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# STATEMENT AGAINST CRITERIA

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## INTRODUCTION

This statement against the *Single Dwelling Housing Development Code* (14 May 2021) has been prepared by Andrew Remely Building Designer. This has been done on behalf of the building owner Simon Gane to support a development application at the subject site.

## PROPERTY DETAILS

Site zone: RZ1: SUBURBAN

Street address: 102 Summerland Crt, Kam

Site: Block 6 | Section 455 | Kambah

## OVERVIEW OF PROPOSED WORKS

Construction of a *secondary residence*

## CONVENTIONS

- Compliance with criteria have been noted and highlighted in green
- Non-compliance is noted in **BOLD AND HIGHLIGHTED IN YELLOW**

# SINGLE DWELLING HOUSING DEVELOPMENT CODE

## Element 1

Criteria	Statement
<p><b>1.1 Plot ratio – standard blocks</b></p> <p><b>R1</b> "for large blocks... not more than 50%"</p>	Complies – the plot ratio is 28%
<p><b>1.2 Number of storeys</b></p> <p><b>R2</b> "The number of <i>storeys</i> does not exceed in RZ1, RZ2 and RZ3 – 2"</p>	Complies - the proposed secondary residence is a single story
<p><b>1.3 Attics and basement car parking – standard blocks - RZ1</b></p> <p><b>R3</b> "In RZ1, on <i>standard blocks</i>, <i>attics</i> are not permitted where they are located directly above any 2 storey element of a <i>single dwelling house</i>."</p> <p><b>R4</b> "In RZ1, on <i>standard blocks</i>, <i>basement</i> car parking is not permitted where located directly below any 2 storey element of a <i>single dwelling house</i>."</p>	Complies - the proposed secondary residence is a single story and does not have an attic or basement
<p><b>1.4 Height of buildings</b></p> <p><b>R5</b> "Maximum height of building is: a) in RZ1, RZ2 and RZ3 – 8.5m"</p>	Complies - the proposed secondary residence has a height of approximately 3.6m
<p><b>1.5 Building envelope - all large blocks; mid sized blocks approved on or after 5 July 2013</b></p> <p><b>R6</b> "<i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary"</p>	Complies – the propose secondary residence is wholly within the building envelope
<p><b>1.6 Solar building envelope - all large blocks approved before 5 July 2013</b></p> <p><b>R7</b> "<i>Buildings</i> are sited wholly within the solar building envelope... from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>"</p>	Complies - the proposed secondary residence is within the solar envelope
<p><b>1.6A Solar building envelope - all blocks approved on or after 5 July 2013</b></p> <p><b>R7A</b></p>	N/A
<p><b>1.7 Building envelope – mid sized blocks and compact blocks approved before 5 July 2013</b></p> <p><b>R8 &amp; R9</b></p>	N/A
<p><b>1.8 Bushfire</b></p> <p><b>R10</b> "Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire- prone areas</i>."</p>	N/A – Site is covered by <i>Kambah Precinct Map</i> and has no bushfire related planning conditions

