

Controls in MUHDC for single dwelling (standard) and non-single dwelling (non-std) blocks RZ1 and RZ2 zones

Controls MUHDC	Single dwelling (standard) block	Non-single dwelling (non-std) block
<p>1.1 Dual occupancy housing – single dwelling blocks – RZ1</p> <p>Rule R1 In RZ1, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is as follows: a) For a <i>surrendered residential block</i> - 700m² b) For all other blocks - 800m².</p>	Applies	Minimum block size for dual occupancy does not apply.
<p>1.2 Dual occupancy housing – single dwelling blocks – RZ2</p> <p>Rule R2 In RZ2, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is 700m².</p>	Applies	Minimum block size for dual occupancy does not apply.
<p>3.2 Plot ratio – dual occupancy – single dwelling blocks – RZ1 – except for surrendered residential blocks</p> <p>Rule R6 This rule applies to single dwelling blocks in RZ1 unless the block is a <i>surrendered residential block</i>. The maximum <i>plot ratio</i> for <i>dual occupancy housing</i> is determined by the formula: $P = (140/B + 0.15) \times 100.$ The maximum <i>plot ratio</i> for any additional new <i>dwelling</i> which is part of a <i>dual occupancy</i> and does not directly front a public road from which vehicular access is permitted is the lesser of: a) the <i>plot ratio</i> determined by the formula $P = (140/B + 0.15) \times 50$ and b) 17.5%. For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking. For the formulae used in this rule: P is the maximum permissible <i>plot ratio</i> expressed as a percentage B is the <i>block area</i> in square metres.</p>	Applies	Plot ratio requirements for dual occupancy do not apply – see R9.

Controls MUHDC	Single dwelling (standard) block	Non-single dwelling (non-std) block
<p>3.3 Plot ratio – dual occupancy – single dwelling blocks – RZ2 and surrendered residential blocks – RZ1</p> <p>Rule R7 This rule applies to the following: a) <i>single dwelling blocks</i> in RZ2 b) blocks defined as a <i>surrendered residential block</i> in RZ1.</p> <p>The maximum <i>plot ratio</i> for <i>dual occupancy housing</i> 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%</p> <p>The maximum <i>plot ratio</i> for any additional new <i>dwelling</i> which is part of a <i>dual occupancy</i> and does not directly front a public road from which vehicular access is permitted is 17.5%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	Applies	Plot ratio requirements for dual occupancy does not apply.
<p>3.4 Plot ratio – large single dwelling blocks – RZ2, RZ3 and RZ4</p> <p>Rule R8 This rule applies to <i>large blocks</i> that are <i>single dwelling blocks</i> in RZ2, RZ3 and RZ4. In RZ2 the maximum <i>plot ratio</i> is 50%. In RZ3 the maximum <i>plot ratio</i> is 65%. In RZ4 the maximum <i>plot ratio</i> is 80%. For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	Applies	Plot ratio does not apply.

Controls MUHDC	Single dwelling (standard) block	Non-single dwelling (non-std) block
<p>3.5 Plot ratio – other than single dwelling blocks – RZ1, RZ2, RZ3 and RZ4</p> <p>Rule R9 This rule applies to blocks other than <i>single dwelling blocks</i> in RZ1, RZ2, RZ3 and RZ4 The maximum <i>plot ratio</i> is: a) in RZ1, RZ2 and RZ3 – 65% b) in RZ4 – 80%.</p> <p>This rule does not apply to: a) blocks subject to a residential B1 or B8 area specific policy under the Territory Plan at 30 March 2008 with any of the following characteristics: i) lawfully approved and constructed ii) held under a holding lease at 30 March 2008 b) blocks in RZ1 approved before 5 July 2013</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	Does not apply	<p>Plot ratio of 65% permitted if block approved after 5 July 2013.</p> <p>Non-single dwelling blocks in suburbs created before 2013 do not have to comply with a plot ratio control.</p>
<p>3.6 Additional dwellings – single dwelling blocks – RZ1</p> <p>Rule R10 This rule applies to <i>single dwelling blocks</i> in RZ1 but not to <i>blocks</i> that are intended to be used for <i>supportive housing</i>. The maximum number of <i>dwellings</i> permitted on a <i>single dwelling block</i> is 2.</p>	Applies	No maximum number of dwellings on an RZ1 non-single dwelling block.
<p>3.8 Residential density – single dwelling blocks – RZ2</p> <p>Rule R12 This rule applies to <i>single dwelling blocks</i> in RZ2. The maximum number of <i>dwellings</i> is shown in table A2.</p>	Applies	No maximum number of dwellings on an RZ2 non-single dwelling block.
<p>3.9 Additional dwellings – single dwelling blocks – RZ2</p> <p>Rule R13 This rule applies to <i>single dwelling blocks</i> in RZ2 where the length of the <i>front boundary</i> facing a public road that allows vehicular access is 20m or less. Despite any other rule in this element, the maximum number of <i>dwellings</i> is 3.</p>	Applies	Minimum frontage width to have more than 3 dwellings does not apply.

Controls MUHDC	Single dwelling (standard) block	Non-single dwelling (non-std) block
<p>3.10 Residential density – adaptable housing – single dwelling blocks - RZ2</p> <p>Rule R14 This rule applies to <i>single dwelling blocks</i> in RZ2: All <i>dwelling/s</i> are to be shown as capable of being adapted. The additional <i>dwelling/s</i> permitted for adaptable housing above those shown in Table A2 shall be built to an adapted standard in compliance with Australian Standard AS4299 <i>Adaptable Housing (Class C)</i>.</p> <p>Despite R2 and R12, the maximum number of <i>dwelling/s</i> is shown in table A3.</p>	Applies	Requirement for adaptable housing does not apply.
<p>3.11 Number of dwellings in each building – single dwelling blocks – RZ2</p> <p>R15 In RZ2 on <i>single dwelling blocks</i> the maximum number of dwellings in any building is 4.</p> <p>For the purposes of this rule, <i>basements</i> are not part of a building.</p>	Applies	Does not apply

Table A2 - Maximum number of dwellings allowable on single dwelling blocks in RZ2

block size (m ²)	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 and over	6 + 1 for every 250m ² ** of site area over 2100m ²

* not including a secondary residence

** not less than 250m² is required for every additional dwelling

Controls in Residential Zones Development Code – Subdivision and Consolidation RZ1 and RZ2 zones

Controls RZDC	Single dwelling (std) block	Non-single dwelling (non-std) block
<p>Consolidation of single dwelling blocks – RZ1 R36 This rule applies to <i>consolidation of blocks</i> in RZ1, one or more of which is a <i>single dwelling block</i>, but does not apply to the consolidation of a <i>single dwelling block</i> with unleased territory land. <i>Consolidation</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) the consolidated block is to be used only for the purpose of <i>supportive housing</i> b) not more than 2 <i>blocks</i> are consolidated c) all <i>blocks</i> proposed to be consolidated have adjoining street frontages d) none of the <i>blocks</i> proposed to be consolidated has been previously consolidated. 	Applies	Does not apply
<p>Consolidation of single dwelling blocks – RZ2 R37 This rule applies to <i>consolidation of blocks</i> in RZ2, one or more of which is a <i>single dwelling block</i>.</p> <p>The consolidated <i>block</i> has a single continuous street frontage.</p>	Applies	Does not apply
<p>Subdivision of single dwelling blocks – RZ1 R38 This rule applies to <i>single dwelling blocks</i> in RZ1. <i>Subdivision</i> (including subdivision under the <i>Unit Titles Act 2001</i>) is permitted only where all <i>dwellings</i> on the <i>block</i> comply with one of the following:</p> <ul style="list-style-type: none"> a) were lawfully constructed on or before 1 September 2003 b) were subject to <i>development approval</i> issued on or before 1 September 2003 c) were the subject of a <i>development application</i> lodged on or before 1 September 2003 that was subsequently approved. <p>This rule does not apply to <i>single dwelling blocks</i> in RZ1 that were subject to the A10 residential core area specific policy under Territory Plan 2002 at the time the development was approved.</p>	Applies	Does not apply



ACT
Government

Environment and Planning

Notice of decision

Under Part 7 of the *Planning and Development Act 2007*

Merit track

DA NO: 201425358	DATE LODGED: 17/04/2014	
DATE OF DECISION: 8 October 2014		
BLOCK: 4	SECTION: 10	SUBURB: PEARCE
STREET NO AND NAME: 64 Collings Street Pearce		
APPLICANT: Resolution Planning		
LESSEE: T & J Seselja Pty Ltd		

THE DECISION

This application was lodged in the merit track. Pursuant to section 113(2) of the *Planning and Development Act 2007* (Act), the application must be assessed according to the provisions relevant to merit track applications.

I, Rumana Jamaly, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **refuse** the proposal for:

- **Demolition of two (2) existing dwellings and carport;**
- **Construction of four (4) new two-storey dwellings;**
- **Basement parking;**
- **Associated landscaping and driveway works; and**
- **Lease Variation to allow a maximum of four (4) dwellings in the lease.**

in accordance with the plans, drawings and other documents and items submitted with the application for approval

PART 1 sets out the Reasons for the Decision

PART 2 is Public Notification and Entity Advice.

PART 3 contains administrative information relating to the determination.

DELEGATE

Rumana Jamaly
Delegate of the planning and land authority
Environment and Planning Directorate

8 October 2014

CONTACT OFFICER

Phab Vetsavong
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PART 1 REASONS FOR THE DECISION

In accordance with section 120(a) of the Act, the application was refused because it did not comply with the legislated requirements for merit track applications. The application is inconsistent with the relevant objectives for RZ2 zone in which the development is proposed to take place.

Section 120 of the *Planning and Development Act 2007* specifies that zone objectives are to be taken into consideration when determining applications. Section 120 allows the possibility that the considerations set out in section 120 may result in refusal of a compliant proposal, because section 119 does not mandate approval for compliant proposals, only refusal for non-compliance.

Rules and Criteria in the Multi Unit Housing Development Code are therefore not to be regarded in isolation when assessing and determining the suitability of a development for the land.

