

SUBMISSION WITH RESPECT TO THE GOVERNMENT'S DRAFT PLANNING BILL

I understand that the current focus is on refining the new Planning Bill and a subsidiary part of the Bill is the Territory Plan which specifies, among other things, how land zoning is applied in practice. My interest is in the current RZ1 conditions of the Territory Plan, which states, among other things that "Dual occupancies are permitted on blocks over 800m², however, they are not permitted to be subdivided or unit titled (and therefore cannot be sold separately)".

I am advised that in 2018 as part of its work toward a new Planning Bill, the Government convened a community consultative group (Housing Choices Collaboration Hub) that made 13 Recommendations to Government, including "to allow dual occupancy with separate title in RZ1". The Government gave in-principle support to all the recommendations, but instead of taking the idea forward the Government sought further policy analysis and consultation.

I believe there are good reasons why the recommendation "to allow dual occupancy with separate title in RZ1" areas should be accepted, with certain conditions.

I understand that the purpose of the clause to not permit subdivision of RZ1 blocks is to prevent house block owners or developers subdividing for monetary gain and causing a proliferation of out of character units in the suburbs. But the clause penalises other house or block owners who may wish to subdivide for ordinary family reasons, not monetary gain.

In my own case, I moved to Canberra with a young family in 1987 and we bought a house in Campbell with a large block (2,364 m²), though at that time we did not attach much significance to the big block size. The house is located forward on the block and with the cost of water being what it is, I do not manage the back of the block and it is a bit of a wasteland. A few years ago I decided it would be helpful if I could subdivide my block onto two titles, with one title covering the front block where the current house stands, and the other title covering the back of the block, where I intended to build a high quality suburban house matching the character of my suburb. I planned to provide access to the rear block by extending the existing driveway past the existing home – something there is ample space to do. If I did that, each block would still be more than 1000 m², more than the average Campbell house block size and I would retain ownership of the two houses.

The reason I wanted to subdivide in this way was to ensure that I could split this asset evenly between my two sons in my will. Not being able to do so would likely lead to my sons having to sell the home they grew up in, so they could split the value of the asset. This outcome would be extremely disappointing for all of us.

Yet when trying to put this plan into action, I quickly discovered that I was blocked as the territory plan would not permit subdivision of RZ1 blocks. I am aware there are options to establish a dual occupancy or company title, but those options would not work in this instance because my sons would not be able to make independent decisions about management of either property if one wanted to sell and the other did not. I have seen good families at war because of joint titled land.

I consider that my proposal, if allowed, would be consistent with all of the stated aims of RZ1 zoning except the arbitrary clause “subdivision not permitted”. A good decision should be based on the logic of the case, not a blind policy. It is unfair that when a citizen makes a proposal that would meet all of the other RZ1 objectives and the proposal has no negative impact on the community, that proposal is blocked by an arbitrary policy.

Further, allowing subdivision of larger RZ1 blocks, so that each remaining block remained above 800 m² would build logically upon the existing allowance to permit dual occupancies on RZ1 blocks and larger. Allowing for this change in the Territory Plan would be consistent with the policy objectives of the Planning and Development Act of 2007 as well as the new planning bill, by combining orderly and sustainable development with ecologically sustainable rules permitting increased use of larger blocks of land near the centre of the city.

I have read Government publications and Ministerial press releases about the draft Bill. My recommendation is consistent with the intention noted in those documents, to “set the framework for a simpler planning system that’s focused on outcomes rather than prescriptive development rules.” Accordingly I make the following recommendation-

RECOMMENDATION

That the Government change the wording in the Territory Plan to allow dual occupancy with separate title in RZ1 blocks greater than 1,600 m² and apply a substantial betterment tax to any block if sold within ten years.

The 1600 m² condition is so that even after subdivision the blocks would be of a similar size to other suburban house blocks and the betterment tax is to discourage owners or developers from subdividing just for monetary gain.

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