by a landscape architect or other expert has been deleted. Submissions received from other professions considered that such a requirement raised issues of equity, discrimination, competition and fair-trading. It is now anticipated that requirements relating to the preparation of landscape plans, etc would be included in a future revision of the High Quality Sustainable Development guidelines.

The provisions relating to minimum block area for dual and triple occupancy are now contained in the section relating to redevelopment in Suburban Areas and in the Residential Core Area Specific Policy (see below).

□ Residential Redevelopment - Suburban Areas

May 2002

The May 2002 draft plan variation introduced the policy that residential redevelopment in Suburban Areas would only be permissible where:

- The development is compatible with any feature of the locality valued by the community;
- No more than two dwellings are proposed on any block that was originally used for the purposes of single dwelling housing (ie. no triple occupancies);
- New buildings do not contain an attic and / or basement in addition to 2 storeys;
- For a proposal for dual occupancy housing, any new dwelling has no significant adverse impact on the streetscape or the amenity of adjoining blocks.

RECOMMENDED FINAL VARIATION

These provisions have been substantially redrafted in the recommended final variation to clarify their intent. The heading has been changed to 'Residential Development and Redevelopment – Suburban Areas' to clarify that some of the controls will also apply to new development as well as redevelopment. A statement of objectives has been included which reflects the previous requirements for development to be compatible with valued features of the locality. The objectives also clarify that Suburban Areas will retain a limited level of flexibility to accommodate a variety of additional housing to meet changing community needs and preferences.

In addition, a number of other changes have been incorporated into this section as set out below.

Dual Occupancy

The provision in the draft variation restricting the height of any additional dwelling to single storey with no attic or basement has been revised. The revised policy clarifies the original intention that this provision only applies where the dwelling is at the rear of a block and does not directly address a public street that provides access. Such dwellings are now proposed to be restricted to being single storey in scale with no basement car parking. Basements, other than for car parking, will be permissible provided the dwelling remains single storey in scale. This also clarifies that an additional dwelling that faces a public road, such as on a corner block, may be two storeys.

As discussed above, the draft variation has been revised to include a new sliding scale plot ratio control for dual occupancy housing. This new control will assist in reducing the impact of dual occupancy housing as well as providing a greater variety of housing stock. This change is not proposed to apply to development applications lodged before the variation commences.

The policy proposed in the May 2002 version not to allow triple occupancy housing in Suburban Areas has been retained.

Provision for Supportive Housing

It is proposed to include a revision that would enable supportive housing to be developed on standard or consolidated blocks. This is in response to many submissions concerned that the May 2002 Suburban Area controls are too stringent and do not provide sufficient flexibility. Along with the changes relating to dual occupancy housing referred to above, it will enable the development of a broader range of housing in Suburban Areas and assist in enabling Canberrans to find appropriate accommodation as they grow older and require a smaller dwelling and some support services. *Supportive housing* must meet the relevant Australian Standards for adaptable housing. A change to the definition for supportive housing will require that a Territory approved organisation manage it.

Attics and basements in addition to 2 storeys

Whilst the proposal to not allow attics in addition to two storeys is retained, the Suburban Area controls have been revised to allow basements other than for car parking to be permissible. This is in response to written comments suggesting that basements can provide useful storage space and have minimal impact on the external appearance if a driveway is not included.

New plot ratio controls for single dwellings and supportive housing

A new provision is proposed to limit single dwelling houses to a plot ratio of 0.5:1 (50%). Given this proposed revision, the requirement in the May 2002 draft for the upper floor level be limited to not more than 15% of the block area is proposed to be deleted.

The plot ratio for supportive housing is proposed to be the 0.35:1 (35%).

□ **Subdivision or Consolidation of Existing Residential Blocks**

May 2002

The May 2002 draft variation introduces a policy that subdivision and consolidation of leases originally used for single dwelling housing purposes is not permitted in Suburban Areas unless the development was approved before 6 December 2002. This cut-off date was included to provide time for those who have made investment decisions on the basis of existing policies to complete their application.

RECOMMENDED FINAL VARIATION

As part of the final revisions to the dual occupancy provisions, it is proposed to retain the prohibition on subdivision of standard blocks in Suburban Areas.

The clauses on 'Subdivision and Consolidation of Existing Residential Leases' and 'Residential Development and Redevelopment – Suburban Areas' have been revised accordingly.

The reference to the Unit Titles Act has been changed to reflect the latest version of that Act. The reference to the *Community Title Act 2001* has been deleted, as that Act does not provide for subdivision.

The key change in this section is the introduction of the new clause that will require leases to expressly provide for the number of dwellings proposed before the lease can be subdivided under the *Unit Titles Act 2001*. This clause will close the loophole that has previously enabled 'residential purposes only' leases to be subdivided without being subject to the change of use charge regime.

□ **'A 10 - RESIDENTIAL CORE' AREA SPECIFIC POLICY**

May 2002

The May 2002 version did not include an Area Specific Policy for the Residential Core areas. The original intention was that the General Controls that applied to all residential areas would apply in these areas and an extra layer of controls was included for the Suburban Areas. The extent of the Suburban Areas was established by the definition of 'Suburban Area' contained in the May 2002 version and not by being shown on the Territory Plan Map.

RECOMMENDED FINAL VARIATION

In conjunction with the boundary definition of the Residential Core Areas (refer to Section 3 – Changes to the Territory Plan Map above), it is proposed to include a new Area Specific Policy statement for Residential Core Areas (A 10). The proposed Area Specific Policy is set out at Section 2(e) of Attachment A. It includes a statement of objectives relating to the retention of opportunities for more housing close to facilities and services and to assisting over time in creating a more sustainable form of urban settlement. Key elements of the Area Specific Policy are as follows:

Plot ratio

It is proposed to introduce a control limiting the plot ratio of most residential redevelopment in the Residential Core Area including single dwellings to 0.5:1 (50%). However, for dual and triple occupancy housing where one dwelling does not directly face a public road from which vehicular access is permitted, it is proposed that the maximum plot ratio will continue to be 0.35:1 (35%).

These potential plot ratios can only be achieved subject to meeting other requirements such as the proposed new private open space standard, height limits, setbacks and building envelope controls.

Multi-unit housing on standard blocks

In order to correct an anomaly in the May 2002 version of DV 200, it is proposed to introduce a policy in the Residential Core Areas that multi-unit housing greater than triple occupancy on standard blocks shall not be approved on blocks less than 1400m².

The minimum block size control of 1400m² for triple occupancy housing is proposed to be retained.

Basements

Attics and basements in addition to 2 storeys continue to be permissible in the Residential Core Areas. However, a revision is proposed stating that on standard blocks ramps to basement car parking shall generally not be approved in front of the building line unless the block has a public road frontage greater than 30 metres.

A consequence of the new definition of basement (1m projection above natural ground level as opposed to the previous 1.8 metres) is that driveways may become steeper as the basement floor level is lowered. The 30 metre frontage requirement is considered necessary to reduce the visual impact of basement car parking on streetscapes, particularly steep driveways, batters, retaining walls, etc.

5. OTHER CHANGES TO RESIDENTIAL LAND USE POLICIES

The headings with square bullets below refer to other relevant provisions of the proposed Residential Land Use Policies as set out at Section 2(d) of Attachment A.

□ Preamble**May 2002**

The preamble identifies the broad intent of the Residential Land Use Policies. It was updated in the May 2002 version to make it more contemporary and to describe the strategic basis of the policies proposed for inclusion in the Plan.

RECOMMENDED FINAL VARIATION

Only minor changes are proposed to the revised preamble including references to 'Residential Core Areas' and 'identified' local centres.

□ Objectives

May 2002

The objectives were revised to include a specific reference to safeguarding the landscape character of Canberra's established residential areas whilst carefully managing change in suitable locations.

RECOMMENDED FINAL VARIATION

No substantive changes are proposed to the objectives in the recommended final variation.

□ Land Use Controls

May 2002

The format for identifying the purposes for which residential land may be used was amended. The format separates Land Use Controls from all other controls. Schedule 1 lists permissible land uses and the controls that apply to each land use. Although some of the terminology has changed, the revised schedule does not make any substantive change to the range of uses currently permitted by the Territory Plan.

RECOMMENDED FINAL VARIATION

The new format proposed in the May 2002 version is retained. A minor change is proposed to Schedule 1 to correct the cross-reference relating to 'Health facility'. It now refers to clause 3.2 rather than clause 3.1.

□ Land Use Restrictions

May 2002

Changes to the existing land use restrictions in the Territory Plan are minor and not likely to significantly change the nature of outcomes on the ground. The existing provisions in the Plan relating to home businesses are included under the heading of land use restrictions but have not been changed in content.

RECOMMENDED FINAL VARIATION

The only substantive change to the May 2002 version is that the recommended final variation includes an additional sentence under "Multi-Unit Housing", stating that for a proposal for dual occupancy housing any additional new dwelling that does not directly address a public road that provides access must have a plot ratio not greater than half the maximum permissible plot ratio of all development on the block or 0.175:1 or 17.5% of the block area, whichever is the lesser.

The May 2002 provision introduced a requirement that any additional new dwelling in a dual occupancy housing development in a Suburban Area be no more than 15% of the block. It is proposed that this provision be deleted. It is considered that the difference between 15% and 17.5% is too marginal to make a noticeable difference on the ground. The revision to 17.5% will ensure that additional new dwellings in the rear of a block will generally not be larger than the dwelling at the front.

□ **Land Use Performance Controls**

May 2002

Minor changes to existing land use performance controls were introduced in the May 2002 version. The Performance Controls for Boarding house, Child care centre, Community activity centre and Residential Care establishment, when these are built within a residential area, have been changed to refer to a maximum plot ratio. The plot ratio provision, instead of a gross floor area control, more appropriately ensures that such development is in scale with the block size and surrounding development.

