

Environment, Planning and Sustainable Development Directorate

DRAFT Issues paper for the ACT Planning Review

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Territory Plan Review Team

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Contents

Issues Paper for the ACT Planning Review	3
1.1 ACT Planning Review Objectives.....	3
1.2 ACT Planning Review Background.....	3
1.3 How the Issues Paper has been developed	4
1.3.1 Jurisdictional review.....	5
1.3.2 Review and analysis of previous outcomes of the 2008 review	6
1.3.3 Review and analysis of previous community engagement (2012-2019)	6
2.0 Thematic Analysis	7
2.1 Analysis of previous community engagement (2012-2019)	7
2.2 Analysis of Jurisdictional review	10
2.3 Analysis of the previous review of the planning system: 2004-2008	11
3.0 Key Themes	13
3.1 Implementation of the ACT Planning Strategy (2018)	14
3.2 Increase Confidence.....	15
3.3 Outcome-focussed.....	16
3.4 Reduce complexity.....	17
3.5 Greater Clarity.....	18
3.6 Be Responsive	19
Appendix A –Community Engagement Data.....	20
ACT Planning Issues Thematic Analysis – EPSDD Consultation 2012-2019	20
Appendix B –Matrix of key themes and implementation streams.....	49

Issues Paper for the ACT Planning Review

This Issues Paper will identify the issues relating to the planning policy framework in the Australian Capital Territory (ACT). The Issues Paper is intended to be a resource for the Territory Plan Review Team and other interested parties as they respond to the need for planning reform.

The Issues Paper contains:

- A brief overview of the current planning policy framework the ACT;
- A thematic summary of key issues identified through community engagement, practical implementation, a jurisdictional review and lessons learned from the previous planning review process.
- Implications and relevant reform ideas for the Territory Plan.

What is the planning policy framework?

In the context of this Issues Paper, the planning policy framework is the Territory Plan and *Planning and Development Act 2007*. The Territory Plan is the key statutory planning document in the ACT that new development on Territory land must be assessed against. It provides the policy framework for the administration of planning in the ACT.

1.1 ACT Planning Review Objectives

The objective of the review is to:

- deliver a **clear, easy to use** planning system that delivers **improved spatial and built outcomes** across the Territory.

1.2 ACT Planning Review Background

The ACT Planning Strategy (2018) provides the overarching strategic policy direction for planning and development across the Territory. It is intended that these strategic directions as well as planning controls are reflected and contained within the Territory Plan. The Territory Plan is the key statutory planning document in the ACT.

The Territory Plan is prepared and administered by the ACT Planning and Land Authority as required by Section 12 (1) (a) of the *Planning and Development Act 2007* (the Act) and in accordance with Chapter 5. The Act outlines the object, format, content and review processes of the Territory Plan. In accordance with the Act, the Territory Plan must contain, among other things, a statement of strategic directions which:

- contains broad strategic principles to guide long term planning for the ACT
- guides the preparation and making of variations to the Territory Plan
- guides environmental impact statements, planning reports and strategic environmental assessments

This statement is derived from the ACT Planning Strategy and informs the development of rules and criteria for the Territory Plan's development codes.

The purpose of the Territory Plan is to manage land use change and development in a manner consistent with strategic directions set by the ACT Government. It must not be inconsistent with the National Capital Plan.

The Territory Plan includes a statement of strategic directions, a map (the Territory Plan Map) which sets out zones and precincts in the ACT, objectives and development tables applying to each zone, and a series of general, development and precinct codes. It also includes structure plans and concept plans for the development of future urban areas.

The Act requires the Planning and Land Authority to consider at least once every five years whether the Territory Plan should be reviewed. The last review of the Territory Plan was completed ten years ago.

Section 102(3) of the Act requires the Planning and Land Authority to prepare a notice of its decision to review the Territory Plan. On 29 March 2018 the Planning and Land Authority signed Notifiable Instrument NI2018-167 Planning and Development (Review of Territory Plan) Notice 2018. In this instrument the Planning and Land Authority determined that:

“... the territory plan should be reviewed, taking into account the matters listed in section 102(2) of the Act.”

and

“In considering these matters, including section 102(2)(f), I am not satisfied that the territory plan meets current community and building industry expectations. In particular, I conclude that there is potential for the territory plan to be more easily understood and more outcomes-based.”

Concerns have also been raised in the past regarding the complexity of the Territory Plan and the planning system in the ACT.

In January 2019 the Environment Planning and Sustainable Development Directorate (EPSDD) formally began a two year review process. The review of the Territory Plan will aim to address this concern to make sure it continues to be a contemporary, best practice planning system with a plan that sets clear guidance and is easy to read and understand.

1.3 How the Issues Paper has been developed

The Territory Plan Review team:

- Engaged consultants to undertake a jurisdictional review and to provide specialist advice in respect to other national and international planning systems
- Reviewed previous outcomes of the 2008 review
- Reviewed and undertook a thematic analysis of previous community engagement undertaken by EPSDD on a variety of projects including but not limited to the 2012 ACT Planning Strategy, the 2016 Statement of Planning Intent, the 2018 ACT Planning Strategy, housing choices project, various master plans and Territory Plan variations.
- Reviewed and undertook a thematic analysis of Territory Plan Review specific community engagement.

From these documents, the most commonly identified issues associated with the current planning framework have been extracted. Qualitative research methods were used as these are strong tools that enable the team to ask the questions that are central to the disciplines of planning. That is, how people make sense of the world and address the objective dimensions of human action and interaction. The qualitative research methods used here have provided the ability to:

- Explore the understanding of the problem and opportunities from the participants own perspective and expertise;

- Produce dependable results, as methods can be replicated across all the key stakeholders; and
- Produce confirmable information, as the data collected reflected the understanding of all the key stakeholders thus allowing for generalisability across all groups.

1.3.1 Jurisdictional review

EPSDD engaged Advisian to undertake benchmark analysis to inform a preferred model for the revised planning system in the ACT. The project involves a review and benchmark analysis of nine national and international jurisdictions. This involved two key tasks:

1. **An outcomes-focused benchmark analysis:** assessment of 9 planning systems to identify relevant differences and observations
2. **An options assessment:** developing potential approaches to reform and appraising these with respect to the outcomes that can be realised, the ease of implementation, and potential risks

The following jurisdictions were assessed as part of this benchmarking exercise.

National	International
<ul style="list-style-type: none"> • City of Yarra (Victoria) • City of Ballarat (Victoria) • City of Parramatta (New South Wales) • City of Newcastle (New South Wales) • City of Adelaide (South Australia) 	<ul style="list-style-type: none"> • London Borough of Camden (United Kingdom) • Singapore • City of Minneapolis (Minnesota, US) • City of Toronto (Ontario, Canada)

For each jurisdiction the assessment was split into four key areas:

1. The structure of the system;
2. How development assessment is carried out;
3. The structure and content of regulations; and
4. The ease of using the system.

1.3.2 Review and analysis of previous outcomes of the 2008 review

The ACT Planning Review Team undertook a systematic literature review of documents associated with the 2008 Territory Plan review. This involved a comprehensive, rigorous and well-defined evaluation of all documents using a meta-synthesis approach¹. This technique was used as it can integrate, evaluate and interpret findings of multiple reports, engagements and qualitative research studies.

The results were thematically analysed by hand and key issues emerged. Content analysis was used to generate a matrix of points from these key issues, which were then grouped into themes.

1.3.3 Review and analysis of previous community engagement (2012-2019)

Over the past 7 years the ACT Government has undertaken a large amount of community engagement for a range of projects, including but not limited to the 2012 ACT Planning Strategy, the 2016 Statement of Planning Intent, the 2018 ACT Planning Strategy, various master plans and territory plan variations²

The ACT Planning Review Team analysed consultation from the last seven years. This involved collating existing engagement reports and evaluating them using a meta-synthesis approach. The results were thematically analysed by hand and Sub-Issues emerged. Content analysis was used to generate a matrix of these sub-issues, which were then organised into Grouped Issues and then organised into Key Themes.

¹ Evaluating and interpreting findings from multiple using sources and identifying patterns to draw conclusions

² A full list of projects can be found at Appendix XXXXX

2.0 Thematic Analysis

2.1 Analysis of previous community engagement (2012-2019)

Over the past seven years the ACT Government has undertaken a large amount of community engagement for a range of planning-based projects including but not limited to the Ministerial Statement of Planning Intent and the ACT Planning Strategy (2018). The review team collated and thematically analysed this wealth of engagement and identified six key themes that would influence the ACT Planning Review:

- Implementation of the 2018 Planning Strategy
- Increase confidence
- Outcomes Focused
- Reduce complexity
- Increase clarity
- Be responsive

Each key theme represented is a collation of grouped issues and sub-issues. Some grouped and sub issues cut across and influence more than one key theme.

Implementation of the ACT Planning Strategy 2018

The ACT Planning Strategy 2018 recognises that many of the actions it identifies rely on implementation through the government's key statutory planning document, the Territory Plan. This was confirmed through the thematic analysis which identified a series of grouped issues and additional sub issues that relate directly to implementing the 2018 Planning Strategy through the planning systems review:

- Compact and efficient city
 - Age in place
 - Change to zoning
 - Housing choice
 - Policy Implementation
 - Increased Density
 - Transport and land-use planning
 - City Diversity
 - Character
- Diverse Canberra
 - Environmental sustainability and climate change
 - Recreational values
- Liveability
 - Social and Demographic diversity
- Liveable Canberra
 - Healthy City
 - Diversity
 - High quality design
 - Ease of movement
- Sustainability and Resilience
 - Sustainable city
 - Ease of movement
- District Planning Approach
 - District

The ACT Planning Strategy (2018) identifies that urban spread will be limited and up to 70% of new housing growth catered for through increased density in appropriate places within our existing urban footprint.³ Achieving this will lead to an increase in density and facilitate housing choice to allow for communities to age in place. Further, developing a compact and efficient city will facilitate other government policy objectives including the ACT Climate Change Strategy 2019-2025 and Moving Canberra 2019-2045: Integrated Transport Strategy (Draft).

