

**From:** [Ferson, Brodie](#)  
**To:** [Terrplan](#)  
**Subject:** RE: Draft Variation to the Territory Plan DV350 - for agency circulation [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Date:** Thursday, 3 May 2018 9:45:51 AM

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Good morning Territory Plan

EPSDD Legal Services have no comments at this stage.

Apologies for the late response.

Kind regards,

**Brodie Ferson | Legal Services**

Phone: 6205 4615 | Email: [brodie.ferson@act.gov.au](mailto:brodie.ferson@act.gov.au)

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

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

[www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** Terrplan

**Sent:** Wednesday, 18 April 2018 2:53 PM

**To:** EPD Strategic Planning Referrals <[EPDStrategicPlanningReferrals@act.gov.au](mailto:EPDStrategicPlanningReferrals@act.gov.au)>; Cilliers, George <[George.Cilliers@act.gov.au](mailto:George.Cilliers@act.gov.au)>; Jamaly, Rumana <[Rumana.Jamaly@act.gov.au](mailto:Rumana.Jamaly@act.gov.au)>; Heritage <[Heritage@act.gov.au](mailto:Heritage@act.gov.au)>; Johnson, Lisa <[Lisa.Johnson@act.gov.au](mailto:Lisa.Johnson@act.gov.au)>; Saad, Monica <[Monica.Saad@act.gov.au](mailto:Monica.Saad@act.gov.au)>; Teasdale, Jonathan <[Jonathan.Teasdale@act.gov.au](mailto:Jonathan.Teasdale@act.gov.au)>; EPSD Law Reform <[EPSDLawReform@act.gov.au](mailto:EPSDLawReform@act.gov.au)>; WorksApproval <[WorksApproval@natcap.gov.au](mailto:WorksApproval@natcap.gov.au)>; Blume, Kristin <[Kristin.Blume@act.gov.au](mailto:Kristin.Blume@act.gov.au)>; Nockels, Alexander <[Alexander.Nockels@act.gov.au](mailto:Alexander.Nockels@act.gov.au)>; MACC <[MACC@act.gov.au](mailto:MACC@act.gov.au)>; EPAPanningLiaison <[EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au)>; McKeown, Helen <[Helen.McKeown@act.gov.au](mailto:Helen.McKeown@act.gov.au)>; Weller, Craig <[Craig.Weller@act.gov.au](mailto:Craig.Weller@act.gov.au)>

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

Many thanks

**Territory Plan Section | General Enquiries Inbox**

Email: [terrplan@act.gov.au](mailto: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](http://www.planning.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@nca.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](mailto:terrplan@act.gov.au)

Many thanks

**Territory Plan Section | General Enquiries Inbox**

Email: [terrplan@act.gov.au](mailto:terrplan@act.gov.au)

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

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**From:** [Ridsdale, Janine](#)  
**To:** [Metters, Mark](#)  
**Subject:** FW: Talking points - DV350 Changes to definition of "single dwelling block" [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Date:** Wednesday, 16 May 2018 11:21:00 AM

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Not cleared

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**From:** Ridsdale, Janine  
**Sent:** Tuesday, 15 May 2018 12:11 PM  
**To:** Kaucz, Alix <Alix.Kaucz@act.gov.au>  
**Subject:** Talking points - DV350 Changes to definition of 'single dwelling block' [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Alix,

Here are the talking points for DV350 (preparation of media release) for your review, prior to going to Comms. Many thanks. Janine

### **Talking points - DV350 Changes to definition of 'single dwelling block'**

- Certain residential blocks in some older Canberra suburbs are not covered by the definition of 'single dwelling block' introduced into the Territory Plan via Variation 306 in 2013 as they contained two dwellings (a house and a small flat) when originally developed in the late 1960s and early 1970s.
- 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."
- As a result, provisions in the Multi-Unit Housing Development Code (MUHDC) in the Territory Plan controlling the density and scale of development in the suburban residential zones through limitations on aspects such as plot ratio, height, and maximum number of dwellings do not apply to multi-unit redevelopment of these blocks.
- This has resulted in development proposals for multi-unit redevelopment on that are not in keeping with the predominantly single dwelling streetscape character of the surrounding areas.
- DV350 proposes to address this situation by changing the title of the definition from 'single dwelling block' to 'standard block' and adjusting the wording in the definition to include blocks that were originally leased or used for the purpose of one or two dwellings (or where the result of consolidation, that at least one of the blocks was originally leased or used for the purpose of one or two dwellings).

- This will capture instances where redevelopment is proposed on these blocks as they will be subject to the relevant controls in the MUHDC as DV350 is being released for public consultation with interim effect applying to the changes.
- Further refinements to the policy will be investigated as part of the Housing Choices Project.

**From:** [Ridsdale, Janine](#)  
**To:** [Mettters, Mark](#)  
**Subject:** FW: Q&As for release of DV350 for public consultation [SEC=UNCLASSIFIED]  
**Date:** Thursday, 17 May 2018 12:01:00 PM

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Mark,

These Q&As have now been cleared

Regards

Janine

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**From:** Kaucz, Alix  
**Sent:** Thursday, 17 May 2018 11:59 AM  
**To:** Ridsdale, Janine <[Janine.Ridsdale@act.gov.au](mailto:Janine.Ridsdale@act.gov.au)>  
**Subject:** Re: Q&As for release of DV350 for public consultation [SEC=UNCLASSIFIED]

Good to go

On 17 May 2018, at 11:51 am, Ridsdale, Janine <[Janine.Ridsdale@act.gov.au](mailto:Janine.Ridsdale@act.gov.au)> wrote:

Alix,

Changes made to point 5 as requested.

## **DV350 – changes to definition of ‘single dwelling blocks’**

1. What prompted the need to change the definition of ‘single dwelling block’?

Certain residential blocks in some older Canberra suburban areas are not covered by the definition of ‘single dwelling block’ introduced into the Territory Plan via Variation 306 in 2013, as they contained two dwellings (a house and a small flat) when originally developed in the late 1960s and early 1970s.

As a result of these blocks not fitting the definition of ‘single dwelling block’, provisions in the Multi-Unit Housing Development Code controlling the density and scale of multi-unit development in the suburban residential zones through limitations on aspects such as plot ratio, height, and maximum number of dwellings, do

not apply.

2. What will change in the definition?

The current definition of 'single dwelling block' refers to blocks that were originally leased or used for the purpose of single dwelling housing or created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of single dwelling housing.

The proposed definition of 'standard block' is a block which was originally leased or used for the purpose of one or two dwellings or created by a consolidation of blocks, at least one of which was originally leased or used for the purpose of one or two dwellings.

3. How will this change affect development proposals for multi-unit development on these particular blocks?

Provisions in the Multi-Unit Housing Development Code controlling the density and scale of development in the suburban residential zones through limitations on aspects such as plot ratio, height, and maximum number of dwellings will apply to multi-unit redevelopment proposal for these blocks.

4. When will the changes to the definition take effect?

The draft variation has been released on 25 May with interim effect which means that any multi-unit development applications on these particular blocks that are lodged on or after this date will be subject to the new definition and as such will be subject to the relevant controls in the Multi Unit Housing Development Code.

5. Will this be a permanent change?

All submissions and comments received during the consultation period on the draft variation will be thoroughly considered and assessed prior to a final decision being made on the proposed changes to the

definition.

Further refinements to the policy will be investigated as part of the Housing Choices Project.



**To:** Executive Director, Planning Policy

Tracking No.: A16092431

**From:** Senior Manager, Territory Planning

**Date:** 21 May 2018

**Subject:** Release of DV350 – Changes to definition of ‘single dwelling block’ for public consultation.

**Critical Date:** Noon Wednesday 23 May 2018

**Critical Reason:** The critical date is to enable time for the Notifiable Instrument to be published on the legislation register by Friday 25 May 2018.

**Purpose**

To request you sign the Notifiable Instrument for the release of draft Territory Plan variation No 350 (DV350) – Changes to definition of ‘single dwelling block’ for public consultation.

**Recommendations**

That you:

- 1. Note the information contained in this brief; and

**Noted / Please Discuss**

- 2. Sign the attached Notifiable Instrument.

**Signed / Not Signed / Please Discuss**

Fleur Flanery



24/5/18

ED Feedback

Large empty rectangular box for ED Feedback

### **Background**

1. DV350 has been prepared in response to concerns regarding inappropriate multi-unit redevelopment occurring on some residential blocks in older Canberra suburbs.
2. The Minister for Planning and Land Management agreed to progressing DV350 to public consultation in Brief 18/04484 on 12 April 2018.

### **Issues**

3. Certain residential blocks in some older Canberra suburbs are not covered by the definition of 'single dwelling block' introduced into the Territory Plan via Variation 306 as they contained two dwellings (a house and a small flat) when originally developed in the late 1960s and early 1970s.
4. As a result, certain controls in the Multi-Unit Housing Development Code (MUHDC) do not apply to multi-unit redevelopment of these blocks in suburban areas.
5. This has resulted in development applications for multi-unit redevelopment being received by EPSDD that are not in keeping with the single dwelling streetscape character of the surrounding areas.
6. EPSDD proposes to address this situation by amending the definition of 'single dwelling block' and renaming it 'standard block' so that redevelopment on these blocks will be subject to the relevant controls in the MUHDC.
7. Further refinements to the policy will be investigated as part of the Housing Choices Project.

### **Financial Implications**

8. There are no financial implications as Territory Plan variations are covered by base funding.

### **Consultation**

#### Internal

9. The variation was circulated for comment within EPSDD, to relevant government agencies and the National Capital Authority (NCA) for comment. All comments from mandatory referral agencies either supported DV350 being released for consultation or had no comment.
10. EPSDD Legal Services have reviewed this brief and the attached Notifiable Instrument.
11. DV350 will be released for public consultation from 25 May 2018 to 13 July 2018.

### **Benefits/Sensitivities**

12. DV350 will address concerns about inappropriate multi-unit redevelopment occurring on these original dual occupancy blocks in the older suburban areas which prior to the release of DV350 for public consultation were not subject to certain controls in the MUHDC.
13. These changes to the definition of 'single dwelling block' will have interim effect from the date of release of DV350 for public consultation.
14. There may be opposition from lessees or developers who have speculatively bought these blocks in anticipation of doing multi-unit redevelopment not being subject to the relevant controls in the MUHDC. This will not be able to occur after DV350 is released for public consultation.

**Media Implications**

15. A media release, Q&As and talking points have been prepared for the Minister to assist with the release of the draft variation.

Signatory Name:

 Alix Kaucz

Phone:

50864

Action Officer:

Janine Ridsdale

Phone:

54060

**From:** [Cilliers, George](#)  
**To:** [Dunstan, David](#)  
**Cc:** [Kaucz, Alix](#); [Phillips, Brett](#)  
**Subject:** RE: Interim effect of Territory Plan variation 350 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Date:** Friday, 1 June 2018 2:03:52 PM

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Thanks – much appreciated

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**From:** Dunstan, David  
**Sent:** Friday, 1 June 2018 2:02 PM  
**To:** Cilliers, George <George.Cilliers@act.gov.au>  
**Cc:** Kaucz, Alix <Alix.Kaucz@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>  
**Subject:** Interim effect of Territory Plan variation 350 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi George,

Interim effect of draft Territory Plan variation 350

We discussed earlier today re the interim effect status of Territory Plan variation 350, ie of *Planning and Development (Draft Variation No 350) Consultation Notice 2018*, Notifiable instrument NI2018—277.