Block 4 Section 10 Pearce falls within the RZ2 Suburban Core zone and any decision about development on the block is subject to the relevant provisions of the *Planning and Development Act 2007*, the RZ2 Suburban Core Zone Objectives, development tables, Residential Zones Development Code, Precinct Codes, Multi Unit Housing Development Code, and General Codes of the Territory Plan.

There is a mix of old and new, single dwelling housing, dual occupancy and multi unit housing developments in Pearce and the suburb is not homogeneous in building form and density. Any development on Block 4 Section 10 Pearce is required to respond to the objectives of the RZ2 zone. In this instance, it has been considered that the development has not addressed the objectives, in particular Objectives (b) and (e).

The RZ2 zone permits multi unit developments that are low to medium density in character and allow redevelopment opportunities to enable a limited extent of change in relation to the original density of dwellings. Whilst Block 4 Section 10 Pearce is a non-single dwelling Block, it does not mean that development permitted on the site can be significantly different to what would normally be expected in RZ2 on a single dwelling block, considering the objectives of the zone.

The proposed development would create an inappropriate streetscape and be out of character with the existing developments and any future re-developments of the area.

Redevelopment needs to respond to the existing and future character that would generally be created in RZ2 zone by taking into consideration the design outcomes that can be expected on a single dwelling block and draw from the opportunities that are available from existing multi unit developments to determine the limited extent of change that would be compatible with the pattern and density of development for RZ2 zones in Pearce.

In accordance with section 119 of the Act, the application was refused because it did not also comply with the legislated requirements for merit track applications. The application was inconsistent with:

- the relevant code, being the Multi Unit Housing Development Code.

MULTI UNIT HOUSING DEVELOPMENT CODE (MUHDC)**Rule 38 and Criterion 38(c)**

The development proposal is inconsistent with Rule 38 and Criterion 38(c).

R38 requires 40% of site area for private open space which equates to a requirement of 308m². The private open spaces consist of the courtyard areas for unit 1, unit 2, unit 3, and unit 4. The 70.33m² and 12.25m² common areas are not private open spaces and have not been included in the calculations.

The 242.88m² of POS provided does not comply with the requirement of 40%, being 308m². However it was considered that there is sufficient urban open space available within 420 metres of the subject site for the use of future residents.

Although there is public open space available within close proximity to the subject block for use by future residents, the open spaces provided on the subject block do not comply with criterion 38(c).

There are paved areas that are elevated above natural ground level (NGL) adjacent to unit 1, unit 2, unit 3 and unit 4. Section A (SECTION THROUGH PRIMARY BUILDING ZONE) and Section B (SECTION THROUGH REAR ZONE) shows site retention in the form of batter sloping from the paved areas down towards the side boundaries, consequently, stormwater runoff will be diverted towards the neighbouring blocks and have potential to cause flooding, which is not permitted.

Criterion 40(d)

The development proposal is inconsistent with C40(d).

There is a paved pathway adjacent to the entrance of unit 4, bedroom of unit 3 and the service courtyard of unit 2. Due to the close proximity of the paved pathway, the privacy of the bedroom of unit 3 would be affected by pedestrians.

The design layout of the landscape and building position creates front courtyard walls for unit 1 and unit 2 which have a front setback of 925mm, an area that is insufficient for a pathway to be located within the block boundaries. Consequently unit 2 does not have pedestrian access from the basement car park to the front entrance of unit 2 within the subject block for the residents and visitors.

Refer to Crime Prevention Through Environmental Design General Code and Parking and Access General Code below for further detail.

Rule 49 and Criterion 49

The development proposal is inconsistent with R49 and C49.

The western elevation shows the UFL building facade with a length of approximately 22 metres. The UFL building facade exceeds 15 metres and requires the wall to be articulated by incorporating wall articulation specified by R49. The UFL western building facade has provided 50% facebrick and 50% weatherboard, which does not comply with R49.

The use of materials and lack of articulation of the UFL western building facade is not sufficient and will not provide an appropriate scale, add visual interest and enable visual differentiation between dwellings when viewed from adjoining residential blocks and is inconsistent with C49.

Rule 50 and Criterion 50

The development proposal is inconsistent with R50 and C50.

The western elevation shows the roof with a length of approximately 22 metres. The roof exceeds 15 metres and is not articulated and is inconsistent with R50. The roof will not provide an appropriate scale, add visual interest and enable visual differentiation between dwellings when viewed from adjoining residential blocks.

Rule 60 and Criterion 60

The development proposal is inconsistent with R60 and C60.

- (1) UFL unscreened elements towards principal private open space of any other dwelling in the development and Block 5 Section 10 Pearce.

The upper floor level (UFL) bedrooms of unit 1, unit 3 and unit 4 will have unscreened elements (ie UFL windows) with a direct line of sight towards the principal private open space of neighbouring Block 5 Section 10 Pearce, which is located adjacent to the side boundary.

A spatial separation of 6 metres will be provided instead of 12 metres from the UFL bedrooms of unit 3 and unit 4 unscreened elements to the principal private open space of neighbouring Block 5 Section 10 Pearce instead of 12 metres.

Furthermore, the UFL unscreened elements of unit 1, unit 3 and unit 4 will also overlook the principal private open space of other dwellings in the development as follows:

- Unit 1 UFL bedroom will overlook PPOS of unit 2 and PPOS of unit 3.
- Unit 3 UFL bedroom will overlook PPOS of unit 4.
- Unit 4 UFL bedroom will overlook PPOS of unit 3.

- (2) Unscreened elements towards principal private open space of Block 5 Section 10 Pearce.

The paved elevated areas adjacent to the living rooms of unit 3 and unit 4 will function similar to a deck and will potentially overlook the principal private open space of neighbouring Block 5 Section 10 Pearce, which is adjacent to the side boundary.

The spatial separation between an unscreened element of one dwelling and the principal private open space of the neighbouring block is required to be at least 12 metres.

The paved elevated areas adjacent to the living rooms of unit 3 and unit 4 will have a spatial separation of 3 metres to the side boundary instead of 12 metres.

Furthermore, the living rooms of unit 3 and unit 4 are elevated above NGL and have full height sliding windows facing towards the principal private open space of neighbouring Block 5 Section 10. The spatial separation between the living room windows of unit 3 and unit 4 to the side boundary is 6 metres instead of 12 metres.

The side boundary fence needs to be of a suitable height so as to obscure the line of sight towards the PPOS on neighbouring Block 5 Section 10 Pearce. The plans (Fencing Types Plan, drawing AD17) show a 1.8m Colorbond side fence to be installed but if constructed from natural ground level, the 1.8m Colorbond side fence will not be sufficient.

Future residents of unit 3 and unit 4 will be able to overlook into the neighbouring block from the elevated paved areas and living rooms.

PARKING AND VEHICULAR ACCESS GENERAL CODE

The development proposal is inconsistent with objectives for the provision of parking and vehicular access in residential areas, in particular Objective (b)(ii) and Objective (d)(i).

The proposed development will provide secure double garages in the basement for each dwelling, however, parts of the basement car park that is for vehicle manoeuvring and pedestrian access will not be secure. Additionally, although the driveway ramp and visitor car space will be visible from the street, the vehicle manoeuvring and pedestrian access areas and visitor car space in the basement car park will not be visible from any habitable windows, consequently, there will be no surveillance of users within the basement car park from within the development.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN GENERAL CODE

The development does not comply with C17 and C19 of the Crime Prevention Through Environmental Design General Code.

The proposed development does not provide a direct, safe and convenient pedestrian route of travel between the basement car park and the front entrance of Unit 2. The proposed development relies on future residents and visitors to exit the basement car park using the stairs near the visitor car space, travel along the south west internal pathway adjacent to the south west side boundary, across the driveway onto the public verge before accessing the front courtyard private open space area to get to the front entrance of unit 2, a walking distance of more than 45 metres. Alternatively, residents could also use the north east stairs from the basement car park, along the footpath adjacent to the side boundary, onto the public verge before accessing the front courtyard private open space area to get to the front entrance of unit 2, a walking distance of at least 25 metres.

There is a 925mm wide landscape zone in front of the courtyard wall, which is insufficient space for a footpath and inevitably future residents will be forced to use the public verge to access the courtyard private open space and entrance into unit 2. Subsequently, the development does not provide residential amenity for future residents by establishing a clear delineation between the private and public realm. The amenity created for the residents and also for visitors is not efficient and safe, in particular when carting groceries and also guiding children from the car to the front entrance.

LEASE VARIATION GENERAL CODE

The development proposal is inconsistent with Rule 7(b) of the Lease Variation General Code as it has not been demonstrated that the block has capacity to accommodate the four dwellings as proposed.

EVIDENCE**Application No. 201425358****File No. 1-2014/06834/1****Territory Lease File No. 331/10/4****The Territory Plan zone** – RZ2 Suburban Core**The Development Codes** – Residential Zones Development Code and Multi Unit Housing Development Code.**The Precinct Codes** – Pearce Precinct Map**The General Codes** – Parking and Vehicular Access General Code, Bicycle Parking General Code, Crime Prevention Through Environmental Design General Code, Lease Variation General Code.**Current Crown Lease** – Volume 272 Folio 2**Representations** – 16 representations**Entity advice** – ActewAGL, Territory and Municipal Services Directorate, Environment Protection Authority, and the Conservator of Flora and Fauna.**PART 2****PUBLIC NOTIFICATION AND ENTITY ADVICE****PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 5 May 2014 to 23 May 2014. Sixteen (16) written representations were received during public notification.

The main issues that were raised are in regards to:

- (1) The development is not consistent with the RZ2 objectives.

Response: It is considered that the proposal is inconsistent with objectives (b) and (e) of RZ2 Suburban Core zone.

- (2) Development is inconsistent with the Residential Zones Development Code (RZDC) and Multi Unit Housing Development Code (MUHDC).

Response: It is considered the proposal is inconsistent with the MUHDC. Refer to the Reasons for the Decision.

