



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO



Mr Shane Rattenbury
ACT Greens Member for Molonglo
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Shane
Dear Minister Rattenbury

Thank you for your letter received in my office on 27 November 2013 regarding proposed Technical Amendment to the Territory Plan 2013-12 (TA2013-12).

I note your concerns regarding the proposed change to the current northern boundary definition, the technical amendment process being used to make this change, and industry stakeholder concerns on the lack of community consultation on technical amendments flowing from the introduction of Variation 306 (V306).

The Environment and Sustainable Development Directorate (ESDD) has been examining submissions received on TA2013-12, many of which raise similar issues to those you expressed in your letter.

V306 changed the definition of 'north facing boundary' to 'northern boundary'. This change increased the number of blocks on which an envelope that protected the solar aspect of a southern neighbour would apply. I have been informed that the concern was raised with ESDD by a number of Canberra architects that this change captured more blocks than before without any significant benefit or gain to the solar amenity of the neighbouring block, while adversely affecting design outcomes on the subject block.

The northern boundary definition introduced with V306 classifies a block as having a northern boundary where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north. As the north facing boundary definition prior to V306 captures blocks where the boundary is oriented between 20° west of north and 30° east of north the new definition captures more blocks classified with northern boundaries that are subject to the new solar envelope provisions.

The concerns regarding the current more stringent requirements relate to

- the reduced capacity to utilise the block,

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100
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- the adverse impact on building form and resulting poorly articulated upper floor designs,
- the added level of complexity to the design process and
- reduced outcomes especially on sloping blocks as a result of the building envelopes arising from the solar envelope requirements triggered by the current definition.

There has been feedback from some industry practitioners that east-west oriented blocks which are best located for solar access are being the most compromised and difficult to build on, and that the envelope pushes houses to the northern side of the block creating an under-utilised southern zone to the rear at the expense of usable northern yard. The concern has also been conveyed to ESDD that the outcome of the policy could be responsible for a significant increase in cost and subsequent impact on affordability.

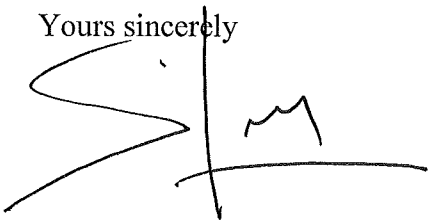
This change was considered by ESDD to be consistent with the requirements for a code technical amendment as it was consistent with the policy purpose and policy framework of the original variation (V306). The intent of the provision is to protect the southern neighbours of a residential block and ESDD considered that the previous definition of 'north facing boundary' is consistent with this intent.

Various interest groups attended briefing sessions on V306 held by ESDD including community representatives, certifiers, architects, building designers, planners and the building industry. Technical amendments TA2013-10 (which commenced on 4 October 2013) and subsequently TA2013-12 were prepared in response to specific issues of concern that were raised during these sessions.

It is evident from the outcomes of public consultation on TA2013-12 that there are two points of view being expressed on the issue of the northern boundary definition and solar envelope requirements in the residential codes. ESDD has resolved to remove the changes to the definition from the technical amendment given the strong views conveyed by the community and industry. ESDD will be conducting a workshop with industry and community representatives early in 2014 to refine the policy through a further Territory Plan variation.

I appreciate you raising your concerns with me.

Yours sincerely

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

Simon Corbell MLA
Minister for the Environment and Sustainable Development

19.12.13