³ ACT Planning Strategy (2018)

Increase confidence

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to the need to increase confidence in the planning system:

- Consistency
 - Consistent approach to implementation
 - Compliance
 - Remove anomalies
- Implementation
 - Compliance
 - Cross agency/government
 - Appeal rights
 - Communication
 - Policy implementation
- General codes
- Strategic Environmental Assessment
- Enforcement
 - Enforcement of conditions
 - Cross agency/government
- Decision Review
 - Appeals
 - Communication
- Ongoing engagement in the planning system
 - Inform
 - Consult
 - Involve
 - Collaborate
 - Empower

Good planning delivers confidence, building trust in the system and encouraging investment.⁴ Analysis of community engagement has revealed that while there is broad support for the government's planning policies, people are less confident about the translation of these policies into good planning outcomes. A clear land use plan, that is developed with appropriate stakeholder input, is consistent with the strategic planning intent and which is consistent in both its implementation and enforcement provides the community, the development and construction industry and the professionals implementing the system a degree of certainty and confidence.⁵

Outcome focused

The thematic analysis identified and confirmed the desire for an outcome focused planning system:

- Flexibility in the assessment process
 - Creativity and flair
 - Protection of values
 - Certainty for assessment officers
- Requirements in the planning system
 - Certainty
 - Flexibility
 - Simplicity
 - Outcomes focused
- Improved design quality
 - Quality
 - Incentive
 - Outcomes
- Flexibility
- Innovation
- Tools
- Policy – Amenity
 - Strategic directions
 - Quality design
 - Open space
 - Character and heritage
 - Community and diversity
- Intent
 - The plan does what it is intended to do

A good outcomes focused planning system is one that incorporates high quality, transparent and efficient planning practices while being responsive and equitable. Further, it promotes and provides

⁴ PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

⁵ Gurrin, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

certainty around implementing planned strategic outcomes.⁶ Consultation for the Minister’s Statement of Planning Intent (2015), and confirmed by public statements from the ACT Planning and Land Authority and the thematic analysis, have identified that the community and industry are seeking a more performance-based and outcome-driven planning system.⁷

Reduce complexity

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to reducing the complexity of the planning system:

- Structure of the Territory Plan
 - Simplicity
 - Flexibility
 - Creativity
 - Clarity
- Planning Processes
- Exempt Development
- Definitions
 - Clear consistent definitions that are easy to interpret
- Consistency
 - Consistent interpretations between governments, agencies and officers
 - Unambiguous language
 - Consistency between plans/rules/leases

Increase clarity

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to implementing increasing clarity in the planning system:

- Overlays
- Statement of Strategic Directions
 - The role of the Statement of Strategic Directions
- Zones
 - The role of Zones
- Simplify
 - Clear, contemporary and consistent
 - Transparent and accountable
 - Communication

The ACT Planning system, in its current form, is overly complex and is therefore difficult to use and to apply consistently. A common approach to basic planning controls for zoning, building height and density is required and inconsistencies in language and the structure need to be removed and simplified.

Be responsive

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to improving the responsiveness of the planning system:

- District based planning
- New Technology
- Policy
 - Residential
- Innovation
- Adaptability
- Environmental and community changes
- Policy change

⁶ PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

⁷ Consultation Report, (2015) Minister’s Statement of Planning Intent

The role of the planning system is, in part, to facilitate the implementation of the ACT Planning Strategy (2018) and other complementary government policies. Analysis of community engagement has revealed that there is broad community support for the Government to implement this. District level planning is seen as an opportunity to link the strategic outcomes identified in the planning strategy to the statutory requirements needed to approve development outcomes. It is anticipated that the future planning system will need to be responsive and flexible enough to meet the changing needs to the community yet able to provide certainty to encourage ongoing investment.

2.2 Analysis of Jurisdictional review

Advisian undertook a benchmark analysis of nine comparable national and international jurisdictions.⁸ This review (draft) shows that most jurisdictions have either established or are moving towards outcome focussed planning systems that encourage innovation and reward better planning and design outcomes.

This benchmarking process identified a spectrum of potential approaches to planning systems (figure 1). From left to right it shows where on the planning spectrum (from very regulated conformance-based planning system (Regulatory) to a performance objective based system (Discretionary))⁹ various jurisdictions lie. Figure 1 shows that the ACT currently has a highly regulated conformance based planning system.

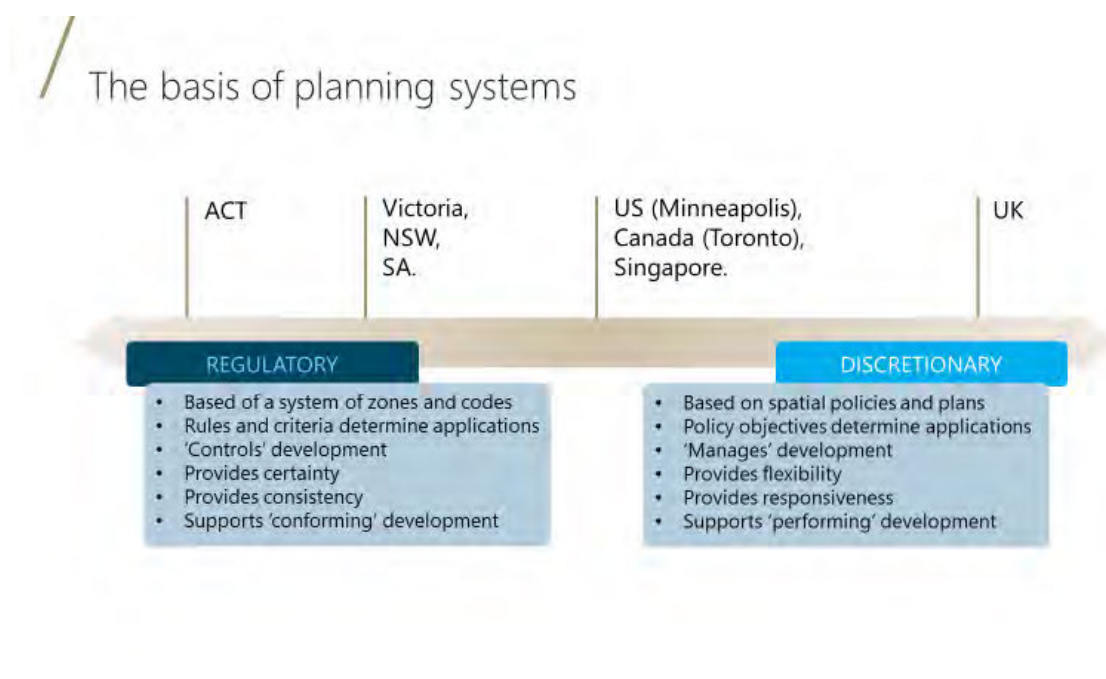


Figure 1: Spectrum of planning regulation

Source: Advisian, 23 September 2019, Analysis of planning systems in other jurisdictions to inform the ACT Planning Review (DRAFT)

⁸ Advisian, 2019, Analysis of planning systems in other jurisdictions to inform the ACT Planning Review Stage 2 report - DRAFT

⁹ A conformance based system is a heavily regulated one with specific rules identifying the scale and form of allowed development where as a performance based system allows for greater flexibility in achieving the desired planning outcomes

Relevant differences & observations

	VIC	NSW	SA	UK (Camden)	Canada (Toronto)	US (Minneapolis)	Singapore
The Planning Act is enabling rather than operational	✓	✓	✓				✓
The Planning Act clearly identifies character and design quality as key considerations	✓	✓	✓✓		✓		
The planning system is linked to a clear long term vision for the City		✓	✓✓	✓✓	✓✓	✓✓	✓✓
The planning strategy plays a material role in development assessment		✓	✓	✓✓	✓✓	✓✓	✓✓
Panels are used to increase transparency, independence, expert input and community participation in decision making	✓	✓✓	✓	✓✓	✓✓	✓✓	
The planning system provides discretion for proposals that do not fully comply with codes	✓	✓	✓	✓✓	✓✓	✓✓	✓
The planning system seeks to <i>manage</i> rather than <i>control</i> development				✓✓	✓	✓	✓
Design guidelines are used to improve the quality of development	✓	✓✓	✓✓	✓✓	✓✓	✓	✓✓
There is a clear application process for proponent-led rezoning or major projects				N/A	✓✓	✓✓	
The system is interactive, making it easy to use					✓	✓	✓✓
Incentive schemes are used to encourage good design or other policy outcomes					✓✓	✓✓	✓✓

Figure 2: Relevant difference and observations

Source: Advisian, 23 September 2019, Analysis of planning systems in other jurisdictions to inform the ACT Planning Review (DRAFT)

Figure 2 highlights the relevant difference and observations between the respective benchmarked planning regimes.

2.3 Analysis of the previous review of the planning system: 2004-2008

The most recent comprehensive review of the ACT planning system was undertaken between 2004 and 2008. The objective of this process was to investigate reforms that would “...create a contemporary planning and land administration system, processes and practices that will provide greater certainty, clarity and consistency, and which is flexible, timely, less repetitious and administratively manageable.”

The reform process aimed to deliver a planning system that would achieve the following outcomes:

- clarity of purpose and intent
- timely decision-making
- more certainty and consistency
- provision for innovative urban design
- contribution to the achievement of sustainability
- recognition of the opportunity for planning to contribute to social equity
- provision of appropriate opportunities for community engagement in the planning process
- enhanced administration of the leasehold system so that it continues to contribute positively to the development of the Territory
- an effectively functioning property market with clear rules to support economic opportunities and development
- increased operational efficiency

Analysis of the Territory Plan and other associated planning instruments at the time highlighted that:

- Strategic planning documents that impacted the overall development in the ACT were not being appropriately linked to the Territory Plan
- There were multiple planning documents which decreased the clarity around planning requirements for developments
- Lack of transparency and understanding of the role of structure and concept planning around development in urban release areas
- The Territory Plan was difficult to understand when trying to determine which rules apply to a particular use and development
- Length of time required for variations to the Territory Plan meant the document could not keep pace with changing needs of development in the ACT
- Variations to the Territory Plan seen by the community as being developer driven rather than reflecting changes in land use policy or delivering on strategic directions
- Other relevant whole of government policy documents were not reflected within the Territory Plan (or another single authoritative document)

Specific issues were also identified in the development assessment system that highlighted that:

- Development and building approval procedures were overly complex due to the number of rules and procedures and number of agencies involved.
- Long length of time for development assessment particularly for simple developments
- Delays from requiring involvement from multiple agencies during assessment process
- Compliance measures failing to make sure completed buildings comply with the requirements of relevant approvals.

To alleviate these issues the review recommended:

- The introduction of a track system for assessment based on the Development Assessment Forum leading practice model
- A streamlined application and assessment process that aimed to reduce the level of regulation and make the process more efficient. It proposed to do this by:
 - reducing development approval requirements for single residences in greenfield sites and small structures and replaced with validation check by a registered planning certifier
 - Reviewing planning rules to make the criteria as objective as possible to increase the number of compliant developments
 - Improve ease of use of development application forms
- Improved processes of obtaining approval or comments from different government and private referral agencies
- Strengthened compliance measures to make sure developments meet approval requirements
- A modified notification and appeal process appropriately matching the complexity of the development assessment application to avoid unnecessary delays for simple applications while maintaining requirements for complex development applications
- Opportunities to develop a standard method for community engagement in policy development

It is clear that many of the issues raised in the 2004-2008 review remain contemporary with the current (2019-2020 review).