- (3) The size and scale of the development is not suitable for the area and is not compatible with the RZ2 Suburban Core requirements.

Response: It is considered the proposed development would create an inappropriate streetscape and be out of character with the existing developments and any future re-developments of the area.

- (4) The development will cause traffic, parking, noise, overshadowing and privacy impacts.

Response: It is considered the upper floor level of the proposed development would adversely affect the privacy of the neighbouring block. No traffic or parking issues have been raised by TAMS.

- (5) The amenity of neighbours will be affected during demolition of existing buildings and construction of the development.

Response: Demolition associated with any re-development is required to comply with the Environment Protection Act 1997.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

CONSERVATOR OF FLORA AND FAUNA

On 16 May 2014 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

The DA can be supported, as the *Acer negundo* in the front yard of the lease is a pest plant and not a protected tree, and the large regulated *Eucalyptus viminalis* alongside it on site is supported for removal as it is a schedule 2 listed tree and contains structural faults within its framework.

Response

Matters raised are noted.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 3 September 2014 advice was received from Territory and Municipal Services Directorate (TaMSD) in relation to the proposal. The advice stated:

Conditions

VERGE CROSSING

1. The existing verge crossing must be removed and the verge restored back to original condition.
2. The cross section of the ramp showing the gradient of 1:20 for the first 6m of the driveway inside the front boundary will need to be provided at Design Acceptance.
3. The proposed verge crossing will need to be designed to an industrial strength in accordance with TaMSD standards.
4. The levels on the verge are not to be altered as a result of the new verge crossing.
5. Any infrastructure assets such as street lights, stormwater sumps, mini-pillars, signage etc in proximity to the proposed driveway will need to be a minimum of 1.5m away or be relocated at the lessee's expense.

VERGE

6. The verge must be protected during construction.

Standard Conditions

The following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Asset Acceptance, TaMSD by the ways of:

1. A certificate of design acceptance prior to the commencement of any work and
2. A certificate of Operational Acceptance on completion of all works to be handed over to TaMSD.

Design Acceptance and Operational Acceptance

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TaMSD, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, TaMSD.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TaMSD, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TaMSD Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TaMSD on completion of all off-site works

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMSD. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Asset Acceptance, TaMSD. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TaMSD. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TaMSD Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

Use of Verges or other Unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and City Services, TaMSD.

Repair of Damage to Public Assets

The applicant/lessee is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets. Before work commences, they should notify TaMSD of any existing damage to public facilities.

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TaMSD one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Response

Matters raised are noted.

ActewAGL GAS

On 14 May 2014 advice was received from Jemena Gas Networks (NSW) Limited in relation to the proposal. The advice states that:

The application has been assessed by ActewAGL and conditionally complies with the Gas Networks requirements.

Attached are the stamped plans together with a statement of conditional compliance, which indicates ActewAGL's conditions of approval.

Separate compliance statements are required from other utilities (eg: electricity, water and sewerage, stormwater and communications).

Response

Matters raised are noted.

ActewAGL WATER AND SEWER

On 7 August 2014 advice was received from ActewAGL Water Division in relation to the proposal. The advice states that:

The application has been assessed by ActewAGL against ACTEW water and sewerage network access and asset protection requirements.

Attached is the ActewAGL DECISION STATEMENT together with stamped plans.

A failure to comply with decision statement conditions will invalidate the approval and will expose the land-holder to prosecution under the *Utilities Act 2000*.

Non-compliant submissions must be rectified and resubmitted to ActewAGL for approval prior to construction commencing. A decision to proceed with construction using unapproved drawings will expose the land-holder to prosecution under the *Utilities Act 2000*.

Note: Separate decision statements are required from other utilities (eg: electricity, gas, stormwater and communications).

Response

Matters raised are noted.

ActewAGL ELECTRICITY

On 14 May 2014 advice was received from ActewAGL Electricity Networks Division in relation to the proposal. The advice states that:

The application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with Electricity Networks requirements.

Attached are stamped plans together with a conditional statement of compliance.

Separate compliance statements may be required from other entities.

Response

Matters raised are noted.

ENVIRONMENT PROTECTION AUTHORITY

On 25 September 2014 advice was received from Environment Protection Authority (EPA) in relation to the proposal. The advice states that:

Recommended Conditions of Approval:

Hazardous materials:

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site. All hazardous materials found on the site must be disposed of at a facility appropriately licensed/authorised to accept the waste.

Further Information:

Environment Protection:

The Development Application No. 201425358 is less than 0.3 hectare therefore an erosion and sediment control plan is not required to be submitted to the EPA. However, the works are required to comply with the Environment Protection Act 1997. Ensure that sediment and erosion controls are in place to prevent any pollution from leaving your site and entering the stormwater system and noise from the building work occurs during the permitted periods.

Given the proposed underground parking facility, all rain water that enters the underground storage area during a rain storm event would be considered as a sediment control pond, and also must meet the following conditions.

- No discharge is allowed to enter the stormwater system.

- No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.
- Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.
- Any drainage from the storage area must be connected to sewer and gain approval from ActewAGL to connect to the sewer.

Further clarification of the above comments was provided by the EPA on 25 September 2014 stating that:

The 'underground storage area' is the proposed basement car park area. It is likely to fill with water during a rain event. The dot points explain that they are only allowed to discharge (or pump) the water if the turbidity is less than 60mg/litre. When constructed, the basement car park area must drain to sewer.

Response

Matters raised are noted.

PART 3 ADMINISTRATIVE INFORMATION

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to refuse the application, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electrically by email to epdcustomerservices@act.gov.au or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

APPENDIX 1

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

The following organisations can provide advice and assistance if you are eligible:

- ACT Attorney-General, write to The Chief Executive, of Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

TRANSLATION AND INTERPRETER SERVICES

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week. Telephone 13 14 50.

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE**131 450**

Canberra and District - 24 hours a day, seven days a week



ACT

Government

Environment and Planning

[REDACTED]
Convenor

Friends of Hawker Village Incorporated

Dear [REDACTED]

Thank you for your letter of 18 April 2016 regarding the Territory Plan and single dwelling blocks.

As you have raised in your letter, the Territory Plan manages development on single dwelling and non-single dwelling blocks differently. This stems from differences in both the historical leases, including their development covenants, and the historical use of the premises on these two types of block.

I understand that DA201528466 is currently before the ACT Civil and Administrative Tribunal (ACAT). Unfortunately, I am unable to comment on matters before ACAT.

Residential leases, particularly in older suburbs in Canberra, commonly permit blocks to be used for 'residential purposes' which can include development of more than one dwelling (for example, a dual occupancy).

For residential blocks, development covenants applied additional conditions which further restricted the type of development that could occur. In some circumstances, development covenants permitted the leaseholder to erect '*one building only*', in other circumstances development covenants permitted '*one private single dwelling house building*' to be erected.

Where development covenants permitted the erection of '*one building only*', it was possible to erect a single building that contained more than one dwelling. Subsequent provisions in the Territory Plan reflected the differences between blocks where more than one dwelling had been previously approved. It achieved this by defining '*single dwelling blocks*' and '*non-single dwelling blocks*'.

The effect of these provisions is that blocks that were originally developed with more than one dwelling, even if those dwellings were in the same building, are currently permitted to have higher development densities. The consequence of these provisions were understood when they were incorporated into the Territory Plan.

It is possible to vary the Territory Plan to respond to a range of economic, social and environmental factors and the Environment and Planning Directorate always welcomes feedback on how the Territory Plan can be improved. With this in mind, I have asked the Territory Plan Team to consider the issues you raise when undertaking future residential policy and when considering how planning outcomes can be improved in the ACT.

Should you wish to discuss this matter further, Ms Alix Kaucz, Senior Manager Territory Plan is available on 02 6205 0864 or at Alix.Kaucz@act.gov.au.

Yours sincerely



Dorte Ekelund
Director-General

16 May 2016

From: [EPD Ministerials - Government Services](#)
To: [REDACTED]
Subject: Correspondence regarding Territory Plan and single dwelling blocks
Date: Monday, 16 May 2016 5:05:00 PM
Attachments: [16_05958 - Dg Response - \[REDACTED\] - Director-general - Friends Of Hawker Village Incorp - 2016-05-16#2.PDF](#)

Dear Mr Lyons,

Please find attached correspondence from the Director-General Environment and Planning Directorate.

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415

Environment and Planning Directorate | ACT Government

Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601



PO Box 4082,
HAWKER ACT 2614
www.friendsofhawkervillage.com

Mr Mick Gentleman,
Minister for Planning and Land Management (ACT)
GPO Box 1020,
Canberra, ACT 2601

Copies to:

Ms Dorte Ekelund,
Director-General, ACT Environment and Planning Directorate
Mr Gary Rake,
Deputy Director-General, ACT Environment and Planning Directorate

By email: gentleman@act.gov.au, dorte.ekelund@act.gov.au, gary.rake@act.gov.au

RESIDENCE WITH ATTACHED FLAT ANOMALY

Dear Mr Gentleman,

Friends of Hawker Village Inc. (FoHV) was recently invited by Spacelab Canberra, on behalf of an undisclosed client, to attend a pre-DA consultation session to view preliminary plans for a proposed development at 150 Belconnen Way (Block 42, Section 45, Scullin). On 18 August the FoHV Chairperson, Secretary and Treasurer attended the Spacelab offices in Turner to view the plans.

The Scullin block is 979 m² in area and is zoned RZ1Suburban. Our understanding is that blocks zoned RZ1 are reserved for single dwellings, with dual occupancy dwellings permitted only where the second dwelling is of a limited size (maximum 90 m²). On the Scullin block, there is currently one single-storey building comprising a residence with attached flat (consistent with the block's RZ1 zoning). We were shocked that the re-development plans presented to us were for demolition of the existing building and construction of six new townhouses within four buildings. We are at a loss to understand how such a development proposal could be contemplated for an RZ1 block where unit titling is not permitted and the maximum number of dwellings permitted is two (with a size limit on the second dwelling).

We request a meeting with you as soon as possible to seek your assurance that our understanding of the RZ1 zoning rules will be applied to any DA submitted for the Scullin block (and any others blocks in RZ1 with such a dual occupancy erected on it).