This notice includes the following:

“6. Effect of the Draft Variation

(1) Section 65 of the Act applies to the draft variation. This means that the provisions of Draft Variation No 350 have interim effect, and apply to development applications lodged on or after 25 May 2018.”

This is to confirm that in my view the above has the result that the interim effect of TPV 350 applies only to development applications lodged on or after 25 May 2018. A conclusion that the TPV also applies to development applications lodged before 25 May 2018 but not yet decided, would seem contrary to the express words “on or after 25 May 2018”.

Regards

David

**David Dunstan, Senior Manager, Legal Services**

Governance Compliance and Legal Services

Environment, Planning and Sustainable Development Directorate, ACT Government

Level 3, Dame Pattie Menzies House | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

Phone: +61 2 6207 1716 Email: [david.dunstan@act.gov.au](mailto:david.dunstan@act.gov.au) Mobile: [REDACTED]

**From:** [Terrplan](#)  
**To:** [Cargill, James](#); [Kaucz, Alix](#)  
**Subject:** RE: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]  
**Date:** Friday, 3 August 2018 2:04:42 PM  
**Attachments:** [image001.png](#)

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James,

I think your proposed wording for a response to the proponent is fine.

Alix,

Are you satisfied for this response to go to the proponent, noting the work we are doing in resolving the issue?

Many thanks,

Regards

Janine

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**From:** Cargill, James  
**Sent:** Friday, 3 August 2018 2:00 PM  
**To:** Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>  
**Cc:** Taylor, Bob <[Bob.Taylor@act.gov.au](mailto:Bob.Taylor@act.gov.au)>  
**Subject:** RE: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]

Hi Janine,

As discussed,

Proposed response is as follows (happy for you to make any required changes):

“

Thank you for your enquiry surrounding the interpretation of the noted blocks within the Holt Section 99 Block 16 Estate.

The Blocks noted are considered a ‘standard block’ under the current Territory Plan as recently modified by DV350, which has been given interim effect. The draft Variation is subject to further ACT Government processes prior to these changes being fully ratified in the Territory Plan. The Territory has further opportunities within this process to amend/clarify the interpretation of changes proposed to the Territory Plan. The Territory Plan team will consider this matter in conjunction with other submissions made as part of this process, with a view to making any identified changes required in due course.

“

Regards,

James Cargill

Assistant Manager | Deed Management

**Phone 02 6205 8543** | Fax 02 6207 1856

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**From:** Cargill, James  
**Sent:** Tuesday, 31 July 2018 9:17 AM  
**To:** Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>  
**Cc:** Taylor, Bob <[Bob.Taylor@act.gov.au](mailto:Bob.Taylor@act.gov.au)>  
**Subject:** RE: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Janine,

Thank you for the below.

Unfortunately I need to respond to the Developer now as it relates to the issue of consequent leases that are due to settle imminently and may impact settlement if the question remains unresolved.

What is the existing interpretation to the question below?

Should this advice changes at some time in the future due to changes in interpretation that is a matter for the future lessees.

Regards,

James.

James Cargill

Assistant Manager | Deed Management

**Phone 02 6205 8543** | Fax 02 6207 1856

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**From:** Terrplan

**Sent:** Tuesday, 31 July 2018 8:22 AM

**To:** Cargill, James <[James.Cargill@act.gov.au](mailto:James.Cargill@act.gov.au)>

**Subject:** RE: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]

Hi James

We are working on a solution to the issue though this is just for internal information at this stage as we haven't discussed with exec as yet.

We will keep you informed of what the proposed solution will be once it is agreed to by exec.

Regards

Janine

Janine Ridsdale | Territory Plan Section

**Phone 02 6205 4060**

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**From:** Cargill, James

**Sent:** Friday, 27 July 2018 1:52 PM

**To:** Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>

**Cc:** Taylor, Bob <[Bob.Taylor@act.gov.au](mailto:Bob.Taylor@act.gov.au)>

**Subject:** RE: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]

Hi All,

Can I please get an update on the below request?

Regards,

James.

James Cargill

Assistant Manager | Deed Management

**Phone 02 6205 8543** | Fax 02 6207 1856

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Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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**From:** Cargill, James

**Sent:** Wednesday, 25 July 2018 11:41 AM

**To:** Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>

**Cc:** Taylor, Bob <[Bob.Taylor@act.gov.au](mailto:Bob.Taylor@act.gov.au)>

**Subject:** FW: TP350 - STANDARD BLOCKS - Holt Estate [SEC=UNCLASSIFIED]

**Importance:** High

Hi All,

Can you please respond to the query below from our Estate Developer in Holt Section 99 Estate? The query relates to some blocks in Stage 2 which are likely going to be issued within a few days to them.

I have attached the relevant EDP DA plans to assist.

The alphanumeric blocks are as follows:

1/124 = a/AE

18/127 = r/AF

21/128 = a/AJ (part of Stage 1 – lease already issued)

The purpose clause for the lease issued over 21/128 is for ‘multi-unit housing for not more than two (2) dwellings’.

Regards,

James.

James Cargill

Assistant Manager | Deed Management

**Phone 02 6205 8543** | Fax 02 6207 1856

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**From:** [REDACTED]

**Sent:** Wednesday, 25 July 2018 11:25 AM

**To:** Cargill, James <[James.Cargill@act.gov.au](mailto:James.Cargill@act.gov.au)>

**Cc:** [REDACTED]

**Subject:** TP350 - STANDARD BLOCKS

Good morning James

I would be grateful if you could confirm with Territory Plan Section, our discussion this morning regarding TP 350.

The approved EDP for Ginninderra Estate provides for two dwellings each on blocks 1/124 18/127 and 21/128.

The Introduction to TP350 states that:

**These changes do not include original non-single dwelling blocks specifically reserved for lawful 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 blocks. (Introduction P.5)**

The subject land in Ginninderra Estate falls outside of the reasons for the DPV set out at Section 2.4 of the Introduction. Further, the land does not fall within the definition of ‘standard block’ (Section 2.3) as the land is leased *specifically* for the purposes of two dwellings.

I need to respond to the legal advisors of one of Woodhaven’s purchasers, and would be grateful if Territory Plan Section could respond as a matter of urgency.

Thanks

Paul

[REDACTED]

**DIRECTOR**



**CAMPBELL DION PTY LTD**

**25 SOMERSET STREET DUFFY ACT 2611**

**PHONE 02 62883719**

**MOBILE** [REDACTED]

**From:** [Ponton, Ben](#)  
**To:** [Jamaly, Rumana](#); [Kaucz, Alix](#); [Ridsdale, Janine](#)  
**Cc:** [Cilliers, George](#); [Cusack, Kathy](#); [Walker, Karen](#); [Myers, Rhonda](#); [Brady, Erin](#); [Marcantonio, Laura](#); [Ives, Kieran](#)  
**Subject:** RE: Planning and Urban Renewal Committee Hearing - Question from Mr Mark Parton [SEC=UNCLASSIFIED]  
**Date:** Thursday, 13 December 2018 12:36:49 PM

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Thanks Rumana.

I'm not sure who will take the lead, but can we please get correspondence to the Committee Chair as soon as possible, providing this clarification? This can come from me or Erin, depending on availability. Thanks.

Cheers,

B

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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](http://www.environment.act.gov.au)

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**From:** Jamaly, Rumana  
**Sent:** Thursday, 13 December 2018 12:29 PM  
**To:** Kaucz, Alix <Alix.Kaucz@act.gov.au>; Ridsdale, Janine <Janine.Ridsdale@act.gov.au>  
**Cc:** Cilliers, George <George.Cilliers@act.gov.au>; Cusack, Kathy <Kathy.Cusack@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Walker, Karen <Karen.Walker@act.gov.au>; Myers, Rhonda <Rhonda.Myers@act.gov.au>  
**Subject:** Planning and Urban Renewal Committee Hearing - Question from Mr Mark Parton [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Alix and Janine

As you may know, Mr Parton's question yesterday at the hearing was in relation to Blocks 17 and 18 Section 16 in Aranda. Since then I have looked into the DAs that were approved and refused on these two non-single dwelling blocks (under the current definition of the Territory Plan) within RZ2 zone.

- DA201629990 for 8 new townhouses was refused by Development Assessment on 22 December 2016.
- DA201732012 for consolidation and variation to the lease purpose clause to permit a maximum of 12 dwellings was approved on 28 Nov 2017. The new consolidated Crown lease has not been registered yet, however, the DA approval is still valid. An amendment application (S197) has been lodged on 5 Dec 2018 to reduce the maximum number of permitted dwellings to 7 and to specify a certain plot ratio in the lease.

Under normal circumstances, a design and siting DA can be lodged for a use that is permitted in the Crown lease but prohibited in the Territory Plan, in the Impact track. In these circumstances, however, if the lessee of these blocks lodges a design and siting DA for 7 dwellings (following the

approval of the amendment application), as I understand, due to the interim effect of DV350 we will not be able to approve 7 dwellings. The combined block area is 1745m<sup>2</sup> and for single dwelling blocks (or standard blocks) the maximum number of dwellings permissible on a block of this size located within RZ2 zone is 4 for standard dwellings and 6 for adaptable dwellings. Therefore, we will be able to approve either 4 or 6 dwellings on the consolidated block as it will comply with the lease purpose clause (maximum 7 dwellings if the amendment is approved). The Lease Variation Charge will be more for 7 dwellings as compared to 4 or 6 dwellings.

I have discussed the S197 amendment application with Karen Walker. DA Leasing is likely to approve the reduction in the number of dwellings, however, is unlikely to approve a specific plot ratio in the lease. I have advised her that an Advisory Note should be included in the decision stating that 7 dwellings will not be supported due to DV350 having interim effect.

As Mr Parton said at the hearing yesterday he was going to advise Canberra Town Planning about lodging a design and siting DA, we should clarify this issue to the Legislative Assembly asap. Please let me know if I can be of any further assistance.

Regards  
Rumana

**Rumana Jamaly**

Manager - Merit Assessment and Deed Management  
Planning Delivery Division  
Environment, Planning and Sustainable Development Directorate (EPSDD)

Ph: (02) 6207 1830

E-mail: [rumana.jamaly@act.gov.au](mailto:rumana.jamaly@act.gov.au)



**ACT**  
Government

Environment, Planning and  
Sustainable Development

DV350 : N2018-498

DV359

20X copies

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**MINUTE**

Obj# A16686463

## Matter for consideration

Public Availability Notice – Referral of DV350 Changes to the definition of single dwelling block - recommended version to the Minister.

## To

Kathy Cusack  
Executive Director, Land, Planning and Building Policy

## Recommendations

That you:

1. note the contents of this minute
2. sign the attached Public Availability Notice (PAN, Attachment A), and
3. agree to publish the PAN on the legislation register and on the ACT Government Public Notices Online website.

## Background

DV350 was prepared in response to concerns regarding inappropriate multi-unit redevelopment on certain residential blocks in some older Canberra suburbs.