3.0 Key Themes

The ACT's planning scheme needs to be clearly focused on delivering the ACT Planning strategy and supporting documents. It needs to be transparent increasing confidence in the community, industry and within the team implementing it. It needs to be outcome focused prioritising good design and city outcomes. It needs to be easy to use and reduce the levels of complexity and to increase clarity in the decision making process. It needs to be responsive to changing planning demands and community expectations. Finally, it needs to be supported by efficient and appropriately resourced administrative processes.

Through the above process the following key themes were identified:

- 1 Implementation of the 2018 Planning Strategy
- 2 Increase confidence
- 3 Outcome focused
- 4 Reduce complexity
- 5 Increase clarity
- 6 Be responsive



3.1 Implementation of the ACT Planning Strategy (2018)

What do we mean?

The rationale for land use planning is that it is a form of government intervention that can be used to achieve a range of strategic objectives such as the implementation of the ACT Planning Strategy (2018).¹⁰ The Territory Plan is the key planning tool that the ACT Government has to achieve this as its fundamental role is to implement government planning policy. The Act (s102) identifies that:

“In deciding whether the territory plan should be reviewed, the planning and land authority must consider whether the territory plan

...(e) promotes the planning strategy”

In NI2018-167 the Planning and Land Authority identified that the review should take place after the planning strategy refresh (the ACT Planning Strategy 2018) and this, it is assumed, is so that the review can implement specific outcomes arising.

Why is it important?

The ACT Planning Strategy (2018) reflects and integrates the visions and direction of the community and other ACT Government Strategies including housing, transport and climate change. It was developed following extensive research, discussion with stakeholders and in consultation with the community. The purpose of the Territory Plan is to manage land use change and development in a manner consistent with strategic directions set by the ACT Government. The Territory Plan should, therefore, be reviewed and amended to reflect and implement the outcomes of the ACT Planning Strategy (2018).

What are the implications?

The Act requires the Territory Plan to promote the planning strategy and, in part this is delivered through the Statement of Strategic Directions. A key implication will therefore be to update the Statement of Strategic Directions. As the objectives for a zone are to be consistent with the Statement of Strategic Directions, each zone objective will also be reviewed and updated.

Many of the identified actions for the ACT Planning Strategy are based on the opportunity for district level strategic and spatial planning approaches. The key aspects of a district that need to be considered in the planning process are:

- local infrastructure,
- housing diversity,
- placemaking approaches,
- access for people with disabilities or disadvantage, and
- offset areas where appropriate.

Strategic direction 3.3 is to integrate living infrastructure and sustainable design to make Canberra a resilient city within the landscape. Updated Territory Plan Policies will include consideration of:

- Climate risk of major infrastructure projects,
- Climate change adaptation objectives for new estates and subdivision guidelines,
- Climate-wise building and estate guidelines, and

¹⁰ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

- Microclimate assessment requirements under the Living Infrastructure Plan and incorporating living infrastructure considerations.

The focus of the planning review will be to reform the framework of the planning system and then to provide the scope to allow for the progressive updating of policies over time as resources and or new information become available.

3.2 Increase Confidence

What do we mean?

The Territory Plan and the Act help to establish the conditions needed to protect and create attractive and efficient urban and rural environments by establishing a legal process that manages land use development within the ACT.¹¹ These documents also provide a process for public participation, providing the opportunity for the community to express their views on the planning and development of Canberra.

The new Territory Plan (post review) will instil confidence in industry as well as the community. Industry require confidence in the planning system to allow them to continue to invest (and to invest in good design outcomes) and the community require confidence in the planning system that the right development will occur in the right locations for the right reasons.

Why is it important?

Good planning delivers confidence encouraging both public and private sector investment in infrastructure, construction and property development.¹²

A clear land use plan, that is developed with appropriate stakeholder input, and which sets out the rules governing future changes as well as the parameters for assessing particular developments, gives members of the community a degree of certainty in the system.¹³ This certainty provides a level of confidence in the planning system from the community, the development and construction industry and the professionals implementing the system on behalf of the Government.

Previous community engagement has revealed that while there is broad support for the government's current planning policies and vision for Canberra, people are less confident about the translation of these policies into good outcomes on the ground, in our buildings and public spaces. There is an expectation that the government will effectively implement the planning strategy and to achieve this requires a clear land use plan that instils confidence.

What are the implications?

No specific legislation requires Development Application conditions to be certified or checked on site. Further, building certifiers are not specifically trained in applying planning provisions. Therefore, amendments to the Act and training are required to confirm that planning requirements are met on site.

¹¹ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

¹² PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

¹³ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

The general planning codes do not reflect current best practice and have inconsistent formatting, both within themselves, as well as other codes in the Territory Plan. The planning review will update general codes to reflect best practice and to have a consistent format. It will review and update policies in general codes to reflect contemporary practice. Where appropriate general codes will be reviewed for currency and possibly consolidated.

The Act requires a Strategic Environmental Assessment (SEA) to be undertaken when the Territory Plan is reviewed. The SEA is to consider policy aspects of the review and not the structure or legislative change.

3.3 Outcome-focussed

What do we mean?

Good planning requires high quality, transparent and efficient planning practices and systems. To achieve outcomes that advance the public interest a core element of the planning system is one that incorporates a performance-based system that is responsive, equitable, legible and provide certainty around planned outcomes and milestones.¹⁴

The Minister's Statement of Planning Intent (2015) identified a planning priority for the Territory was to *'Deliver an outcome-focused planning system to reward design excellence and innovation'*.

The new Territory Plan (post review) will be focused on improved design outcomes with a more performance based approach rather than conformance. The plan will aim to prescribe the kind of development that is desired rather than prescribe what is not wanted. This shift should facilitate more mature, outcomes-based considerations of all relevant, potentially conflicting, risk factors and impacts when determining development applications.¹⁵

Why is it important?

The consultation for the Minister's Statement of Planning Intent (2015) revealed that *"many people thought the current planning system's reliance on codes and regulations stifled innovation and did not result in the best urban outcomes. The community and industry are seeking a more performance-based and outcome-driven planning system; in summary, more innovation, less regulation"*.¹⁶ The general impression from this consultation is that the current prescriptive planning controls set in the Territory Plan are not achieving good building and design outcomes on the ground.

The jurisdictional review and other reports show that this is borne out across Australia, and the studied international locations, with most jurisdictions either moving towards or with established outcome focussed planning systems. Such planning systems are focused on outcomes and performance, rather than being prescriptive and inflexible, enabling innovation, rewarding best practice and ensuring better planning and design outcomes. An outcome focused approach seeks to strike the balance between certainty and flexibility so there are potential benefits for all stakeholders.

However, a wholly outcome focused approach may not be appropriate with a 2006 study finding that "jurisdictions that adopted performance-based planning subsequently abandoned it because of

¹⁴ PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

¹⁵ Victorian Auditor-General, March 2017, Managing Victoria's Planning System for Land Use and Development

¹⁶ Consultation (2015) Minister's Statement of Planning Intent

the heavy administrative burden required, and where performance methods survived, they were typically hybridized with traditional zoning.”¹⁷

What are the implications?

To create a clearer and easier to use planning system, including DA lodgement, notification process and appeals system.

To enable the planning system to better facilitate good development outcomes will require a rewrite of relevant sections of the Act and the creation of practice notes to give better guidance for development assessment

An outcomes focused system will improve the consideration of design quality of buildings in the ACT and include the introduction of guidelines on good design. Amendments to the Act will confirm the role of the Design Review Panel and the consideration of their advice in the DA process. Improved policies are needed to better provide for the consideration of amenity, building height, solar access and open/green space in residential areas

3.4 Reduce complexity

What do we mean?

A new Territory Plan (post review) that has a reduced level of complexity allowing for more efficient design and assessment. It will allow for experts and non-experts to better understand the planning system by providing an appropriate level of detail. It will make assessment of applications more effective by allowing for discretion in the system. A less complex system will lead to a focus on improved design outcomes.

Why is it important?

The ACT Planning system, in its current form, is overly complex and is difficult to use and apply consistently. As a result, it is difficult to meet the intent of planning policies and there is limited assurance that planning decisions deliver the net community benefit and sustainable outcomes that they should. ¹⁸ A common approach is required to basic planning controls for zoning, building height and density. The structure of the planning system, and the platforms through which it is provided to the public, are difficult to navigate. There is inconsistency in the use of language and the structure of the codes contained within the Territory Plan. The types of development that are exempt from development approval requires review. The current format of the exemptions within Schedule 1 of the *Planning and Development Regulation 2008* are confusing and difficult to read. Conflicts can also arise between the planning requirements or allowances contained within some Crown Leases and the Territory Plan provisions and therefore also warrants consideration

What are the implications?

Amend the Act to remove track system for DA lodgement, to clarify what can be appealed and what can be taken into consideration, and to clarify consultation requirements. A revised structure of the Territory Plan will make it easier to use and understand. The (new) Territory Plan will include

¹⁷ Douglas C. Baker, Neil G. Sipe, Brendan J. Gleeson, 2006, Performance-Based Planning: Perspectives from the United States, Australia, and New Zealand *Journal of Planning Education and Research*

¹⁸ Victorian Auditor-General, March 2017, *Managing Victoria’s Planning System for Land Use and Development*

improvements to the planning codes, development tables and Territory Plan definitions. Schedule 1 of the *Planning and Development Regulation 2008* is to be rewritten to make exemption requirements easier to read and to review to determine the type of development that is exempt from approval. The exemption provisions will aim to achieve an appropriate balance between exemption and the requirement for a development approval. Factsheets will be prepared to explain what development is exempt from development approval and what is not.

The potential conflict between Crown lease and the Territory Plan provisions may be addressed through an amendment to the Act. The opportunity to amend the Act is to be investigated with the aim to achieve a better relationship between the development provisions within existing Crown leases and the requirements of the Territory Plan.

3.5 Greater Clarity

What do we mean?

A planning system should be clear in its purpose and role at both a strategic and statutory level. The ACT Planning System is currently based on defining areas through a land use zone. The role and function of the land use zones, particularly those that allow 'mixed use', can cause confusion. The way zone objectives describe character, and how the objectives are considered in the assessment of a development application, also requires clarification. Provisions that are referred to frequently such as definitions, if not structured well, or do not reflect contemporary expression, can create unnecessary confusion.

