



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Mr John Edquist
President – Griffith/Narrabundah Community Association Inc.
PO Box 4127
MANUKA ACT 2603

Dear Mr Edquist

Thank you for your letter of November 2014 regarding the setback to courtyard wall requirements in the Territory Plan.

As I am sure you are aware Variation 306 (V306) was a result of a Territory Plan review of the residential codes which introduced a raft of changes.

Regarding your specific enquiry about the setback for courtyard walls I can confirm that V306 was publicly notified and recommended to the Minister in accordance with part 5.3 of the *Planning and Development Act 2007*. I can also confirm that R42 of the current Multi-Unit Housing Development Code was included in the public consultation version (released on 9 March 2012) as well as the version that was submitted to Minister Corbell (who was the Minister for Environment and Sustainable Development at the time). The version of the draft variation approved by Minister Corbell can be found on the Environment and Planning Directorate's (EPD) website (http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/approved_variations).

R42 was not specifically mentioned in the variation document as a change, although it was shown in the proposed code (as discussed above). Due to the number of changes introduced by V306 and the amount of material being released the decision was made to only concentrate on the major changes, whilst grouping other changes by broad categories. This decision was an attempt to make V306 more accessible to members of the public who may not have been as familiar with the planning system or did not want to navigate large amounts of technical material.

ACT LEGISLATIVE ASSEMBLY

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It was generally considered that multi-unit developments that had been approved were too restricted when providing adequate open space and the setback to the courtyard wall was seen as a contributing factor. A relaxation to the setback for courtyard walls for multi-unit dwellings was proposed in V306 where a development demonstrated that good solar access could be achieved to the private open space. This relaxation allowed for a better built outcome for multi-units to achieve more useable private open space with good solar orientations while at the same time providing enough space between the courtyard wall and the public realm to provide landscaping (C42).

Prior to V306 being approved by the Legislative Assembly it was referred to the Standing Committee on Planning, Environment and Territory and Municipal Services (Standing Committee) for an inquiry. The Standing Committee reported that the outcome/results of V306 should be monitored to ensure that the desired outcomes of the provisions introduced are being achieved. As the above courtyard wall provisions were introduced by V306 it is one that is being monitored.

I hope this information has been of assistance and I welcome your continued interest in planning our city.

Yours sincerely



Mick Gentleman MLA
Minister for Planning

25th November 2014