In this context, we would also like to discuss with you the concerns previously raised by FoHV and its members in regard to Block 12 Section 37 Page, which is in an RZ2 area:

1. from [REDACTED] (FoHV Secretary) on 5 Feb 2015 to Mr Gentleman (response 25 February 2015);
2. from [REDACTED] (FoHV Secretary) on 9 Feb 2015 submission on DA201426813;
3. from FoHV on 18 Apr 2016 to Ms Ekelund (response 11 Jun 2016);
4. from FoHV on 12 Nov 2016 submission on DA201528466.

Those concerns were regarding an approved development at 1 Petterd Street, Page, on the corner of Belconnen Way, where a similar building to that on the Scullin block has been approved for replacement with five terrace-style dwellings. We have summarised the issues around the anomalous status of residences with attached flats in some of the older Canberra suburbs in Attachment A along with RZ1 and RZ2 zone objectives in Attachment B. We are seeking a change to the Territory Plan that would limit re-development of dual occupancies in RZ1 and RZ2 to a density of development consistent with single dwelling blocks in those zones.

We believe that the strategic planning principles of the Territory Plan are being undermined and even ignored by approval having been given to the Petterd St application and will be further eroded if this Scullin proposal is even considered for approval. Increasing residential density in selected areas is one thing; approving applications in clear conflict with the Territory Plan is another.

Your consideration of our request for the opportunity to discuss this important local issue with major decision makers as a matter of urgency would be greatly appreciated.

Yours sincerely,

[REDACTED]

[REDACTED]
Convenor

Friends of Hawker Village Incorporated

31 August 2016



ANNEXURE A

The anomaly

The issue of concern is what appears to be an anomaly in the application of the single dwelling block definition. The anomaly relates to random blocks in suburbs established around 1969-70. For a short time, a single residence with attached flat was approved to be built on an ordinary residential block. These buildings were required to meet the same setback and plot ratio as ordinary single residential buildings. The fact that these buildings were all designed so that only one front door is visible means that these buildings were identical in appearance to those on neighbouring blocks. This resulted in a uniform suburban landscape, such that it is likely that many people are unaware of the existence of these particular residences today.

Compliance with Zone Objectives

Our concern is that the strict application of the single dwelling block definition means that these blocks are now regarded as multi-unit blocks for redevelopment. This was highlighted by Block 12 Section 37 in an RZ2 area of Page which has been approved for five dwellings when three would have been the limit for any other block of this size (1,075 sq.m). The application of multi-unit rules and criteria to odd blocks scattered through a standard residential suburb will result in irregular redevelopment and densities within the RZ2 area. This does not appear to comply with the RZ2 Zone Objectives (b) and (e).

- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the original pattern of subdivision and the density of dwellings
- e) Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties

Irregular development

The RZ2 zoning conforms with the traditional planning approach of designating specific areas for specific types of development, in this case, densification. Typically, building types are grouped in locations deemed to be appropriate for each type. It is usual for such areas to be subject to the same rules and conditions applying to each and every block within the zone. The building controls imposed on these anomalous blocks originally ensured that there was no disjuncture with other blocks in the neighbourhood.

The two-storeyed duplexes opposite the Cook shops are an example of buildings that have a vastly different appearance from the surrounding single residential blocks being grouped into a specific zone. It would be most acceptable for these duplex blocks to be redeveloped under the Multi-Unit Housing Development Code as they have been specifically selected for this purpose and, presumably, designated so under a building covenant at the time of sale. There

is no evidence that the anomalous blocks in question were subject to a building covenant at the time of initial sale that would justify their being treated differently from neighbouring blocks in the same zone under current policy.

Literal legal interpretation

The wording of the definition of 'single dwelling block' is:

Single dwelling block means a block with one of the following characteristics –

- a) originally leased or used for the purpose of single dwelling housing
- b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing.

Prior to 1971, leases simply specified the purpose as “residential only” and required a single building to be erected. In her response of 11 Jun 2016, Ms Ekelund observed that,

Residential leases, particularly in older suburbs in Canberra, commonly permit blocks to be used for 'residential purposes' which can include development of more than one dwelling (for example, a dual occupancy).

Under the current definition, all pre-1971 blocks with such a lease would *not* qualify as 'single dwelling blocks'. The definition, however, is applied to these blocks as if the wording was 'originally leased AND used for the purpose of single dwelling housing'. This is not an issue in suburbs other than those developed around 1969-70 where its application will result in random, erratic development in what was a cohesive neighbourhood.

About 1971, the wording on residential leases was changed to specify “one single dwelling building only”. As a result, no more anomalous developments were approved. Only a few suburbs are affected by this anomaly. We question whether these suburbs should be targeted for irregular development that will not occur in other Canberra suburbs.

Approval for residence

In the Page case mentioned above, plans submitted AFTER the lease was transferred were approved for a “residence with attached flat”. The use of the word 'residence' for only one part of the building is significant. The use of the word “with” rather than the word “and” is also significant. This terminology suggests that the attached flat was regarded as part of the residence rather than a separate entity. It is most probable that the Cook duplexes, each of which were identical pairs, were approved for two 'residences' since there was no primary residence and each was attached to the other with obvious, independent entries.

We suggest that the definition of single dwelling blocks should be changed to read:

- a) originally leased or used for the purpose of single dwelling housing including where a single 'residence with attached flat' was approved initially.

We believe this would be more in the spirit of the original planning intent and cause less friction and dissatisfaction with the redevelopment and densification of the affected suburbs.

In summary, referring below to the RZ1 and RZ2 Objectives, the risk of more of these anomalous leases being developed as multi-unit blocks will make it impossible to achieve the policy intent of those laudable objectives.

ANNEXURE B

RZ1 – Suburban zone

Zone objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character
- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the original pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- e) Provide opportunities for home based employment consistent with residential amenity
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- g) Promote good solar access
- h) Promote energy efficiency and conservation
- i) Promote sustainable water use

RZ2 – Suburban core zone

Zone objectives

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres
- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the original pattern of subdivision and the density of dwellings
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs
- d) Contribute to the support and efficient use of existing social and physical infrastructure and services in residential areas close to commercial centres
- e) Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties
- f) Provide opportunities for home based employment consistent with residential amenity
- g) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
- h) Promote good solar access
- i) Promote energy efficiency and conservation
- j) Promote sustainable water use

From: [McEvoy, Justin](#)
To: [EPD Ministerials - Government Services](#)
Cc: [Bennett, JamesP](#); [Buik, Jessica](#)
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]
Date: Wednesday, 7 September 2016 11:21:19 AM

Thanks Karley and JB

Minister's Chief of Staff has advised:

Dorte, Can you please handled this as a matter of priority. It seems (from an initial read) a very odd situation? In RZ1? Adina

Would you please action accordingly.

Regards

Justin McEvoy | EPD Planning and Land Management Directorate Liaison Officer

Phone 02 6205 4521 | Mobile [REDACTED]

Office of Mick Gentleman MLA | Environment and Planning Directorate | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 |

www.planning.act.gov.au

From: Bennett, JamesP
Sent: Wednesday, 7 September 2016 11:18 AM
To: McEvoy, Justin; EPD Ministerials - Government Services
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

I don't recall this.

Searched my emails and didn't find anything.

From: McEvoy, Justin
Sent: Wednesday, 7 September 2016 10:32 AM
To: EPD Ministerials - Government Services
Cc: Bennett, JamesP
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Can confirm the office did not pass the correspondence to me for a response. If there is nothing in Objective and JB does not recall it, then it should go to the line area for a response by D-G.

Justin

From: EPD Ministerials - Government Services
Sent: Wednesday, 7 September 2016 10:18 AM
To: McEvoy, Justin
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Hi Justin

Just FYI Dorte has also received the attached correspondence. Cara and I didn't recall ever receiving a request from the MO for this correspondence/I couldn't find it in OBJ.

It has been sent down to the line area for a response by DG (OBJ file attached).

Just so you can mark it as actioned on your end as it was addressed to Minister Gentleman.

Thanks.

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415
Environment and Planning Directorate | ACT Government
Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601

From: Buik, Jessica
Sent: Tuesday, 6 September 2016 6:57 PM
To: EPD Ministerials - Government Services
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Hi Cara and Karley

Have we already received a request from the Minister's office in relation to this?

Don't want to double-up if you have.

Many thanks

Jess

From: Vest, Petra **On Behalf Of** Ekelund, Dorte
Sent: Sunday, 4 September 2016 4:58 PM
To: Buik, Jessica
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

FYI

From: hawkerfs [<mailto:secretary@friendsofhawkervillage.com>]
Sent: Wednesday, 31 August 2016 3:51 PM
To: GENTLEMAN; Ekelund, Dorte; Rake, Gary
Subject: Anomalous blocks in Page and Scullin

Dear Mr Gentleman, Ms Ekelund and Mr Rake,

Attached please find a letter requesting a meeting to discuss an important issue that affects a few suburbs in south Belconnen. We would appreciate the opportunity to clarify the government's intent before more development applications are approved.

Yours sincerely,


Secretary,
Friends of Hawker Village Inc.

From: [EPD Ministerials - Government Services](#)
To: [Cilliers, George](#); [Van Vucht, Lisa](#)
Cc: [EPD Ministerials - Planning Delivery](#)
Subject: FYI - 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED] [SEC=UNCLASSIFIED]
Date: Wednesday, 7 September 2016 12:07:02 PM
Attachments: [Friends of Hawker Village 20160831.pdf](#)
[16_16780 - DG Correspondence - Friends of Hawker Village - \[REDACTED\].obr](#)
Importance: High

Hi George/Lisa

The attached DG correspondence (I sent through for action this morning) was originally addressed to Minister Gentleman with Dorte cc in.

The response will be from the DG. However, the MO has asked that this be handled as a priority - as per below.

Just so you are aware.