<p><b>1.9 Front boundary setbacks – all blocks</b> <b>R11</b></p>	<p>Complies – the proposed secondary residence is at the rear of the site</p>
<p><b>1.10 Side and rear setbacks – all blocks</b> <b>R12</b></p>	<p>Complies – the proposed secondary residence is well within the minimum side and rear setbacks</p>
<p><b>1.11 Setbacks less than 900mm</b> <b>R13</b> "External walls within 900mm of a side or rear boundary are set back from the boundary by notmore than 180mm"</p>	<p>Complies – there are no wall within 900mm of a boundary</p>
<p><b>1.12 Garages and carports on or near side and rear boundaries – large blocks</b> <b>R14</b> "Garages and carports within 900mm of a side or rear boundary... maximum length of all walls facing the boundary is 8m"</p>	<p>Complies – The carport along the boundary is 7.5m</p>
<p><b>1.13 Walls on or near side and rear boundaries – mid sized blocks</b> <b>R15</b> "A wall with a setback of less than 900mm to aside or rear boundary... not more than 13m in length... [and] extends no more than 2.5m into the rearzone"</p>	<p>N/A</p>
<p><b>1.14 Allowable encroachments – setbacks</b> <b>R16</b> "Encroachments into... side and/or rear boundary setback are permitted for..."</p> <ul style="list-style-type: none"> <li>• an eave or roof overhang with a horizontal width of not more than 600mm</li> <li>• fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, unroofed pergolas, sun blinds</li> <li>• unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level"</li> </ul> <p><b>R17</b> "Encroachments into the front setback are permitted for:"</p> <ul style="list-style-type: none"> <li>• an eave or roof overhang with a horizontalwidth of not more than 600mm</li> <li>• fascias, gutters, downpipes, light fittings,sun blinds</li> <li>• landings, steps or ramps, none of which aremore than 1m above finished ground level"</li> </ul>	<p>Complies – there are no encroachments into front, side or rear boundaries</p>
<p><b>1.15 Allowable encroachments – building envelopes</b> <b>R18</b> "Encroachments outside the building envelope... are permitted for... the following: flues, chimneys, antennae, aerials, cooling appliances, heating appliances"</p>	<p>Complies – there are no encroachments outside the building envelope</p>
<p><b>1.16 Surveillance blocks</b> <b>R19</b> "Where identified... as a surveillance block, provide habitable room(s) above the garage with windows facing and overlooking the rear lane"</p>	<p>N/A – block is not a surveillance block</p>

<p><b>1.17 Cut and fill</b></p> <p><b>R20</b> "The total change in ground level resulting from cut or fill must not exceed 1.5m within 1.5m of side or rear boundary"</p>	<p>Complies – while there are site cuts within 1.5m of the boundary none of these exceed 0.8m</p>
<p><b>1.18 Blocks between 500m<sup>2</sup> and 550m<sup>2</sup></b></p> <p><b>R21</b> "The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m<sup>2</sup> or greater but less than 550m<sup>2</sup> that are identified in a precinct code as <i>mid-sized blocks</i>"</p>	<p>N/A – subject site is a <i>Large Block</i></p>
<p><b>2.1 Approved lease and development conditions</b></p> <p><b>R22</b> "This rule applies to <i>blocks</i> affected by approved <i>lease and development conditions</i>"</p>	<p>N/A – subject site does not have any applicable lease conditions</p>
<p><b>3.1 Materials and finishes</b></p> <p><b>R23</b> "Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i>"</p>	<p>Complies – there are not structures on the roof of the secondary residences</p>
<p><b>3.2 Fencing – large blocks and mid sized blocks</b></p> <p><b>R24</b> "Walls or fencing are not permitted forward of the building line except where they comply with one or more of the following:</p> <ul style="list-style-type: none"> <li>• a previously approved estate development plan</li> <li>• a relevant precinct code</li> <li>• form a gate to a maximum height of 1.8m in an established, vigorous hedge</li> <li>• otherwise complies with this code (eg courtyard wall provisions)</li> <li>• is exempt under the <i>Planning and Development Act 2007</i></li> </ul>	<p>Complies – there are no fences forward of the building line at the front of the existing residence</p>
<p><b>3.3 Courtyard walls – large blocks</b></p> <p><b>R25</b> "Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <ul style="list-style-type: none"> <li>• total length complies with one of the following</li> <li>• not more than 50% of the width of the <i>block</i></li> <li>• not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m</li> <li>• setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i></li> <li>• height does not exceed 1.8m</li> <li>• constructed only of brick, block or stonework, any of which may be combined with feature panels</li> <li>• incorporate shrub planting between the wall and the front boundary</li> <li>• do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with Australian Standard <i>AS2890.1- Off-Street Parking</i>"</li> </ul>	<p>Complies – there are no courtyard forward of the building line of the existing residence</p>

