Mr Mick Gentleman MLA

Minister for Planning

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mr Gentleman

***Precinct Codes***

On 5 May 2014 your predecessor Mr Corbell wrote to me (as session convenor of the Combined Community Councils) confirming that the Environment and Sustainable Development Directorate (ESDD) is still in the process of reviewing neighbourhood plans for inner North and South Canberra suburbs, and that this review could lead to amendments to the relevant precinct codes.

He also advised that ESDD is currently reviewing existing resources to assist further with this review in the 20l4-15 financial year. His letter indicated that the review so far has been an ‘in house’ process, and did not mention how and when community engagement would occur.

We had previously agreed with Mr Corbell that it would be appropriate for the Deakin and Yarralumla Precinct Maps and Precinct Codes to be the subject of the first part of the review process, as a pilot process for potential application more generally but especially in the older inner north and inner south suburbs with distinctive non-quantitative neighbourhood character elements that were previously identified in ACTPLA's Neighbourhood Plans but are absent in the current precinct codes.

There is an urgent need to strengthen precinct codes for older suburbs, so that urban infill can occur with confidence and with broader support from residents, planners, developers and all others involved in the process. The recent Auditor-General’s Report No. 3/2014 *Single Dwelling Development Assessments* at page 34 illustrates the consequences of this lack of clarity where it states:

“3.57 In this case, the independent expert observed that the suburb in which this development occurred is:

.... characterised by dwellings set back on each block with substantial vegetation ... where landscape elements dominate over built form.

“3.58 The independent expert noted the proposal:

... introduced a significant change to that character. The dwelling, although compliant with front setback requirements of the Code is ... forward of adjoining dwellings and all vegetation forward of the dwelling has been removed. It is considered that the proposal [had] a significant impact on the landscape character of the immediate neighbourhood.”

“3.59 In response to testing compliance with the zone objective, the expert found:

... the application sufficiently meets the standard for streetscape character proposed under the zone objective.”

The independent expert concluded that the application, despite these clear anomalies, should be approved. The expert must therefore have relied upon the latitude offered by Section 120 of the *Planning and Development Act 2007* concerning Zone objectives, which states that a development “should not have unreasonable negative impacts on neighbouring properties” (cited at para 3.55 of the Auditor-General's report). Thus the expert must have decided that negative impacts have been significant, but not unreasonable.

On this reading, the same option must be available to any decision-maker considering such an application. However, there are no criteria to indicate when an acknowledged “significant negative impact” can be still being construed as “reasonable”. Decisions made without transparent criteria are neither robust nor healthy for community trust in the processes.

We consider that the outcome of this Auditor-General's report strengthens the case for improvements to precinct maps and codes in which character elements and values as identified by the community provide clear guidance to decision-makers in exercising their discretion. Without such measures, we anticipate continued decline in the garden city values of inner south (and inner north) Canberra, with decline in amenity for both established and new residential cohorts.

We would like to meet with you to discuss further how a collaborative approach can achieve meaningful outcomes with respect to improved suburb Precinct Codes and Maps.

Yours sincerely

(Signed)

Gary Kent

President

28 August 2014