Why is it important?

Elements of the current Territory Plan require better explanation to improve understanding. Greater clarity is required for the purpose and role of the Territory Plan overlays, the statement of strategic directions and the ACT Planning Strategy. The structure of the Territory Plan definitions, with the use of umbrella terms and sub-categories, creates unnecessary confusion. In addition, some definitions require updating to reflect contemporary practice. The role of land use zones also needs to be clarified as their purpose and the uses permitted in them is confusing. Despite covering character, Zone objectives are not consistently used in the assessment of character for development applications

What are the implications?

Amend the Act to provide a clearer statutory link between Planning Strategy and Territory Plan. Amend the Statement of Strategic Directions to reflect the Planning Strategy. Provide clarity regarding the purpose of Territory Plan overlays. Review the number of zones and rewrite the zone objectives. Provide clarity around the zone objectives and their function. Update Territory Plan definitions so that they are clearer and easier to understand and use and reflect contemporary practice.

3.6 Be Responsive

What do we mean?

The new Territory Plan will facilitate the implementation of the ACT Planning Strategy (2018) directions. The Strategy's vision is:

"...to be a sustainable, competitive and equitable City that respects Canberra as a city in the landscape and the National Capital, while being responsive to the future and resilient to change."

District level planning provides an opportunity to illustrate the link between the strategic outcomes and the statutory requirements. The new planning system will be able to efficiently respond to, consider and where appropriate facilitate policy change.

Why is it important?

Character and area specific requirements are not currently well considered by the assessment process. Community engagement has indicated that slight increases in dwelling density would be supported if development is appropriate to the area. Community engagement and feedback has also raised issues with residential policies including that the recommendations from the Housing Choices project are not yet implemented. The current Estate Development Code does not provide sufficient guidance for infill estate development and do not reflect the requirements of governments entities and policies in the code well. The new Territory Plan should better reflect the Aboriginal and Torres Strait Islander cultural considerations beyond the brief reference in the Statement of Strategic Directions.

What are the implications?

Define district level planning provisions in district codes that are applied at a district level. Amend *Planning and Development Act* to include what needs to be considered when preparing a structure plan. A revised Estate Development Code that reflects best practice and government policies as well as improved provisions for infill development. Updated residential policies that reflect the aspirations of the community and industry including implementation of the recommendations from the Housing Choices project. More appropriately incorporate Aboriginal and Torres Strait Islander culture considerations into the Territory Plan.

Appendix A –Community Engagement Data

ACT Planning Issues Thematic Analysis – EPSDD Consultation 2012-2019

Key themes	Grouped Issues	Sub Issues	Issues
1 Implementation of the ACT Planning Strategy 2018	Compact and Efficient City	Age in Place	Allow for residents to age in place and provide opportunities to downsize
			Safer access for walking/cycling – and for all age groups and abilities.
			Offer diverse housing options (socially and physically) – innovative communal living, micro living with shared amenities, planning for aging is a plan for everyone – terraces to detached dwellings.
		Change to Zoning	Change what is permitted in the residential zones as well as zoning boundaries (i.e. review the location and extent of residential zones)
			Changes to the Territory Plan codes and zones to carefully locate development in suitable areas
			Support for higher buildings in some areas to integrate residential development into centres.
			Create lively, diverse residential neighbourhoods of mixed-use medium density buildings supported by strong public realm.
			Decide what is really important and mandate that. Otherwise, allow flexibility for creative designers to come up with innovative outcomes
			Changes to the Territory Plan codes and zones to carefully locate development in suitable areas
			Ensure community facilities match increasing density and demographic.
		Housing Choice	Offer diverse housing options (socially and physically) – innovative communal living, micro living with shared amenities, planning for aging is a plan for everyone – terraces to detached dwellings.
			A finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style ‘green’ housing and a good mix of other uses.
			Compact communities should be rolled out across Canberra – particularly in the ‘middle suburbs’ – located between centres and the edge of the city – showcasing housing choice, high quality public spaces and good access to services
			Strong desire to see delivery of sustainable demonstration precincts, showcasing innovation in mixed-use development (for liveability/well being/access benefits etc).
	Support for higher buildings in some areas to integrate residential development into centres.		
	Ensure housing diversity/lifestyle options to attract and support a range of tenant/household types and income levels (and consideration of affordability).		
		Need access to affordable housing and housing choice are key issues Look after the welfare of the homeless and socially underprivileged	
		Offer diverse housing options (socially and physically) – innovative communal living, micro living with shared amenities, planning for aging is a plan for everyone – terraces to detached dwellings.	

		Always place people first – in the centres and in neighbourhoods including by providing diverse lifestyle choices for a wide demographic
		Need a proportion of affordable/public housing – and this should be addressed at a strategic level
	Policy Implementation	Clear policy intent, vision, goals and objectives for what the ACT Government it is seeking to fulfil through planning policy and design for Canberra’s future
	Strong desire to see delivery of sustainable demonstration precincts, showcasing innovation in mixed-use development (for liveability/wellbeing/access benefits etc).	
	Desire for the City Plan to establish a spatial and policy framework to manage future change in the city	
	A change of the economic environment and reliance on revenue from greenfields land release would foster a more compact city	
	There is a desire for more innovative and very high quality development (this includes the internal and the external environment of a building).	
	The consideration of urban growth boundaries with higher targets for infill development would work in favour of urban infill.	
	Decide what is really important and mandate that. Otherwise, allow flexibility for creative designers to come up with innovative outcomes	
	Housing design quality such as living infrastructure with street trees and green open spaces for those living in higher densities	
	Garden city, sustainable – mitigating + adapting to climate change	
	With the increase expected in population, consider school, health and sporting facilities.	
	Strong desire to see delivery of sustainable demonstration precincts, showcasing innovation in mixed-use development (for liveability/wellbeing/access benefits etc). Sustainable demonstration precincts showcasing innovation for liveability / wellbeing / accessibility. Self sufficiency, sustainable living. Preference to encourage sustainable design principles. Desire for future development to demonstrate sustainability	
	Strong support for enhanced public domain/recreational space, landscaping and amenity, shade trees/seating, improving safety and security.	
	Retain and enhance green spaces/parks	
	Investment in the existing / new public places, quality streetscapes and green links.	
	Increased Density	A finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style ‘green’ housing and a good mix of other uses.
	Support for higher buildings in some areas to integrate residential development into centres.	
	Mixed views about building heights, but all need to be of very high quality [<i>please refer to “Outcomes” – high rise needs to be of very high quality</i>].	
	There are often mixed views about intensification but if it is “supported”, it comes with the proviso that any intensification/high rise should be of a high quality and have excellence in design outcomes	

		Compact communities should be rolled out across Canberra – particularly in the ‘middle suburbs’ – located between centres and the edge of the city – showcasing housing choice, high quality public spaces and good access to services
		Support for higher buildings in some areas to integrate residential development into centres.
		There is a desire for more innovative and very high quality development (this includes the internal and the external environment of a building).
		Qualified support for urban intensification
		Support for intensification with high quality urban design at town and group centres and transit ways
		Focus on urban renewal and intensification around major centres and transport corridors supported, and implementation of a rapid public transport network, priority for active travel and recognition of climate change mitigation/adaptation in urban planning/design
		Offer diverse housing options (socially and physically) – innovative communal living, micro living with shared amenities, planning for aging is a plan for everyone – terraces to detached dwellings.
		Housing design quality such as living infrastructure with street trees and green open spaces for those living in higher densities
		Ensure community facilities match increasing density and demographic.
		Transport and land use planning
		Balance the needs of people walking, riding bicycles, using public transport and driving – including reducing conflict between modes and improving safety.
		Promote fine grain development and an active street frontage.
		Transport and movement networks - that facilitate a connected city, convenience and walking and cycling as healthy transport options
		General consensus that the public transport in Canberra was valued and needs to be the centre piece for further development of Canberra
		Safer access for walking/cycling – and for all age groups and abilities.
		Wider cycle on-road cycle lanes, dedicated (and segregated paths), bicycle parking facilities.
		Developing Canberra as Australia’s leading cycle city enhancing and widening the cycle network.
		Strategic pedestrian and way-finding movement networks and permeable re-development sites
		Permeability by foot/bike through centres and well connected to surrounding areas/other destinations
		Concerns raised about the potential for disruption to and increased demand for parking and increased noise/pollution levels and safety with redevelopment/new development.
	Ensure that transport is a “system” that focuses on the needs of all modes - walkers, cyclists, public transport and motorists. The system needs to be well connected/linked and accessible.	
	Rapid corridors that will be adopted into the Territory Plan as part of the new ACT Planning Strategy Transport for Canberra	

		Active communities where walking and cycling are the easy choice for local trips, with public transport options supported by Park and Ride and Bike and Ride facilities for quick cross-city travel
		Integrating transport and land use planning to develop urban environments that encourage walking and cycling
		Integrating transport and land use planning, particularly by investing in the Frequent Network and supportive infrastructure like Park and Ride, transitways and information systems
		Create an urban form that encourages active travel
		Support for intensification with high quality urban design at town and group centres and transit ways
		Focus on urban renewal and intensification around major centres and transport corridors supported, and implementation of a rapid public transport network, priority for active travel and recognition of climate change mitigation/adaptation in urban planning/design
		Strong neighbourhoods and social connections – that underpin the urban structure and are pivotal to the livability of the city - but are currently disconnected physically from each other
		If planning incorporates considerations for people with mobility issues (eg people with a disability, seniors, families with prams etc), this will help to make all neighbourhoods accessible/walkable
		“Place people first in planning and transport”
		Balance the needs of people walking, riding bicycles, using public transport and driving – including reducing conflict between modes and improving safety.
		The focus should be on people and urban activity in centres. Strategies that lead to improved health and wellbeing.
	City Diversity	Promote fine grain development and an active street frontage.
	Compact communities should be rolled out across Canberra – particularly in the ‘middle suburbs’ – located between centres and the edge of the city – showcasing housing choice, high quality public spaces and good access to services	
	Provide variety and interest where there are active frontages which will keep streets vibrant. Enable business opportunities.	
	Create lively, diverse residential neighbourhoods of mixed-used medium density buildings supported by strong public realm.	
	Locate a mix of aged care, childcare and student facilities to ensure good demographic mix	
	Generally there is a preference for socially inclusive; diverse urban settings	
	Ensure housing diversity/lifestyle options to attract and support a range of tenant/household types and income levels (and consideration of affordability).	
	Offer diverse housing options (socially and physically) – innovative communal living, micro living with shared amenities, planning for aging is a plan for everyone – terraces to detached dwellings.	
Make places that are socially and physically diverse, attracting and retaining a mix of family types into various built forms (eg terraces to detached dwellings).		