DV350 proposed to amend the Territory Plan by changing the definition of 'single dwelling block' to 'standard block' and adjusting the wording in the definition to include blocks that were originally leased or used for the purpose of one or two dwellings (or where the result of consolidation, that at least one of the blocks was originally leased or used for the purpose of one or two dwellings).

DV350 was released for public consultation from 25 May 2018 until 13 June 2018. A total of eight written submissions were received during the public consultation period. Three (3) submissions were in support of the proposed changes (including two community organisations), four (4) submissions were received from industry bodies or practitioners and one (1) was an individual submission. A report on consultation has been prepared responding to the issues raised.

Following public consultation changes were made to the proposed new definition of 'standard block' in the recommended version of DV350 to exclude blocks in subdivisions approved on or after 18 October 1993. This is to ensure that multi-unit blocks specifically leased for the purpose of dual occupancy development are not inadvertently captured in the definition.

The recommended version of DV350 has been referred to Minister Gentleman MLA the Minister for Planning and Land Management for consideration and referral to the Standing Committee on Planning and Urban Renewal.

## Issues

Recommended draft variation to the Territory Plan No 350 has been received by office of Minister Gentleman MLA and EPSDD has been advised that Minister Gentleman has signed the brief. The *Planning and Development Act 2007*, pursuant to sections 70 and 71, requires the planning and land authority to give public notice of documents given to the Minister. This public notice is given by publishing a PAN on the legislation register and publishing a notice on the Public Notices website. This makes the recommended version available to the public. The report on consultation will be published on the planning website at the same time.

## Media issues


There is no media required at this stage of the process. Submitters will be notified that the recommended draft variation and consultation report is available on the planning website.

## Financial implications

Nil.


## Linkages to other briefs and ministerials

Nil.

.....  ..... 4 / 9 / 18 .....

<b>Name</b>	Alix Kaucz
<b>Position title/branch</b>	Senior Manager, Territory Planning
<b>Division</b>	Planning Policy
<b>Phone number</b>	x50864
<b>Contact Officer</b>	Janine Ridsdale
<b>Phone number</b>	x54060

**AGREED / NOT AGREED / NOTED / DISCUSS**

.....  ..... 04, 09, 18 .....

..... Executive Director, Land, Planning and Building Policy

**From:** [Walker, Karen](#)  
**To:** [Ridsdale, Janine](#)  
**Cc:** [Sare, Irma](#); [Myers, Rhonda](#); [Kaucz, Alix](#)  
**Subject:** RE: Error in Revised "Standard Block" Definition for DV350 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 26 September 2018 12:28:36 PM

---

Hi Janine,

Have discussed with Irma and Rhonda.

If we use the same style of wording as Rule 38 of the residential zones development code this will cover developments that were lawfully constructed and those that had obtained, or were the subject of, development approval but not yet completed construction.

I think the wording below meets all requirements. Happy to discuss.

**Standard block** means a *block* with one of the following characteristics –

- a) originally leased or used for the purpose of one *dwelling*
- b) originally leased or used for the purpose of two *dwellings* on or before 18 October 1993
- c) were subject to development approval for two dwellings on or before 18 October 1993
- d) were the subject of a DA for two dwellings lodged on or before 18 October 1993 which was subsequently approved;
- e) created by a *consolidation* of *blocks*, at least one of which is covered by a), b), c) or d).

Thanks,

Karen.

---

**From:** Ridsdale, Janine  
**Sent:** Wednesday, 26 September 2018 11:18 AM  
**To:** Sare, Irma <[Irma.Sare@act.gov.au](mailto:Irma.Sare@act.gov.au)>  
**Cc:** Walker, Karen <[Karen.Walker@act.gov.au](mailto:Karen.Walker@act.gov.au)>; Myers, Rhonda <[Rhonda.Myers@act.gov.au](mailto:Rhonda.Myers@act.gov.au)>; Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)>; Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>  
**Subject:** FW: Error in Revised 'Standard Block' Definition for DV350 [SEC=UNCLASSIFIED]  
Irma,

Regarding my previous email – here is the revised definition in the recommended version of DV350 – for ease of reference.

**Standard block** means a *block* with one of the following characteristics –

- a) originally leased or used for the purpose of one *dwelling*
  - b) originally leased or used for the purpose of two *dwellings* on or before 18 October 1993
  - c) created by a *consolidation* of *blocks*, at least one of which is covered by a) or b)
- 

**From:** Ridsdale, Janine  
**Sent:** Wednesday, 26 September 2018 10:55 AM  
**To:** Sare, Irma <[Irma.Sare@act.gov.au](mailto:Irma.Sare@act.gov.au)>  
**Cc:** Walker, Karen <[Karen.Walker@act.gov.au](mailto:Karen.Walker@act.gov.au)>; Myers, Rhonda <[Rhonda.Myers@act.gov.au](mailto:Rhonda.Myers@act.gov.au)>; Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>; Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)>  
**Subject:** FW: Error in Revised 'Standard Block' Definition for DV350 [SEC=UNCLASSIFIED]

Hi Irma,

We have received a query from a member of the public about this change to the definition in the recommended version of DV350.

The email from [REDACTED] is attached below.

Your thoughts and advice would be greatly appreciated. Happy to discuss further.

Regards,  
Janine

---

**From:** [REDACTED]

**Sent:** Friday, 14 September 2018 1:44 PM

**To:** Terrplan <[Terrplan@act.gov.au](mailto:Terrplan@act.gov.au)>

**Subject:** Error in Revised 'Standard Block' Definition for DV350

I wish to highlight an error in the revised definition of standard block as proposed in Draft Variation No 350.

In *Draft Variation No 350-recommended version*, paragraph 1.7 states 'The proposed definition of 'standard block' is revised to exclude blocks originally leased or used for the purpose of two dwellings on or after 18 October 1993...'

However not all blocks intended to be excluded will actually be excluded. For example if a new block is leased specifically for dual occupancy housing after this date but is first used for a single dwelling then it still satisfies characteristic a) of the definition of a standard block and can never be reversed due to the original use.

To achieve the intended exclusions specified in paragraph 1.7 the definition of a standard block could be revised to:

- a) leased on or before 18 October 1993 and originally leased or used for the purpose of one or two dwellings
- b) leased after 18 October 1993 and originally leased for the purpose of one dwelling
- c) created by a consolidation of blocks, at least one of which is covered by a) or b)

Regards,

[REDACTED]



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL  
Caroline Le Couteur MLA (Chair), Suzanne Orr MLA (Deputy Chair),  
Mark Parton MLA

Mr Mick Gentleman MLA  
Minister for Environment and Heritage  
Minister for Planning and Land Management

Dear Minister

***Inquiry into Draft Variation No 350: Changes to the definition of 'single dwelling block'.***

The Standing Committee on Planning and Urban Renewal is conducting an inquiry into *Draft Variation No 350: Changes to the definition of 'single dwelling block'*.

As part of this inquiry the Committee would like to invite you and your officials to appear at a public hearing at the following time:

- **Wednesday 12 December 2018 from 1:30pm – 3:30pm**

The hearing will be held in Committee Room 1.

Would you please ask your directorate liaison staff to provide Committee Secretary, with a list of the officials who will be attending the hearing, by no later than **Monday 3 December 2018**.

If you have any questions regarding the inquiry, please contact the Committee Secretary on 02 6205 1253 or [annemieke.jongsma@parliament.act.gov.au](mailto:annemieke.jongsma@parliament.act.gov.au).

Yours sincerely,

Caroline Le Couteur MLA

Chair  
Standing Committee on Planning and Urban Renewal  
18 October 2018

**From:** [EPSDD DLO](#)  
**To:** [EPSD Government Services](#)  
**Subject:** FW: Inquiry into Draft variation no 350: Changes to the definition of "single dwelling block" - Wednesday 12 Dec [DLM=For-Official-Use-Only]  
**Date:** Friday, 19 October 2018 11:46:44 AM  
**Attachments:** [20181018151250454.pdf](#)  
[18\\_31329 - PUBLIC HEARING Inquiry into Draft Variation No 350 Changes ....obr](#)  
**Importance:** High

---

Hi Gov Services, I've made a link for this one (attached).  
Thanks  
Erica

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

From: EPSDD DLO  
Sent: Friday, 19 October 2018 11:37 AM  
To: EPSD Government Services <[EPSDGovernmentServices@act.gov.au](mailto:EPSDGovernmentServices@act.gov.au)>; Marcantonio, Laura <[Laura.Marcantonio@act.gov.au](mailto:Laura.Marcantonio@act.gov.au)>; Ives, Kieran <[Kieran.Ives@act.gov.au](mailto:Kieran.Ives@act.gov.au)>  
Cc: Vest, Petra <[Petra.Vest@act.gov.au](mailto:Petra.Vest@act.gov.au)>; Kelly, Shauna <[Shauna.Kelly@act.gov.au](mailto:Shauna.Kelly@act.gov.au)>  
Subject: Inquiry into Draft variation no 350: Changes to the definition of 'single dwelling block' - Wednesday 12 Dec [DLM=For-Official-Use-Only]  
Importance: High

Hi  
Please see attached letter to the Minister asking him and officials to appear on 12 December at 1.30pm for an inquiry into Draft variation no 350: Changes to the definition of 'single dwelling block'.  
Thanks  
Erica

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

From: Leifer, Eben  
Sent: Thursday, 18 October 2018 4:12 PM  
To: EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>  
Cc: Thompson, Blair <[Blair.Thompson@act.gov.au](mailto:Blair.Thompson@act.gov.au)>  
Subject: FW: Message from "LAB00L02P21"

fyi

Eben Leifer | Office Manager / Policy adviser Office managers: Natasha Apostoloski (Mon-Wed), Eben Leifer (Thu-Fri) Office of Mick Gentleman MLA Member for Brindabella Minister for the Environment and Heritage Minister for Planning and Land Management Minister for Police and Emergency Services Minister assisting the Chief Minister on Advanced Technology and Space Industries Manager of Government Business  
t: 620 50218 | e: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the Freedom of Information Act 2016.

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

From: LAB00L02P21@act.gov.au [<mailto:LAB00L02P21@act.gov.au>]  
Sent: Thursday, 18 October 2018 4:13 PM  
To: Leifer, Eben <[Eben.Leifer@act.gov.au](mailto:Eben.Leifer@act.gov.au)>  
Subject: Message from "LAB00L02P21"

This E-mail was sent from "LAB00L02P21" (MP C4503).

Scan Date: 10.18.2018 15:12:50 (+1000)  
Queries to: [LAB00L02P21@act.gov.au](mailto:LAB00L02P21@act.gov.au)

**From:** [Ives, Kieran](#)  
**To:** [Brady, Erin](#)  
**Cc:** [EPSD Government Services](#)  
**Subject:** RE: For DDG clearance: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619) [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 14 November 2018 11:01:26 AM

---

Hi Erin – nothing the clear if you are comfortable with the proposed briefing topics.

This is just checking whether you are comfortable that the right advice is being prepared to support you during the hearings or whether you would like additional topics addressed.

These topics have come from Alix and Kathy C and they are working on them.

Alix has suggested that George Cilliers also be included on the witness list regarding any DA questions (he will be added to the witness list) and she will consider whether there is a need of any other briefings once community submissions are posted on the Legislative Assembly Website (this has not occurred yet).