Thanks

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415

Environment and Planning Directorate | ACT Government
Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601

From: McEvoy, Justin
Sent: Wednesday, 7 September 2016 11:21 AM
To: EPD Ministerials - Government Services
Cc: Bennett, JamesP; Buik, Jessica
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Thanks Karley and JB

Minister's Chief of Staff has advised:

Dorte, Can you please handled this as a matter of priority. It seems (from an initial read) a very odd situation? In RZ1? Adina

Would you please action accordingly.

Regards

Justin McEvoy | EPD Planning and Land Management Directorate Liaison Officer

Phone 02 6205 4521 | Mobile [REDACTED]

Office of Mick Gentleman MLA | Environment and Planning Directorate | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 |

www.planning.act.gov.au

From: EPD Ministerials - Government Services
Sent: Wednesday, 7 September 2016 9:58 AM

To: Cilliers, George; Van Vucht, Lisa
Cc: EPD Ministerials - Planning Delivery
Subject: 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED]
[SEC=UNCLASSIFIED]

Good morning

Please see below/attached Director-General correspondence for response.

Due to Government Services by 14 September 2016.

Thanks.

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415
Environment and Planning Directorate | ACT Government
Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601

From: Buik, Jessica
Sent: Tuesday, 6 September 2016 6:57 PM
To: EPD Ministerials - Government Services
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Hi Cara and Karley

Have we already received a request from the Minister's office in relation to this?

Don't want to double-up if you have.

Many thanks

Jess

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Sent: Sunday, 4 September 2016 4:58 PM
To: Buik, Jessica
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

FYI

From: hawkerfs [<mailto:secretary@friendsofhawkervillage.com>]
Sent: Wednesday, 31 August 2016 3:51 PM
To: GENTLEMAN; Ekelund, Dorte; Rake, Gary
Subject: Anomalous blocks in Page and Scullin

Dear Mr Gentleman, Ms Ekelund and Mr Rake,

Attached please find a letter requesting a meeting to discuss an important issue that affects a few suburbs in south Belconnen. We would appreciate the opportunity to clarify the government's intent before more development applications are approved.

Yours sincerely,



Secretary,
Friends of Hawker Village Inc.

From: [Cox, Kirra](#)
To: [Chapman, Maggie](#); [Kaucz, Alix](#)
Cc: [Messer, Sue](#); [Cilliers, George](#); [Kelly, Shauna](#); [Anderson, Karley](#); [Van Vucht, Lisa](#); [Davis, Matt](#)
Subject: RE: For input - 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED]
[SEC=UNCLASSIFIED]
Date: Thursday, 15 September 2016 2:16:41 PM

Hi Maggie and Alix

Just following up this in Lisa's absence as this is now overdue.

Thank you,

Kirra Cox

Assessment Officer | Gateway Team
Development Assessment | Planning Delivery Division
Environment and Planning | ACT Government
Phone 02 6207 6383 | Email kirra.cox@act.gov.au
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
[Home - Environment and Planning Directorate - Planning](#)

From: Van Vucht, Lisa
Sent: Wednesday, 7 September 2016 12:15 PM
To: Chapman, Maggie; Kaucz, Alix
Cc: Messer, Sue; Cilliers, George; Cox, Kirra; Kelly, Shauna; Anderson, Karley
Subject: For input - 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED]
[SEC=UNCLASSIFIED]
Importance: High

Hi Maggie and Alix

Please see attached Ministerial from Friends of Hawker Village – this raises policy issues in relation to RZ1 zoning (Alix – would be great if you have any input here) and also touches on the recent Page ACAT decision that was handled by DA leasing (Maggie/Sue – let me know if you would like any input here). I have also attached a link to a previous response to Mr Lyons on this issue.

Cheers

Lisa

Lisa Van Vucht

Phone 02 6205 5187
Manager
Gateway Team | Development Assessment
Planning Delivery Division | Environment and Planning | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |
www.environment.act.gov.au

From: EPD Ministerials - Government Services
Sent: Wednesday, 7 September 2016 12:07 PM
To: Cilliers, George; Van Vucht, Lisa

Cc: EPD Ministerials - Planning Delivery
Subject: FYI - 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED]
[SEC=UNCLASSIFIED]
Importance: High

Hi George/Lisa

The attached DG correspondence (I sent through for action this morning) was originally addressed to Minister Gentleman with Dorte cc in.

The response will be from the DG. However, the MO has asked that this be handled as a priority - as per below.

Just so you are aware.

Thanks

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415
Environment and Planning Directorate | ACT Government
Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601

From: McEvoy, Justin
Sent: Wednesday, 7 September 2016 11:21 AM
To: EPD Ministerials - Government Services
Cc: Bennett, JamesP; Buik, Jessica
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Thanks Karley and JB

Minister's Chief of Staff has advised:

Dorte, Can you please handled this as a matter of priority. It seems (from an initial read) a very odd situation? In RZ1? Adina

Would you please action accordingly.

Regards

Justin McEvoy | EPD Planning and Land Management Directorate Liaison Officer
Phone 02 6205 4521 | Mobile [REDACTED]
Office of Mick Gentleman MLA | Environment and Planning Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 |
www.planning.act.gov.au

From: EPD Ministerials - Government Services
Sent: Wednesday, 7 September 2016 9:58 AM
To: Cilliers, George; Van Vucht, Lisa
Cc: EPD Ministerials - Planning Delivery
Subject: 16/16780 - DG Correspondence - Friends of Hawker Village - [REDACTED]
[SEC=UNCLASSIFIED]

Good morning

Please see below/attached Director-General correspondence for response.

Due to Government Services by 14 September 2016.

Thanks.

Regards,

Karley Anderson | Ministerial Liaison Officer | ☎ 02 6207 7415

Environment and Planning Directorate | ACT Government

Level 3 South Dame Pattie Menzies House | GPO Box 158 CANBERRA ACT 2601

From: Buik, Jessica

Sent: Tuesday, 6 September 2016 6:57 PM

To: EPD Ministerials - Government Services

Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Hi Cara and Karley

Have we already received a request from the Minister's office in relation to this?

Don't want to double-up if you have.

Many thanks

Jess

From: Vest, Petra **On Behalf Of** Ekelund, Dorte

Sent: Sunday, 4 September 2016 4:58 PM

To: Buik, Jessica

Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

FYI

From: hawkerfs [<mailto:secretary@friendsofhawkervillage.com>]

Sent: Wednesday, 31 August 2016 3:51 PM

To: GENTLEMAN; Ekelund, Dorte; Rake, Gary

Subject: Anomalous blocks in Page and Scullin

Dear Mr Gentleman, Ms Ekelund and Mr Rake,

Attached please find a letter requesting a meeting to discuss an important issue that affects a few suburbs in south Belconnen. We would appreciate the opportunity to clarify the government's intent before more development applications are approved.

Yours sincerely,



Secretary,

Friends of Hawker Village Inc.

From: [Magee, Alexandra](#)
To: [EPD Ministerials - Government Services](#)
Subject: FW: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]
Date: Wednesday, 21 September 2016 2:54:10 PM

Hi Karley

I have responded to the Friends of Hawker Village on behalf of EPD. See below.

Can you please include this email in the container with the proposed response.

Thank you

Alex

From: Magee, Alexandra
Sent: Wednesday, 21 September 2016 2:52 PM
To: 'secretary@friendsofhawkervillage.com'
Cc: Rake, Gary; Ekelund, Dorte
Subject: RE: Anomalous blocks in Page and Scullin [SEC=UNCLASSIFIED]

Good Afternoon [REDACTED]

Thank you for your email. I can confirm that the Directorate received the below mentioned correspondence from the Friends of Hawker Village.

I anticipate the response will be finalised in the coming days and will be with FOHV by Tuesday, 27 September 2016.

If you require any further information I can be contacted on the number below.

Kind regards,

Alex

Alexandra Magee

Executive Officer to the Director-General

Environment and Planning Directorate | **ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

Phone: 02 6207 5174

From: hawkerfs [<mailto:secretary@friendsofhawkervillage.com>]
Sent: Tuesday, 20 September 2016 8:13 AM
To: Rake, Gary
Subject: Fwd: Anomalous blocks in Page and Scullin

Dear Mr Rake,

As we have not received any acknowledgment of receipt of this correspondence, we are concerned that it might not have been received. We would appreciate confirmation that it was received and your advice as to the state of any action regarding this matter.

Kind regards,

[REDACTED]
Secretary,

Friends of Hawker Village Inc.

----- Forwarded message -----

From: **hawkerfs** <secretary@friendsofhawkervillage.com>

Date: 31 August 2016 at 15:51

Subject: Anomalous blocks in Page and Scullin

To: gentleman@act.gov.au, dorte.ekelund@act.gov.au, gary.rake@act.gov.au

Dear Mr Gentleman, Ms Ekelund and Mr Rake,

Attached please find a letter requesting a meeting to discuss an important issue that affects a few suburbs in south Belconnen. We would appreciate the opportunity to clarify the government's intent before more development applications are approved.

Yours sincerely,



Secretary,
Friends of Hawker Village Inc.



ACT
Government

Environment and Planning

COPI

16/16780

[REDACTED]
Convenor
Friends of Hawker Village Incorporated

[REDACTED]
Dear [REDACTED]

Scullin RZ1 and RZ2

Thank you for your letter of 31 August 2016 to the Minister for Planning and Land Management, Mr Mick Gentleman MLA, regarding a proposed multi-unit development on Block 42 Section 45 Scullin and your request for a change to the Territory Plan to limit re-development in RZ1 and RZ2 zones. As you may be aware the ACT Government is presently operating under caretaker conventions and, as such, I am responding to you directly.

I am unable to meet to discuss a DA that is currently undergoing assessment, such as at 150 Belconnen Way (Block 42 Section 45 Scullin) but I would be happy to meet with you once our assessment is complete.

I understand the Director-General, Ms Dorte Ekelund, wrote to the Friends of Hawker Village earlier this year about the definition of single dwelling blocks in the Territory Plan. I do not have any further advice for you on that subject.

