



Andrew Barr MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR PLANNING
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MEMBER FOR MOLONGLO

Dr Michael Mulvaney
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Dear Dr Mulvaney

Thank you for your e-mail of 22 April 2010 that requested clarification of comments about the process of removing the concessional status from the Federal Golf Club lease and further advice on the matters raised by the then opposition during the disallowance debate on Variation to the Territory Plan No 94 in 1999.

Consideration of whether a change to the lease is in the public interest under section 261 of the *Planning and Development Act 2007* (the Act) is made when the development application to vary the lease is assessed. The Environmental Impact Statement (EIS) process currently being assessed by the ACT Planning and Land Authority (ACTPLA) has to be completed before a development application to vary the lease can be lodged. The EIS will inform the public interest test. An understanding of the nature of the proposed development is sufficient for the public interest test without the need for comprehensive details about the proposed development.

Since Variation No 94 was considered, the process of removing a concessional status of a lease has been clarified and a change of use charge has been established to ensure that a payment is made for the change in land use. There are significant costs associated with preparing a proposal to vary the Territory Plan which if approved would also result in the Government receiving a fee for the change in land value from the rezoning when the lease is varied.

I agreed to have ACTPLA reconsider a development proposal principally due to the Club's deteriorating financial position and the impact of the ongoing drought. The club has made significant capital investment into drought-proofing the course.

A review of the proposal, which would vary the Territory Plan, against the principles of sustainable development outlined in the Statement of Strategic Directions has been undertaken by ACTPLA. The principles contained in the statement are not ordered to convey their relative priority. I am advised that ACTPLA's assessment found that the proposed residential development may have some merit as the site was under-developed land within one kilometre of Parliament House despite the complexities of access and impact on the environment.

ACT LEGISLATIVE ASSEMBLY

The club has been asked to consider access and environmental impact issues before ACTPLA agrees to progress a draft variation.

The continued development of Canberra as discreet townships within a landscape setting of hills, ridges and other open spaces remains a key design principle for urban areas in the ACT. The landscaped setting particularly within Central Canberra has the protection of being designated land and development on that land requires planning approval from the National Capital Authority (NCA). While the proposed development would take place wholly on Territory land, it would involve upgrading the road connection through designated land. I am advised that the NCA has told the proponent that the proposed upgrade is not inconsistent with the National Capital Plan, so I am satisfied that the proposal is not contrary to the principle of retaining discreet townships.

It is acknowledged that the proposed estate is unlikely to be serviced by public transport however a decision about the provision of bus services rests with ACTION buses. The club has been advised that the development needs to provide pedestrian and cycle connections to offsite locations including the nearest bus stop. The subject site is currently accessed by road through the nature reserve and the proposed upgrading of the road requires works approval from the NCA and agreement of Parks, Conservation and Lands in the Department of Territory and Municipal Services.

While the Red Hill Nature Reserve is an important part of the National Capital Open Space system that is acknowledged by its 'designated land' status, the golf course is part of the urban area and may be the subject of applications listed as assessable development in the Territory Plan.

The process for rezoning land includes mandatory public consultation prior to the referral of a draft variation to the Territory Plan being sent to me for consideration. In addition draft variations are often further considered by the Legislative Assembly Standing Committee responsible for planning. I consider both public comments and any report from the Standing Committee prior to deciding whether to approve the variation. Ultimately, the final decision to allow or disallow a variation lies with the Legislative Assembly.

Thank you for raising your concerns with me. I trust this information is of assistance.

Yours sincerely



Andrew Barr MLA
Minister for Planning

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