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](mailto:kieran.ives@act.gov.au)  
Level 3 Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT | GPO Box 158, Canberra 2601

---

**From:** Brady, Erin  
**Sent:** Tuesday, 13 November 2018 7:25 PM  
**To:** Ives, Kieran <[Kieran.Ives@act.gov.au](mailto:Kieran.Ives@act.gov.au)>  
**Cc:** EPSD Government Services <[EPSDGovernmentServices@act.gov.au](mailto:EPSDGovernmentServices@act.gov.au)>  
**Subject:** RE: For DDG clearance: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619) [SEC=UNCLASSIFIED]

Kieran – is there anything for me to clear / approve – it seems more like the set up to prepare material for the inquiry?

Are the 5 items what has been proposed by Alix?

The witness list is okay as well.

---

**From:** Ives, Kieran  
**Sent:** Tuesday, 13 November 2018 2:35 PM  
**To:** Brady, Erin <[Erin.Brady@act.gov.au](mailto:Erin.Brady@act.gov.au)>  
**Cc:** EPSD Government Services <[EPSDGovernmentServices@act.gov.au](mailto:EPSDGovernmentServices@act.gov.au)>  
**Subject:** For DDG clearance: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619) [SEC=UNCLASSIFIED]

Hi Erin - Please find attached the Brief Index for the Planning and Urban Renewal Standing Committee inquiry into DV 350 Single Dwelling definitions. You may also like to note the witness

list.

It is proposed to provide minister five (5) items:

1. Opening statement for the Minister to Standing Committee
2. Overview of proposed definition change and why the change is proposed
3. Aerial photo and cadastre of 'standard' and 'non-standard' blocks in a RZ1 zone area
4. Example of development applications that would be impacted by the proposed definition change (refused and approved DAs)
5. Summary of issues raised in submissions to Standing Committee and responses

Witnesses currently include:

Ben, Erin, Kathy and Alix

The Index has been developed by the Territory Plan Team and signed off by Kathy C.

Lisa – Can you please create the templates so the team can get started?

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](mailto:kieran.ives@act.gov.au)

Level 3 Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT | GPO Box 158, Canberra 2601

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

From: EPSD Government Services

Sent: Tuesday, 13 November 2018 9:50 AM

To: EPSDD Ministerials and Corro Executive Office

<[EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au](mailto:EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au)>

Cc: Ives, Kieran <[Kieran.Ives@act.gov.au](mailto:Kieran.Ives@act.gov.au)>

Subject: For DDG clearance: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619)

[SEC=UNCLASSIFIED]

Hi Kieran

The PUR Hearing on DV350 is on 12 December (1.30pm to 3.30pm). The index has been ED cleared and ready for DDG review please.

Once DDG cleared, GS will set up brief templates.

Thanks

Lisa x71667

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

From: EPD Ministerials - Strategic Planning

Sent: Tuesday, 13 November 2018 9:37 AM

To: EPSD Government Services <EPSDGovernmentServices@act.gov.au>  
Subject: FW: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619)  
[SEC=UNCLASSIFIED]

Hi GS,

Kathy has cleared the attached index.

Please progress.

Thank you

Isabella Croke | Executive Assistant  
Phone: 02 6205 9636 | Email: [isabella.croke@act.gov.au](mailto:isabella.croke@act.gov.au) Planning Policy | Environment, Planning  
and Sustainable Development Directorate | ACT Government Dame Pattie Menzies House,  
Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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

From: Kaucz, Alix

Sent: Friday, 9 November 2018 11:20 AM

To: EPD Ministerials - Strategic Planning <[EPDMinisterials-StrategicPlanning@act.gov.au](mailto:EPDMinisterials-StrategicPlanning@act.gov.au)>

Cc: EPSD Government Services <[EPSDGovernmentServices@act.gov.au](mailto:EPSDGovernmentServices@act.gov.au)>; Ridsdale, Janine  
<[Janine.Ridsdale@act.gov.au](mailto:Janine.Ridsdale@act.gov.au)>

Subject: 00. INDEX - PUR - DV 350 - single dwelling definitions (A17091619) [SEC=UNCLASSIFIED]

Hi Isabella

This is ready for Kathy's clearance

Alix

# ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT

## ASSEMBLY BRIEF

### ISSUE: Summary of issues raised in submissions to Standing Committee and responses

---

#### Context

The issues brought to the attention of the Standing Committee in submissions highlight the main comments and concerns that lessees and proponents have raised regarding the proposed changes to the definition of 'single dwelling block' in DV350.

#### Talking Points

- The proposed new definition of 'standard block' which is the subject of DV350 is:  
**Standard block** means a *block* with one of the following characteristics –
  - a) originally leased or used for the purpose of one *dwelling*
  - b) originally leased or used for the purpose of two *dwellings* on or before 18 October 1993
  - c) created by a *consolidation of blocks*, at least one of which is covered by a) or b)
- The key comments and concerns about DV350 arising from the submissions are:
  - The changes address the previous concerns made about the excessive redevelopment of random blocks in the RZ1 and RZ2 zones where these blocks were not envisaged or intended for multi-unit development.
  - The proposed new definition makes no allowance for leases that specifically allow 2 dwellings but have been used for a single dwelling since the lease was issued.
  - Lack of notification/awareness of changes for affected lessees.
  - The proposed new definition does not take into account cases where both conditions a) and b) are met and therefore would not be classified as a 'standard block'.
  - Changes in DV350 have pre-empted the outcome of the Housing Choices project.
  - Lack of public and stakeholder consultation before DV350 released with interim effect. Interim effect provisions have significant impact on people who have already started planning and design process and need to start again to comply with new requirements.
  - Transition period requested for proponents who can establish that they have been working towards lodging a DA prior to 25 May 2018 (when interim effect started) and can have the DA assessed based on pre-DV350 requirements.
  - Does ACAT have the resources to adequately respond to increased number of reviews?
- The responses to the concerns are:
  - It is not the intention for the revised definition to affect leases that legitimately allow for two dwellings, whether or not they have been originally used for 2 dwellings. EPSDD now recommends a minor revision to the proposed definition to ensure these types of leases are not being inadvertently captured in the new definition.
  - It is also not intended that if both conditions in the definition are met then the block in question is no longer a 'standard block'. EPSDD recommends a clarification of the proposed definition to ensure that this does not occur.
  - The intent of the Housing Choices project is to get the balance right between enabling development to meet the demand for choice, while respecting the existing character and amenity in the established suburban areas.

- DV350 intends to limit ad hoc and piecemeal redevelopment from occurring until the outcomes and recommendations of the Housing Choices project have been implemented. Any changes made to the Territory Plan in response to the Housing Choices project will likely apply to all dwellings in the relevant zone, irrespective of whether the block originally contained 1 or 2 dwellings.
- DV350 was released with interim effect without prior consultation to prevent development applications being received on these blocks for redevelopment that did not support or complement the existing density and character of the older suburbs in which they are located.
- The planning intent for the blocks covered by DV350 has been that they are required to comply with the same provisions in the MUHDC as their neighbouring blocks. Delaying the application of the changes in DV350 would enable more inappropriate redevelopment occurring in the RZ1 and RZ2 zones.
- ACAT reviews of decisions is a separate process –ACAT caseloads are not a matter of consideration for EPSDD when determining development outcomes.

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### **Background**

Four representations were received by the Standing Committee following the call for comments relating to the enquiry. The submitters were [REDACTED], MBA, Friends of Hawker Village Inc and [REDACTED].

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## ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT ASSEMBLY BRIEF

### ISSUE: Example of development applications that would be impacted by the proposed definition change (refused and approved DAs)

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#### Context

Examples are provided of DAs that have previously been decided (approved and refused) on blocks which would be subject to DV350. All blocks used in these examples are non-single dwelling blocks based on the interpretation of the lease purpose clause and previous use that would have subsequently been captured by DV350.

#### Talking Points

- The DA for a development proposal of 6 two-storey townhouses on a 979.4m<sup>2</sup> block in the RZ1 zone for Block 42 Section 45 Scullin was refused by the planning and land authority as it was not consistent with the Multi Unit Housing Development Code (MUHDC) or the objectives of the residential RZ1 suburban zone. The decision was upheld by ACAT but was based on non-compliance with the MUHDC and did not take zone objectives into account. The DA was subsequently re-lodged for 5 townhouses and was approved on the basis that it complied with the MUHDC.
- The DA for a development proposal of 8 two-storey townhouses in the residential RZ2 suburban core zone on Blocks 17 and 18 Section 16 Aranda was refused by the planning and land authority. The proposed eight townhouses was assessed as not meeting some of the provisions in the MUHDC and considered to be overdevelopment for the block.
- The DA for a development proposal for a triple occupancy (three 4-bedroom dwellings in a two-storey building) in the RZ2 zone on Block 4 Section 20 Curtin was refused by the planning and land authority. The reasons included inconsistencies with the MUHDC and a substantial increase in the building bulk and scale of the building as viewed from adjoining properties, adversely impacting on these properties as well as reducing the amenity afforded to any future residents of the redevelopment.
- The DA for a development for five 2-storey townhouses in the RZ2 zone on 1075m<sup>2</sup> Block 12 Section 37 Page was approved by the planning and land authority. This development would not have been able to proceed if subject to the provisions in DV350 as it would have been classified as a 'standard block'.