RECOMMENDED FINAL VARIATION

No substantive changes are proposed to the land use performance controls in the recommended final variation.

□ **Number of Storeys**

May 2002

The current two storey restriction continues to apply to all development, except where provided for in a relevant Area Specific Policy or Special Requirements under the National Capital Plan.

However, on land where an existing approved building exceeds two storeys in height, the policies provide for new building up to the height of the existing building, subject to consideration of the impact of any additional building bulk.

RECOMMENDED FINAL VARIATION

No substantive changes are proposed to the policy relating to the number of storeys in the recommended final variation.

□ **Fencing and Electricity Supply**

May 2002

The provisions in the May 2002 version under these headings are the same as the current provisions of the Territory Plan.

RECOMMENDED FINAL VARIATION

No change is proposed to these provisions in the recommended final variation.

□ **Plot ratio of Development**

May 2002

The May 2002 version did not contain a policy statement under this heading.

RECOMMENDED FINAL VARIATION

A proposed revision has been made to include a new clause that defines how plot ratio of development is to be calculated. A similar approach to that contained in the 'Draft Guidelines for Multi-unit including Dual Occupancy in Redevelopment Areas' (PPN 6) is proposed to be used to ensure that all roofed car parking spaces (whether in garages or carports but not in basements) is included in the calculation.

The new clause also proposes that development up to the same plot ratio of previously approved development may be approved where it exceeds the maximum plot ratio figure specified in the policies.

□ Energy Efficiency Ratings

May 2002

Although the existing Residential Land Use Policies contain a policy statement under this heading, there is no such statement in the May 2002 version of DV 200. This is because a new clause was included in Part A of the Territory Plan as a general requirement following Territory Plan Variation No 155. These provisions are therefore no longer required in the Residential Land Use Policies and have been deleted.

RECOMMENDED FINAL VARIATION

No change is proposed in the recommended final variation.

6. CHANGES TO DEFINITIONS

May 2002

The May 2002 draft variation:

- introduced new definitions into the Territory Plan for the following terms:- 'Building envelope plan', 'Consolidation', 'Dual occupancy housing'; 'Estate development plan', 'Multi-unit housing', 'Planting area'; 'Residential care accommodation', 'Residential redevelopment'; 'Single dwelling housing'; 'Streetscape concept plan', 'Subdivision'; 'Suburban Area'; 'Supportive housing', and 'Triple occupancy housing'; and
- replaced the existing definitions for: 'Apartment'; 'Attic'; 'Basement'; and 'RESIDENTIAL USE'.

The new definitions for Dual occupancy housing; Single dwelling housing; Multi-unit housing and Triple occupancy housing introduced precise definitions for these commonly used terms.

The revised definition of Attic removed the general provision that an attic is not counted as a storey if it meets certain design criteria.

The revised definition of Basement is based on the national harmonisation of definitions agreed by the Development Assessment Forum, a joint initiative of the Federal, State, Territory and Local Governments, the development industry and relevant professional bodies. The definition limits the basement space to a maximum of 1 metre above natural ground level.

RECOMMENDED FINAL VARIATION

Most of the changes proposed in the May 2002 version have been retained. However, it is proposed to no longer include the definitions for Building envelope plan; Estate development plan; Residential care accommodation; and Streetscape concept plan. This is because these definitions have now become part of the Territory Plan as a result of Variations Nos 164 and 176 which commenced on 5 September 2002 and 16 May 2002 respectively.

It is also proposed to replace the definition of 'Suburban Area' with a new definition that refers to the proposed new concept of 'Residential Core Areas' (see above).

It is proposed to amend the definition of 'Supportive housing' to clearly specify that the Territory must approve the organisation providing support to residents.

Additional new definitions are proposed for 'North facing boundary', 'Outbuilding', 'Standard block' and 'Residential Core Area'.

Revisions are proposed to the definitions of ' Dwelling', 'Gross floor area', 'Integrated housing development', 'Private open space' and 'Storey'.

The proposed definitions and changes are set out at Sections 2(a),(b) and (c) of Attachment A.

7. MASTER PLANS PROCEDURES AND CONSULTATION PROCEDURES

May 2002

The May 2002 draft plan variation inserted procedures for the preparation and approval of Master Plans in Part A of the Territory Plan and reiterated that a Master Plan has no effect to the extent of any inconsistency with the Territory Plan.

Also In Part 4 of the Residential Land Use Policies relating to Area Specific Policies, the May 2002 draft plan variation amended the policies relating to Area B11 and Area B12 by removing the mandatory requirement for Section Master Plans.

Along with changes to the Urban Housing Code, it removed the ability for Section Master Plans to specify less onerous provisions than are specified in the Urban Housing Code by:

- deleting Acceptable Standard A.2.2.2 which enables Section Master Plans to specify different building heights to those contained in the Urban Housing Code (Appendix III.3 to the Territory Plan);
- modifying Acceptable Standard A.5.1.2 to only enable Section Master Plans to specify greater setbacks than those contained in the Urban Housing Code; and
- modifying Acceptable Standards A.8.1.1 and A.8.2.7 to remove references to Section Master Plans.

RECOMMENDED FINAL VARIATION

The provisions contained in the May 2002 version have been retained. However, an additional revision is proposed to include a reference to the procedure for correcting an error or making a minor amendment to an approved Section Master Plan.

Reference is also proposed to be made to Neighbourhood Planning Groups with regard to consultation procedures.

The proposed policies and changes are set out in Sections 2(f),(g),(h),(n),(o),(r),(s) and (t) of Attachment A.

8. CHANGES TO RESIDENTIAL CODES

May 2002

The May 2002 draft plan variation introduced a limited number of key changes to the existing Residential Codes in Appendix III of the Territory Plan. This was in advance of a more comprehensive review based on the advice of the recently formed ACTCode Community Advisory Panel. The changes affect the Residential Codes for single dwellings; multi-unit development (more than one dwelling); and multi-unit development in the B11 and B12 Areas (contained in the Urban Housing Code).

The changes address the issues of building bulk and overshadowing by proposing new Performance Measures in relation to building setbacks and building heights. A significant increase in the amount of private open space is proposed in addition to Performance Measures to ensure that the private open space is useable and at least half is retained as a permeable planting area.

Another change was to remove any reference in the Urban Housing Code to Section Master Plans being able to provide for less onerous standards to those contained in the Territory Plan.

The headings with square bullets relate to relevant headings contained in the Residential Design and Siting Codes (see Attachment A).

□ Building in Relation to Side and Rear Boundaries

May 2002

The May 2002 draft plan variation introduced a Performance Measure for single dwellings and multi-unit development that replaced the existing maximum height of walls provision with a building envelope Acceptable Standard.

The Acceptable Standard stated that for those parts of a building that are sited forward of a line parallel to, and 12 metres behind, the upper floor level building line, the building envelope is drawn by projecting a plane at 45 degrees above horizontal from a height of 2 metres above natural ground level at the side and rear boundaries. For those parts of the building that are located more than 12 metres behind the upper floor building line, the angle used to create the envelope is 30 degrees, which is similar to the midday angle of the sun at the winter solstice.

Building height is restricted to a maximum of 8.5 metres (or 12 metres where 3 storey development is permitted).

In addition, in Suburban Areas the May 2002 draft plan variation constrained the potential bulk of buildings by introducing a new Performance Measure specifying that the gross floor area of any second storey is not to exceed 15% of the block area. The only exception was in greenfield situations where an approved building envelope plan could specify different provisions (NB. building envelope plans must be prepared as part of the development plan for the new estate).

Similar provisions were also proposed to apply to multi-unit development in the B11 and B12 Areas, under the Urban Housing Code (Appendix III.3 to the Territory Plan), with the maximum building height for 3 storeys buildings being 12 metres. The only exception was where the wall is built to a boundary. In the B11 and B12 Areas, Acceptable Standard 6.6.3 relating to overshadowing was proposed to be deleted as it was considered to be overly restrictive and had proved contradictory to the intention of the policies.

The May 2002 draft plan variation also proposed to reduce the maximum permissible height of walls on a boundary, from 4 metres to 3.5 metres.

RECOMMENDED FINAL VARIATION

Many aspects of the proposed building envelope controls have been retained. However, several submissions on the May 2002 draft plan variation recommended that it should be amended to take into account the solar orientation of the block. It was argued that it was illogical and overly limiting to have the same solar protection irrespective of whether the proposed development was next to the southern or northern boundary of the adjacent block.

Comparison with the building envelope provisions applying under the Australian Model Code for Residential Development (AMCORD) and ResCode (the new Victorian Code) indicate that the standards proposed in the May 2002 version were significantly more stringent than those applied elsewhere in Australia. In response to this issue and the comments received, the recommended final variation proposes an amended building envelope control. It is now proposed that the provisions contained in the May 2002 version only apply to the side and rear boundaries that are the north-facing boundaries of an adjoining residential block. This will maintain a level of solar access to those adjoining blocks that is higher than provided for under comparable codes applying elsewhere in Australia. On all other boundaries the 30 degree and 45 degree angles will be taken from a height of 3.5 metres on the boundary. This revision more closely accords with the standard recommended in AMCORD.

The proposed performance measures and changes are set out in Sections 2(i),(j),(k),(l) and (m) of Attachment A.

□ Buildings in Relation to Front Boundaries

May 2002

The May 2002 version proposed a variation to the minimum setbacks in relation to subdivisions of land previously not developed for residential purposes. It proposed to modify the minimum setback of buildings from the front boundary from 4 metres to 4 metres for the ground floor level and 6 metres for the upper floor level.

