



MICK GENTLEMAN MLA

Minister for Planning and Land Management
Minister for Racing and Gaming
Minister for Workplace Safety and Industrial Relations
Manager of Government Business

Member for Brindabella

Mr Tom Duncan
Clerk
Legislative Assembly for the Australian Capital Territory
London Circuit
CANBERRA ACT 2601

Dear Mr Duncan

I write to you to provide my response, pursuant to standing order 100, to petition No. 3-16 lodged by Mr Doszpot MLA in the Legislative Assembly (the Assembly) on 9 June 2016.

All variations to the Territory Plan require the agreement of the Minister for Planning and Land Management and the majority of the Legislative Assembly to become a part of the Territory Plan. Variation 334 Red Hill was approved on 18 February 2016 and after a disallowance motion was defeated in the Assembly it commenced on 15 April 2016.

Variation 334 was part of the Omnibus Variations which sought to redevelop Canberra's ageing public housing stock. This project improves the conditions of this housing and provides an opportunity to meet several key town planning and development strategies.

The ACT Planning Strategy (the Strategy) supports an increase in the range and density of housing within established areas. In particular the Strategy supports more affordable development near local centres and encourages a range of facilities and services to be provided at these locations.

Variation 334 Red Hill was approved because it renews public housing stock and provides a range of community benefits. It also contributes to achieving the outcomes of the Strategy by providing a greater range of housing choice in the inner-south of Canberra that is more affordable and more environmentally sustainable than the current development. Variation 334 and by extension TA2016-08 supports high quality development in close proximity to the local Red Hill shops and this will benefit businesses in the area.

Red Hill is excellently located within Canberra, is close to a suite of existing services and facilities, and is a highly desirable location to live. Variation 334 and TA2016-08 allows a greater diversity of people to live in this convenient and highly desirable location.

The Environment and Planning Directorate (EPD) actively undertook consultation with the community on Variation 334. As a result of feedback during the public consultation period, the overall building height was reduced from a maximum of six storeys to a maximum of four storeys in selected areas. Further commitments were made in the Assembly to release a Technical Amendment to clarify certain provisions introduced by Variation 334.

All the issues raised within the petition have been responded to in the Report on Consultation and agreed to by the Assembly and myself. This report is available at http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/approved_variations. All development in the ACT, by law, must comply with the building code of Australia as part of a building approval. Sustainable design principles are contained within both the building code and the Territory Plan and are assessed at the development assessment and building approval stage.

Technical Amendment 2016-08 Red Hill (TA2016-08) proposes to, among other things, further clarify the desired character and height control provisions introduced by Variation 334. TA2016-08 was released to the public for comment for a period of 20 working days, closing on 12 July 2016. Eight Submissions were received from the public with issues ranging from:

- enhancement of desired character statements
- ultimate housing density and typology
- further control of height, including prohibition of plant rooms, attics and amending the definition of basement
- retention and movement of landscaping areas
- movement of the MT1 area and allowing further commercial uses
- relationship and disparity between the Estates development plan, Territory Plan and the Technical Amendment
- traffic and parking
- RZ5 High Density Zoning
- Minister 'Call in Powers' in relation to the Technical Amendment, Estates Development Plan and future Development Applications.

The above issues will be responded to in the Report on Consultation which will be made available on the EPD website when the report is finalised. EPD are currently considering an amendment to TA2016-08 as a result of public consultation. This amendment could result in stricter control on building heights in metres to compliment the current controls for building height in storeys. The details of this amendment are still being formulated and will be available to the public in due course.

Pursuant to the *Planning and Development Act 2007* (the Act) there is no process to review or appeal a variation to the Territory Plan. The Standing Committee may undertake an inquiry prior to the approval of a variation to the Territory Plan. I note that the Standing Committee did not request to undertake an inquiry and was briefed on this matter by EPD officers.

I am confident that a proper and robust process has been followed for Variation 334. The community has been involved throughout the process and concerns have been incorporated through a reduction in building height and the formulation of TA2016-08. The majority of the Assembly agreed with Variation 334 and agreed to the development of TA2016-08. Public consultation for future development applications undertaken in accordance with the Act, represents additional opportunities for the community to comment on any future redevelopment.

The petition before the committee raises issues that have already been considered and adequately addressed by the ACT Government. It also proposes to undertake an inquiry after Variation 334 has been approved, which is not consistent with the provisions of the Act. As Variation 334 has been approved by the Assembly, robust process has been followed, and the community has been, and will continue to be consulted regarding the redevelopment of Red Hill.

Yours sincerely



Mick Gentleman
Minister for Planning and Land Management

1/8/16