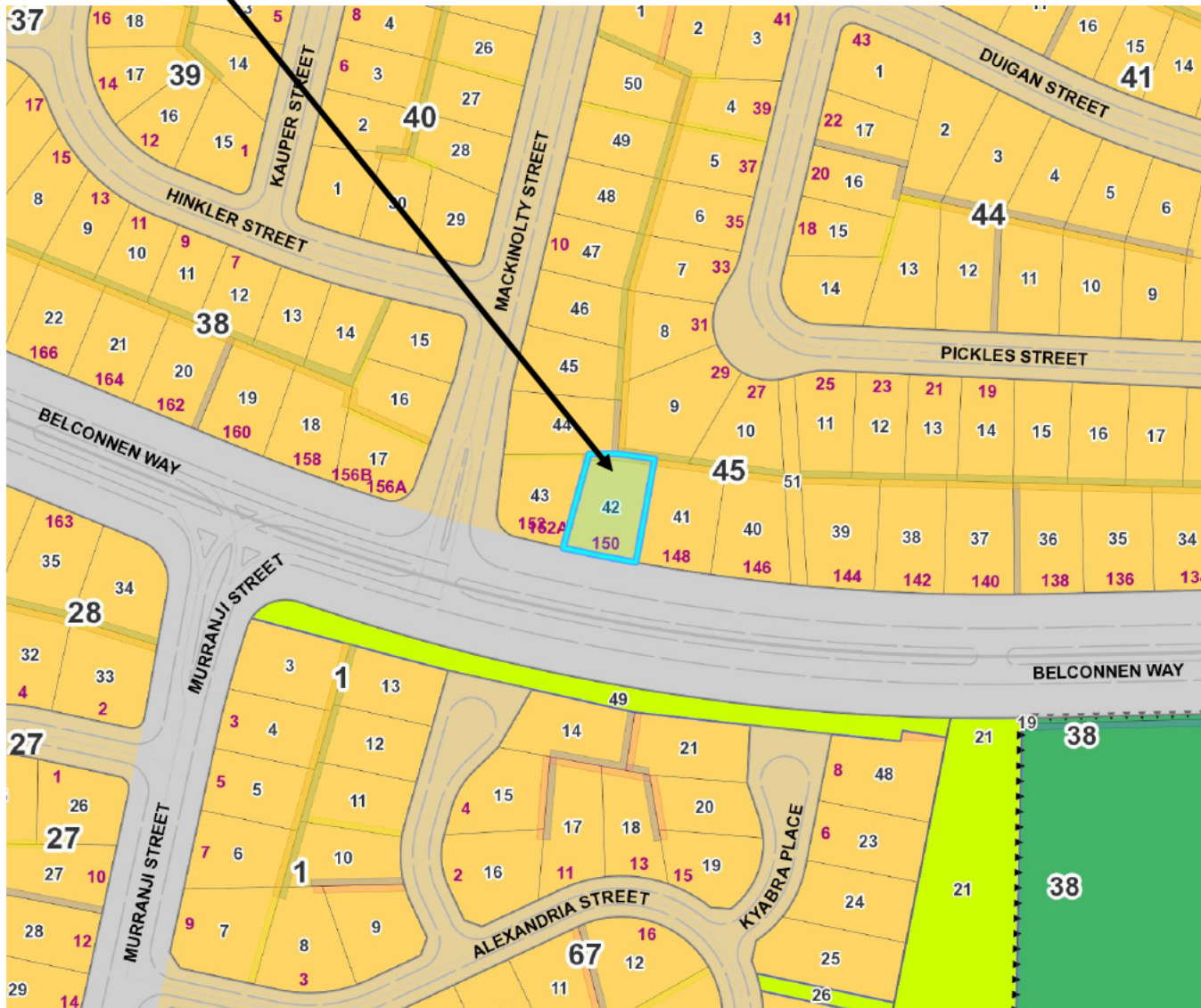
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#### Background

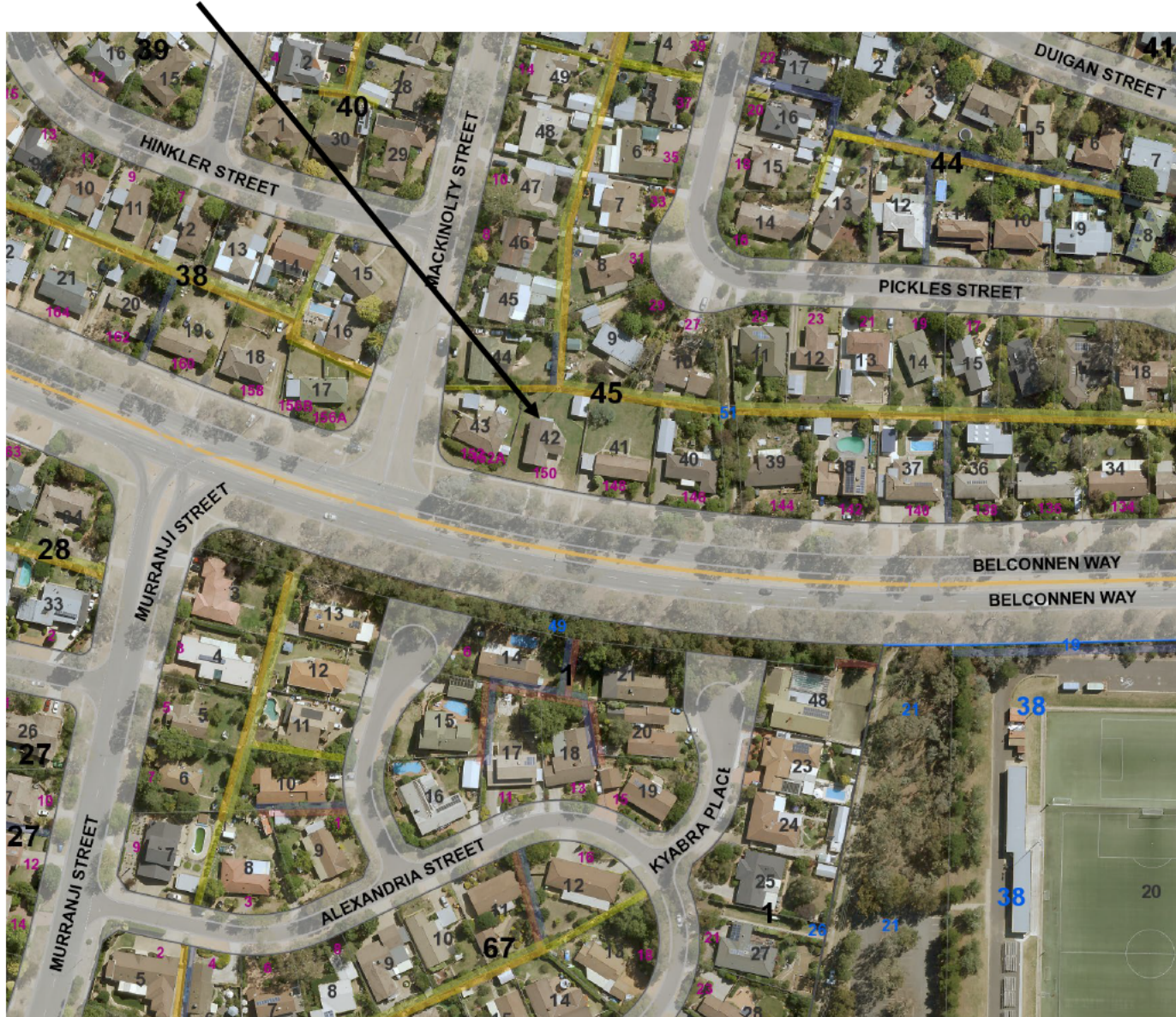
These are examples of DAs for multi-unit redevelopment of some of the blocks now subject to DV350 that are not in keeping with the objectives of the zones. These examples provide a snapshot of the type of unintended development that has occurred prior to DV350 being released with interim effect.

---

### BLOCK 42 SECTION 45 SCULLIN (Territory Plan Map – location and zone)

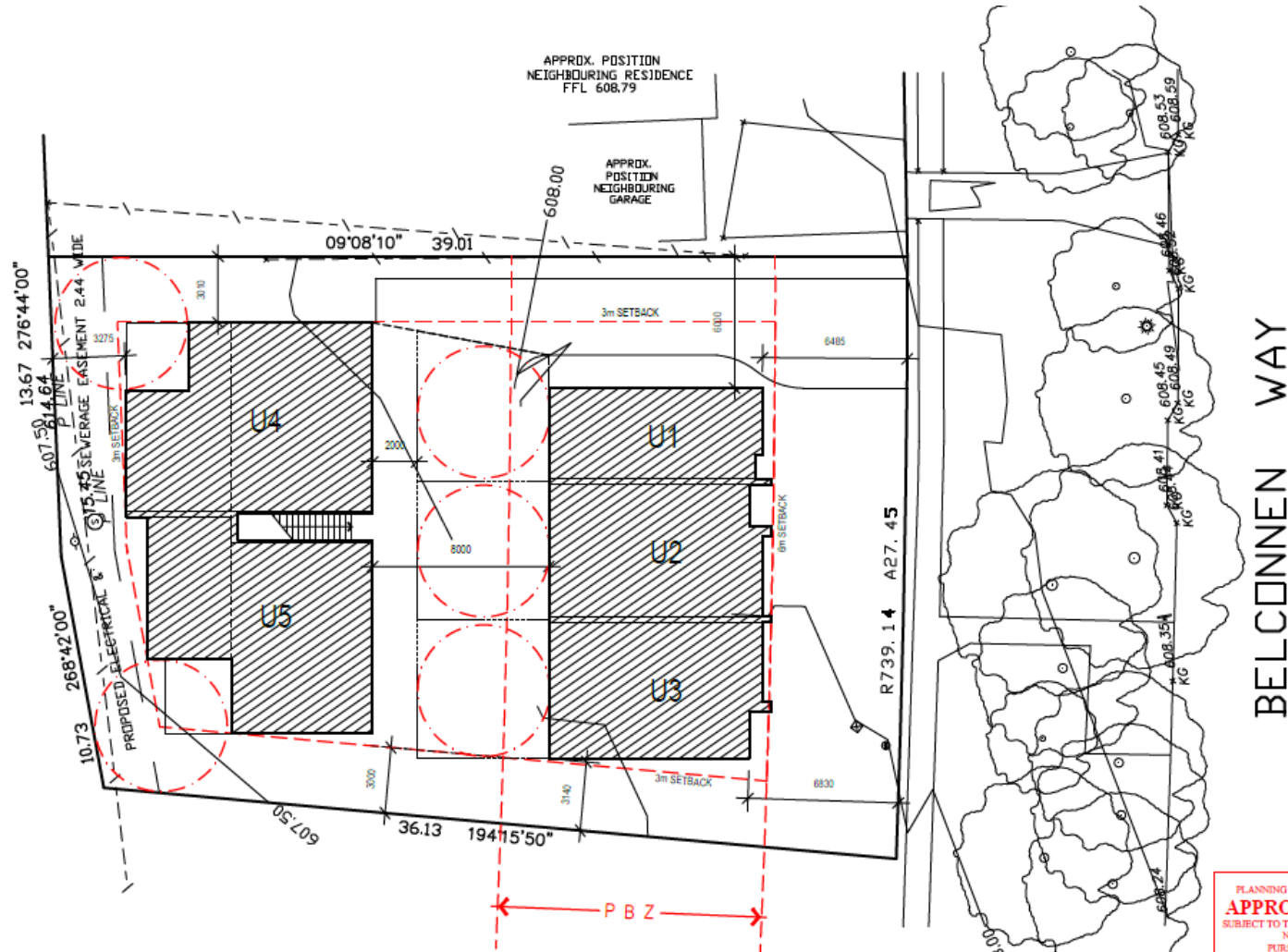


### BLOCK 42 SECTION 45 SCULLIN (aerial photograph)



### BLOCK 42 SECTION 45 SCULLIN (site layout and area schedule)

BLOCK 42 SECTION 45 SCULLIN AREA SCHEDULE:	
BLOCK AREA:	979.4m <sup>2</sup>
TOTAL BASEMENT AREA: (NOT IN GFA)	301.1m <sup>2</sup>
<b>UNIT 1:</b>	
TOTAL GROUND FLOOR GFA:	41.2m <sup>2</sup>
TOTAL UPPER FLOOR GFA:	44.9m <sup>2</sup>
BASEMENT STORAGE:	.5m <sup>2</sup>
BASEMENT GARAGE: (NOT IN GFA)	41.2m <sup>2</sup>
<b>UNIT 2:</b>	
TOTAL GROUND FLOOR GFA:	61.2m <sup>2</sup>
TOTAL UPPER FLOOR GFA:	59.7m <sup>2</sup>
BASEMENT STORAGE:	5.2m <sup>2</sup>
BASEMENT GARAGE: (NOT IN GFA)	65.8m <sup>2</sup>
<b>UNIT 3:</b>	
TOTAL GROUND FLOOR GFA:	61.2m <sup>2</sup>
TOTAL UPPER FLOOR GFA:	59.7m <sup>2</sup>
BASEMENT STORAGE:	5.2m <sup>2</sup>
BASEMENT GARAGE: (NOT IN GFA)	65.8m <sup>2</sup>
<b>UNIT 4:</b>	
TOTAL GROSS FLOOR AREA	88.0m <sup>2</sup>
BASEMENT GARAGE:	37.7m <sup>2</sup>
<b>UNIT 5:</b>	
TOTAL GROSS FLOOR AREA:	80.0m <sup>2</sup>
BASEMENT CAR SPACE: (NOT IN GFA)	15.4m <sup>2</sup>
<b>TOTALS (EXCLUDING BASEMENT GARAGING):</b>	
UNIT 1:	86.6m <sup>2</sup>
UNIT 2:	126.1m <sup>2</sup>
UNIT 3:	126.1m <sup>2</sup>
UNIT 4:	88.0m <sup>2</sup>
UNIT 5:	80.0m <sup>2</sup>
<b>TOTAL GFA:</b>	<b>506.8m<sup>2</sup></b>