RECOMMENDED FINAL VARIATION

This proposed change is retained in the recommended final variation and is set out in Sections 2(p) and (q) of Attachment A.

□ Private Open Space

May 2002

The May 2002 draft plan variation proposed that the amount of private open space provided on a block under the Single and Multi-Dwelling Design and Siting Codes be increased significantly. The existing standard under these codes requires 35% of the block area for blocks up to 450m² in area and 40% of the block area for blocks greater than 450m² to be provided as private open space. The May 2002 version proposed a new standard that introduced a sliding scale of 70 m² or 70% of the area of the block per dwelling less 80m² whichever is the greater.

Additional Performance Measures proposed that 50% of the private open space should have a minimum dimension of 6 metres. At least one area should be useable private open space, screened from public view, directly accessible from an indoor daytime living area and have minimum dimensions in relation to the size of the block. These dimensions are substantially increased for larger blocks.

A new Performance Criterion is proposed specifying that *“unpaved or unsealed areas are provided to facilitate on-site infiltration of stormwater run-off and provision of landscaping”*. An associated new Performance Measure is proposed stating that *“minimum proportion of the private open space retained as planting area – 50%”*.

RECOMMENDED FINAL VARIATION

The definition of private open space currently excludes any outdoor area required for the manoeuvring of motor vehicles.

Several submissions on the May 2002 draft plan variation addressed the private open space standards and indicated that a potential consequence of the increased private open space requirement would be to minimise vehicle manoeuvring areas and push garages as far forward as possible. This may have a detrimental impact on the streetscape.

Accordingly it is now proposed to amend the definition of private open space by replacing the reference to manoeuvring areas with a reference to *“common driveways and common vehicle manoeuvring areas”*. This will have the effect of including manoeuvring areas for private (non-shared) driveways as private open space.

In conjunction with this change and the introduction of an overall plot ratio control on development in both Suburban and Residential Core Areas, it is now proposed to modify the formula that establishes the performance measure for private open space. The minimum area for private open space is now proposed to be 60% of the block area less 50m². A number of submissions on DV 200 were critical of the extent to which the original proposed standard limited design flexibility and tended to encourage two storey development. Under the revised approach overall building bulk will be restricted by the proposed plot ratio controls and there will be more flexibility for single storey development. This revised standard recognises recent trends towards smaller blocks in new areas and changing housing preferences. However it still represents a significant increase in the required amount of private open space above the existing standard. A comparison between the existing and new standards is set out in Table 3 below.

The private open space standards for single dwelling and multi-dwelling housing are now proposed to be expressed separately to assist in clarifying their interpretation. For multi-unit housing the standard is proposed to be expressed as an average area of private open space per dwelling.

In addition, the standards applying to an area of open space useable for outdoor living activities has been modified. The area requirement for this space will now be expressed as a percentage of the block area (10%). The existing minimum dimension requirement of 6 metres is retained. However the existing requirement that 50% of the required private open space has a dimension of 6 metres has been removed as further analysis indicated that this requirement often led to open space being provided in areas where it was not particularly useful.

The proposed performance measures and changes are set out in Sections 2(u),(v),(w) and (x) of Attachment A.

Table 3

COMPARISON OF EXISTING AND PROPOSED PRIVATE OPEN SPACE STANDARDS				
	EXISTING PERFORMANCE MEASURE		PROPOSED PERFORMANCE MEASURE	
Block Area (m ²)	% of block area	POS (m ²)	POS = 60% of block area less 50m ²	% of block area
250	35.00%	87.5	100	40.00%
300	35.00%	105	130	43.33%
400	35.00%	140	190	47.50%
500	40.00%	200	250	50.00%
600	40.00%	240	310	51.67%
700	40.00%	280	370	52.86%
800	40.00%	320	430	53.75%
900	40.00%	360	490	54.44%
1000	40.00%	400	550	55.00%
1500	40.00%	600	850	56.67%
2000	40.00%	800	1150	57.50%

□ **Summary – Performance Measure Diagram**

May 2002

The May 2002 version proposed some modifications to the existing summary diagrams contained in the Single and Multi Dwelling Design and Siting Codes.

RECOMMENDED FINAL VARIATION

In response to a number of adverse comments about the usefulness of the diagrams, the recommended final variation now proposes that they be deleted (Section 2(y) at Attachment A refers).

