

Reformed Residential Zones

Transitional arrangements and local provisions

Transitional arrangements are in place to ensure development proposals currently being considered are not unfairly disadvantaged by the new building height and garden area requirements in the Neighbourhood Residential Zone and General Residential Zone.

What are the transitional arrangements?

The minimum garden area and maximum building height and number of storeys requirements in the Neighbourhood Residential Zone and the General Residential Zone do not apply to:

- a dwelling or residential building constructed on a lot before 27 March 2017
- a planning permit application for the construction or extension of a dwelling or residential building lodged before 27 March 2017
- a planning permit application to subdivide land for a dwelling or a residential building lodged before 27 March 2017
- the following situations if a planning permit is not required for the construction or extension of a dwelling or residential building:
 - a building permit has been issued for the construction or extension of a dwelling or residential building before 27 March 2017
 - a building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before 27 March 2017

Note. A building permit must be issued within 12 months of 27 March 2017

- A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before 27 March 2017

Note. A building permit must be issued within 12 months of 27 March 2017.

How do the new maximum building height and number of storeys requirements operate?

If a schedule to the Neighbourhood Residential Zone and General Residential Zone do not specify a maximum building height or number of storeys, the new building height and number of storeys specified in the zone apply.

If a council has specified either a lower or higher maximum building height or number of storeys in the schedule to the Neighbourhood Residential Zone or General Residential Zone, the locally varied maximum building height and number of storeys continues to apply.

If a council has specified a lower maximum building height or number of storeys in an overlay, the lower maximum building height or number of storeys in the overlay continues to apply.

If a local provision in an overlay or incorporated document applies a higher building height or a greater number of storeys, the zone requirements in the Neighbourhood Residential Zone and General Residential Zone prevail over the local provision.

Assisting councils with transitional issues

The department will work with affected councils and landowners to identify where local planning provisions such as a local planning policy, overlay or incorporated document have building heights or number of storeys that exceed the zone requirements. The Department will offer a fast track amendment process to restore the intended maximum building height or number of storeys for affected land.

The application of the General Residential Zone will need to be reviewed to assess whether the zone continues to be appropriate in locations where building heights greater than 11 metres have been specified. This assessment should form part of the three year review of the operation and application of residential zones.

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