

# SPECIAL PROVISIONS FOR MR FLUFFY BLOCKS (SURRENDERED BLOCKS)



There are special development provisions under the Territory Plan for some surrendered 'Mr Fluffy' blocks that allow dual occupancy and unit titling where it may otherwise be prohibited. All dual occupancy developments require development approval through a development application (DA).

## WHAT IS A SURRENDERED BLOCK?

A surrendered block means a block that was surrendered under the Loose Fill Asbestos Insulation Eradication Scheme Buyback Program and was formally on the Affected Residential Premises Register. Not all Mr Fluffy blocks are 'surrendered' blocks.

## SPECIAL PROVISIONS

Special provisions apply to surrendered blocks that are in Territory Plan Residential Zone 1 (RZ1). Normally under this zone, you are able to develop a dual occupancy on blocks over 800m<sup>2</sup>, but you cannot unit title the two dwellings. Under the special provisions, you can develop a dual occupancy on surrendered blocks in RZ1 that are over 700m<sup>2</sup> and you may apply to unit title the dwellings.

You may hear the special provisions referred to as Territory Plan Variation 343. These special provisions do not change the zoning of a block, or how other elements of the Territory Plan apply to a block.

## WHAT ARE THE SPECIAL PROVISIONS AND WHAT DO THEY MEAN?

What are the rules?	What do they mean?
<b>Residential Zones Development Code</b>	
<b>R38A</b> This rule applies to surrendered residential blocks in RZ1. Subdivision under the <i>Unit Titles Act 2001</i> is permitted only for dual occupancy development	You can develop dual occupancy housing and sell each separately as unit-titled dwellings
<b>Multi Unit Housing Development Code</b>	
<b>R1</b> In RZ1, the minimum area of a single dwelling block for dual occupancy housing is as follows: a. for a surrendered residential block – 700 m <sup>2</sup> b. for all other blocks - 800m <sup>2</sup>	The block must have a minimum area of 700m <sup>2</sup> for dual occupancy development

## What are the rules?

## What do they mean?

### Multi Unit Housing Development Code

#### R7

This rule applies to the following:

- a) single dwelling blocks in RZ2
- b) blocks defined as a surrendered residential block in RZ1.

The maximum plot ratio for dual occupancy housing is:

- i) where at least one dwelling does not directly front a public road from which vehicular access is permitted – 35%
- ii) in all other cases – 50%

The maximum plot ratio for any additional new dwelling which is part of a dual occupancy and does not directly front a public road from which vehicular access is permitted is 17.5%.

For the purpose of calculating plot ratio for this rule, the gross floor area includes 18m<sup>2</sup> for each roofed car space provided to meet Territory requirements for resident car parking, but does not include basement car parking.

If only one dwelling faces a street, the maximum plot ratio for the site is 35%, i.e. the gross floor area must be 35% or less of the total land area.

If only one dwelling faces the street, the maximum plot ratio for the rear dwelling is 17.5%; that is, the rear house must not be larger than the front house.

If you need guidance on what 'fronting the street' means, please contact the DA Gateway Team.

If both new dwellings face directly onto a street, the maximum plot ratio is 50%, i.e. the gross floor area must be 50% or less of the total land area.

If only one dwelling faces a street, the maximum plot ratio for the site is 35%, i.e. the gross floor area must be 35% or less of the total land area.

If only one dwelling faces the street, the maximum plot ratio for the rear dwelling is 17.5%; i.e. the rear house must not be larger than the front house.

If you need guidance on what 'fronting the street' means, please visit [www.planning.act.gov.au](http://www.planning.act.gov.au).

#### R16

In RZ1 on single dwelling blocks buildings comply with all of the following:

- a. The number of storeys does not exceed:
  - i. One storey for dual occupancies on surrendered residential blocks 700m<sup>2</sup> and larger to which the 35% plot ratio applies to one storey
  - ii. Two storeys for all other single dwelling blocks.
- b. attics or basement car parking are not permitted where they are located directly above or below any two storey element of the dwelling.

**Note:** Where 50% plot ratio is permitted, two storey dwellings are also permitted. The single storey rule for dual occupancies applies to blocks where a dwelling does not directly front a public road from which vehicular access is permitted.

If your design permits you to have a plot ratio of 50% you can build up to two storeys.

If your plot ratio is 35% you can only build one storey.

Please refer to the notes at Rule 7 regarding allowable maximum gross floor area.

#### C56A

This criterion applies to dual occupancy development on surrendered residential blocks.

The design of buildings encourages high quality architectural standards that contribute to a visually harmonious streetscape character with variety and interest, whilst not detrimental to, or overtly detracting from the existing streetscape character

When you lodge a development application for a dual occupancy on a surrendered block, you must demonstrate that the design meets the stated criteria.

## WHAT OTHER RULES APPLY?

The above rules set out the special provisions relating to surrendered blocks. The development must also be consistent with and will be assessed against the rules of the Residential Zones Development Code and the Multi Unit Housing Development Code. These codes set out rules such as setbacks, building and solar envelopes and private open space requirements (among others). Please familiarise yourself with the codes and the applicable rules before deciding whether to proceed with a dual occupancy development.

## WHAT IS THE PROCESS FOR A DEVELOPMENT APPLICATION?

All development applications are lodged online through edevelopment. To see a full list of document requirements, please see the documentation requirements for DA lodgement checklist.

Please also familiarise yourself with [avoiding delays with your DA](#).

Once a development application has been accepted by the planning and land authority, the application will be publicly notified inviting comments from the public and relevant service providers. The application will be determined in 30 working days if your proposal does not receive any representations, and 45 working days if your proposal does receive representations. This timeframe commences after your DA has been lodged and paid for. Once you have an approval, you can have a building certifier issue a building permit.

## WHAT DOES A DEVELOPMENT APPLICATION COST?

Information about fees and charges is available at [www.planning.act.gov.au](http://www.planning.act.gov.au).

## IMPORTANT DEFINITIONS

Dual occupancy – means two houses constructed on one block.

Surrendered block – means a block that was surrendered under the Loose Fill Asbestos Insulation Eradication Scheme Buyback Program and was formally on the Affected Residential Premises Register. Not all Mr Fluffy blocks are 'surrendered' blocks.

Unit titling – is a type of subdivision that allows each dwelling to be sold independently of one another.

Gross floor area – the sum of all floors of the building, including garages.

Plot ratio – means the gross floor area in a building divided by the size of the block.

## FURTHER INFORMATION

If you have any questions about this information sheet or would like more information, please contact the DA Gateway team on 02 6205 2888 or by [submitting an enquiry](#). You can also visit us in person at 16 Challis Street, Dickson from 8.30 am to 4.30 pm, Monday to Friday.