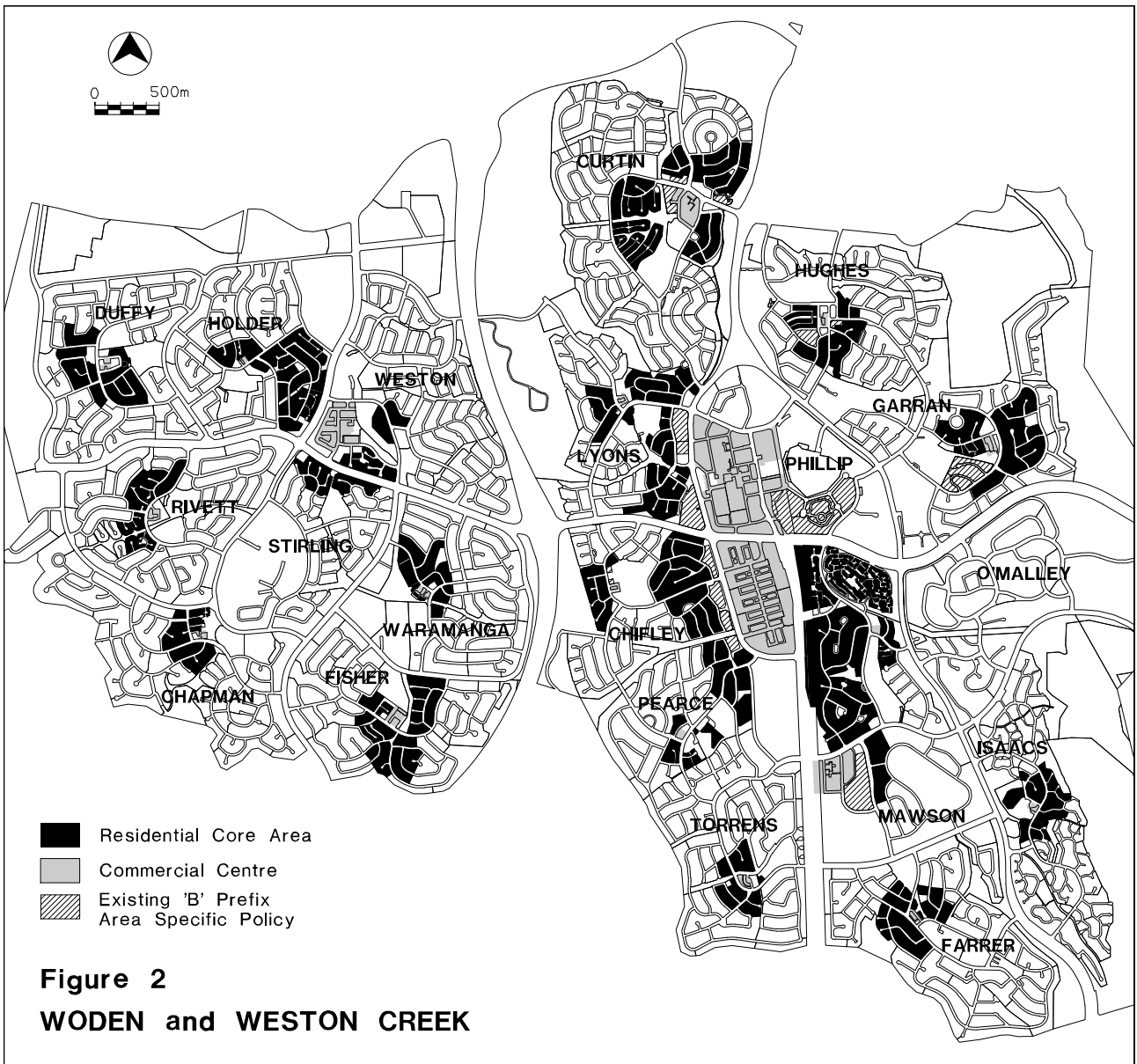
ATTACHMENT A

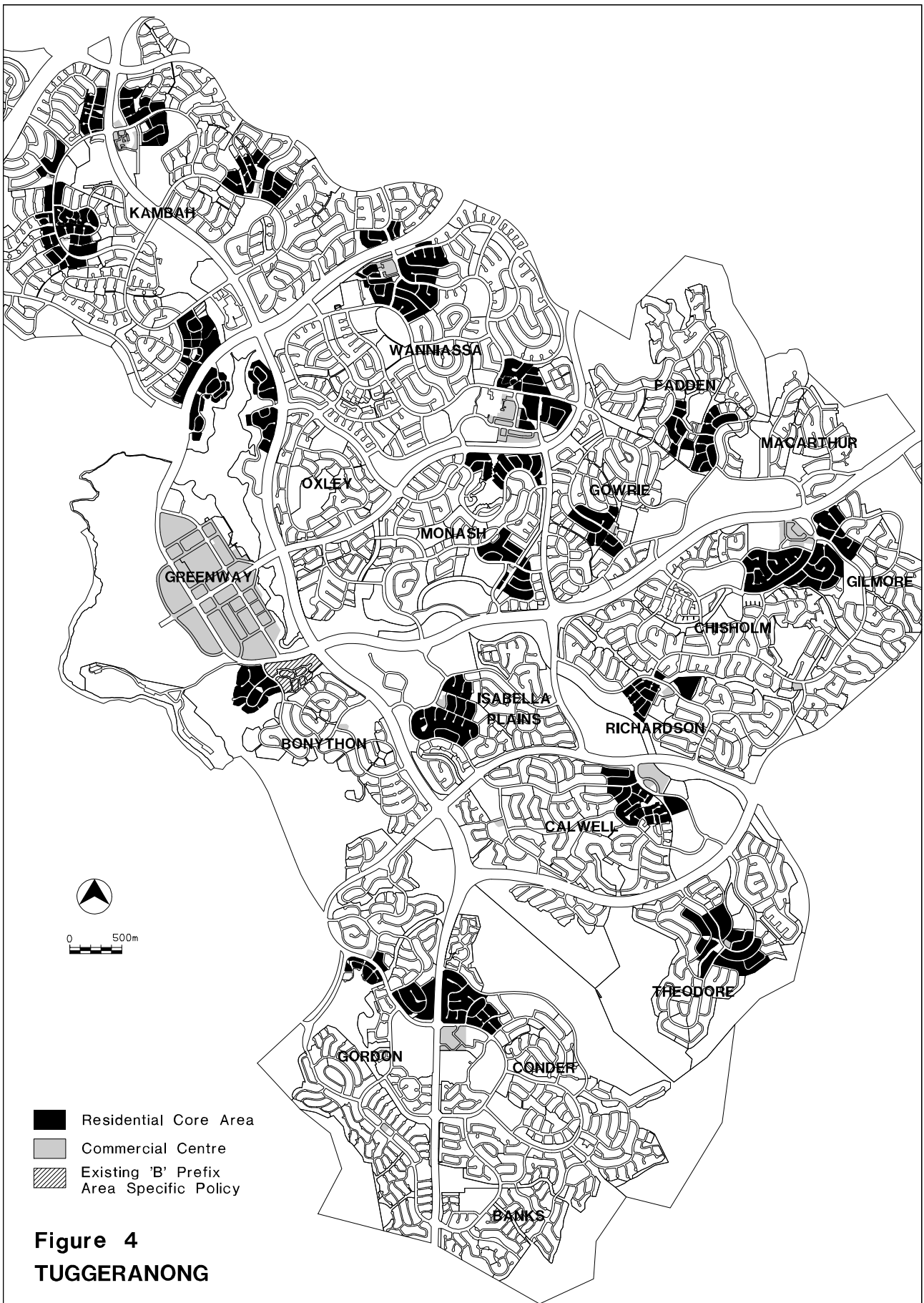
1) VARIATION TO THE TERRITORY PLAN MAP

The Territory Plan Map is varied by adding the A10 – ‘Residential Core’ Area Specific Policy overlay to those areas shown as Residential Core Area in figures 1-4 below:



Figure 1
CANBERRA CENTRAL





2) VARIATION TO THE TERRITORY PLAN WRITTEN STATEMENT

a) At Part D, Definition of Terms, add the following new definitions where occurring in alphabetical order:

Consolidation has the same meaning as in the Land Act.

Dual occupancy housing means the use of land that was originally used or leased for the purposes of *single dwelling housing* for two *dwellings*.

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

Common Terminology: *apartments*, cluster housing, multi-dwelling development, multi-unit development.

North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between north 20 degrees west and north 30 degrees east.

Outbuilding means a shed, garage or similar structure that is ancillary to the permitted use of the land.

Planting area means an area of land within a block that is not covered by buildings, vehicle parking and manoeuvring areas or any other form of impermeable surface and that is available for landscape planting.

Residential redevelopment means development that involves:

- a) substantial or total demolition of an existing dwelling on land previously used for residential purposes and replacement with one or more new dwellings;
- b) establishment of one or more new dwellings on land previously used for residential purposes in addition to an existing dwelling; or
- c) substantial alterations to an existing dwelling that would result in a significant change to the scale and/ or character of the dwelling.

Single dwelling housing means the use of land for a single *dwelling* only.

Standard block means a block with an area greater than 500 m² that was originally leased or used for the purpose of *single dwelling housing*.

Subdivision has the same meaning as in the Land Act.

Suburban Area means land that is shown on the Map as being:

- a) subject to the Residential Land Use Policy; and
- b) not subject to an Area Specific Policy with a B prefix or an A10 (Residential Core) Area Specific Policy (see Section 4 of the Residential Land Use Policies).

Residential Core Area means land that is shown on the Map as being subject to the Residential Land Use Policy and an 'A10' (Residential Core) Area Specific Policy (see Section 4 of the Residential Land Use Policies).

Triple occupancy housing means the use of land that was originally used or leased for the purposes of *single dwelling housing* or *dual occupancy housing* for three *dwellings*."

b) At Part D - Definition of Terms, and where occurring in Appendix III – Residential Codes, delete the definitions for, Apartment, Attic, Basement, Dwelling, Gross floor area (GFA), Integrated development, Private open space, RESIDENTIAL USE, Storey and Supportive housing. Replace with the following definitions:

Apartment means a *dwelling* located within a *building* containing two or more *dwellings* and which is not an *attached house*.

Attic means any habitable space contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

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

Dwelling means a building or part of a building used as a self contained residence which must include:

- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a dwelling.

Gross floor area (GFA) means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking.

Integrated housing development means development where the developer:

- a) is responsible for the planning, design and building of all the housing and associated facilities; or
- b) undertakes the site planning and development of infrastructure as well as establishing general requirements for building design without actually constructing the dwellings.

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. Up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over.

RESIDENTIAL USE means a *Caretaker's residence, Multi-unit housing, Single dwelling housing, Residential care accommodation and/or Supportive housing*.

Storey means a space within a *building* that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an *attic* or a *basement*.

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. 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.

Common Terminology: aged persons units, community housing, older persons units, rooming house, university college.”

- c) At Part D, Definition of Terms, delete the definition for Multi unit Development.**

- d) **At Part B1 Residential Land Use Policies, delete Sections 1 – Objectives, Section 2 – Controls and Section 3 – Public Notification and Appeal Provisions, and replace with the following:**

“B1 RESIDENTIAL LAND USE POLICIES

PREAMBLE

The Residential Land Use Policies are designed to address five major challenges:

- *protecting the predominantly low-density, low-rise, leafy character of most established residential areas*
- *fostering high quality living environments in new and redeveloping areas*
- *offering a wider variety of attractive and affordable housing choices which meet the changing needs of the ACT community*
- *promoting sustainable, environmentally sensitive development less dependent on car travel and which minimises infrastructure and service costs*
- *encouraging more housing in locations that have convenient access to employment opportunities and a broad range of community and commercial facilities.*

The policies provide a framework within which housing demand can be met over time and inevitable changes managed carefully. This framework consists of three main elements:

- *Objectives and General Controls applying to all Residential Areas (Sections 1, 2 and 3)*
- *Area Specific Policies for particular locations identified on the Territory Plan Map (Section 4)*
- *A series of Residential Codes, which are included at Appendix III of the Written Statement.*

The framework reflects a strategy for responding to the above challenges by applying controls to more effectively manage redevelopment in established residential areas and by making some adjustments to the design and siting codes that apply to development in new, as well as established areas. The general controls on residential redevelopment entrench the pre-application processes associated with the Designing for High Quality and Sustainability program into the statutory framework of the Territory Plan. The Residential Land Use Policies protect the existing low-density character of the majority of established residential areas defined as ‘Suburban Areas’ by limiting the range of multi-unit housing options and imposing additional stringent controls on redevelopment.

In the defined ‘Residential Core Areas’ around identified local, group and town centres, the policies permit a wider range of housing to occur subject to the general controls on redevelopment, the specific controls relating to the core areas and the relevant provisions in the residential codes. Over time, this will help support those centres as well as improving access to facilities and services and reducing reliance on car usage. These policy provisions are set out principally in the A10 Area Specific Policy and in the Residential Codes.

To promote a more sustainable pattern of development and particularly to reduce dependency on car travel, the strategy focuses opportunities for medium and higher density principally within and around commercial centres, major activity nodes and along trunk public transport routes. Such areas are or will be identified on the Territory Plan Map as Area Specific Policies with a 'B' prefix. These policy provisions are set out in the Area Specific Policy statements in Section 4. These provisions may include modifications to certain aspects of the relevant Residential Code that would apply in the area. The extent of these areas may be adjusted over time following strategic and neighbourhood planning processes through subsequent variations to the Territory Plan.

In addition to housing, the Residential Land Use Policies continue to allow some small-scale community and commercial uses within residential areas in order to meet local needs, for example childcare centres, medical practices and community halls. These uses must be compatible with the character and amenity of surrounding residential development and must not cause unreasonable annoyance or nuisance to residents.

The policies also allow people to work from home, again provided there is no significant impact on residential amenity. 'Home occupations' that employ only the residents of the block concerned and clearly have no adverse impacts on surrounding properties will not require approval. However, an application will still be required for 'Home businesses' because of their potential for some impacts.

Development in residential areas will be subject to the relevant Residential Code at Appendix III. The codes are 'performance-based' and emphasise the need to achieve quality outcomes rather than specifying numerous prescriptive rules.

Heritage residential areas in the older parts of Canberra and elsewhere will continue to receive special protection against inappropriate development. These areas are identified on the Territory Plan Map and special requirements are included in the Heritage Places Register.

