

**Mick Gentleman MLA**

Manager of Government Business

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Member for Brindabella

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**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 37****3 November 2023****Question No. 1493**

**MRS KIKKERT MLA** - To ask the Minister for Planning and Land Management:

Given the ACT Government announced changes to planning policy to take effect from 27 November 2023, including policy regarding building a second dwelling on blocks in RZ1 zones, and that under the new policy changes, a second dwelling of up to 120 square metres will be permitted on blocks in RZ1s zone that are over 800 square metres, and that this second dwelling may also be separately titled

- (a) will such second dwellings be considered as dual occupancies or secondary residences, or will the categorisation depend on other factors such as if they are separately titled or not,
- (b) if considered as dual occupancies, can the size of the second dwelling exceed 120 square metres if it meets the allowable size determined by the maximum plot ratio under current planning policy; if so, can these second dwellings be separately titled,
- (c) what will the administrative costs be of developing a second dwelling, and what will be the cost of acquiring a separate title,
- (d) does the 120 square metres limit include non-habitable structures (Class 10a building) such as garages, or does it only include dwelling spaces (Class 1a habitable area),
- (e) are there any changes to the policies and/or definitions of a dual occupancy and a secondary residence; if so, can the Minister provide relevant details and
- (f) will blocks in an RZ1 zone that are over 500 square metres still be permitted to build a secondary residence limited to 90 square metres, as under current planning policy.

**MR GENTLEMAN MLA** - The answer to the Member's question is as follows:

(a) Dual occupancy housing is defined in the Territory Plan as the use of land that was originally used or leased for the purposes of single dwelling housing, for two dwellings. It is possible to have a dual occupancy development on a block without the development being separately titled. In order for the second dwelling on a block to be classified as a secondary residence, it can be no larger than 90m<sup>2</sup> in size and meet other provisions under the Residential Zones Policy.

(b) To be able to be separately titled, one dwelling of the dual occupancy must not exceed 120m<sup>2</sup> (excluding the area of the garage). This is a mandatory requirement. This means the size of the second dwelling can only exceed 120m<sup>2</sup> if the first dwelling is 120m<sup>2</sup> or less in size. A dual occupancy development on a RZ1 block that is over 800m<sup>2</sup> can exceed the 120m<sup>2</sup> (assuming it complies with mandatory site coverage limits and other applicable assessment outcomes) but it cannot be unit titled.

(c) The administrative costs for developing a second dwelling and acquiring a separate title involves:

- i. a development application (DA) process;
- ii. usually a variation to the Crown lease to specify the number of dwellings;
- iii. the unit title application following the construction of the dwellings; and
- iv. the registration of the Units Plan at Land Titles.

The DA fee is based on the cost of works for the dwellings, lease variation fee and public notification required (typically ranging between \$5,000 and \$10,000).

The Lease Variation Charge to specify two dwellings is based on current schedules and remissions (\$47,500 to \$236,250) dependent on suburb and location.

The Unit Title application charge for two units is \$2558.30.

The application to register a Units Plan is \$166. For a Units Plan, the remaining term of the parcel's Crown lease is to be at least 50 years. A further Crown lease can be applied for if required (\$481.75 not exceeding the term of the existing lease).

(d) the 120m<sup>2</sup> limit is only for the dwelling and does not include the garage.

(e) For dual occupancy:

- the Subdivision Policy has been amended to permit unit titling of dual occupancies in the RZ1 zone where the development meets the minimum block size and maximum dwelling size.
- Mandatory plot ratio requirements have been removed but mandatory site coverage requirements will now apply.
- The requirement for some dual occupancies to be single storey only has been removed.
- The new Housing Design Guide will apply to dual occupancy developments.

For secondary residences:

- the definition of secondary residence has been clarified to specifically refer to a secondary residence being subordinate to the principal dwelling on a block.
- Mandatory plot ratio requirements have been removed.
- A secondary residence will no longer be required to be adaptable (responding to changes in the National Construction Code that will require dwellings to be built to liveable housing standards).

(f) Yes.

**Approved for circulation to the Member and incorporation into Hansard.**



**Mick Gentleman MLA**

**Minister for Planning and Land Management**

**Date:** 23/4/2028

This response required 01hrs 55mins to complete, at an approximate cost of \$183.72