Since Ms Ekelund wrote to you, the Administrative and Civil Appeals Tribunal (ACAT) has handed down its decision in relation to your appeal (AT101/2015) in the matter of Block 12 Section 37 Page (Block 12). The ACAT confirmed the planning and land authority's decision that Block 12 is not a single dwelling block. I understand a copy of this decision was sent to you by the Registrar.

A development application (DA) has been lodged for Block 12 and is currently available for public consultation until 20 October 2016. I invite the Friends of Hawker Village to comment during this period so that any concerns can be fully considered by the independent planning and land authority, in its assessment of the proposal.

COPY

The applicant will need to demonstrate to the authority that the first use of the block was for a dual occupancy development and that the block is not a single dwelling block. Although there is no strict limit on the number of dwellings that can be constructed on a non single dwelling block in RZ1, the applicant must demonstrate that any proposal meets all the requirements of the *Planning and Development Act 2007* and Territory Plan, and is suitable for the site and surrounding area.

It is possible to vary the Territory Plan to respond to a range of economic, social and environmental factors and the Environment and Planning Directorate always welcomes feedback on how the Territory Plan can be improved. I have asked Ms Alix Kaucz, Senior Manager, available on (02) 6205 0861 to contact you to discuss your concerns around current planning and policy requirements in relation to RZ1 and RZ2.

Yours sincerely



Gary Rake
Acting Director-General
30 September 2016



MEETING NOTES

Friends of Hawker Village Inc. (FoHV) and Representatives of the Environment and Planning Directorate (EPD)

7 October 2016, Pattie Menzies House, Challis Street, Dickson

Present: Alix Kaucz (EPD), note taker (EPD), [REDACTED] (FoHV), [REDACTED] (FoHV)

Background

The meeting was arranged following correspondence between FoHV and Mr Gary Rake, EPD Deputy Director General (30 Sep 2016), as well as Ms Dorte Ekelund, EPD Director General (16 May 2016), where FoHV had expressed concerns about the treatment of a particular type of dual occupancy dwelling on standard blocks scattered throughout a few suburbs in south Belconnen. These developments involve a single house-sized building comprising a 2BR residence and 1BR flat designed to appear like a single residence, thus creating a uniform streetscape.

FoHV concerns had been heightened following an invitation to view a redevelopment proposal to replace a small dual occupancy in an RZ1 zone (one ownership) with six two-storey dwellings (unit titled).

FoHV requested changes to the Territory Plan (and any associated codes) to give effect to the following:

Urgent request

1. Dual occupancies of the particular type approved between about 1968-1970 to be treated as single dwelling blocks when there are proposals to redevelop. In RZ1, the only redevelopment permitted should be replacement with a single dwelling or a dual occupancy that conforms to the current limits on size and no unit-titling permitted. In RZ2, the number of dwellings permitted should be constrained by the maximum number of dwellings and the same setbacks and plot ratio that would be permitted if the dual occupancy building were a single dwelling building.

Other requests

2. Both in the interests of avoiding heat banks and to ensure redevelopment contributes to the leafy character of older suburbs, FoHV requests a limit on the area of hard surfaces. Multi-unit development applications in inner Belconnen that have been scrutinised by FoHV

show that it is the practice of developers to push the plot ratio as close as possible to the maximum limit allowed. The requirement for a driveway to give access to the necessary garaging results in 'rivers of concrete'. Currently it seems that Private Open Space areas can also be largely pavers or decking. To alleviate this problem, any driveway that extends beyond the building set-back needs to be added to the square metres of building when calculating plot ratio.

3. Densification by its nature means loss of decent space between dwellings. To avoid potential issues of irritating noise and visual pollution, all redevelopment plans should be required to show the locations of **screened** clothes drying yards for each unit and heating/cooling units that are not contained within the building itself.

4. FoHV believes that adequate parking is not provided when redevelopment is undertaken. Anecdotal evidence is that even residents do not use their garages at all times and will often park on verges and on-street. House-sharing can also mean that there is not sufficient off-street parking for all residents let alone visitors. When parking is obviously inadequate, assessing officers in making their decisions dismiss the concerns of nearby residents. They do so, apparently, without having any practical experience of the site to inform their decision. In RZ2 in particular, the cumulative effect of inadequate parking provision approved for each development individually seems not to be considered. FoHV believes that redeveloped blocks require much increased onsite parking than is currently required.

FoHV requested that early consideration be given to these issues.

5. The types of development that are occurring in RZ2, particularly in Weetangera, are considered by existing residents to be offensive. When A10 was first introduced, densification was permitted to be only slightly more dense than in RZ1 and there were some protections in place to preserve streetscapes and character – developments had to 'fit in'. The planning rules have been so watered down over the past decade that developments are permitted which are totally out of character with the established suburb and would be consistent with the type of development that occurs in greenfields development.

Multi-unit housing inserted into predominantly low-rise, single dwelling areas will always be problematic. It is a cause of much anxiety and stress for existing residents with loss of their residential amenity and privacy as more neighbours are imposed on them, more traffic in their streets and inadequate provision for parking within the redeveloped blocks. The older suburbs with decent block sizes should be preserved. Communities should not have been divided into those residents that have protection of their residential amenity and others virtually none.

FoHV would welcome review of RZ2 redevelopment provisions to give greater emphasis to protection of residential amenity for existing residents (privacy, solar access, protection of trees and vegetation and to ensure that redevelopment does not negatively impact on existing quiet streets that have low traffic flow).



ACT
Government

Environment, Planning and
Sustainable Development

MINISTER	Mick Gentleman MLA – Minister for Planning and Land Management
SUBJECT	Change definition of ‘single dwelling block’ to ‘standard block’ and amend its meaning via a draft variation to the Territory Plan
CRITICAL DATE	16 March 2018
OBJECTIVE NUMBER	18/04484

	Due Date	Signature	Date
Due to the Ministers Office	22/2/18		
Director-General			
Deputy Director-General, S&tBE			
Deputy Director-General, LS&E	19/2		
Government Services		L. Sampson	16/2/18
Executive Director			
Director / Senior Manager		Alix Kaucz	16/02/2018
Contact Officer: Janine Ridsdale		Telephone No: x54060	

<p>Further Action/Comment:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Signature</p>



FOR OFFICIAL USE ONLY

To: Minister for Planning and Land Management

Tracking No.: 18/04484

Rec'd Minister's Office .../.../...

From:

Director General
Deputy Director-General, Sustainability & the Built Environment
Deputy Director-General, Land Strategy and Environment
Executive Director, Planning Delivery
Executive Director, Planning Policy

Date

21 February 2018

Subject:

Change definition of 'single dwelling block' to 'standard block' and amend its meaning via a draft variation to the Territory Plan

Critical Date:

16 March 2018

Critical Reason:

To initiate a draft variation to address the issue of standard density restrictions (plot ratio and maximum dwelling numbers) not applying to multi-unit redevelopment proposals in some RZ1 and RZ2 zones.

Purpose

To seek your agreement to change the definition of 'single dwelling block' to 'standard block' and amend its meaning via a draft variation to the Territory Plan.

Recommendations

That you:

1. **Note** the circumstances resulting in the standard density restrictions not applying to multi-unit redevelopment proposals on certain blocks in some RZ1 and RZ2 zones;

Noted / Please Discuss

2. **Agree** to change the definition of 'single dwelling block' to 'standard block' and amend its meaning in the Territory Plan to resolve the above mentioned issue; and

Agreed / Not Agreed / Please Discuss

3. **Agree** that this change is made via a draft variation to the Territory Plan with interim effect when it is released for public consultation.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA/...../.....

Minister's Office Feedback

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Background

1. This brief provides the context for a proposed draft variation to the Territory Plan to revise the definition of 'single dwelling block' as well as renaming the definition to 'standard block'.
2. The purpose of this change is to address the situation where irregular redevelopment is proposed or occurring on certain blocks in RZ1 and RZ2 zones that were not intended for unfettered multi-unit development. The density restrictions pertaining to plot ratio and maximum dwelling numbers in the Multi Unit Housing Development Code (MUHDC) do not apply to these blocks due to the wording of the 'single dwelling block' definition.
3. This matter does not include original non-single dwelling blocks specifically reserved for legitimate multi-unit development. The intention was for those blocks to be excluded from density restrictions (plot ratio and dwelling numbers) applying to single dwelling housing in these zones.
4. Variation 306 (V306) which took effect in July 2013 changed the name of '*standard block*' to '*single dwelling block*', however did not materially change its meaning.
5. The current definition of '*single dwelling block*' is "...a block with one of the following characteristics -
 - a. originally leased or used for the purpose of single dwelling housing
 - b. created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing."
6. Certain blocks in RZ1 and RZ2 zones in some of the older suburbs were originally leased or developed as dual occupancy housing. At the time when housing in these suburbs was being constructed (late 1960s and early 1970s), two dwellings were permitted to be built on a block, provided the development presented as a single dwelling to the street frontage. The aim was to improve the availability of housing stock while preserving the low density suburban character of the street.
7. The current definition of 'single dwelling block' does not apply to these original dual occupancy blocks as they were not originally used for the purpose of single dwelling housing. The result is that some of the provisions in the MUHDC that apply to neighbouring RZ1 or RZ2 blocks do not apply. As such, redevelopment on these blocks is exempted from plot ratio and maximum dwelling number restrictions.
8. Development assessment officers in EPSDD have advised that they are receiving numerous enquiries regarding the development potential of these blocks.
9. Some proponents have submitted development applications for unit development (in some cases with basement garages) on these blocks, well in excess of the surrounding predominantly low density streetscape.
10. As this was not the purpose of the '*single dwelling block*' definition, EPSDD proposes to amend the term in order to clarify its intent via a draft variation to the Territory Plan.

11. To avoid confusion regarding the term '*single dwelling block*' excluding blocks where the lease originally permitted more than one dwelling to be built on the site, it is proposed to rename the definition to '*standard block*' and adjust the wording. This will require consequential changes to the codes in the Territory Plan to replace all references to '*single dwelling block*' with '*standard block*'.
12. The proposed definition of 'standard block' is:
"Standard block means a block with one of the following characteristics –
 - a) originally leased or used for the purpose of one or two dwellings, or
 - b) created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of one or two dwellings."