The Residential Land Use Policies include a number of Area Specific Policies (see Section 4). In broad terms, Area Specific Policies provide for:

- medium and higher density urban housing in locations close to commercial and employment centres (such as Civic, the town centres and, Kingston/Griffith), as well as along major public transport corridors (eg the B11, B12 and B13 areas in Inner North Canberra)*
- a wider range of accommodation types and/or commercial and community uses in certain locations (Northbourne Avenue, Gungahlin Town Centre, Forrest.)*
- a single storey limit in environmentally sensitive locations where visual impacts need to be minimised*
- protection of the special character of certain areas such as Hall and Tharwa.*

1. OBJECTIVES

The objectives of the Residential Land Use Policies are to:

- a) foster high quality living environments in both new and redeveloping areas which contribute to Canberra's landscape character;
- b) respond to the social and economic changes that are affecting housing provision and choice;
- c) create a wider range of affordable and sustainable housing choices throughout the ACT that will accommodate population growth and meet changing household and community needs;
- d) safeguard the amenity, safety and special qualities and in particular the landscape character of established residential areas whilst carefully managing change in suitable locations;
- e) provide increased opportunities for medium and higher density residential development, particularly in areas close to commercial and employment centres, and along major transport corridors;
- f) facilitate efficient use of existing social and physical infrastructure and services, as well as cost-effective provision of new infrastructure;
- g) promote energy efficiency and conservation, including increased use of public transport, cycling and walking;
- h) promote sustainable urban water management;
- i) provide opportunities for home-based employment consistent with residential amenity;
- j) make adequate provision for needed community facilities within residential areas, and for appropriate commercial activities in selected locations.

2. LAND USE CONTROLS

Subject to the Land Act, the purposes for which Residential land may be used (permissible uses) are listed in the left hand columns of Schedule 1 below.

All permissible uses are subject to:

- any relevant **Objective**;
- any specified **Control** in the right hand column of **Schedule 1**;
- General Controls specified in Section 3;
- any relevant Area Specific Policies in Section 4; and
- any other pertinent provision of the Plan.

SCHEDULE 1 – PERMISSIBLE USES

LAND USE	CONTROL
Ancillary use	
Boarding House	Subject to clauses 3.1 and 3.2
Child care centre	Subject to clauses 3.1 and 3.2
Community activity centre	Subject to clauses 3.1 and 3.2
Guest house	Subject to clause 3.1
Habitable suite	Subject to clauses 3.1 and 3.2
Health facility	Subject to clause 3.2
Home business	Subject to clauses 3.1 and 3.2
Home occupation	See definition of <i>Home occupation</i> at Part D
Minor use	
Multi-unit housing	Subject to clauses 3.1 or where in accordance with the approved <i>Estate Development Plan</i> .
Parkland	
Relocatable unit	Subject to clauses 3.1 and 3.2
Single dwelling housing	
Special dwelling	
Residential Care Accommodation	Subject to clauses 3.1 and 3.2
Supportive Housing	Subject to clause 3.1
Temporary use	

3. OTHER CONTROLS

3.1 Land Use Restrictions

Boarding house, Child care centre, Community activity centre, Residential care accommodation, Supportive housing:

May only be approved where:

- a) it can be demonstrated that the use will not have a significant adverse impact on surrounding residential development; and
- b) the building form and materials have a domestic character and scale compatible with the locality.

Multi-Unit Housing (Including Dual and Triple Occupancy Housing)

- (a) Where a residential lease is expressed to require the erection of a single dwelling, a development approval which has the effect of allowing multi-unit housing on the land shall not be granted unless a period of 5 years has elapsed since the original dwelling was certified as completed in accordance with the requirements of the Territory.
- (b) For a proposal for dual occupancy housing, the plot ratio of any additional new dwelling that does not directly front a public road from which vehicular access is permitted shall not be greater than half of the permissible plot ratio of all development on the block or 0.175:1 (17.5%), whichever is the lesser.
- (c) For the purpose of the Residential Land Use Policies, any room or suite of rooms that is
 - (i) capable of being occupied as a self contained residence;
 - (ii) includes:
 - food preparation facilities;
 - a bath or shower;
 - a closet pan and wash basin; and
 - (iii) does not rely on another *dwelling* for access, sharing of facilities or provision of services; shall be considered as a separate *dwelling*.

(Note: Paragraph (b) does not apply to development applications lodged before 1 September 2002.)

Guest house

May only be approved on land adjacent to commercial centres and on blocks abutting Northbourne Avenue in Downer Sections 34 and 44. Not more than one Guest house may be permitted in any one section adjacent to a commercial centre.

Habitable suite - (see also clause 3.2 Performance Controls)

May only be approved:

- (a) on a block on which is erected a single dwelling;
- (b) where the applicant submits a Statutory Declaration stating that while the Habitable suite is occupied as a separate domicile it will be occupied only by a person who is:
 - (i) providing care to; or
 - (ii) receiving care from,

an occupant of the main dwelling for reasons of infirmity (due to age) or disability; and

- (c) where the building is in accordance with the Residential Design and Siting Code for Single Dwellings Appendix III.

Home Business (see also clause 3.2 Performance Controls)

The use of residential land for carrying on a profession, trade, occupation or calling on the land is development where the use is a *Home business* as defined in the Plan.

A *Home business* may only be approved where:

- (a) at least one worker is a bona fide resident of the land;
- (b) the operation of the *Home business* does not cause unreasonable annoyance, offence, nuisance or danger to any tenant or occupant of adjoining land;
- (c) goods related to the *Home business* are not displayed in windows or outside the building;
- (d) provision is made for the parking of all customer/client vehicles on existing driveways within the block or in a suitably screened location on the land;
- (e) the *Home business* does not, or is unlikely to cause, pollution, create a health hazard or present danger which is prohibited under any relevant Territory legislation and/or Code of Practice (as may vary from time to time);
- (f) traffic generated by the *Home business* does not unacceptably affect the flow of local traffic;
- (g) the use does not result in the storage on the block of materials obtained for or generated by the *Home business* other than within the confines of approved structures; and
- (h) retailing associated with the *Home business* does not, or is unlikely to generate an increase in traffic, parking demand or noise, which is unreasonably deleterious to the amenity of the surrounding area.

Except that where a *Home business* had previously been regularly approved under Section 10 of the City Area Leases Act 1936, variations from the above controls may be permitted provided they are consistent with the conditions under which previous approval was granted.

Relocatable unit - (see also clause 3.2 Performance Controls)

May only be approved:

- (a) on a block on which is erected a single dwelling;
- (b) where the applicant submits a Statutory Declaration stating that while the Relocatable unit is occupied as a separate domicile it will be occupied only by a person who is
 - (i) providing care to; or
 - (ii) receiving care from,
an occupant of the main dwelling for reasons of infirmity (due to age) or disability; and
- (c) where the building is in accordance with the Residential Design and Siting Code for Single Dwellings at Appendix III.

3.2 Land Use Performance Controls

LAND USE PERFORMANCE CONTROLS	
PERFORMANCE CRITERIA	ACCEPTABLE STANDARDS
<p>Boarding House, Child care centre, Community activity centre, Residential care accommodation.</p> <ul style="list-style-type: none"> To protect the amenity of the area by restricting the agglomeration of these activities. To ensure the development is of a compatible scale with surrounding residential development 	<p>Maximum of one of these uses in a section.</p> <p>Maximum plot ratio: 0.35:1 (35%)</p>
<p>Habitable suite To protect the single dwelling housing character and amenity of predominantly detached housing areas.</p>	<p>Maximum gross floor area of 70m² 1 parking space in addition to that required by the main dwelling.</p>
<p>Health facility</p> <ul style="list-style-type: none"> To protect the amenity of the area by restricting the agglomeration of non-residential activities. To ensure that health facilities are located in areas which are easily and safely accessible. 	<p>Maximum of one Health facility in a section</p> <p>Locations adjacent to land under a Commercial 'C' or Commercial 'D' Land Use Policy.</p>
<p>Home business (see also clause 3.1) To protect the amenity of the area by:</p> <ul style="list-style-type: none"> restricting the agglomeration of non-residential activities; and ensuring that the scale of Home businesses is compatible with the residential character of the locality. 	<p>Maximum of two Home businesses per section.</p> <p>Maximum gross floor area of business (including storage) of 40 m²;</p> <p>Maximum of three persons (including resident workers) employed on the site; and</p> <p>Maximum of one commercial vehicle operating from or parked within the site.</p>
<p>Relocatable unit</p> <ul style="list-style-type: none"> To protect the single dwelling housing character and amenity of predominantly detached housing areas. 	<p>Maximum gross floor area of 70m².</p> <p>Minimum 3.5 metres setback from any window or opening in wall of main dwelling.</p> <p>Maximum height of wall 3.5 metres.</p> <p>Located at the rear of the main dwelling.</p> <p>1 parking space in addition to that required by the main dwelling.</p>

3.3 Design of Development

Except as provided for in a relevant Area Specific Policy, development shall be in accordance with the relevant Residential Code set out at Appendix III.

3.4 Number of Storeys

Except where provided for in a relevant Area Specific Policy (see Section 4) or in Special Requirements under the National Capital Plan, buildings shall not contain more than two storeys. Subject to clause 3.6, a basement and/ or an attic, may also be permitted. Notwithstanding this clause or clause 3.6, on land where a lawfully constructed building exceeds 2 storeys in height, a new building or buildings up to the height of the existing building may be permitted subject to consideration of any adverse impact resulting from increase in building bulk.

3.5 Residential Redevelopment - General

Residential redevelopment means development that involves:

- a) *substantial or total demolition of an existing dwelling on land previously used for residential purposes and replacement with one or more new dwellings;*
- b) *establishment of one or more new dwellings on land previously used for residential purposes in addition to an existing dwelling; or*
- c) *substantial alterations to an existing dwelling that would result in a significant change to the scale and/ or character of the dwelling.*

The following general controls relate to residential redevelopment in all residential areas.