		Provide a range of housing and lifestyle options to encourage a diverse demographic. Support for a city of more diverse communities and neighbourhoods	
		Mixed use development, and affordable and varied dwelling options that support an increased population and diverse demographic.	
		Always place people first – in the centres and in neighbourhoods including by providing diverse lifestyle choices for a wide demographic	
		Need a proportion of affordable/public housing – and this should be addressed at a strategic level	
		If planning incorporates considerations for people with mobility issues (eg people with a disability, seniors, families with prams etc), this will help to make all neighbourhoods accessible/walkable	
		With the increase expected in population, consider school, health and sporting facilities.	
		Foster community life, areas for entertainment and recreation	
		More facilities and community events to increase vibrancy, cultural and social cohesion and inclusiveness	
		Provide cultural institutions and recreational facilities to support residential and mixed-use development in the city and service the wider Canberra City.	
		Create lively diverse residential neighbourhoods of mixed-use medium density buildings supported by strong public realm	
		Development and precincts need to be family and community friendly – offering a sense of community.	
		As the cosmopolitan focus of Canberra with activity to boost public life	
	Character/Heritage	Unique character of villages/precincts/centres	
		Value cultural and Aboriginal heritage	
		Retain the character and community values.	
		Retain, consider/respect heritage (Aboriginal, environment, since settlement, Griffin’s Plan, Bush Capital/Garden City	
	Diverse Canberra	Environmental Sustainability/Climate Change	Public place improvements (eg more shade trees, upgrade seating, pavement, lighting/security and landscaping, art works)
			Support for returning concrete drains to a more natural state (eg Sullivan’s Creek, Mawson) and creating wetlands and for enhancing their recreational value.
			Luscious landscaping and planting that is resilient, encourages local flora/fauna to flourish, provides appropriate such/shade.
			Protect community assets (eg river corridors) – both for their environmental and community recreation value.
		Open space and trees (particularly the mature trees) are highly valued.	
	Recreational Values	Also value the quietness, environment (including rivers/lakes etc).	
		Wood and grass lands / green corridors and similar types of open spaces are valued by walkers, cyclists, horse riders etc.	
		Ovals and open/green spaces are highly valued - retain these spaces and enhance with more recreational facilities	

		Protect community assets (eg river corridors) – both for their environmental and community recreation value.	
		Strategic pedestrian and way-finding movement networks and permeable re-development sites	
		Create a walkable city as the centre of Canberra and the region	
		People orientated, walkable streets with easy way finding and interesting destinations along the way	
		People-friendly streets and priority for walking and cycling	
	Livability	To leverage a Canberra lifestyle and urban culture that will boost competitiveness, encourage economic growth and secure community benefits and choice.	
		Perceptions of safety at bus interchanges	
		Create a walkable city as the centre of Canberra and the region	
		People orientated, walkable streets with easy way finding and interesting destinations along the way	
		People-friendly streets and priority for walking and cycling	
	Social and demographic diversity	Getting people out of cars and encouraging active travel (walking and cycling) will make spaces more people friendly	
		Need a proportion of affordable/public housing – and this should be addressed at a strategic level.	
		Strong neighbourhoods and social connections – that underpin the urban structure and are pivotal to the livability of the city - but are currently disconnected physically from each other	
		Getting people out of cars and encouraging active travel (walking and cycling) will make spaces more people friendly	
	Liveable Canberra	Healthy City	If planning incorporates considerations for people with mobility issues (eg people with a disability, seniors, families with prams etc), this will help to make all neighbourhoods accessible/walkable
			Active communities where walking and cycling are the easy choice for local trips, with public transport options supported by Park and Ride and Bike and Ride facilities for quick cross-city travel
			Encouraging behaviour change, particularly for travel to school, to establish sustainable travel habits for life
			Speed management and traffic management measures to support more active streets
			Strong support for enhanced public domain/recreational space, landscaping and amenity, shade trees/seating, improving safety and security
			Retain and enhance green spaces/parks
			Protect community assets (eg river corridors) – both for their environmental and community recreation value.
			Also value the quietness, environment (including rivers/lakes etc).
		Wood and grass lands / green corridors and similar types of open spaces are valued by walkers, cyclists, horse riders etc.	
Ovals and open/green spaces are highly valued, - retain these spaces and enhance with more recreational facilities			
Diversity	Access to affordable housing and housing choice a key issue		
	Support for a city of more diverse communities and neighbourhoods.		

		Create lively, diverse residential neighbourhoods of mixed-used medium density buildings supported by strong public realm.
		Foster community life, areas for entertainment and recreation
		More facilities and community events to increase vibrancy, cultural and social cohesion and inclusiveness.
		Locate a mix of aged care, childcare and student facilities to ensure good demographic mix
		Strong support for enhanced public domain/recreational space, landscaping and amenity, shade trees/seating, improving safety and security
		Ensure community facilities match increasing density and demographic.
		With the increase expected in population, consider school, health and sporting facilities.
	High Quality Design	Decide what is really important and mandate that. Otherwise, allow flexibility for creative designers to come up with innovative outcomes
		Housing design quality such as living infrastructure with street trees and green open spaces for those living in higher densities
		Strong support for enhanced public domain/recreational space, landscaping and amenity, shade trees/seating, improving safety and security
		Luscious landscaping and planting that is resilient, encourages local flora/fauna to flourish, provides appropriate such/shade.
		District based plans - one size does not fit all.
		Need district plans to implement the city's strategy plan + create place-based planning and design
		Changes to the Territory Plan codes and zones to carefully locate development in suitable areas
		Strong support for city enhancement to give Canberra's city a clear identity – want change to happen in a context that preserves the essence of Canberra
		Retain the character and community values.
		Introduce precinct plans and urban design guidelines and integrate planning.
		Also – don't let other areas of Canberra suffer when working on one precinct/centre/transport infrastructure.
		Ensure character of a neighbourhood/centre is considered/respected (this includes heritage aspects as well as the more modern "boutique" styles). High density should be in character with the area
		Defining the implementation strategies and risks require particular attention.
The timeframes for implementation is critical – short term actions 'on the ground' can be key to success and as a strategic tool.		
Sustainable City	Garden city, sustainable – mitigating + adapting to climate change	
	Plan and design a city centre based on principles of sustainability and healthy living with a well-linked public transport system	

			The precinct plan should demonstrate how it contributes to conservation of resources through consideration of whole-of-life impacts on the environment; minimising the use of materials that deplete natural resources or create toxic pollution in their manufacture or disposal; and specifying locally available materials where possible
			Use triple bottom line approach – with equal consideration.
			Strong desire to see delivery of sustainable demonstration precincts, showcasing innovation in mixed-use development (for liveability/wellbeing/access benefits etc).
			Sustainable demonstration precincts showcasing innovation for liveability / wellbeing / accessibility.
			Self sufficiency, sustainable living.
			Preference to encourage sustainable design principles.
			Desire for future development to demonstrate sustainability
			Retain and enhance green spaces/parks
			Organically designed landscaping and water sensitive urban design
			Investment in the existing / new public places, quality streetscapes and green links.
			Choose trees/plants wisely (for pests/diseases, tolerant of our climate etc).
			Support for returning concrete drains to a more natural state (eg Sullivans Creek, Mawson) and creating wetlands and for enhancing their recreational value.
			Luscious landscaping and planting that is resilient, encourages local flora/fauna to flourish, provides appropriate such/shade.
			Protect community assets (eg river corridors) – both for their environmental and community recreation value.
			Open space and trees (particularly the mature trees) are highly valued
			Wood and grass lands / green corridors and similar types of open spaces are valued by walkers, cyclists, horse riders etc.
			Ovals and open/green spaces are highly valued, - retain these spaces and enhance with more recreational facilities
			New centres or “villages” (eg along Northbourne Ave) or any focus on upgrading/expanding existing centres (eg Curtin/Kippax) –consider any potential negative impacts on the viability of other nearby centres.
			Change the balance of travel towards low emission transport through mode shift to public transport, walking and cycling and providing associated infrastructure, programs, pricing, policy and promotion
			Ease of Movement
			Active communities where walking and cycling are the easy choice for local trips, with public transport options supported by Park and Ride and Bike and Ride facilities for quick cross-city travel
			Encouraging behaviour change, particularly for travel to school, to establish sustainable travel habits for life
			Speed management and traffic management measures to support more active streets
			A number of community, environmental and business organisations highlighted the environmental benefits of urban renewal and the positive sustainability that can be achieved through construction of new housing close to existing services and there may be opportunities for development if environmental values were protected
	Designing our transport system to support socio-economic growth.		

			Change the balance of travel towards low emission transport through mode shift to public transport, walking and cycling and providing associated infrastructure, programs, pricing, policy and promotion
	Sustainable and Resilient	Sustainable City	Garden city, sustainable – mitigating + adapting to climate change
			Plan and design a city centre based on principles of sustainability and healthy living with a well-linked public transport system
			The precinct plan should demonstrate how it contributes to conservation of resources through consideration of whole-of-life impacts on the environment; minimising the use of materials that deplete natural resources or create toxic pollution in their manufacture or disposal; and specifying locally available materials where possible
			Use triple bottom line approach – with equal consideration.
			Strong desire to see delivery of sustainable demonstration precincts, showcasing innovation in mixed-use development (for liveability/wellbeing/access benefits etc).
			Sustainable demonstration precincts showcasing innovation for liveability / wellbeing / accessibility.
			Self sufficiency, sustainable living.
			Preference to encourage sustainable design principles.
			Desire for future development to demonstrate sustainability
			Retain and enhance green spaces/parks
			Organically designed landscaping and water sensitive urban design
			Investment in the existing / new public places, quality streetscapes and green links.
			Choose trees/plants wisely (for pests/diseases, tolerant of our climate etc).
			Support for returning concrete drains to a more natural state (eg Sullivans Creek, Mawson) and creating wetlands and for enhancing their recreational value.
			Luscious landscaping and planting that is resilient, encourages local flora/fauna to flourish, provides appropriate such/shade.
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			Open space and trees (particularly the mature trees) are highly valued
			Wood and grass lands / green corridors and similar types of open spaces are valued by walkers, cyclists, horse riders etc.
			Ovals and open/green spaces are highly valued, - retain these spaces and enhance with more recreational facilities
New centres or “villages” (eg along Northbourne Ave) or any focus on upgrading/expanding existing centres (eg Curtin/Kippax) –consider any potential negative impacts on the viability of other nearby centres.			
	Ease of Movement		Change the balance of travel towards low emission transport through mode shift to public transport, walking and cycling and providing associated infrastructure, programs, pricing, policy and promotion

