



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL
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Submission Cover Sheet

Draft Variation 350 - Changes to the definition of 'single dwelling block'

Submission Number: 004 - Peter Young

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From: Peter Young
To: [LA Committee - PUR](#)
Subject: Submission for Draft Variation 350
Date: [REDACTED]

Thank you for the opportunity to comment on Draft Variation 350.

I wish to point out a subtle drafting error in the proposed definition of 'Standard Block'. The definition is copied below for reference.

A standard block is 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)*

Conditions a) and b) of the definition are not mutually exclusive and therefore a block may have both characteristics. For example, a block originally used for a single dwelling but leased for the purpose of two dwellings before 1993. An example of such a block is Block 10 Section 88 in the division of Narrabundah. Such blocks satisfy two (not one) of the conditions and are therefore not classified as a 'standard block' by a literal interpretation of the definition which stipulates only 'one' condition can be satisfied. This literal interpretation is notwithstanding the Legislation Act 2001, Section 145 which states 'words in the singular number include the plural...' as 'one' is to be interpreted as numeric rather than a word in a singular number.

This drafting error could be overcome with the following definition:

A standard block is a block with one of the following characteristics-

- a) originally leased on or before 18 October 1993 and originally leased or used for the purpose of one or two dwellings
- b) originally 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)

An alternative definition could simply state 'one or more of the following characteristics' but the aforementioned definition has the advantage of excluding new blocks specifically permitting two dwellings from being forever classified as a standard block if a single dwelling is first erected or staged development occurs.

Regards,

Peter Young
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Peter Young

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