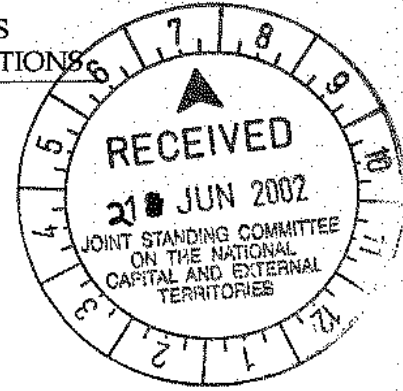


**Simon Corbell** MLAMINISTER FOR EDUCATION, YOUTH AND FAMILY SERVICES
MINISTER FOR PLANNING MINISTER FOR INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



Senator Ross Lightfoot
Chairman
Joint Standing Committee on the National Capital and External Territories
Parliament House
CANBERRA ACT 2600

Dear Senator Lightfoot

Thank you for your letter of 28 May 2002 to the Chief Minister inviting submissions on Draft Amendment 39 to the National Capital Plan, Deakin/Forrest Residential Area between State Circle and National Circuit. As this matter falls within my portfolio, it has been referred to me for response.

The ACT Government, through Planning and Land Management (PALM) has been involved in extensive discussions with the National Capital Authority (NCA) to promote a mutually acceptable outcome in relation to Draft Amendment 39. However, the Draft Amendment as revised in April 2002 substantially differs from the Draft Amendment released for public comment in November 2000.

Originally Draft Amendment 39 proposed to remove the Designated Area status from residential areas in Forrest/Deakin around State Circle and include policies and aesthetic principles in the National Capital Plan to protect the area's National significance. This approach was supported by the ACT Government as it had the potential to assist in promoting unambiguous and transparent policies and provide a more effective interface between the respective planning instruments and their administration.

Various complexities emerge in the ACT where Territory Land is subject to designation under the National Capital Plan. The overlap of administrative responsibility between the Territory and the NCA leads to substantial complications in the processes and procedures for clients in these areas. Works approvals for development must be obtained from the NCA, although leasing matters are the responsibility of the Territory. There have been instances of developments abutting Designated Areas where both NCA works approval and Territory development approvals have been required which has further complicated the approvals process.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0000 Fax (02) 6205 0535

In most instances, residential areas throughout the ACT are covered by the Residential Land Use Policies and the Design and Siting Codes in the Territory Plan. The policies include provisions for home business and allow for a restricted range of compatible uses subject to specific land use controls. For the limited number of residential properties included in Designated Areas, the Design and Siting Conditions at Appendix H of the National Capital Plan apply along with the other relevant appendices. This raises issues of consistency and equity in terms of the varying options available for lease holders under the respective policies and the different approval processes applying to development under the relevant legislation.

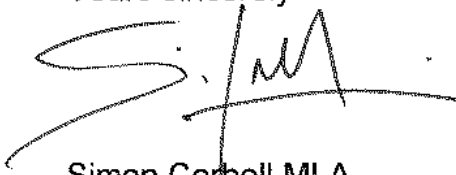
I note that the revisions to the Draft Amendment attempt to address the land use policy issues by including the provisions for home business currently included in the Territory Plan. However this approach does not achieve consistency. For example, the proposed definition for home business does not make allowance for those home based activities which are below the threshold for home business and are defined by the Territory Plan as home occupations.

The approach proposed by the revised Draft Amendment is also likely to lead to greater complexities and further inconsistencies due to the separate process for reviewing the respective planning instruments. This issue is particularly relevant in considering proposals for residential areas. PALM is currently carrying out a review of the Residential Land Use Policies in the Territory Plan and has recently released draft Variation Number 200. The draft Variation aims to protect residential amenity and neighbourhood character, provide strategic guidance on the preferred location for residential development and promote sustainable development and housing choice. The draft Variation also includes several amendments to the Design and Siting Codes which address the issues of building bulk, overshadowing and useable private open space.

In view of the issues raised above, the ACT Government is no longer in a position to support the revised Draft Amendment. I would welcome the opportunity to further discuss the relevant issues, with a view to exploring options for promoting a more efficient approach to planning within the ACT, whilst ensuring protection of Canberra's National significance.

In the event of a decision to proceed along the lines of the earlier proposal to remove the Designated Area status, I will instruct PALM to consult with the NCA in preparing any necessary draft Variation to the Territory Plan.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Corbell', written over a horizontal line.

Simon Corbell MLA
Minister for Planning

19.6.02