			Active communities where walking and cycling are the easy choice for local trips, with public transport options supported by Park and Ride and Bike and Ride facilities for quick cross-city travel
			Encouraging behaviour change, particularly for travel to school, to establish sustainable travel habits for life
			Speed management and traffic management measures to support more active streets
			A number of community, environmental and business organisations highlighted the environmental benefits of urban renewal and the positive sustainability that can be achieved through construction of new housing close to existing services and there may be opportunities for development if environmental values were protected
			Designing our transport system to support socio-economic growth.
			Change the balance of travel towards low emission transport through mode shift to public transport, walking and cycling and providing associated infrastructure, programs, pricing, policy and promotion
	District Planning Approach	District	Unique character of villages/precincts/centres
			Value cultural and Aboriginal heritage
			Retain the character and community values.
			Retain, consider/respect heritage (Aboriginal, environment, since settlement, Griffin's Plan, Bush Capital/Garden City
		District based plans - one size does not fit all.	
		Need district plans to implement the city's strategy plan + create place-based planning and design	

Key themes	Grouped Issues		Issues
2 Increase Confidence	Consistency	Consistent approach to Implementation	decisions must be intelligible, reasonable, replicable, consistent
			subjective decisions that can vary greatly leads to unhappiness/distrust in the authority (leaving EPSDD 'on the nose')
			Review of exemptions: what creates the community angst? i. out of character? ii. assessed by certifiers
			A cross-agency approach to implementation was requested to ensure good quality housing design, development applications, building construction and regulatory enforcement
			Raises issue of consistency in interpretation/decision making
			Important provision regarding appeal rights but no clear decision how this is interpreted
			Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)
			Subjective and vague provisions in the Multi Unit Housing Development Code
			Mandatory rules or not?
			Raises issue of consistency in interpretation/decision making
	Show clear context and compliance with ACT Government and NCA policies, plans and legislation		
	Compliance		Ability to be confident as to whether a Development Application does or does not comply with the Territory Plan If there is an issue that is being raised with a proposal – can it be regulated and can it be enforced – and checked later
			Need to have confidence that any development is done in compliance with all applicable regulations and codes and that such compliance will be enforced.
			Compliance (eg with Estate Development Code, world best practice - 6 star green energy rating, EMP, complies with all ACT & Commonwealth government regulations/codes/principles/policies of the NCA & Territory Plan. Past plans for the Canberra Brickworks and environs have contravened the government's own regulations/codes. We need to have confidence that any development is done in compliance with all applicable regulations and codes and that such compliance will be enforced
	Anomalies		Address anomalies in the Territory Plan
			Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)
Subjective and vague provisions in the Multi Unit Housing Development Code			
Provides certainty to community about what may be next to them but removes flexibility			
Implementation	Compliance		How would we and could we enforce the rules?

			If there is an issue that is being raised with a proposal – can it be regulated and can it be enforced – and checked later
			Issue of enforcement - this fails the system
			Compliance/regulation
			Enforceability of conditions -> who assess DA conditions
			Identify gaps in approvals where certifiers are not required to assess compliance with certain conditions of approval
			How is ongoing use regulated? DAs, Lease (do we need leases - prescribing uses duplicates/confuses system), Territory Plan, all 3?
			There were concerns about a lack of enforcement of ACT legislation and regulations.
			Compliance – with plans and with construction
			Compliance action was requested on departures from development applications, for example, vegetation required as part of an approved application that is not planted.
	Cross Agency/government		A cross-agency approach to implementation was requested to ensure good quality housing design, development applications, building construction and regulatory enforcement
			Heritage to be preserved – and must be treated as a truly equal partner in the process and not as just another stakeholder
			Show clear context and compliance with ACT Government and NCA policies, plans and legislation
			Concern over the lack of heritage protection guidelines in master plans. Incorporate a planned management structure for ongoing management – (eg heritage, adaptive reuse etc
			Prime responsibility is to the public rather than the developer.
			Planning must take place in a transparent, whole-of-government manner – led by ACT Government and NCA
			Concern over a perceived lack of cross-government coordination (eg state rail/future light industrial uses, impact on river corridors etc
	Appeal rights		Important provision regarding appeal rights but no clear decision how this is interpreted
	Communication		Improved communication on the planning system with education and information sessions, fact sheets, etc, E.g. 'A guide to the Territory Plan' that describes its different components, and how they relate to each other using plain English to communicate how rules, codes, etc work together.
			An easier way to communicate DA information, eg. using 3D models.
			'A guide to the Territory Plan' that describes its different components, and how they relate to each other
			Many have expressed concerns about building heights – particularly in relation to privacy, solar access, wind tunnelling, view retention and impact on existing property values. Also potential for these developments to impact on traffic, noise, demand for parking.
			Early and on-going involvement of the community to increase trust in the planning system and reduce third party appeals

			They are a long term investment – not short term			
			Concerns and confidence lacking in planning delivery/implementation – with many feeling that developments lack design quality.			
			More details are required in the plan to give certainty for development			
			Don't rush decisions, set realistic timeframes, take time to invest the money to seek input from experts, offer rewards/awards and recognise/publicise developers who achieve planning/transport objectives.			
			Minimise the duration of the construction phase, develop a traffic management plan in collaboration with the community, ensure adequate protection to existing residents to minimise loss of amenity and protect the community's health and wellbeing and overall impacts on the community/environment			
			Concerns and confidence lacking in planning delivery/implementation - with many developments lacking design quality. Sustainability, diversity and beneficial contributions to the wider precinct			
		Policy Implementation	A sense of urgency for 'managed change'			
			They are a long term investment – not short term.			
			More details are required in the plan to give certainty for development			
			Show clear context and compliance with ACT Government and NCA policies, plans and legislation			
	General Codes			How is ongoing use regulated? DAs, Lease (do we need leases - prescribing uses duplicates/confuses system), Territory Plan, all 3?		
				Density and building heights – need to get it right the first time.		
				The community wants world class quality, unique, sustainable, offering diversity and beneficial contributions to the wider precinct		
				More details are required in the plan to give certainty for development		
				Show clear context and compliance with ACT Government and NCA policies, plans and legislation		
			Strategic Environmental Assessment			Research other approaches/options
						Economic viability is essential. Consider that work in town/group centres/villages etc does not adversely impact (economically) on other nearby centres.
			Enforcement	Enforcement of conditions		If there is an issue that is being raised with a proposal – can it be regulated and can it be enforced – and checked later

			Issue of enforcement - this fails the system	
			Mandatory rules or not?	
		Communication	Provides certainty to community about what may be next to them but removes flexibility.	
		Cross Agency/government	Compliance eg with Estate Development Code, world best practice - 6 star green energy rating, EMP, complies with all ACT & Commonwealth government regulations/codes/principles/policies of the NCA & Territory Plan. Past plans for the Canberra Brickworks and environs have contravened the government's own regulations/codes. We need to have confidence that any development is done in compliance with all applicable regulations and codes and that such compliance will be enforced	
			Show clear context and compliance with ACT Government and NCA policies, plans and legislation	
	Decision Review	Appeals		Appeals process – what is the intrinsic purpose of the appeals process
				Need to consider what is in the Plan and Act regarding what people can appeal against
				Need to consider how someone who does have legitimate standing can appeal but only for issues that impacts on them - e.g. lives next door but isn't overshadowed so shouldn't appeal overshadowing
				Important provision regarding appeal rights but no clear decision how this is interpreted
				Appeals, 3rd party
				Time periods – reconsiderations
			Review third party appeal rights	
		Communication	Early and on-going involvement of the community to increase trust in the planning system and reduce third party appeals	
			Important provision regarding appeal rights but no clear decision how this is interpreted	
	Ongoing Engagement in the planning system	Inform		Improved communication on the planning system with education and information sessions, fact sheets, etc, E.g. 'A guide to the Territory Plan' that describes its different components, and how they relate to each other using plain English to communicate how rules, codes, etc work together.
				An easier way to communicate DA information, eg. using 3D models.
				'A guide to the Territory Plan' that describes its different components, and how they relate to each other
				Continue to engage with the community to optimize planning outcomes
				Engage throughout the whole process – from commencement to completion of the development – ie the preliminary idea stage, development and finalization of the plan, delivery construction phases and when construction commences, take measures to mitigate undesirable impacts and protect the community to minimize loss of amenity and protect the community's health and well being
			Explain the relationship between the plan (eg Strategy, Master Plan etc) with other key projects already underway (eg Light Rail) - this should be clarified and clearly explained to help inform the community.	
Consult			Continue to engage with the community to optimize planning outcomes	
			Early and on-going involvement of the community to increase trust in the planning system and reduce third party appeals	

		Carefully consider the needs of various age groups - the abilities to participate differ the older you get
		Engage the community to garner ideas, create partnerships in the public and private sphere, and gather/consider the thoughts of futurists.
		Strong support for ongoing community consultation – locals know their spaces best and often want to share their knowledge/understanding of issues/problems that could potentially be resolved and provide input to planning, design and delivery/construction to achieve the best outcome
	Involve	Strong support for ongoing community consultation - the community feel they have a lot to contribute: Open engagement with the community and other stakeholders in the early planning, design and through the construction phases. Incorporate community engaging activities in construction as much as possible
		Many have expressed concerns about building heights – particularly in relation to privacy, solar access, wind tunnelling, view retention and impact on existing property values. Also potential for these developments to impact on traffic, noise, demand for parking
		Include community involvement in subsequent work on the proposal (Yarralumla Brickworks)
		Continue to engage with the community to optimize planning outcomes
		Work with community groups, schools, retailers/businesses and groups that support the homeless population to engage involve them.
		Include/involve social and environmental planners
		Engage a wide variety of groups/individuals for opinions, form a committee of designers/architects with excellent reputations to review proposals and provide advice
		Early and on-going involvement of the community in planning is seen as important to increase trust in the planning system and reduce third party appeals
	Collaborate	Engage the right people – more enlightened and creative planners, up and coming designers, write to firms that have produced innovative places in other cities and invite them to Canberra
		Continue to engage with the community to optimize planning outcomes
		Don't limit to youth – ensure wide interest groups included
		Use a collaborative approach between potential residents, investors and broader community.
		Collaborate across government and jurisdictions, in particular to reinforce design excellence and innovation.
		Develop partnerships – e.g. with Canberra CBD Ltd, NCA, Canberra Business Chamber, MBA, Emergency Services etc..
	Empower	Continue to engage with the community to optimize planning outcomes