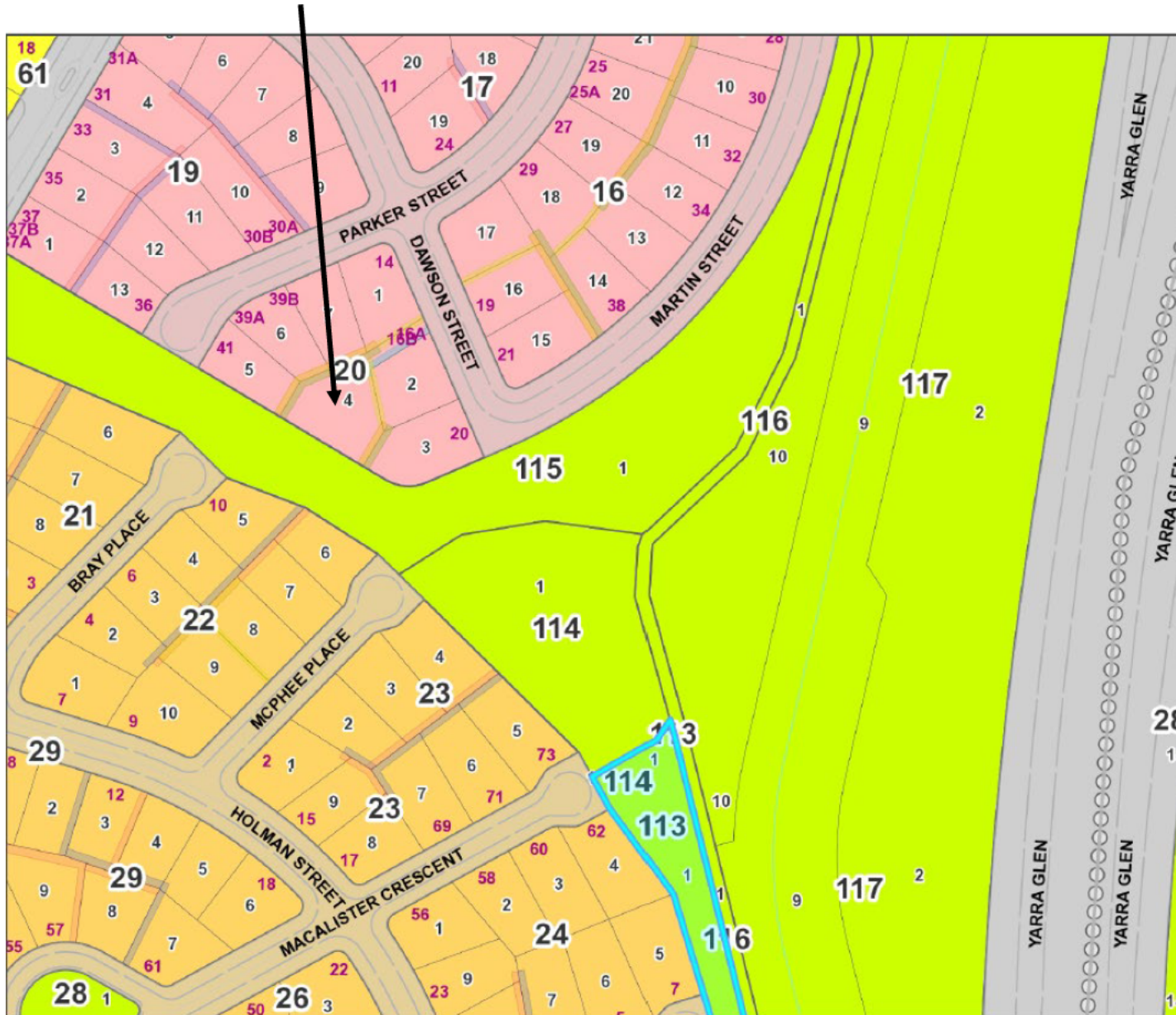


PLANNING AND DEVELOPMENT ACT 2007  
**APPROVAL GRANTED**  
 SUBJECT TO THE CONDITIONS SET OUT IN THE  
 NOTICE OF DECISION  
 PURSUANT TO SECTION 162

### BLOCKS 17 AND 18 SECTION 16 ARANDA (Proposed development – refused)



### BLOCK 4 SECTION 20 CURTIN (Territory Plan Map and zones)



### BLOCK 4 SECTION 20 CURTIN (aerial photograph)



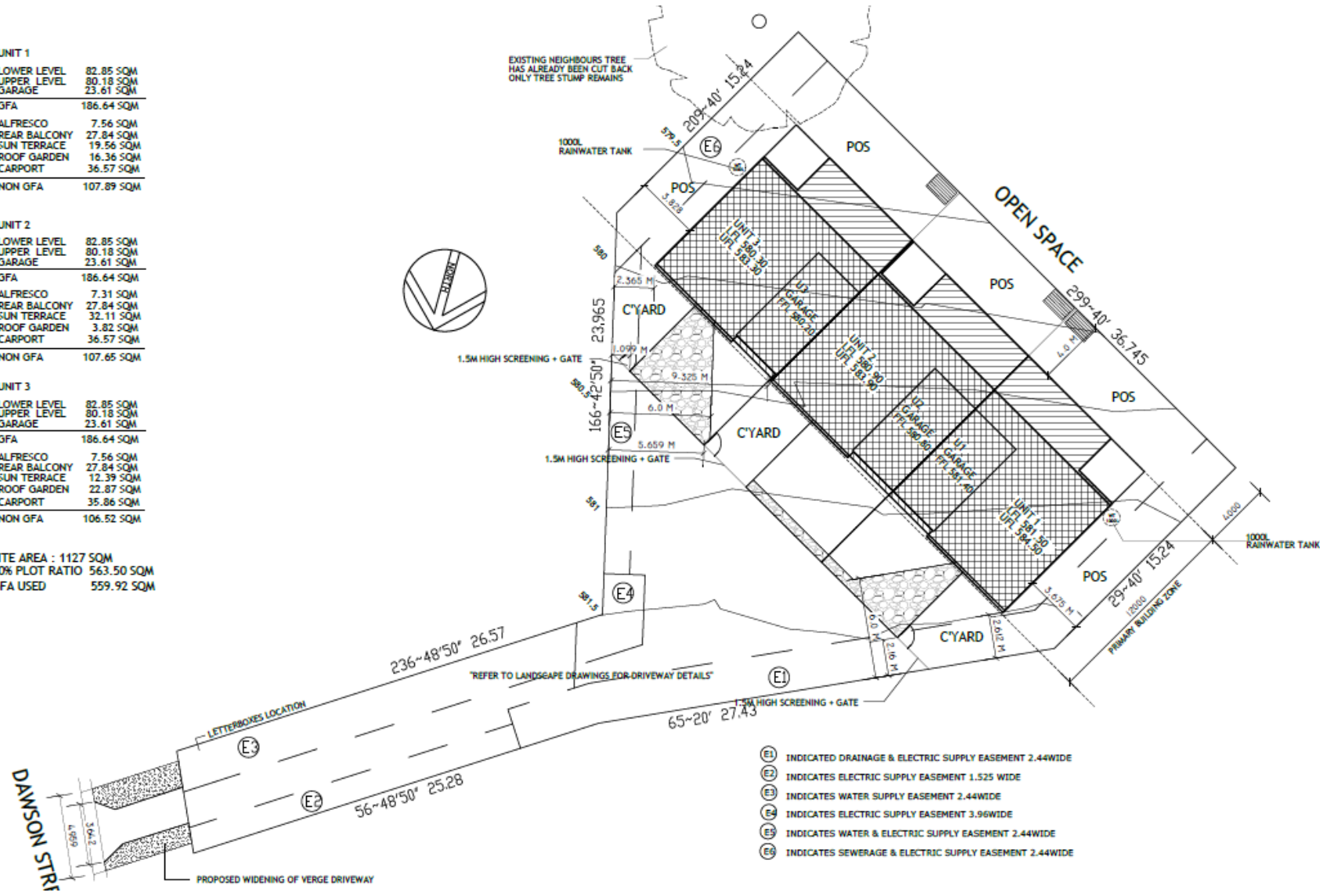
### BLOCK 4 SECTION 20 CURTIN (proposed site layout and area schedule)

UNIT 1	
LOWER LEVEL	82.85 SQM
UPPER LEVEL	80.18 SQM
GARAGE	23.61 SQM
GFA	186.64 SQM
ALFRESCO	7.56 SQM
REAR BALCONY	27.84 SQM
SUN TERRACE	19.56 SQM
ROOF GARDEN	16.36 SQM
CARPORT	36.57 SQM
NON GFA	107.89 SQM

UNIT 2	
LOWER LEVEL	82.85 SQM
UPPER LEVEL	80.18 SQM
GARAGE	23.61 SQM
GFA	186.64 SQM
ALFRESCO	7.31 SQM
REAR BALCONY	27.84 SQM
SUN TERRACE	32.11 SQM
ROOF GARDEN	3.82 SQM
CARPORT	36.57 SQM
NON GFA	107.65 SQM

UNIT 3	
LOWER LEVEL	82.85 SQM
UPPER LEVEL	80.18 SQM
GARAGE	23.61 SQM
GFA	186.64 SQM
ALFRESCO	7.56 SQM
REAR BALCONY	27.84 SQM
SUN TERRACE	12.39 SQM
ROOF GARDEN	22.87 SQM
CARPORT	35.86 SQM
NON GFA	106.52 SQM