In all Residential Areas, *residential redevelopment* may only be approved where:

- a) the proposed development complies with any relevant Area Specific Policy (see Section 4) or Heritage Places Register (see Appendix V);
- b) the applicant has successfully completed the pre-application processes as set out in "Designing for High Quality & Sustainability" (ACT Planning and Land Management; June 2001) or its successor;
- c) the applicant has submitted an evaluation of existing trees together with a comprehensive landscape design indicating the size and type of species proposed for the site and the adjacent verge. Significant existing trees on the site and adjacent verge are to be retained unless prior agreement has been obtained from the Territory; and
- d) Until the date that this clause commences under section 29 or 30A of the Land Act, whichever occurs first, *dual occupancy housing* or *triple occupancy housing* may only be permitted where the number of blocks in the section on which this type of development is approved or lawfully constructed is not more than 5% of the total number of blocks in the section used or originally intended to be used for *single dwelling housing*.

Note: Paragraph (d) does not apply to any development application that was lodged or proposal for which an acceptable Design Response Report has been submitted as required by "Designing for High Quality & Sustainability" (ACT Planning and Land Management; June 2001) by 20 December 2001.

3.6 Residential Development and Redevelopment – Suburban Areas

The term 'Suburban Area' is used to describe land that is subject to the Residential Land Use Policy; but not subject to any Area Specific Policy with a 'B' prefix or an A10 (Residential Core) Area Specific Policy (see Section 4 of the Residential Land Use Policies). It includes areas that are subject to a Heritage Places Register as well as residential areas with an 'A' prefix, Area Specific Policy overlay other than the A10 overlay.

The following additional policies apply only to land in Suburban Areas as defined.

Objectives

- To ensure development respects characteristic features of existing attractive streetscapes such as building scale, height and setbacks, landscape character and architectural style and is compatible with adjoining development.
- To retain a limited level of flexibility to accommodate a variety of additional housing to meet changing community needs and preferences.

Controls

The following additional controls shall apply to development in *Suburban Areas*. The controls on *residential redevelopment* are in addition to the general control in clause 3.5 above.:

- a) On a *standard block* or a block resulting from the consolidation of *standard blocks*, residential redevelopment consisting of more than two dwellings shall not be approved unless:
 - (i) the development is for the purpose of *supportive housing*; and
 - (ii) all dwellings are designed to meet the relevant Australian standards for adaptable housing.
- b) Subdivision or consolidation of blocks (including Unit Title subdivision) may be approved subject to the following:
 - (i) Consolidation of leases for *standard blocks* may only be approved where development is for *supportive housing* purposes.
 - (ii) Subdivision (including subdivision under the *Unit Titles Act 2001*) or consolidation of leases for *standard blocks* shall not be approved where the land is the subject of a Heritage Places Register (see Appendix V).
 - (iii) On land not the subject of a Heritage Places Register, the subdivision of a lease of a *standard block* to provide for more than one dwelling (including subdivision under the *Unit Titles Act 2001*) may only be approved where all of the dwellings were lawfully constructed, approved or had been the subject of a formally commenced High Quality Sustainable Design process (ACT Planning and Land Management; June 2001) before 17 June 2003 and for which a development application had been lodged by 1 September 2003.
- c) Proposals involving subdivision or consolidation of blocks must be accompanied by information that demonstrates how the proposed development fits in with the existing suburban character of the area.

- d) For *dual occupancy housing*, the maximum plot ratio of all development on the block shall be as determined by the following formula:

$$P = (140/B + 0.15)100$$
 where:
 P is the maximum permissible *plot ratio* expressed as a percentage; and
 B is the block area in square metres.
 Except that for development applications for *dual occupancy housing* lodged before 30 May 2003, the maximum plot ratio for all development on the land shall be 0.35:1 (35%).
- e) For *supportive housing* on a *standard block* or block resulting from the consolidation of *standard blocks*, the maximum *plot ratio* shall be 0.35:1 (35%).
- f) *Dual occupancy housing* may only be approved where the block has an area greater than 800m².
- g) For a proposal for *dual occupancy housing*, any additional new dwelling that does not directly front a public road from which vehicular access is permitted shall be single storey in scale with no basement car parking.
- h) On *standard blocks*, *attics* or *basement* car parking shall not be approved where in addition to 2 storeys.
- i) The maximum site density of *single dwelling housing* shall depend on provisions in the relevant residential code at Appendix III (eg setbacks from boundaries, building envelope controls, private open space requirements, etc). On a standard block it shall not exceed a *plot ratio* of 0.5:1 (50%). On a non-standard block it shall not exceed a *plot ratio* of 0.5:1 (50%) unless provided for in an approved *building envelope plan*.
- j) *Residential redevelopment* on blocks originally used for *multi-unit housing*, including rebuilding up to the height of the existing development where it exceeds 2 storeys may be approved subject to consideration of adverse impacts resulting from any increase in building bulk.

(Note: This clause does not apply to development applications lodged before 1 September 2002.)

3.7 Subdivision or Consolidation of Existing Residential Leases

- a) Subdivision or consolidation of leases used for residential purposes may only be approved where the subdivision or consolidation is part of an *integrated housing development* and where it is demonstrated that any building on a consequent lease is or can be designed in accordance with the relevant residential code at Appendix III.
- b) A subdivision of a lease under the *Unit Titles Act 2001* may only be approved where the lease expressly provides for the number of units or dwellings provided for in the proposed subdivision.
- c) In this clause, subdivision does not include a minor boundary adjustment that does not provide for the creation of an additional residential lease.

Note: Paragraph (b) does not apply to any development for which an application for subdivision was lodged by 1 July 2004; and

- that had been lawfully constructed; or
- for which a development application had been lodged; or
- for which an acceptable Design Response Report had been submitted as required by "Designing for High Quality & Sustainability" (ACT Planning and Land Management; June 2001);

by 17 December 2002.

3.8 Plot Ratio of Development

Where a maximum *plot ratio* is specified in the Residential Land Use Policies, 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 18 m² for each roofed open car space or carport 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.

Notwithstanding restrictions on the *plot ratio* of development contained in the Residential Land Use Policies, on land where lawfully constructed development exceeds the specified maximum plot ratio, replacement development up to the same *plot ratio* as the existing development may be approved subject to consideration of any adverse impact resulting from the building bulk and providing that the development does not involve an increase in the number of dwellings on the land.

Note: This clause does not apply to development applications lodged on or before 17 December 2002.

3.9 Fencing

Fencing shall not be erected in front of the building line except where provided for in planning guidelines or development conditions released prior to the issue of a lease. This restriction does not apply to courtyard walls that are in accordance with the relevant Residential Code set out in Appendix III.

3.10 Electricity Supply

Electricity supply lines within existing residential areas shall be underground or along the rear spine or side of blocks. No continuous rows of electricity supply poles shall be erected on residential streets or streets with residential access. In new residential areas, permanent or long-term electricity supply lines up to and including 11 kV shall be underground."

- e) **At Part B1 Residential Land Use Policies, Section 4 – Area Specific Policies, section titled “A. Residential – Low Rise Development and Additional Uses”, add the following in appropriate alphanumeric order:**

“Area A10 Residential Core

The Residential Core Areas typically consist of those residential areas within approximately 300 metres of group of town centres or 200 metres from identified local centres. However the boundaries of the Core Areas have been modified to generally follow physical features such as roads, pathways or other land use policy areas. The Core Areas exclude any area that is subject to another area specific policy (see Section 4 of the Residential Land Use Policies) or a heritage places register.

The policies for the Residential Core Areas aim to retain opportunities for developing more housing close to the facilities and services contained in the commercial centres. They also aim to assist over time in creating a more sustainable pattern of urban settlement for Canberra

Objectives

- To ensure development respects existing streetscapes and adjoining development, or contributes to the desired future suburban character of the area as defined by an approved master plan.
- To retain a moderate level of flexibility to accommodate a wider variety of additional housing close to facilities and services to meet changing community needs and preferences.
- To assist in creating a more sustainable pattern of urban settlement by providing for more housing to be developed close to identified commercial centres.

Controls

In addition to the general controls in clause 3.5 of the Residential Land Use Policies, the following controls shall apply to *residential redevelopment* in *Residential Core Areas*:

- a) *Multi-unit housing* including *dual* and *triple occupancy housing* may be approved in circumstances specified below.
- b) *Dual occupancy housing* may only be approved where the block has an area greater than 800m².
- c) *Triple occupancy* and other *multi-unit housing* redevelopment on *standard blocks* shall not be approved on blocks with an area less than 1400m².
- d) Subdivision or consolidation of leases (including Unit Title subdivision) may be approved.
- e) Proposals involving subdivision or consolidation of *standard blocks* for *multi-unit housing* must be accompanied by information that demonstrates how the proposed development fits in with the existing streetscape character or statement of desired future suburban character as defined by an approved master plan.
- f) *Attics* and *basements* may be permitted in addition to 2 *storeys*. However, on a *standard block*, ramps to *basement* car parking forward of the *building line* shall generally not be approved unless the block has a public road frontage greater than 30 metres.
- g) The maximum site density for *residential redevelopment* on a *standard block* or block resulting from consolidation of *standard blocks* shall depend on provisions in the relevant residential code at Appendix III (eg, setbacks from boundaries, building envelope controls, private open space

requirements, etc) and shall not exceed a *plot ratio* of 0.5:1 (50%), except that for a proposal for *dual* or *triple occupancy housing* where at least one *dwelling* does not directly front a public road from which vehicular access is permitted, the *plot ratio* shall not exceed 0.35:1 (35%).

- h) Residential *redevelopment* on blocks originally used for *multi-unit housing*, including rebuilding up to the height of the existing development where it exceeds 2 storeys may be approved subject to consideration of adverse impacts resulting from any increase in building bulk.