Key themes	Grouped Issues	Sub Issues	Issues	
3 Outcomes Focused	Flexibility in the Assessment Process	Creativity and Flair	Design flair and beauty – not industrial look, rejuvenate buildings to make more attractive/prestigious – more shape, colour, greenery.	
			Allow creativity. Avoid repetitive monotony, encourage unique development, aim for true excellence (buildings, materials, design), best practice, innovative, flexible, artistic design in buildings.	
			The Territory Plan should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments	
			Add more diversity and ‘quirkiness’ – less regimented structures – encourage creativity at street level – not blank walls. Places for people – attractive, catering for vibrancy and for solitude	
			Planning system stifles creativity – senior ‘assessors’ are behind the times	
			Allow flexibility in assessment -> improved outcomes	
			Be outcomes focussed and performance based	
		Decide what is really important and mandate that. Otherwise, allow flexibility for creative designers to come up with innovative outcomes		
		Protection of Values	The spirit of the landscape structure is retained and strengthened - with higher densities developed predominantly in an urban landscape setting	
			Be outcomes focussed and performance based	
			Aim for suburb objectives rather than zone objectives – what do you want in different suburbs	
		Certainty for the Assessment officers	Certainty	Review of exemptions, what creates the community angst?
				i. out of character
				ii. assessed by certifiers
	Objectives have no role in this assessment			
	Remove the reference to desired character, or objectives within this definition			
	If you build too much subjectivity into the Plan you make it harder for yourself			
	Issue of ‘reasonableness’ – need to have some guidance on what is trying to be achieved, not just ‘it’s reasonable’			
	Subjective and vague provisions in the Multi Unit Housing Development Code			
	Statement of strategic directions - what’s their future role?			
Character statements - how do you assess? How much do we specify?				
Requirements in the planning system	Certainty	Ability to be confident as to whether a Development Application does or does not comply with the Territory Plan		
		Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)		
		Issue of ‘reasonableness’ – need to have some guidance on what is trying to be achieved, not just ‘it’s reasonable’		
		Subjective and vague provisions in the Multi Unit Housing Development Code		

		Clarify what zone objectives and desired character means, for DA process
		Provide a “Line of sight” through hierarchy of planning system and documents to ensure high level intent is translated into built form outcomes
		Introduce precinct plans and urban design guidelines and integrate planning
		Call for clearer goals, targets and action plans to implement the ‘vision’
	Flexibility	Balance between prescription and flexibility - stopping the worst but not limiting the best
		Allow flexibility in assessment -> improved outcomes
		Regulatory and legislative requirements such as consideration of best practice, design guidelines and community benefit
	Simplicity	The Territory Plan should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments
		More diagrams, less text
		Objectives – no one has worked out what they are meant to do and achieve
		Objectives are met by meeting the rule (Javelin) (Burns)
		Objectives interpret provisions to help assessment (Argos)
		Objectives part of the Territory Plan so need to be met (Baptist) but High Court said this wasn’t the case
		Objectives Reference to desired character complicates it
		Zone objectives are a big issue – regarding s120 and desired character
		Objectives have no role in this assessment.
		Remove the reference to desired character, or objectives within this definition
		How can the zone objectives cover so many different types of blocks – eg RZ1 has huge blocks and compact ones, very different from each other.
		Statement of strategic directions - what’s their future role?
		Provide a “Line of sight” through hierarchy of planning system and documents to ensure high level intent is translated into built form outcomes
Introduce precinct plans and urban design guidelines and integrate planning		
The Territory Plan should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments		
Call for clearer goals, targets and action plans to implement the ‘vision’		
The Territory Plan (et al) should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments. Planners need to clearly articulate outcomes in a way that everyone can interpret/understand		
Outcomes Focused	Review the Estate Development Code of the Territory Plan to be more outcomes-focussed and less prescriptive	
	High quality design + better regulation	
	Aim for suburb objectives rather than zone objectives – what do you want in different suburbs	

			What is the role of zone? To permit or prohibit? - zoning does not always reflect current uses - community sees colour on maps!	
			Avoid the block by block piecemeal approach. Centres should each be unique and have their own character	
			Introduce precinct plans and urban design guidelines and integrate planning	
			The Territory Plan should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments	
			Collaborative model and incentives were suggested to overcome current impediments to quality design outcomes and achieve innovation	
	Improved design Quality	Quality		While supporting growth in the City, most people want to improve architectural design, avoid traffic congestion, retain views and create places to enjoy the open landscape and lakeside beauty. Concerns regarding building heights that may obscure views from existing apartments and impact on property values
				High quality design + better regulation
				High quality – maintain the value and prestigious identity of the area through great design and materials, high quality public domain.
		Incentive		Rewarding design that goes beyond minimal requirements to achieve excellence
				Incentive schemes
				Request planning rewards and incentives (not just codes). For example, incentives to redevelop RZ2-RZ5 areas for appropriate housing types and housing diversity and incentives to sell houses for redevelopment
				Collaborative model and incentives were suggested to overcome current impediments to quality design outcomes and achieve innovation
				Set up a competition seeking input from experts, offer awards/incentives.
		Outcomes		Better design outcomes
				Housing design quality such as living infrastructure with street trees and green open spaces for those living in higher densities
				Add more diversity and “quirkiness” and less regimented structure/length of blocks
				Avoid long blank walls and strips of the same building type
				Promote fine grain development and an active street frontage.
				A current lack of quality design outcomes is a key concern for many
				A commitment to design excellence and mechanisms to deliver it.
	Ensure that the development becomes a state of the art/best practice ‘sustainability’ showcase that sits in and respects the landscape (including the topography) and gives prominence to national significance and public good/wellbeing			
	Avoid the block by block piecemeal approach. Centres should each be unique and have their own character			
		For architectural and landscape, built outcomes that are exemplary, demonstrate innovative and sustainable technologies and will stand the test of time.		

			The potential of the skyline to add interest and legibility (eg in the City)
			Buildings should contribute to the public domain
			Create partnerships to achieve quality design outcomes
			Invest in beautiful architecture that will stand the test of time and be sustainable
			To support a series of human scale, safe and delightful public places, streets and laneways
			Design excellence and innovation should be encouraged by the planning system.
			Not delivering excellent built outcomes
			Provide more people friendly, cosmopolitan and lively public spaces
			A public realm with memorable places and streets - that foster vitality and leverage the landscape aesthetic
			Better places for people by enabling place making and positive street life experience
			Focus on aesthetics more and have great designed artistic and inspiring spaces that demonstrate all aspects of social, environmental and economic sustainability
			Concerns about safety in the public domain – particularly at night
			There is a desire for more innovative and very high quality development (this includes the internal and the external environment of a building). Ensure character of a neighbourhood/centre is considered/respected (this includes heritage aspects as well as the more modern “boutique” styles). High density should be in character with the area
			Add more diversity and ‘quirkiness’ – less regimented structures – encourage creativity at street level – not blank walls. Places for people – attractive, catering for vibrancy and for solitude
		Development needs to be of exemplar quality – showcasing housing choice, high quality materials, innovation and with sustainable technologies that will stand the test of time	
		Concerns and confidence lacking in planning delivery/implementation - with many developments lacking design quality. Sustainability, diversity and beneficial contributions to the wider precinct	
		Flexibility	Balance between prescription and flexibility - stopping the worst but not limiting the best
			Review the structure of the Territory Plan and the content of the Planning and Development Act 2007 to encourage higher quality design and more sustainable and innovative planning outcomes
		Innovation	Current planning system stifles innovation and did not result in the best urban outcomes
			High quality design + better regulation
			What are we aiming to achieve in the built environment - we aren't getting good results now.
			Statement of strategic directions - what's their future role?
		Tools	Have associated guidelines/practice notes
			Incentive schemes
			High quality design + better regulation
			Lack of design guidance: the thing that is missing is urban design ‘design guidelines’ (we already have planning strategy and codes)

			Request planning rewards and incentives (not just codes). For example, incentives to redevelop RZ2-RZ5 areas for appropriate housing types and housing diversity and incentives to sell houses for redevelopment	
			Urban renewal should take a precinct approach that focuses on design excellence, sustainability and the spaces between buildings	
			Collaborative model and incentives were suggested to overcome current impediments to quality design outcomes and achieve innovation	
			Don't plan a development around just its footprint. Development (especially high rise) needs to be of "human scale". Consider the public spaces with good access/connections to services and will offer benefits to liveability/wellbeing. Need to consider the broader "precinct". Ensure development "sits in the landscape". New developments should not privatise public space and should be "permeable" for walkers/cyclists	
			Strong desire to see delivery of sustainable demonstration precincts showcasing innovation in mixed-use development (for livability/well being/access benefits etc)	
			Urban renewal should take a precinct approach that focuses on design excellence, sustainability and the spaces between buildings.	
			A finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style 'green' housing and a good mix of other uses.	
			Collaboration across government and jurisdictions is seen as critical, in particular to reinforce design excellence and innovation	
	Policy - Amenity	Strategic directions		Statement of strategic directions - what's their future role?
				District based plans - one size does not fit all.
				Compact communities should be rolled out across the city - particularly in the "middle suburbs" that are located between centres and the edge of the city - showcasing housing choice, high quality public spaces and good access to services
				Urban renewal should take a precinct approach that focuses on design excellence, sustainability and the spaces between buildings.
		Quality Design		Housing design quality such as living infrastructure with street trees and green open spaces for those living in higher densities
				Ensure that the development becomes a state of the art/best practice 'sustainability' showcase that sits in and respects the landscape (including the topography) and gives prominence to national significance and public good/wellbeing
		Open Space		Review the plot ratio controls (e.g. plot ratio versus open space control), the dwelling replacement rule, and solar envelope provisions introduced in V306. One suggestion was for a house to garden ratio (plot ratio) of 50/50 regardless of the block size to discourage massive houses on small blocks
	Is public realm or private block more important to character?			
	Reinforce the garden suburb neighbourhood character – with gardens forming a major part of any residential development, with good garden space within each development			

