

## 4.1C Exceptions to minimum lot sizes for certain residential development

### General Information

The direction under Clause 4.1 of the Standard Instrument states that 'an exception to the minimum lot size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for 'attached dwellings'. Given Clause 4.2 deals with flexibility for rural subdivision in zones RU1, RU2, RU4 and RU6, this model clause is not to be used for those rural zones.

Through a strategic analysis of the local government area, councils will identify where medium density and smaller lots will be most suitable based on the current and future neighbourhood character and provision of infrastructure and services.

This model local provision sets a minimum lot size for residential development to ensure there is adequate amenity for smaller lot sizes as well as the surrounding area in higher residential densities.

To ensure amenity is not compromised on the smallest lots, the provision also enables a development application for subdivision of land and the erection of dwellings on those subdivided parcels to be considered at the same time by the consent authority. This is to ensure that dwelling design is suited to and is appropriate for small lot sizes.

### Matters for consideration:

- Subclause (3) requires the consent authority to prescribe the size of the resulting individual lot which may be registered as a conventional torrens title, part of a community title scheme or a lot in a strata plan.
- In addition, it is expected that councils will develop appropriate controls in their development control plans that would support this local provision and ensure that building design is appropriate for smaller lot sizes. Special consideration should be given to building envelope, orientation, solar access and privacy of the dwellings and desired streetscape character.
- Where council would like to apply this provision but differ the minimum required for different zones or to apply to certain land within a zone, this should be discussed with the Department.

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to development on land in the following zones:

(i) *[insert name of zone]*,

(ii) *[insert name of zone]*.

(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:

(a) the subdivision of land into *[insert a number not less than 3]* or more lots,

(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:

(i) for the erection of a dwelling house - *[insert number in m<sup>2</sup>]*, or

(ii) for the erection of an attached dwelling - *[insert number in m<sup>2</sup>]*, or

(iii) for the erection of a semi-detached dwelling - *[insert number in m<sup>2</sup>]*.