(Note: This Area Specific Policy does not apply to development applications lodged before 1 September 2002.) "

f) At Part A3 – Plan Administration Policies, Section 7 – Master Plans, delete section titled ‘Master Plans’ and replace with the following:

“7 Master Plans

From time to time, the Authority may determine that a Master Plan, which provides supplementary or more detailed planning beyond the scope of the relevant provisions of the Territory Plan, is desirable for a particular area, such as a centre, neighbourhood or section. In some circumstances, the Territory Plan makes explicit reference to the preparation of such plans and gives them a specific role. The clauses below identify the status of these plans and the process that will be undertaken for their preparation and approval.

7.1 Where the Authority determines that a Master Plan is required:

- a) the Authority will prepare, or cause to be prepared, a draft Master Plan;
- b) the Authority will determine what consultation is required in relation to the proposed Master Plan and will undertake or cause that consultation to be undertaken.

7.2 Before approving a draft Master Plan, the Authority will publish a notice in the Legislation Register and in a daily newspaper, and as far as practicable give written notice by post to lessees of the place to which the draft Master Plan relates, and of adjoining places, stating that:

- a) copies of the draft Master Plan are available for public inspection and purchase during a specified period of not less than 21 days at specified places; and
- b) persons are invited to submit written comments about the draft Master Plan to the Authority at a specified address and within a period of not less than 21 days.

7.3 Before submitting a draft Master Plan for approval, the Authority will also consult, where appropriate, with the National Capital Authority, the Conservator and the Heritage Council about the draft.

7.4 After considering comments received in accordance with paragraphs 7.2 and 7.3, the Authority may:

- a) revise or withdraw the draft Master Plan; and
- b) if the draft Master Plan has not been withdrawn, approve the Master Plan

- 7.5 An approved Master Plan will take effect on the date specified in the relevant instrument of approval, and
- a) will be notified in the Legislation Register and in a daily newspaper;
 - b) will be made available for public inspection and purchase at specified places;
 - c) will be entered on the Register of Planning Guidelines in accordance with section 8 below.
- 7.6 The Authority may correct a formal error or make a minor amendment to an approved Master Plan where necessary.
- 7.7 As soon as practicable after correcting a formal error or making a minor amendment, the Authority shall publish a notice in the ACT Legislation Register and a daily newspaper advising that the Master Plan has been revised.
- 7.8 Although a Master Plan may recommend changes to the Territory Plan, a Master Plan has no effect to the extent of any inconsistency with the Territory Plan."

g) At Part A3 – Plan Administration Policies, Section 13 – Community Consultation, delete paragraph 13.1 and replace with the following:

"13.1 Wherever the Land Act or Territory Plan includes a requirement for public notification or community consultation, comments made by any relevant community group or organisation such as a Community Planning Forum, Local Area Planning Advisory Committee, Community Council or the like will be carefully considered."

h) At Part B1 Residential Land Use Policies, Section 4 – Area Specific Policies, Areas B11 and B12, delete paragraphs titled 'Section Master Plans' and replace with the following:

"Section Master Plans

The Authority may from time to time prepare Section Master Plans to assist in guiding residential redevelopment on land subject to this Area Specific Policy. Where a Section Master Plan approved by the Authority identifies additional and not inconsistent requirements to those specified in the Urban Housing Code at Appendix III.3, residential redevelopment for multi-unit housing shall be in accordance with those provisions of the Section Master Plan. For the purposes of this clause a requirement in a Section Master Plan that is greater than a minimum or is less than a maximum requirement prescribed in the Territory Plan, shall not be deemed to be inconsistent with the Code."

i) **At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 1- Building Height, replace Performance Measure D1.2 with the following:**

“D1.2 Except for walls on boundaries as provided for in D3.4 below or in an approved *building envelope plan*, buildings are designed and sited within a building envelope defined by the following method and as illustrated in the figure opposite:

In relation to side and rear boundaries that are the *north-facing boundary* of an adjoining residential block:

For those parts of the building up to 12 metres behind the *upper floor level* building line, planes projected at 45° above horizontal from a height of 2 metres above natural ground level at the boundary line, up to a maximum building height of 8.5 metres.

For those part of the building over 12 metres behind the *upper floor level building* line, planes projected at 30° above horizontal from a height of 2 metres above natural ground level at the side and rear boundaries up to a maximum building height of 8.5 metres.

In relation to all other side and rear boundaries:

For those parts of the building up to 12 metres behind the *upper floor level* building line, planes projected at 45° above horizontal from a height of 3.5 metres above natural ground level at the boundary line, up to a maximum building height of 8.5 metres.

For those part of the building over 12 metres behind the *upper floor level building* line, planes projected at 30° above horizontal from a height of 3.5 metres above natural ground level at the boundary line up to a maximum building height of 8.5 metres.

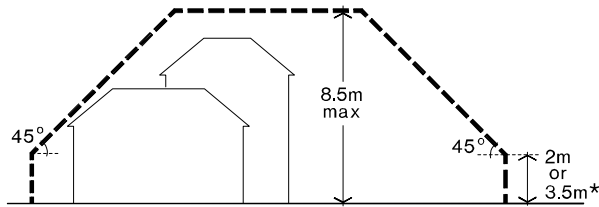
(Notes: For the purposes of this clause, the *upper floor level* building line shall not be more than 10 metres from the *front boundary*. Where there is any conflict between setback requirements for a particular part of the building, the larger setback applies. Clause D1.2 does not apply to development applications lodged before 1 September 2002.)

(Note: This clause does not apply to development applications lodged before 1 September 2002.)”

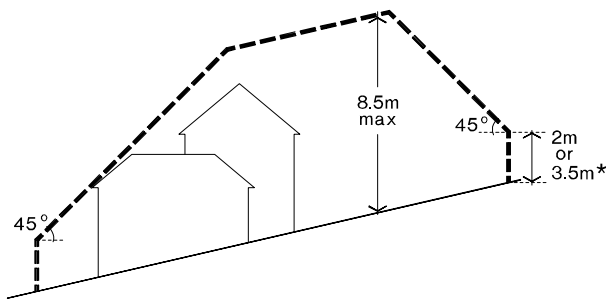
- j) At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 1- Building Height, replace the diagrams with the following:

“

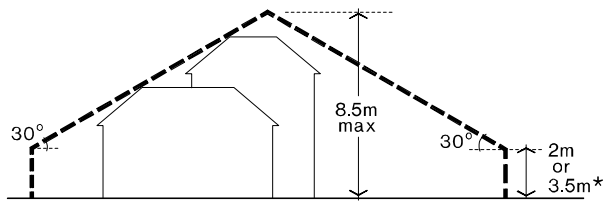
BUILDING ENVELOPE:



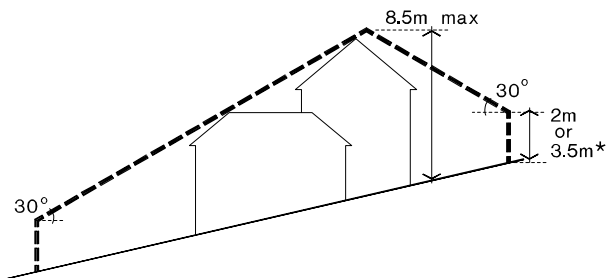
For flat site within 12m of UFL building line



For sloping site within 12m of UFL building line



For flat site beyond 12m from UFL building line



For sloping site beyond 12m from UFL building line

* 2 metres where the boundary is a north facing boundary of an adjoining residential block, 3.5 metres for other side or rear boundaries. ”

k) **At Appendix III.3 – Urban Housing Code, Element 6- Building Envelope and Siting, replace Acceptable Standard A6.1.1 with the following:**

“A6.1.1 Except for walls on boundaries as provided for in P6.4 and P6.5 below, or in an approved *building envelope plan*, buildings are designed and sited within a building envelope defined by the following method and as illustrated in Figure 3:

In relation to side and rear boundaries that are the *north-facing boundary* of an adjoining residential block:

For those parts of the building up to 12 metres behind the *upper floor level* building line, planes projected at 45° from a height of 2 metres above natural ground level at the boundary line, up to a maximum building height of 8.5 metres for two storey buildings and 12 metres for 3 storey buildings where permitted (See Figure 3).

For those part of the building over 12 metres behind the *upper floor level* building line, planes projected at 30° from a height of 2 metres above natural ground level at the side and rear boundaries up to a maximum building height of 8.5 metres for two storey buildings and 12 metres for 3 storey buildings where permitted (See Figure 3).”

