

Shane Rattenbury MLA
ACT Greens Member for Molonglo

Mr Simon Corbell
Minister for Environment and Sustainable Development
ACT Legislative Assembly
GPO Box 1020
Civic 2601

Dear Minister Corbell,

I am writing with regard to the proposed Technical Amendment to the Territory Plan 2013 -12 concerning changes to the residential zones development code, single dwelling housing development code, multi unit housing development code and definitions.

While it appears that the TA resolves many issues that have been raised previously, constituents and members of the housing construction industry have raised their concerns with me about impacts of aspects of the Amendment, specifically clause **2.2.2 Solar envelope and apparent sun angles**.

The clause proposes to revert back to the previous definition of “north facing boundary”, which will result in removing solar envelope requirements for boundaries with an aspect of greater than 30 degrees East of north and 20 degrees West of North. This change appears to remove the solar provisions from around 45% of house blocks, greatly reducing the gains in solar access rights which had previously been encoded in DV306, as a result of the 2008 ALP Greens Parliamentary Agreement.

Furthermore, I am greatly concerned that such a significant policy change would be put forward via a Technical Amendment, in contravention of Section 87 (b) of the Planning and Development Act which states that TAs must be consistent with the policy purpose of the code, and be minor and technical in nature.

Industry stakeholders have expressed concerns about the lack of community consultation in the development of the Technical Amendments flowing from

the introduction of DV306, and expressed thier disappointment that the Government has not taken the opportunity to actively engage with them on how to improve the solar access provisions in the Territory Plan

As you will be aware an Assembly resolution of the 8th of May this year called on the ACT Government to invite community feedback on specific clauses of concern that might be addressed through technical variations; and report to the Assembly on the progress of any technical variations related to Variation 306 by the last sitting day in October 2013. The report includes input from some individual stakeholders on TA 2013 -10, however it is not clear that the Government has engaged in an active and genuine process of full engagement with key industry stakeholders such as the Australian Institute of Architects, the master Builders Association and the Housing Industry Association, as was the intent of the resolution.

I understand that an extension for submissions on TA 2013 -12 has been provided in some cases. Given the concerns that have been raised, I ask that the Government does not proceed with the amendment as proposed, and instead instigate a genuine process of full community and industry consultation to resolve issues that have previously been raised.

You will be aware that the industry has expressed concerns that the prescriptive nature of these and other provisions are more likely to lead to unworkable building constraints and reduced sustainability outcomes. They would like the opportunity to engage more fully with Government on how the Territory Plan might best be modified in order to achieve the best policy outcome with regards to solar access rights.

I look forward to discussing this matter further with you.

Yours sincerely,

Shane Rattenbury MLA
ACT Greens Member for Molonglo