Issues

13. Community organisations, particularly the Friends of Hawker Village (FoHV) community group are concerned this creates a loophole in the planning system and the subsequent impact it has had or may further have, on their neighbourhood.
14. By way of an example of the issue, a development application ([Attachment A](#)) on a 979m² RZ1 zoned block in Scullin proposed 6 two story dwellings and associated works. The proposal was refused by the planning and land authority based on inconsistency with the MUHDC, and for not meeting the objectives of the RZ1 zone, under sections 119 and 120 of the *Planning and Development Act 2007* (the Act).
15. The decision was appealed by the proponent in the ACT Civil and Administrative Tribunal (ACAT). The appeal was overturned and the decision made by the planning and land authority to refuse the application was confirmed by ACAT. However, the ACAT decision was based solely on inconsistency with section 119 of the Act in that parts of the MUHDC pertaining to principal private open space requirements were not satisfactorily met ([Attachment B](#)). It is expected that the applicant will lodge a revised multi-unit development proposal of a lesser scale but still exceeding that permitted on a single dwelling block.
16. Previous similar applications have also been refused. However, some applications have been allowed a greater level of development than single dwelling or dual occupancy. See case study example at [Attachment C](#), where the original application for 4 dwellings was refused but a new application for 3 dwellings was then approved.
17. FoHV met with EPSDD in October 2016 to voice concerns about such developments (see [Attachment D](#)). They have previously written to both EPSDD and to you about this issue ([Attachment E](#)). FoHV most recently met with you and representatives from EPSDD on 9 January 2018 to again raise concerns about the matter, with a follow-up meeting with EPSDD on 6 February 2018. It was agreed that EPSDD would develop and trial clarification notes in the interim (while the proposed draft variation is being prepared) for development assessment staff to use around the application of certain RZ1 and RZ2 zone objectives. The purpose of these clarification notes are to facilitate consistent application of the zone objectives in the assessment of DAs. The clarification notes will only be used internally and not be made available for FoHV.

18. The Housing Choices project is a related piece of work but is a longer term option. This work would enable this matter to be addressed holistically as part of a broader review of housing options in the residential zones. However during this time it is anticipated that a number of multi-unit development proposals on these blocks will be submitted. To prevent irregular redevelopment occurring in the RZ1 zone during the intervening time it is recommended that a draft variation be prepared to address this issue and that the changes have interim effect when released for public consultation.

Financial Implications

19. There are no financial implications arising from this brief.

Consultation

Internal

20. The proposed change was circulated to Government directorates and agencies.
21. The proposed definition change does not alter how 'Mr Fluffy' blocks are assessed.

External

22. ActewAGL, Icon Water, Jemena Gas, Australian Federal Police, National Capital Authority have previously been consulted.

Benefits/Sensitivities

23. As the proposed change could impact on the development yield of blocks that have been purchased speculatively this is expected to result in opposition from proponents or representative groups.
24. It is expected that this proposed change would be supported by community councils and others who have voiced concerns over this issue.

Media Implications

25. While there is no media expected from this brief, this proposed change to the Territory Plan may give rise to public and media attention.

Signatory Name: Alix Kaucz, Senior Manager

Phone: 50864

Action Officer: Janine Ridsdale

Phone: 54060

From: [Ponton, Ben](#)
To: [Ives, Kieran](#)
Cc: [Rutledge, Geoffrey](#)
Subject: RE: 18/04484 - Ministerial-Information Brief - Change definition of single dwelling block to standard block and amend its meaning via a DV to the Territory Plan [SEC=UNCLASSIFIED]
Date: Thursday, 15 March 2018 8:23:40 AM

Hi Kieran - approved and good to go, thanks.

Cheers,

B

Ben Ponton | Director-General
Phone +61 2 6207 8359
Environment, Planning and Sustainable Development Directorate | ACT Government
Level 3, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | www.environment.act.gov.au

-----Original Message-----

From: Ives, Kieran
Sent: Wednesday, 14 March 2018 6:54 PM
To: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>
Subject: 18/04484 - Ministerial-Information Brief - Change definition of single dwelling block to standard block and amend its meaning via a DV to the Territory Plan [SEC=UNCLASSIFIED]

Hi Geoffrey and Ben - Please find attached a Ministerial brief seeking the Minister's agreement to change the definition of 'single dwelling block' to 'standard block and amend the Territory Plan to this effect.

Can you please review the attached brief and provide your comments or agreement to provide MO?

This has been reviewed and approved by Erin.

Kind regards
Kieran

Kieran Ives | Executive Officer to Deputy Directors-General Environment, Planning and Sustainable Development Directorate | ACT Government
Phone: (02) 6205 9095 | Email: kieran.ives@act.gov.au Level 3 Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT | GPO Box 158, Canberra 2601



FOR OFFICIAL USE ONLY

To: Minister for Planning and Land Management

Tracking No.: 18/04484

Rec'd Minister's Office 15 MAR 2018

From:

Director General
Deputy Director-General, Sustainability & the Built Environment
Deputy Director-General, Land Strategy and Environment *8/3/18*
Executive Director, Planning Delivery
Executive Director, Planning Policy

Date

21 February 2018

Subject:

Change definition of 'single dwelling block' to 'standard block' and amend its meaning via a draft variation to the Territory Plan

Critical Date:

23 March 2018

Critical Reason:

To initiate a draft variation to address the issue of standard density restrictions (plot ratio and maximum dwelling numbers) not applying to multi-unit redevelopment proposals in some RZ1 and RZ2 zones.

Purpose

To seek your agreement to change the definition of 'single dwelling block' to 'standard block' and amend its meaning via a draft variation to the Territory Plan.

Recommendations

That you:

1. **Note** the circumstances resulting in the standard density restrictions not applying to multi-unit redevelopment proposals on certain blocks in some RZ1 and RZ2 zones;

Noted / Please Discuss

2. **Agree** to change the definition of 'single dwelling block' to 'standard block' and amend its meaning in the Territory Plan to resolve the above mentioned issue; and

Agreed / Not Agreed / Please Discuss

3. **Agree** that this change is made via a draft variation to the Territory Plan with interim effect when it is released for public consultation.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA

12/4/18

Minister's Office Feedback

Background

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Issues

13. Community organisations, particularly the Friends of Hawker Village (FoHV) community group are concerned this creates a loophole in the planning system and the subsequent impact it has had or may further have, on their neighbourhood.
14. By way of an example of the issue, a development application (Attachment A) on a 979m² RZ1 zoned block in Scullin proposed 6 two story dwellings and associated works. The proposal was refused by the planning and land authority based on inconsistency with the MUHDC, and for not meeting the objectives of the RZ1 zone, under sections 119 and 120 of the *Planning and Development Act 2007* (the Act).
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17. FoHV met with EPSDD in October 2016 to voice concerns about such developments (see Attachment D). They have previously written to both EPSDD and to you about this issue (Attachment E). FoHV most recently met with you and representatives from EPSDD on 9 January 2018 to again raise concerns about the matter, with a follow-up meeting with EPSDD on 6 February 2018. It was agreed that EPSDD would develop and trial clarification notes in the interim (while the proposed draft variation is being prepared) for development assessment staff to use around the application of certain RZ1 and RZ2 zone objectives. The purpose of these clarification notes are to facilitate consistent application of the zone objectives in the assessment of DAs. The clarification notes will only be used internally and not be made available for FoHV.



ACT
Government

Environment, Planning and
Sustainable Development

Mr Ben Ponton
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Ponton

**DRAFT VARIATION TO THE TERRITORY PLAN No 350 - CHANGES TO DEFINITION OF
SINGLE DWELLING BLOCK**

In accordance with Section 61(b) of the *Planning and Development Act 2007* I advise that I have examined Draft Variation No 350, Changes to Definition of 'Single Dwelling Block', that proposes to amend the definition of single dwelling block to 'standard block' and adjusting the wording to ensure the desired urban outcomes.

There are no issues of concern to the Conservator of Flora and Fauna with the proposed amendment.

Please contact Helen McKeown, Conservator Liaison Officer on 62072247 if further information is required.

Yours sincerely



Ian Walker
Conservator of Flora and Fauna

21st April 2018

From: [Terrplan](#)
To: [Ridsdale, Janine](#)
Subject: FW: PCD Response to Draft Variation to the Territory Plan DV350 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 30 April 2018 1:46:45 PM

Hi Janine,

Please see the following email from the Terrplan inbox re: DV350 agency consultation.

Regards

Amanda

Amanda Sullivan | Planning Officer

Phone 02 6207 8308 | amandac.sullivan@act.gov.au (Mon-Thur)

Territory Plan Section | Environment, Planning and Sustainable Development Directorate | **ACT Government** | Third Floor North, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: Craemer, Raoul
Sent: Monday, 30 April 2018 11:35 AM
To: Terrplan <Terrplan@act.gov.au>
Cc: Nockels, Alexander <Alexander.Nockels@act.gov.au>; Dakin, Michael <Michael.Dakin@act.gov.au>
Subject: PCD Response to Draft Variation to the Territory Plan DV350 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

[To: Territory Plan Section](#)

Dear Sir/Madam,

Thank you for giving Policy & Cabinet Division (PCD) the opportunity to review and respond to the proposed variation to the Territory Plan (DV350).

We have no issue with replacing references to 'single dwelling block' with 'standard block' in the Territory Plan as outlined in DV350.

Please consider this a 'nil' comment.

With best wishes,
Raoul

Raoul Craemer | Senior Policy Officer | Strategic Policy and Cabinet
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
tel +61 2 6205 8475 | mob [REDACTED] | email raoul.craemer@act.gov.au

From: Dakin, Michael
Sent: Thursday, 19 April 2018 10:31 AM
To: Craemer, Raoul <Raoul.Craemer@act.gov.au>
Cc: Nockels, Alexander <Alexander.Nockels@act.gov.au>
Subject: RE: Draft Variation to the Territory Plan DV350 - for agency circulation
[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Raoul, attached is the detailed documentation.