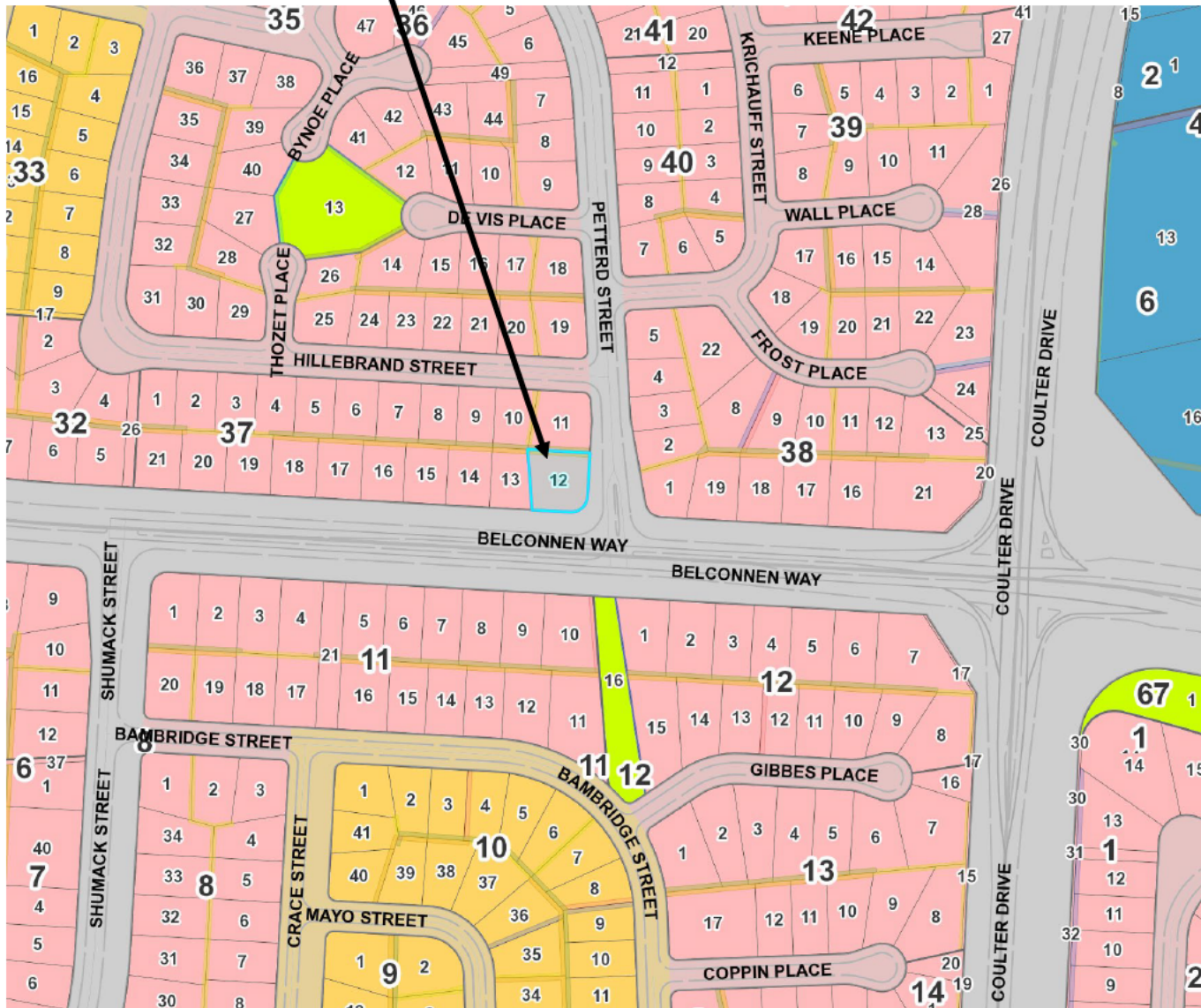
SITE AREA : 1127 SQM  
 50% PLOT RATIO 563.50 SQM  
 GFA USED 559.92 SQM



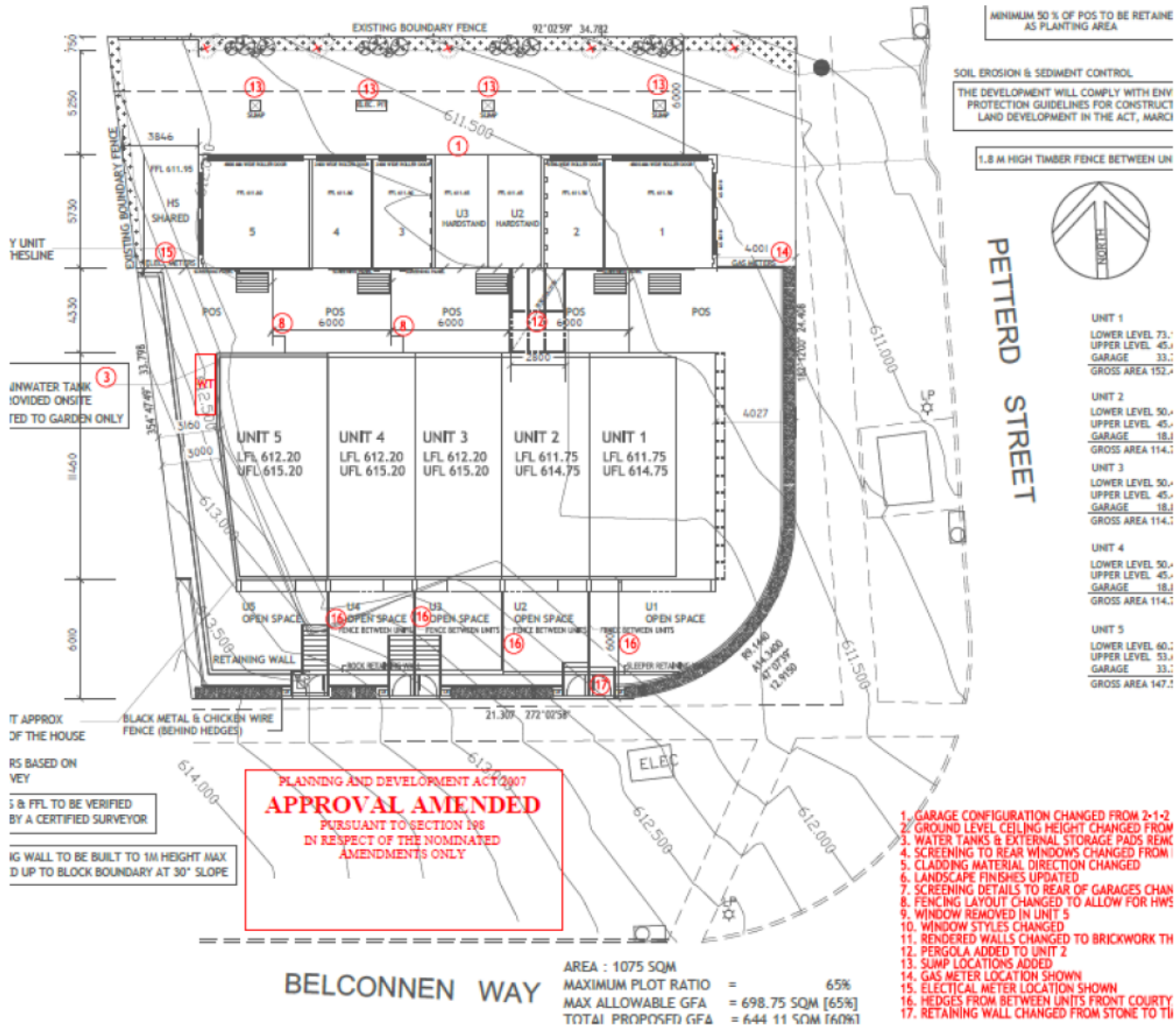
**BLOCK 12 SECTION 37 PAGE (Aerial photograph of completed development)**



### BLOCK 12 SECTION 37 PAGE (Territory Plan Map and zones)



# BLOCK 12 SECTION 37 PAGE (site layout)



**From:** [Darville, Pam](#)  
**To:** [EPSD Government Services](#)  
**Subject:** FW: Standing Committee on Planning and Urban Renewal: Proof Hansard of hearing on Wednesday, 5 December 2018 [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 11 December 2018 12:12:36 PM  
**Attachments:** [image001.jpg](#)

---

Cheers Pam

**Pam Darville | Manager - Government Business and Coordination**

Phone: +61 2 6205 0543 | Mobile: [REDACTED] | Email: [pam.darville@act.gov.au](mailto:pam.darville@act.gov.au)  
Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 4 Canberra Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra  
ACT 2601 [www.act.gov.au](http://www.act.gov.au)

---

**From:** Nair, Devika  
**Sent:** Tuesday, 11 December 2018 11:59 AM  
**To:** #LA, Hansard Transcripts <#LAHansardTranscripts@act.gov.au>  
**Cc:** Tancred, Pattie <Pattie.Tancred@parliament.act.gov.au>; Hampson, Meryl <Meryl.Hampson@parliament.act.gov.au>  
**Subject:** Standing Committee on Planning and Urban Renewal: Proof Hansard of hearing on Wednesday, 5 December 2018 [SEC=UNCLASSIFIED]

**Reference: Draft variation No 350: changes to the definition of "single dwelling block"**

The *Proof Hansard* of the committee's hearing on the above reference held on 5 December 2018 is now published and available at:

<http://www.hansard.act.gov.au/hansard/2017/comms/default.htm#planning>

This is a **PROOF ISSUE** of proceedings that is subject to further checking and suggested corrections from members and witnesses. The *Proof Hansard* will be replaced with the final *Hansard* when processing is completed.

As is always the case when viewing internet/intranet sites, it is necessary to "refresh" the pages, or to update the information on the pages you view. You do this in one of three ways: with the F5 key on your keyboard; by clicking on the "refresh" icon on the browser toolbar; or by clicking on the "click to update" icon when this is available on the page from which you wish to access information. This will ensure that you are viewing the most recently available publication.

**Devika Nair**

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**From:** [Piper, Mayumi](#)  
**To:** [Kaucz, Alix](#)  
**Subject:** Re: Media Enquiry FW: DV350 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 5 December 2018 5:28:42 PM

---

Thanks Alix

On 5 Dec 2018, at 5:28 pm, Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)> wrote:

Hi Erin

That looks correct to me

Alix

On 5 Dec 2018, at 4:53 pm, Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)> wrote:

Thanks Erin.

Alix – I'll check in with you as Min's office just called asking about timing on this one.

m

---

**From:** Brady, Erin  
**Sent:** Wednesday, 5 December 2018 4:51 PM  
**To:** Szydlik, Bohdana <[Bohdana.Szydlik@act.gov.au](mailto:Bohdana.Szydlik@act.gov.au)>; Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)>  
**Cc:** Ives, Kieran <[Kieran.Ives@act.gov.au](mailto:Kieran.Ives@act.gov.au)>; Kelly, Shauna <[Shauna.Kelly@act.gov.au](mailto:Shauna.Kelly@act.gov.au)>; Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)>  
**Subject:** RE: Media Enquiry FW: DV350 [SEC=UNCLASSIFIED]

Bohdana, Alix

I've changed this a bit.

Alix – I've made a few changes below to address the crux of what was being asked a bit more.

Can you check if correct please?

thank you

Erin

---

**From:** Szydlik, Bohdana  
**Sent:** Wednesday, 5 December 2018 3:39 PM  
**To:** Brady, Erin <[Erin.Brady@act.gov.au](mailto:Erin.Brady@act.gov.au)>  
**Cc:** Ives, Kieran <[Kieran.Ives@act.gov.au](mailto:Kieran.Ives@act.gov.au)>; Kelly, Shauna <[Shauna.Kelly@act.gov.au](mailto:Shauna.Kelly@act.gov.au)>; Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)>; Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)>  
**Subject:** Media Enquiry FW: DV350 [SEC=UNCLASSIFIED]

Hi Erin

We have received a media enquiry from [REDACTED] at the Canberra Times about DV350. We have provided a response but the MO has asked whether it is worth explaining the complexities of a single block

dwelling DV to [REDACTED] before sending a response. Could you please advise how you would like to proceed?