<p><b>3.4 Courtyard walls – mid sized blocks</b></p> <p><b>R26</b> "Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <ul style="list-style-type: none"> <li>• have a maximum total length of</li> <li>• where the width of the <i>block</i> at the line of the wall is less than 12m – 70% of the width of the <i>block</i></li> <li>• in all other cases - 50% of the width of the <i>block</i></li> <li>• have a minimum <i>setback</i> from the <i>front boundary</i> of not less than -</li> <li>• where the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height - 1m</li> <li>• in all other cases – 50% of the minimum front setback applying to the <i>block</i></li> <li>• do not exceed 1.8m in height</li> <li>• are constructed of one of the following -</li> <li>• only of brick, block or stonework, any of which may be combined with feature panels</li> <li>• finished to match or complement the dwelling house</li> <li>• incorporate shrub planting between the wall and the front boundary</li> <li>• do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1- <i>The Australian Standard for Off-Street Parking</i>"</li> </ul>	<p>N/A – subject site is a <i>Large Block</i></p>
<p><b>3.5 Front fences and courtyard walls – compact blocks</b></p> <p><b>R27</b> "Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <ul style="list-style-type: none"> <li>• [maximum total length, minimum <i>setback</i> from the <i>front boundary</i>, and maximum height]</li> <li>• constructed of brick, block or stonework, any of which may be combined with feature panels</li> <li>• constructed and finished to match or complement the <i>single dwelling house</i></li> <li>• provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1- <i>The Australian Standard for Off-Street Parking</i>"</li> </ul> <p><b>R28</b> "front fences and side fences forward of the building line comply with all of the following:</p> <ul style="list-style-type: none"> <li>• [maximum height limits]</li> <li>• A2890.1- <i>The Australian Standard for Off- Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways"</li> </ul>	<p>N/A – subject site is a <i>Large Block</i></p>
<p><b>4.1 Pedestrian access</b></p> <p><b>R29</b> "For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address"</p>	<p>N/A – subject site is not adjacent to a <i>rear lane</i></p>

#### 4.2 Vehicle access

**R30** "Driveway verge crossings comply with all of the following:

- 1.2m horizontally clear of stormwater sumps and other services
- 1.5m horizontally clear of transformers, bus stops, public light poles
- 6m horizontally clear of the tangent point of the radius of the curve on a corner block (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance)
- uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb
- at a right angle to the kerb line with a maximum 10% deviation
- for large blocks and mid sized blocks, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb
- for compact blocks, 3m wide at the front street boundary
- outside of the drip line of mature trees
- minimum of 3m clear of small and newstreet trees
- compliant with Australian Standard AS2890.1- *Parking facilities ...*
- If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original"

Complies - There are no changes to existing verge crossings

<p><b>4.3 Parking</b></p> <p><b>R31</b> "The minimum number of car parking spaces... for a <i>single dwelling house</i> on <i>compact blocks</i> containing not more than 1 bedroom – 1, ...in all other cases – 2"</p> <p><b>R32</b> "Dimensions of car parking spaces are not less than the following:</p> <ul style="list-style-type: none"> <li>• single roofed space - 6m x 3m</li> <li>• double roofed space - 6m x 5.5m</li> <li>• single unroofed space - 5.5m x 3m</li> <li>• multiple unroofed spaces side by side -5.5m x 2.6m</li> <li>• parallel parking spaces - 6.7m x 2.3m</li> <li>• 2.1m minimum clearance to anyoverhead structure"</li> </ul> <p><b>R33</b> "Car parking spaces... comply with... the following:</p> <ul style="list-style-type: none"> <li>• are not located in the front zone, except on: <i>compact blocks</i></li> <li>• any part of a driveway in tandem with another car parking space that is located behind the front <i>building line</i>.</li> <li>• do not encroach any property boundaries</li> <li>• at least one car parking space is roofed and is behind the <i>front zone</i></li> <li>• comply with sightlines for off-street car-parking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>"</li> </ul> <p><b>R34</b> "In RZ1 and RZ2, on <i>standard blocks</i> ramps accessing <i>basement</i> car parking are behind the building line"</p> <p><b>R35</b> "Car parking is not permitted on verges"</p> <p><b>R36</b> "maximum total width of garage doors and external width of carports is the lesser of the following: 6m or 50% of the façade of the <i>dwelling</i>"</p>	<p>Complies – the primary residence has a double space with dimensions not less than 6m x 5.5m – the secondary residence has a single roof space with dimensions not less than 6m x 3m</p>
<p><b>5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013</b></p> <p><b>R37</b> "The floor or internal wall of a daytime living area of a <i>dwelling</i> is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice"</p>	<p>N/A – block was approved before 2013</p>
<p><b>5.1A Solar access – blocks which were approved on or after 5 July 2013</b></p> <p><b>R37A</b> "1. Where the front boundary of the block is the northern boundary: A <i>habitable room</i> is provided with a minimum of 4m<sup>2</sup> of transparent vertical glazing. 2. For all other blocks: A <i>habitable room</i> other than a bedroom is provided with a minimum of 4m<sup>2</sup> of transparent vertical glazing"</p>	<p>N/A – block was approved before 2013</p>