Thanks
Michael

From: Nockels, Alexander
Sent: Thursday, 19 April 2018 9:48 AM
To: Dakin, Michael <Michael.Dakin@act.gov.au>
Cc: Craemer, Raoul <Raoul.Craemer@act.gov.au>
Subject: RE: Draft Variation to the Territory Plan DV350 - for agency circulation
[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Michael,

I agree that Territory Plan variations probably sit better with Raoul.

Raoul – can you have a look at this on your return please? Also, it is probably worth emailing the Terrplan address and asking to replace Michael with yourself.

Cheers
Alex

From: Dakin, Michael
Sent: Wednesday, 18 April 2018 3:11 PM
To: Nockels, Alexander <Alexander.Nockels@act.gov.au>
Cc: Craemer, Raoul <Raoul.Craemer@act.gov.au>
Subject: FW: Draft Variation to the Territory Plan DV350 - for agency circulation
[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Alex, I wonder if consideration of DVs now sit most appropriately with Raoul...?

Comments are due by 2 May 2018. Broadly, the proposal seeks to apply provisions in the Multi Unit Housing Development Code to blocks previously considered as 'dual occupancy'.

Noting I'm away next week, I may not get the opportunity to consider the proposed DV in any sort of detail but, in general, I do not see a significant issue with the proposal.

Thanks
Michael

From: Terrplan

Sent: Wednesday, 18 April 2018 2:53 PM

To: EPD Strategic Planning Referrals <EPDStrategicPlanningReferrals@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Jamaly, Rumana <Rumana.Jamaly@act.gov.au>; Heritage <Heritage@act.gov.au>; Johnson, Lisa <Lisa.Johnson@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>; EPD Law Reform <EPDLawReform@act.gov.au>; WorksApproval <WorksApproval@natcap.gov.au>; Blume, Kristin <Kristin.Blume@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; MACC <MACC@act.gov.au>; EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>

Cc: Terrplan <Terrplan@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>; Moore, AlisonM (ACTPLA) <AlisonM.Moore@act.gov.au>; Elhassan, Walid <Walid.Elhassan@act.gov.au>; Moroney, Anne <Anne.Moroney@act.gov.au>; Gianakis, Steven <Steven.Gianakis@act.gov.au>; Oswald, Petra <Petra.Oswald@act.gov.au>; OConnell, Jennifer <Jennifer.OConnell@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>; Dunstan, David <David.Dunstan@act.gov.au>; Rebecca Sorensen <rebecca.sorensen@natcap.gov.au>; Dakin, Michael <Michael.Dakin@act.gov.au>; Brown, Robin <Robin.Brown@act.gov.au>

Subject: Draft Variation to the Territory Plan DV350 - for agency circulation [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

DV 350 has been prepared in response to an issue that has arisen regarding multi-unit redevelopment of certain blocks in some of the older Canberra suburbs. Some of the original residential leases do not specify or limit the number of dwellings permitted. During the late 1960s and early 1970s, two dwellings were allowed to be built on these blocks, provided the development presented as a single dwelling to the street. The aim at the time was to improve the availability of housing stock while maintaining the low density suburban character.

The current definition of 'single dwelling block' does not apply to these original dual occupancy blocks. As a result some of the provisions in the Multi Unit Housing Development Code (MUHDC) restricting plot ratio and dwelling numbers do not apply if multi-unit residential redevelopment is proposed on these blocks. This has resulted in a built form that is not sensitive to the residential streetscape character of these areas.

DV350 proposes to address this situation by changing the title of the definition to 'standard block' and adjusting the wording to include

blocks that were originally leased or used for the purpose of one or two dwellings. This change will require development proposals to comply with the relevant provisions of the MUHDC and ensure that multi-unit redevelopment is complementary to the existing suburban streetscape character.

Please review the attached draft document and provide comment by COB 2 May 2018 to terrplan@act.gov.au

Many thanks

Territory Plan Section | General Enquiries Inbox

Email: terrplan@act.gov.au

Planning Policy | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: [EPD Strategic Planning Referrals](#)
To: [Terrplan](#)
Subject: RE: Draft Variation to the Territory Plan DV350 - for agency circulation [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 23 April 2018 8:31:52 AM

Thanks Territory Plan for referring this to Planning Policy for comment.

Planning Policy has no comment.

Regards

Adam

From: Terrplan
Sent: Wednesday, 18 April 2018 2:53 PM
To: EPD Strategic Planning Referrals <EPDStrategicPlanningReferrals@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Jamaly, Rumana <Rumana.Jamaly@act.gov.au>; Heritage <Heritage@act.gov.au>; Johnson, Lisa <Lisa.Johnson@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>; EPSD Law Reform <EPSDLawReform@act.gov.au>; WorksApproval <WorksApproval@natcap.gov.au>; Blume, Kristin <Kristin.Blume@act.gov.au>; Nockels, Alexander <Alexander.Nockels@act.gov.au>; MACC <MACC@act.gov.au>; EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>
Cc: Terrplan <Terrplan@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>; Moore, AlisonM (ACTPLA) <AlisonM.Moore@act.gov.au>; Elhassan, Walid <Walid.Elhassan@act.gov.au>; Moroney, Anne <Anne.Moroney@act.gov.au>; Gianakis, Steven <Steven.Gianakis@act.gov.au>; Oswald, Petra <Petra.Oswald@act.gov.au>; OConnell, Jennifer <Jennifer.OConnell@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>; Dunstan, David <David.Dunstan@act.gov.au>; Rebecca Sorensen <rebecca.sorensen@natcap.gov.au>; Dakin, Michael <Michael.Dakin@act.gov.au>; Brown, Robin <Robin.Brown@act.gov.au>
Subject: Draft Variation to the Territory Plan DV350 - for agency circulation [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

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DV350 proposes to address this situation by changing the title of the definition to 'standard block' and adjusting the wording to include blocks that were originally leased or used for the purpose of one or two dwellings. This change will require development proposals to comply with the relevant provisions of the MUHDC and ensure that multi-unit redevelopment is complementary to the existing suburban streetscape character.

Please review the attached draft document and provide comment by COB 2 May 2018 to terrplan@act.gov.au

Many thanks

Territory Plan Section | General Enquiries Inbox

Email: terrplan@act.gov.au

Planning Policy | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: [EPAPanningLiaison](#)
To: [Terrplan](#)
Cc: [Sargent, Narelle](#)
Subject: RE: Mandatory agency re-circulation on Draft Variation 350 Lyneham section 41 block 7 Lyneham Motor Inn [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Thursday, 3 May 2018 3:49:15 PM
Attachments: [Draft Territory Plan Variation DV350 Letter response.pdf](#)

Territory Plan Unit,

Please find attached response from the Authority.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison
Phone 02 6207 5642
Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | ACT
Government
GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

-----Original Message-----

From: Terrplan
Sent: Wednesday, 2 May 2018 11:29 AM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: RE: Mandatory agency re-circulation on Draft Variation 350 Lyneham section 41 block 7 Lyneham Motor Inn [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Importance: High

Hi Robin

This is a different draft variation that is re-using the number 350 as the Lyneham Motor Inn proposal did not go ahead. This proposal (DV350) is for a change to the definition of 'single dwelling block' (to be renamed 'standard block') and a change to the definition itself.

EPA's comments are therefore still required, as a mandatory referral agency.

Many thanks

Regards

Territory Plan Section | General Enquiries Inbox
Email: terrplan@act.gov.au
Planning Policy | Environment, Planning and Sustainable Development Directorate | ACT Government Dame
Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |
www.planning.act.gov.au

-----Original Message-----

From: EPAPanningLiaison
Sent: Tuesday, 21 February 2017 5:23 PM
To: Terrplan <Terrplan@act.gov.au>
Subject: RE: Mandatory agency re-circulation on Draft Variation 350 Lyneham section 41 block 7 Lyneham Motor Inn [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Territory Plan Unit,

Please find attached letter response from Greg Jones as the Environment Protection Authority.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au <<http://www.environment.act.gov.au/>>

From: Terrplan

Sent: Monday, 20 February 2017 10:58 AM

To: EPAPanningLiaison; Heritage; McKeown, Helen; 'malcolm.snow@natcap.gov.au'; worksapproval@natcap.gov.au

Cc: Brown, Robin; 'rebecca.sorensen@natcap.gov.au'; 'andrew.smith@natcap.gov.au'; Russell, Meaghan; OConnell, Jennifer; Jones, Greg

Subject: Mandatory agency re-circulation on Draft Variation 350 Lyneham section 41 block 7 Lyneham Motor Inn

Dear mandatory agency contacts

The Environment Planning and Sustainable Development Directorate (Territory Plan Section) is seeking your comments on proposed Draft Variation to the Territory Plan 350 – Lyneham section 41 block 7 Lyneham Motor Inn (DV350).

DV350 is proposing to rezone Lyneham section 41 block 7 from CZ6 Leisure and Accommodation zone to RZ5 high density residential zone. The subject site currently contains the Lyneham Motor Inn. The rezoning will allow predominantly multi-storied (up to 6 storied) residential development on the site. It also involves change to the Lyneham precinct map.

Please note DV350 was circulated during May 2016. After agency comments, proposed building heights have been reduced (from 8 and 6 storeys) to 6 and 4 storeys. Accordingly the draft precinct code has been amended to reflect the changes.

DV350 can be accessed at <https://secure.objectiveconnect.com/login?next=%252F%3Fview%3D>. Please enter the following case sensitive details to view:

Username: Terrplan@act.gov.au

Password:

Your mandatory comments, including nil comment, can be emailed to terrplan@act.gov.au by COB Monday 27 February 2017. Your timely response is highly appreciated to release DV350 for public circulation at an earliest date.

If you have any questions about the draft variation or about the circulation, please contact Sharmin Aziz on 6205 2642 or email to the Territory Plan Section at Terrplan@act.gov.au

Regards,

Territory Plan Section | Environment Planning and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au <<http://www.actpla.act.gov.au/>> | www.actpla.act.gov.au