**Canberra Times Question:**

There's a Legislative Assembly inquiry on this afternoon into draft variation 350, which changes the definition of single dwelling block to stop people redeveloping old houses with a flat out the back into multiple townhouses.

The Master Builders Association is giving evidence this arvo, and their submission says it's confusing for the government to try and stop urban infill through DV350, when you are also looking at ways of increasing urban infill through the Housing Choices project.

What does Mick Gentleman make of this? Is the government effectively stopping urban infill with one hand and encouraging it with the other?

**Alix has provided the below response which was used in the consultation report:**

The ACT Housing Choices project is about developing policies to deliver built outcomes that support a compact, liveable and sustainable city. It is part of the ACT whole of government and integrated approach for providing housing choice, affordable housing, demonstration housing projects, as part of urban infill.

The Housing Choices project is about getting the balance right to enable development to meet the demand for choice now and in the future, whilst also achieving planning and design principles related to enhancing existing character and amenity in established suburbs. The Government is encouraging infill providing a mix of dwellings in the best locations and that balance with the character of that area.

The intention of DV350 is to limit ad hoc and piecemeal redevelopment from occurring in areas where it might not be the most appropriate design or community outcome for that existing suburb character. For example, in some locations it created circumstances where a multi-unit development could be developed in an area of all single dwellings or single dwellings with a granny flat – and that is not the intended or appropriate form of development in that location. The further work on the Housing Choices project and the Territory Plan Review work commencing next year, will include examination of if and where it might be appropriate to increase development in existing areas. Any changes made to the Territory Plan in response to the Housing Choices project will likely apply to all dwellings in the relevant zone, irrespective of whether the block originally contained 1 or 2 dwellings.

Thank you

Bohdana

---

**From:** Brennan, Bernadette

**Sent:** Wednesday, 5 December 2018 3:32 PM

**To:** Szydlik, Bohdana <[Bohdana.Szydlik@act.gov.au](mailto:Bohdana.Szydlik@act.gov.au)>

**Cc:** Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)>

**Subject:** RE: DV350 [SEC=UNCLASSIFIED]

Hi Bohdana,

Thanks for this. Advice from my end is that the premise of [REDACTED] question is incorrect.

Could we run this request past Ben to see what he thinks and if it is worth further explaining the complexities of the single block dwelling DV to [REDACTED] first? Could Ben do this?

What do you think? I'm really not across the complexities – so it's hard for me to understand this.

Bernie

---

**From:** Szydlik, Bohdana

**Sent:** Wednesday, 5 December 2018 2:40 PM

**To:** Brennan, Bernadette <[Bernadette.Brennan@act.gov.au](mailto:Bernadette.Brennan@act.gov.au)>

**Cc:** Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)>

**Subject:** RE: DV350 [SEC=UNCLASSIFIED]

Hi Bernie

Below are notes on DV350 which were previously approved by MO for the consultation report. The project team has recommended the changes in red:

The ACT Housing Choices ~~program~~ **project** is developing policies and delivering built outcomes to support a compact, liveable and sustainable city. It is part of the ACT whole of government priorities for housing choices, affordable housing, demonstration housing projects, urban renewal and ~~regional connection~~ **urban infill**.

The intent of the project is to get the balance right between enabling development to meet the demand for choice, whilst also achieving urban design principles to protect and enhance existing character and amenity in the established suburbs.

DV350 intends to limit ad hoc and piecemeal redevelopment from occurring until the outcomes and recommendations of the Housing Choices project have been implemented, **especially where the increased bulk and scale of multi-unit redevelopment does not complement the existing suburb character**. Any changes made to the Territory Plan in response to the Housing Choices project will likely apply to all dwellings in the relevant zone, irrespective of whether the block originally contained 1 or 2 dwellings.

Cheers

Bohdana

**Bohdana Szydlik | Senior Community Engagement Officer**

02 6205 1978 | [bohdana.szydlik@act.gov.au](mailto:bohdana.szydlik@act.gov.au)

**Engagement and Executive Support** | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158  
Canberra ACT 2601

[www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au)

<image001.png><image002.png>

**Hours: Please note I work Wednesday to Friday.**

---

**From:** Piper, Mayumi

**Sent:** Wednesday, 5 December 2018 2:02 PM

**To:** Metters, Mark <[Mark.Metters@act.gov.au](mailto:Mark.Metters@act.gov.au)>; Szydluk, Bohdana <[Bohdana.Szydluk@act.gov.au](mailto:Bohdana.Szydluk@act.gov.au)>

**Subject:** FW: DV350 [SEC=UNCLASSIFIED]

Can one of you seek some dotties on this ASAP please?

---

**From:** Brennan, Bernadette

**Sent:** Wednesday, 5 December 2018 2:00 PM

**To:** Piper, Mayumi <[Mayumi.Piper@act.gov.au](mailto:Mayumi.Piper@act.gov.au)>

**Subject:** FW: DV350

Hi Mayumi,

Could I have a bit of background on the DV350?

See query below.

Thanks

Bernie

**From:** [REDACTED]

**Sent:** Wednesday, 5 December 2018 1:03 PM

**To:** Brennan, Bernadette <[Bernadette.Brennan@act.gov.au](mailto:Bernadette.Brennan@act.gov.au)>

**Subject:** DV350

Hi Bernadette,

I understand you're filling in in the Gentleman office at the moment, welcome to the Assembly!

There's a Legislative Assembly inquiry on this afternoon into draft variation 350, which changes the definition of single dwelling block to stop people redeveloping old houses with a flat out the back into multiple townhouses.

The Master Builders Association is giving evidence this arvo, and their submission says it's confusing for the government to try and stop urban infill through DV350, when you are also looking at ways of increasing urban infill through the Housing Choices project.

What does Mick Gentleman make of this? Is the government effectively stopping urban infill with one hand and encouraging it with the other?

I'm hoping for a statement by 5pm.

Thanks so much for your help!

[REDACTED]  
Reporter - The Canberra Times

**Australian Metro Media**

m [REDACTED]

[www.canberratimes.com.au](http://www.canberratimes.com.au)





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**2018**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**Planning and Urban Renewal Committee Inquiry into  
Draft Variation No. 350 - Changes to the definition of 'single  
dwelling block'**

**OPENING STATEMENT**

**Mick Gentleman MLA  
Minister for Planning and Land Management**

Thank you for the opportunity to appear before the Committee today to discuss Draft Variation No 350 to amend the definition of single dwelling block.

I have supported DV 350 on the basis that it is responding to inappropriate multi-unit redevelopment occurring on certain blocks in some older Canberra suburbs. These blocks are not covered by the definition of 'single dwelling block' in the Territory Plan as they contained two dwellings (a house and a small flat) when they were originally developed in the late 1960s and early 1970s. As a result, some of the planning restrictions on multi-unit development that apply to neighbouring blocks in the same zone do not apply to multi-unit housing redevelopment on these particular blocks. This has led to development in these areas that is contrary to the existing low density suburban character.

Eight **submissions** were received during public consultation on the draft variation. The comments received included a range of issues, with both support and opposition to aspects of the variation. Particular comments received included:

- concerns that future development opportunities would be restricted on affected blocks;
- the changes would have a significant financial impact on lessees of affected blocks;
- the proposed changes are contrary to the policy shift to increased density in existing suburbs;
- selective planning policy was driven by concerns of individuals or small groups about particular projects in their suburbs;
- there was lack of prior consultation on proposed changes;

- a transitional period for current development projects should be allowed; and
- dual occupancies in new subdivisions will be adversely affected by the new definition.

The concerns raised were carefully considered in the review of DV 350, and responded to in the report on consultation. Changes were made to the proposed definition in the recommended draft variation in response to some of the matters that were raised.

I have in attendance with me, representatives of the Environment, Planning and Sustainable Development Directorate, who will be able to assist with technical input and answer any questions you may have on DV350.

Alongside my colleagues from the Directorate, I would be happy to take any questions that the Committee may have.

# ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT

## ASSEMBLY BRIEF

### ISSUE: Overview of proposed definition change and why the change is proposed

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#### Context

Draft Variation to the Territory Plan No 350 (DV350) was prepared in response to inappropriate multi-unit redevelopment occurring on certain blocks in some older Canberra suburbs.

#### Talking Points

- Certain residential blocks in some older Canberra suburbs are not covered by the definition of 'single dwelling block' in the Territory Plan as they contained two dwellings (a house and a small flat) when originally developed in the late 1960s and early 1970s.
- 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."
- As a result, some of the provisions in the Multi-Unit Housing Development Code (MUHDC) in the Territory Plan such as restricting plot ratio, block size requirements, replacement dwellings, number of dwellings in each building, and restrictions on attics and basements do not apply if multi-unit residential redevelopment is proposed on these blocks in the RZ1 suburban and RZ2 suburban core zones.
- This has resulted in development proposals for multi-unit redevelopment on these blocks that are not complementary to the predominantly single dwelling character of the surrounding areas.
- DV350 proposes to address this situation by changing the title of the definition from 'single dwelling block' to 'standard block' and adjusting the wording in the definition to include blocks that were either originally leased or used for the purpose of one dwelling or were originally leased or used for the purpose of two dwellings on or before 18 October 1993<sup>1</sup> or if consolidated, at least one block is covered by either of these circumstances.
- This will capture instances where redevelopment is proposed on those blocks which originally contained the two dwellings as they will be subject to the relevant controls in the MUHDC.
- The proposed name change to 'standard block' is intended to avoid the confusion around the terminology where one or two dwellings can be permitted on a block which is intended for single dwelling housing.
- DV350 was released for public consultation with interim effect. The recommended version of DV350 was revised in response to consultation and has interim effect.
- The changes do not include original non-single dwelling blocks specifically reserved for lawful multi-unit development.

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<sup>1</sup>This is the date when the Territory Plan came into effect and new terminology for 'single dwelling housing' was incorporated into lease purpose clauses.

## Background

- The purpose of the residential codes in the Territory Plan is to provide additional planning, design and environmental controls to support the objectives of the relevant residential zone.
  - Residential codes currently make reference to 'single dwelling block/s' which is a defined term in the Territory Plan.
  - These are blocks that were originally used or leased to be used for single dwelling housing, as distinct from blocks that were identified specifically for multi-unit housing.
  - The intent of this policy difference is to apply restrictions to dual occupancy redevelopment of single dwelling housing blocks for elements such as maximum plot ratio, maximum number of dwellings, minimum block size, restrictions on attics and basements.
  - The purpose of these provisions is to ensure that redevelopment of these blocks is limited; distinct from blocks that were specifically intended for the development of multi-unit housing.
  - The intent of DV350 is to prevent further inappropriate multi-unit redevelopment until such time as the Housing Choices project investigating housing options in the residential zones is completed and Territory Plan Variations to accommodate the Housing Choices project are in place.
-