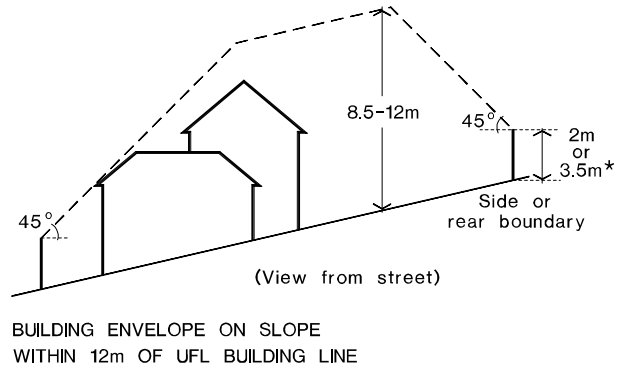
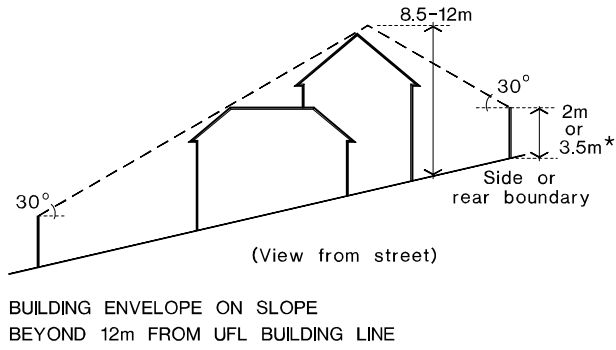
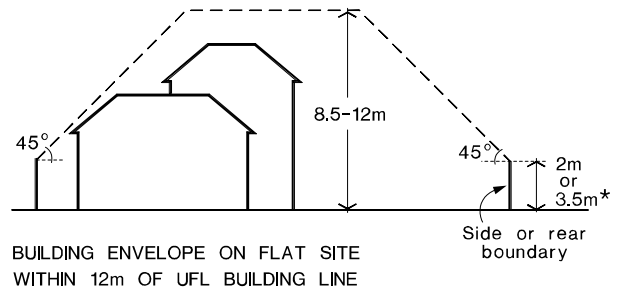
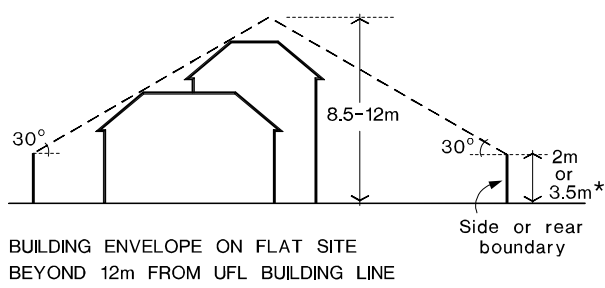
In relation to all other side and rear boundaries:

For those parts of the building up to 12 metres behind the *upper floor level* building line, planes projected at 45° above horizontal from a height of 3.5 metres above natural ground level at the boundary line, up to a maximum building height of 8.5 metres for two storey buildings and 12 metres for 3 storey buildings where permitted (See Figure 3).

For those part of the building over 12 metres behind the *upper floor level building* line, planes projected at 30° above horizontal from a height of 3.5 metres above natural ground level at the boundary line up to a maximum building height of 8.5 metres for two storey buildings and 12 metres for 3 storey buildings where permitted (See Figure 3).

(Notes: For the purposes of this clause, the *upper floor level* building line shall not be more than 10 metres from the *front boundary*. Where there is any conflict between setback requirements for a particular part of the building, the larger setback applies.)

(Note: This clause does not apply to development applications lodged before 1 September 2002.)



* 2 metres where the boundary is a north facing boundary of an adjoining residential block, 3.5 metres for other side or rear boundaries.

Figure 3 Building Envelope Adjusted for Sloping Sites”

- l) At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 3- Building in Relation to Side and Rear Boundaries, replace Performance Measure D3.4 with the following:

“D3.4 Height of Walls on Boundaries

Height of walls where permitted on a side or rear boundary or as specified in approved lease and development conditions (other than party walls or paired walls) not exceeding: average **3 metres** and maximum **3.5 metres** ”

(Note: This clause does not apply to development applications lodged before 1 September 2002.)”

- m) At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 3- Building in Relation to Side and Rear Boundaries, delete the diagrams titled ‘Walls more than 12 metres behind UFL building line’ and ‘Walls within 12 metres of UFL building line’.
- n) At Appendix III.3 – Urban Housing Code, Element 2- Building Appearance and Neighbourhood Character, delete Acceptable Standard A2.2.2.
- o) At Appendix III.3 – Urban Housing Code, Element 6- Building Envelope and Siting, delete Acceptable Standard A6.6.3.
- p) At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 2- Buildings in Relation to Front Boundaries, Performance Measure D2.1, immediately following:

“or: on subdivisions of land not previously developed for urban purposes approved after the date on which this Plan comes into effect:”

delete:

“

4 metres”

and add:

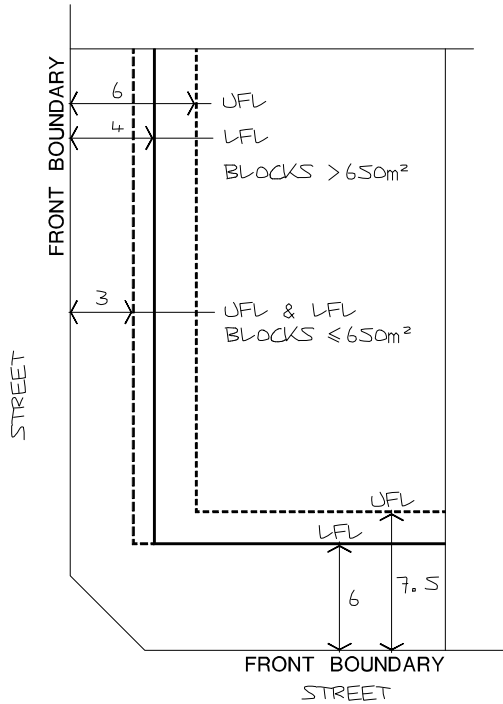
“

lower floor level	4 metres
upper floor level	6 metres

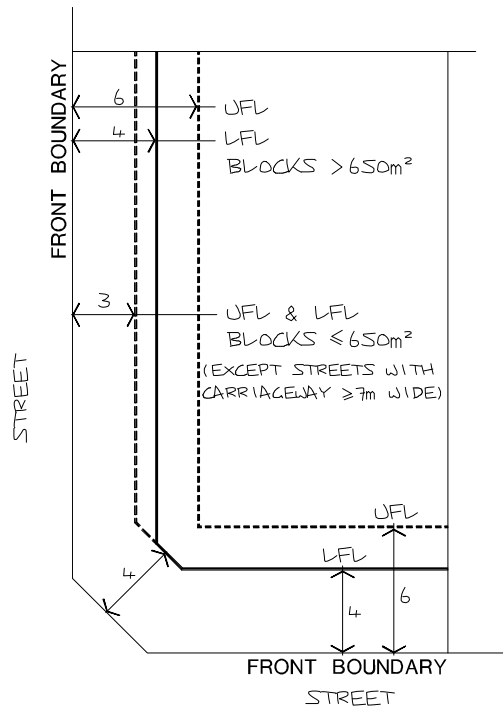
(Note: This clause does not apply to development applications lodged before 1 September 2002.)”

- q) At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 2- Buildings in Relation to Front Boundaries, replace the figures titled ‘Minimum Setbacks’ with the following:

MINIMUM SETBACKS:



'Established' areas



Land not previously developed ”

- r) **At Appendix III.3 – Urban Housing Code, Element 5- Street Setbacks, replace Acceptable Standard A5.1.2 with the following:**

“A5.1.2 Where greater setbacks are specified in a Section Master Plan, setbacks that are consistent with the approved Section Master Plan.”

- s) **At Appendix III.3 – Urban Housing Code, Element 8- On-site Carparking and Access, Acceptable Standard A8.1.1, delete:**

“or an approved Section Master Plan”

- t) **At Appendix III.3 – Urban Housing Code, Element 8- On-site Carparking and Access, Acceptable Standard A8.2.7, delete:**

“or in accordance with an approved Section Master Plan”

- u) **At Appendix III.1 – Residential Design and Siting Code for Single Dwellings, Element 4- Private Open Space, replace Performance Measures D4.1 and D4.2 with the following:**

“D4.1

The area of *private open space* is not less than 60% of the area of the block less 50 m².

D4.2 Location and dimensions of *private open space*:

- For each attached or detached house, provision of at least one area of useable *private open space* that is screened from public view, directly accessible from an indoor daytime living area and meets the following minimum area and dimension requirements:

Minimum Area	10% of the block area
Minimum Dimension	6 metres

- Minimum dimension of *private open space* on balconies: **1.8 m**

(Notes: Transitional Arrangements. Clauses D4.1 and D 4.2 do not apply to development applications lodged before 1 September 2002. Clause D4.1 does not apply to development applications lodged before 30 May 2003 for development on land not previously used for residential purposes.)”

v) **At Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 4- Private Open Space, replace Performance Measures D4.1 and D4.2 with the following:**

“D4.1

The average area of *private open space* per dwelling is not less than 60% of the average area of the block per dwelling less 50 m².

The total required area of *private open space* on any *multi-unit housing* block is the average area of private open space per *dwelling* multiplied by the proposed number of *dwelling*s on the block.

D4.2 Location and dimensions of *private open space*:

- For each attached or detached house, provision of at least one area of useable *private open space* that is screened from public view, directly accessible from an indoor daytime living area and meets the following minimum area and dimension requirements:

Minimum Area	10% of the average block area per dwelling
Minimum Dimension	6 metres

- Minimum dimension of *private open space* on balconies: **1.8 m**

(Notes: Transitional Arrangements. Clauses D4.1 and D 4.2 do not apply to development applications lodged before 1 September 2002. Clause D4.1 does not apply to development applications lodged before 30 May 2003 for development on land not previously used for residential purposes.)”

w) **At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 4- Private Open Space, add new Performance Criteria P4.4 and Performance Measure D4.4 as follows:**

“P4.4 Unpaved or unsealed areas are provided to facilitate on-site infiltration of stormwater run-off and provision of landscaping.

D4.4 Minimum proportion of the *private open space* retained as *planting area*: **50%**

(Note: Clauses P4.4 and D 4.4 do not apply to development applications lodged before 1 September 2002.)”

x) **At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, Element 4- Private Open Space, delete the diagrams titled “Lower Floor Level” and “Upper Floor Level”.**

y) **At Appendix III.1 – Residential Design and Siting Code for Single Dwellings and Appendix III.2 - Residential Design and Siting Code for Multi Dwelling Developments, delete diagrams titled “Summary – Performance Measures” .**