



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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

Submission Cover Sheet

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

Submission Number: 001 - Martin

Date Authorised for Publication: 9 November 2018

Aue Martin



30-10-18


The Committee Secretary
Standing Committee on Planning & Urban Renewal
Legislative Assembly for the A.C.T.
G.P.O. Box 1020
Canberra A.C.T. 2601

Dear Madam Secretary,

Re:- DV 350

I am writing to you regarding the proposed changes to some Crown leases under DV350.

My understanding is that it is proposed that leases that allow "residences" - i.e. there is no actual stated restriction on the number of units that can be built on a single block - would be altered to permit just one residence per lease. I can appreciate the government's concern re such an open-ended lease whereby some owners may take advantage of such a provision and construct multiple dwellings on a single block, and thus impinge on the rights, privacy and enjoyment of neighbours.

However, my lease  and perhaps those of others, specifies dual occupancy; one only additional building may be constructed, or to quote the lease, "no more than two buildings (other than outbuildings)." My home is an ex-government house and the houses around me are still government owned

and let. Only one other house - opposite to mine; a battleaxe block - is privately owned. My lease is the only one in the street that allows dual occupancy.

My concern stems from a basis of fairness, justice and equality. Many, if not all, of the "Mr. Fluffy" leases bought by the government specified only one residence could be built on each block. Yet the government changed the conditions of those leases to enable developers to build two units on each piece of land. Of course, this makes economic sense, especially if the government is aiming for higher density and encouraging supply. In my case though, the lease actually allows for two residences and now the government intends to take away my right and that of others, to build a second house. It does not seem logical on any grounds. The dual occupancy would bring in revenue for the government either through a landlord tax or other additional expenditure.

Another concern is about the notification of the proposed change. Not everybody reads "The Canberra Times", the media is not obliged to take up an issue about which it has been notified, thus restricting public awareness, and not everyone has access to a computer to constantly monitor government announcements. Perhaps a simple letter in a rates' notice to those people affected would have allowed others to voice their concerns. I was made aware of the proposed changes by a prospective buyer whose architect notified him of DV 350. If architects were informed, as well as the MBFA, why not owners? It doesn't seem right.

I am hoping that in the committee's recommendations there may be a clause that, in effect, differentiates between the "open-ended" provision in some leases

and those leases that are quite specific in the number - "no more than two" - of buildings that the lease allows. Perhaps there could be some exclusion clause in the proposed legislation to allow the latter type of leases to remain as they are.

I would very much appreciate the Committee taking my concerns into account when making its recommendations to the Legislative Assembly.

Thank you for your consideration in this matter.

Yours sincerely,
Sue Martin.
Sue Martin