<p><b>5.2 Private open space</b></p> <p><b>R38</b> "For <i>large blocks</i>, private open space... :</p> <ul style="list-style-type: none"> <li>• has a minimum area equal to 60% of the block area, less 50m<sup>2</sup></li> <li>• has a minimum dimension of 6m for an area not less than 10% of the block</li> <li>• at least 50% of the minimum area in a) is <i>planting area</i>"</li> </ul> <p><b>R39</b> "For <i>mid-sized blocks</i>, private open space complies with... :</p> <ul style="list-style-type: none"> <li>• a minimum area equal to 40% of the block area, less 50m<sup>2</sup></li> <li>• a minimum dimension...</li> <li>• at least 50% of the minimum area specified in a) is <i>planting area</i>"</li> </ul> <p><b>R40</b> "For <i>compact blocks</i>, private open space complies with... :</p> <ul style="list-style-type: none"> <li>• a minimum area is not less than 20% of the block area</li> <li>• at least 50% of the minimum area specified in a) is <i>planting area</i>"</li> </ul>	<p>R38 - Complies – 68% of the block in unbuild and approximately 50% of the block is retained for planting</p> <p>R39 &amp; R40 n/a</p>
<p><b>5.3 Principal private open space</b></p> <p><b>R41</b> "one area of <i>principal private open space</i> on the block complies with... :</p> <ul style="list-style-type: none"> <li>• minimum area and dimensions specified in table 8.</li> <li>• at ground level</li> <li>• directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom</li> <li>• screened from adjoining public streets and public open space</li> <li>• located behind the building line, except where enclosed by a courtyard wall</li> <li>• is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June).</li> </ul>	<p>Complies – each residence has a <i>principal private open space</i> as follows: with an area of 36m<sup>2</sup>, at ground level, accessible from a room other than the bedroom, and with the required solar access.</p>
<p><b>5.4 Noise attenuation – external sources</b></p> <p><b>R42</b> "all new dwellings (including in established areas), as well as extensions and alterations that add a habitable room exposed directly to the source of noise.</p> <p>Where a block has one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• identified in a precinct code as being potentially affected by noise from external sources</li> <li>• adjacent to a road carrying or forecast to carry traffic volumes greater than 12000 vehicles per day</li> <li>• is otherwise identified to be noise affected"</li> </ul>	<p>N/A – block has none of the noted characteristics</p>

<p><b>6.1 Water sensitive urban design</b></p> <p><b>R43</b> "rule applies to a) all new single <i>dwelling</i>s, b) <i>secondary residences</i> and c) <i>extensions and alterations</i> [but does not apply to <i>extensions</i> of a size 50% or less of existing floor area]"</p>	<p>Complies – the new residence complies with the <i>Waterways Water Sensitive Urban Design Code -2.4. Acceptable solutions (2009) using Option 1 – Rain Water Tanks</i></p>
<p><b>6.2 Heritage</b></p> <p><b>R44</b> "This rule applies to land containing places or objects registered or provisionally registered under section 41 of the <i>Heritage Act 2004</i>."</p>	<p>N/A – the site has no heritage overlay</p>
<p><b>6.3 Tree protection</b></p> <p><b>R45</b> "...a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• requires groundwork within the tree protection zone of a <i>protected tree</i></li> <li>• is likely to cause damage to or removal of any <i>protected trees</i>"</li> </ul>	<p>Complies – there no large trees within the construction area</p>
<p><b>6.4 Erosion and sediment control</b></p> <p><b>R46</b> "For sites less than 3,000m<sup>2</sup>, development complies with the Environment Protection Authority, <i>Environment Protection Guidelines for Construction and Land Development in the ACT</i>, August 2007."</p> <p><b>R47</b> "For sites 3,000m<sup>2</sup> or larger, the application is accompanied by an erosion and sediment control plan endorsed by the ACT Environment Protection Authority"</p>	<p>Complies – the development includes an <i>Erosion and sediment controls plan</i></p>
<p><b>7.1 Construction waste management – all zones</b></p> <p><b>R48</b> "<i>residential</i> development... likely to generate more than 20m<sup>3</sup> of construction waste... the management of construction waste is to be endorsed by TAMS"</p>	<p>N/A – the development will not generate more than 20m<sup>3</sup> of construction waste</p>
<p><b>7.2 Utilities – all zones</b></p> <p><b>R49</b> "any proposed encroachment into a registered easement... is to be approved in writing by the relevant service provider"</p>	<p>N/A – there are no encroachment into easements</p>

