



16 September 2024

Sent via email: Ben.Ponton@act.gov.au; steel@act.gov.au

Director-general Ben Ponton and Minister Chris Steel,

We are requesting urgent written clarification on the position of the ACT Government regarding the approach of the EPSDD planning approval process for detached extensions.

Background: What is a detached extension and why do people want to build them?

In simple terms, many customers decide to extend their primary dwelling with a detached extension. Often, we are dealing with urgent cases such as children trying to build something independent for their aging/disabled parents and/or siblings in cases of emergency.

Detached extensions are quicker and more practical as they require only BA and should be deemed as compliant developments.

People who build detached extensions have no overriding interest in renting their property out but simply want flexible living options for their modern family unit.

What the National Construction Code says about class one buildings:

The NCC outlines specifically that Class 1 buildings can comprise of more than one structure which together forms a single dwelling. These structures do not need to be connected.

What community needs from the ACT Government:

Clarification, there are delays to a myriad of customers who are trying to provide for their, aging and disabled family members a place to live through a worsening housing crisis.



Back and forth between building certifiers and ACT Planning has put undue pressure on businesses arguing whether detached extensions should be considered as secondary residences, even if requirements across the two buildings have been met.

As said in Minister Steel's press release in May, "This next stage of planning reform will be focused on housing supply and includes enabling more low density missing-middle housing in Canberra." Without clarity in the industry about the 'middle housing', delays continue to affect the community who simply cannot wait that long.

For vulnerable members of the community, long DA approval wait times can make suitable and adaptable housing out of reach.

Detached extensions are a critical part in ensuring the diverse and multi-generational housing solutions promoted in the Planning Act overhaul and clarity is needed to ensure that no Canberran is left behind.

If the entire property is compliant with the meaning of dwelling per the Planning (General) Regulation 2023 and the National Construction Code, should it not be eligible to be built as an extension to the home? The diversity of homes allowed through the ACT Government are the strengths of ACT Planning but can only be achieved with clarity.

We request that you provide written clarification as to the department's position on detached extensions so we can provide them directly to our client-base and to the building certifiers who are now reluctant to provide an opinion based on conflicting directions from ACT Planning Assessors within the team.

The NSW government has made so many extensions and second dwellings compliant developments as an acknowledgment that there is a significant need to encourage more options for consumers in a more efficient and effective manner.

Unfortunately, a simple detached addition of 90sqm on an 800sqm block in Kambah could take 6-9 months to obtain development approval in the ACT.



If it were deemed a compliant development, it could be approved quicker as a building approval only project in turn helping families under significant pressure to provide practical housing options.

We are currently helping customers who are facing end of life care or trying to accommodate parents with dementia and other aging health issues. They need efficient and practical solutions for their families, which is provided by building a detached addition in terms of use and speed of approval.

For your interest you may be aware of the most recent changes to the National Construction Codes that came into effect at the beginning of the year.

These changes have created considerable uncertainty for small to medium builders and the building certifiers trying to interpret the recent changes to national standards. There is no doubt that the intention of these changes is to provide long-term improvements in the standards of housing as they relate to energy efficiency, adaptability and so on.

The reality is that these recent changes to the national building codes have created confusion for residential builders trying to interpret complicated and intricate reforms. This has further slowed the speed in which new dwellings meet the missing middle housing supply that the Minister often refers to.

If you could please provide written advice on the position of the ACT government to class 1 detached additions that would be appreciated, and if you deem that families across the Territory are required, as a default, to run through a full development application process, we can share that advice directly with them and their loved ones.

Logically any breaches of the existing rules or guidelines that would apply to any connected extension that would trigger a development application process would stand as a safeguard.



If you require practical insight, plans or supporting evidence of conflicting advice we would be happy to provide and assist in clarifying this matter for our mutual current and future customers.

Hopefully, this will be a straightforward and logical administrative written clarification.

Kind regards

A handwritten signature in blue ink, appearing to be 'Frank Walmsley'.

Frank Walmsley
Client Services Manager
Fixed Price Extensions and Canberra Granny Flat Builders
Mobile 0400446605

Email clientservices@cgfb.com.au