## ELEMENT 4: SECONDARY RESIDENCES

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

Criteria	Statement
<p><b>4.1 Design and siting</b></p> <p><b>R6</b> "a <i>secondary residence</i> is developed only in association with <i>single dwelling housing</i>."</p> <p><b>R7</b> "The maximum <i>dwelling</i> size* of a secondary residence is 90m<sup>2</sup>." *For the purpose of this rule, <i>dwelling</i> size is the floor area measured to the outside face of external walls (including internal walls between the living areas and garage) but excludes the <i>garage</i>."</p> <p><b>R8</b> "The minimum <i>gross floor area</i> of a <i>secondary residence</i> is 40m<sup>2</sup>"</p> <p><b>R9</b> "The minimum block size for <i>secondary residence</i> is 500m<sup>2</sup>"</p> <p><b>R10</b> "The <i>plot ratio</i> for all buildings on a block with a <i>secondary residence</i> does not exceed the maximum <i>plot ratio</i> for <i>single dwelling housing</i> on the <i>block</i>, as prescribed in Element 1 of the <i>Single Dwelling Housing Development Code</i>"</p> <p><b>R11</b> "For blocks containing a secondary residence:</p> <ul style="list-style-type: none"> <li>a) <i>Secondary residences</i> comply with Element 1 and Element 6 of the <i>Single Dwelling Housing Development Code</i></li> <li>b) The main residence continues to comply with the provisions of the <i>Single Dwelling Housing Development Code</i></li> </ul> <p><b>R11A</b> "The total <i>private open space</i> on the <i>block</i> complies with the <i>private open space</i> for <i>single dwelling housing</i> as prescribed in Element 5 of the <i>Single Dwelling Housing Development Code</i>."</p> <p><b>R12</b> "No <i>block</i> contains more than one <i>secondary residence</i>."</p> <p><b>R13</b> "A <i>secondary residence</i> complies with <i>Australian Standard AS 4299 Adaptable housing</i> (Class C)"</p> <p><b>R15</b> "The minimum separation between an <i>unscreened element</i> and an <i>external wall</i> on the same <i>block</i> is 3m."</p> <p><b>R16</b> "The separation between <i>external walls</i> at the <i>lower floor level</i> on the same <i>block</i> is not less than 1m"</p>	<p>R6 - Complies</p> <p>R7 &amp; R8 - Complies building is 76m<sup>2</sup></p> <p>R9 - Complies block size is 889 m<sup>2</sup></p> <p>R10 - Complies the plot ratio is 28%</p> <p>R11 - Complies</p> <p>R12 - Complies</p> <p>R13 - Complies - Additional plan provided to showing compliance to AS 4299 Adaptability</p> <p>R15 Complies - there is 6m from unscreened elements and external wall</p> <p>R16 - Complies</p>
<p><b>4.2 Subdivision</b></p> <p><i>Subdivision</i> to provide separate title to a <i>secondary residence</i>, including <i>subdivision</i> under the <i>Unit Titles Act 2001</i>, is not permitted.</p>	<p>N/A</p>
<p><b>4.3 Parking</b></p> <p><b>R18</b> "At least one parking space is provided in addition to that required for the primary residence"</p> <p><b>R19</b> "The parking space associated with the <i>secondary residence</i> is not located in the <i>front zone</i>"</p>	<p>R18 &amp; R19 - An additional cover parking space is provided behind the main residence</p>