		A suggestion to retain 20% of footprint of a building block be retained for green space
		Land form and landscape and the relationship between the national and the local centric functions
		Provide at least a 20m setback and a “green” buffer between new and existing dwellings to help protect privacy/views and visual separation from any new development (eg in the form of mature trees) and reduce the impact (eg overshadowing) on existing residences (brickworks specific)
		Need to enhance and maintain public spaces
		Create more attractive, activated, safe and user friendly space for families/children, play/exploration/destinations
	Character and Heritage	Heritage to be preserved – and must be treated as a truly equal partner in the process and not as just another stakeholder.
		Retain, consider/respect heritage (Aboriginal, environment, since settlement, Griffin’s Plan, Bush Capital/Garden City)
		Reinforce the garden suburb neighbourhood character – with gardens forming a major part of any residential development, with good garden space within each development
		Development that details what should be kept, protected or improved.
		Concern that high density apartment buildings may be out of character with the area. New development needs to respect the character and heritage of the village.
		Tailor new dwellings to the site’s existing topography – retain vistas and visual character.
		Consider sightlines (views to mountains – Ainslie & Black Mountains, down axes of major roads, environmental considerations (solar, harvesting stormwater); high quality retail/active shop fronts
		Sensitivity to the topography - work with sites – rather than against them.
		The clear structure of axis’ and avenues - that support the relationship between geometry; places for people
		Provide at least a 20m setback and a “green” buffer between new and existing dwellings to help protect privacy/views and visual separation from any new development (eg in the form of mature trees) and reduce the impact (eg overshadowing) on existing residences (brickworks specific)
		Comfortable, human scale. Maintain human scale in the city centre and access to views, vistas and trees – respecting Griffin’s heritage
		The Bush Capital – is respected in the urban design framework as a character unique to Canberra
		Plan adaptive reuse that narrates, reflects and is consistent with the past and recent history
		New developments should not privatise public space, but rather contribute to it
		Keep Canberra’s bush capital ‘feel’ and preserve landscapes and vistas
Is public realm or private block more important to character		
Community and Diversity	Affordable housing – history, character and village feel is valued.	
	The strong sense of community is also valued – community bonds are strong	
	To support a series of human scale, safe and delightful public places, streets and laneways	

			Human scale in the city structure – building on the distinctive character of place with fine grain streets and animated public places and recreation parks.
			As the cosmopolitan focus of Canberra with activity to boost public life.
			When the emphasis is on people and not on commerce and profits, good design will follow
			Provide more people friendly, cosmopolitan and lively public spaces
			A finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style 'green' housing and a good mix of other uses
	Intent	What is the intent of the plan?	Need to consider how someone who does have legitimate standing can appeal but only for issues that actually impacts on them - eg lives next door but isn't overshadowed so shouldn't appeal overshadowing
			How do we define, and where do we put, the relevant guiding principles for 'outcomes'?
			If you build too much subjectivity into the Plan you make it harder for yourself
			Clarify what zone objectives and desired character means, for DA process
			District based plans - one size does not fit all.
			Have associated guidelines/practice notes
			Seek developers who are committed to investing in the social, economic and cultural wellbeing of Canberra
			Review land use policy to encourage greater vibrancy, diversity and activation of precincts

4 Reduce Complexity	Grouped Issues	Sub Issues	Issues
	Structure of the Territory Plan	Simplicity	Get rid of DAF - no tracks for DAs
Remove track system			
Reconsider dual planning system - NCP/TP, reduce red tape, over regulation			
Remove redundant provisions/ duplication - improve clarity			
Opportunity to simplify and make it more spatial			
Too many documents in the Territory Plan			
Reduce all layers			
Zone objectives are a big issue – regarding s120 and desired character			
Remove the reference to desired character, or objectives within this definition			
Objectives have no role in this assessment.			
How can the zone objectives cover so many different types of blocks – eg RZ1 has huge blocks and compact ones, very different from each other.			
Aim for suburb objectives rather than zone objectives – what do you want in different suburbs			
Flexibility		Improve and simplify planning rules and procedures	
Certainty	Zone objectives - Section 120 of the Act needs to be looked at. Issue of difference between s119 and s120 – ‘must assess’ vs ‘consider’		
	Zone objectives are a big issue – regarding s120 and desired character		
	Remove the reference to desired character, or objectives within this definition		
	Objectives have no role in this assessment.		
How can the zone objectives cover so many different types of blocks – eg RZ1 has huge blocks and compact ones, very different from each other.			
Aim for suburb objectives rather than zone objectives – what do you want in different suburbs			
Objectives – no one has worked out what they are meant to do and achieve			
Objectives are met by meeting the rule (Javelin) (Burns)			
Objectives interpret provisions to help assessment (Argos)			
Objectives part of the Territory Plan so need to be met (Baptist) but High Court said this wasn’t the case			
Reference to desired character complicates it			

	Clarity	Who is it written for? Should it be understood only by industry, or should ma & pa be able to 'get it'?	
		Ability to call up provisions specific to a development type or block	
		Better communication and use of plain English to understand the planning vision, desired outcomes and to educate the community. Use a stakeholder engagement strategy prepared in accordance with the core values of the International Association for Public Participation.	
		Better communication and use of plain English language were suggested to better understand the planning vision and desired outcomes of the planning system and to educate the community	
	Processes?		ACT system well advanced nationally (no council decisions etc) so don't change what works. It only has one layer of decision making etc
			EIS requirements + associated assessments S211 process needs review Concurrent process difficult to administer
			Get rid of S211 - have 1 EIS process, perhaps have 3 tiers, depending on the complexity, scale, required consultation
			Remove track system
			Easy to use and understand
			Improve and simplify planning rules and procedures
			The Territory Plan should be simplified and move from rules and regulation to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments
	Exempt Development		Review of exemptions what creates the community angst? i. out of character? ii. assessed by certifiers
	Definitions	Clear Consistent Definitions that are easy to interpret	Need clear, unambiguous provisions
			Easy to use and understand
			Zone objectives - Section 120 of the Act needs to be looked at. Issue of difference between s119 and s120 – 'must assess' vs 'consider'
			Definitions are out of date. Need to be consistent with other agencies
			Definitions - emerging uses, blending uses, NCA definitions, redundant definitions
			Better communication and use of plain English to understand the planning vision, desired outcomes and to educate the community. Use a stakeholder engagement strategy prepared in accordance with the core values of the International Association for Public Participation.
			Better communication and use of plain English language were suggested to better understand the planning vision and desired outcomes of the planning system and to educate the community.

	Consistency	Consistent interpretation between governments, agencies and officers	NCA and Territory agree standard terms, concepts, land uses, so if we still have 2 plans they relate better
			Improve and simplify planning rules and procedures
			Definitions are out of date. Need to be consistent with other agencies
			Definitions - emerging uses, blending uses, NCA definitions, redundant definitions
	Unambiguous language		Consistent language in plain English
			Need clear, unambiguous provisions
			Easy to use and understand
			Definitions are out of date. Need to be consistent with other agencies
			Definitions - emerging uses, blending uses, NCA definitions, redundant definitions
			Better communication and use of plain English to understand the planning vision, desired outcomes and to educate the community. Use a stakeholder engagement strategy prepared in accordance with the core values of the International Association for Public Participation.
			Better communication and use of plain English language were suggested to better understand the planning vision and desired outcomes of the planning system and to educate the community.
	Consistency between plans/rules/leases etc		Need to examine leasing system (5th wheel on the cart)
			We have them as we had no TP type document
			What is the continued utility of the leasing system?
			Need to give consideration in planning system to role of leases – if it has no use, structure planning system accordingly
Removing leases would impact financing system			
Is the lease or the TP the main instrument? Can't be both so need to decide which			
Address anomalies in the Territory Plan			
Leases specify use of the land and what is the link with the Territory Plan			
How do specific provisions in the lease (eg GFA limit) get created?			
Purpose clauses are the issue – can we provide a guide to how this is developed			
How does one override the other?			
Purpose clause can help with ongoing role in regulatory use (eg building used for different purpose)			
Role needs to be clearer			
Zone objectives are a big issue – regarding s120 and desired character			
Remove the reference to desired character, or objectives within this definition			
Objectives have no role in this assessment.			
How can the zone objectives cover so many different types of blocks – eg RZ1 has huge blocks and compact ones, very different from each other.			
Aim for suburb objectives rather than zone objectives – what do you want in different suburbs			
Objectives – no one has worked out what they are meant to do and achieve			

			<p>Objectives are met by meeting the rule (Javelin) (Burns) Objectives interpret provisions to help assessment (Argos) Objectives part of the Territory Plan so need to be met (Baptist) but High Court said this wasn't the case Reference to desired character complicates it</p> <hr/> <p>Zone objectives - Section 120 of the Act needs to be looked at. Issue of difference between s119 and s120 – 'must assess' vs 'consider'</p> <hr/> <p>Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)</p>
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5 Increase Clarity	Grouped Issues	Sub Issues	Issues
	Overlays	Role of	What is the purpose and role of public land map overlays?
	Definitions	Clear, contemporary and consistent	NCA and Territory agree standard terms, concepts, land uses, so if we still have 2 plans they relate better
			Consistent language in plain English
			Need clear, unambiguous provisions
	Statement of Strategic Directions	Role of	Objectives – no one has worked out what they are meant to do and achieve
			Objectives are met by meeting the rule (Javelin) (Burns)
			Objectives interpret provisions to help assessment (Argos)
			Objectives part of the Territory Plan so need to be met (Baptist) but High Court said this wasn't the case
			Reference to desired character complicates it
			What is the role of zone objectives?
	Zones	Role of	Clear and simple guidelines and rules for each zone
			Some wanted more flexible rules, while others wanted more definitive rules with no changes
			What is the role of zone objectives?
			Should the TP apply to unleased land?
	Simplify	Clear, contemporary and consistent	Remove redundant provisions/ duplication - improve clarity
			Consistent language in plain English
			Specify parameters, design for the sun, give generous building envelopes to limit plot ratios so there will be interesting shapes
			More maps to communicate key planning controls - heights, FSR, setbacks etc
			More diagrams, less text
Who is it written for? Should it be understood only by industry, or should ma & pa be able to 'get it'?			
Easy to use and understand			
A Territory Plan that is (at least relatively) clear and easy to understand to both the community and the developers			
Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)			
Subjective and vague provisions in the Multi Unit Housing Development Code			
Mandatory rules or not?			
Provides certainty to community about what may be next to them but removes flexibility.			
Raises issue of consistency in interpretation/decision making			
Consistency is an issue – s50 has to show it is not inconsistent and s119 is consistent. Preference is for not inconsistent (rather than consistent)			
Definitions are out of date. Need to be consistent with other agencies			

		Definitions - emerging uses, blending uses, NCA definitions, redundant definitions
		Clarify what zone objectives and desired character means, for DA process
		Change what is permitted in the residential zones as well as zoning boundaries (i.e. review the location and extent of residential zones)
		Transparency and accountability with simple language in planning documents
	Transparent and accountable	Call for clearer goals, targets and action plans to implement the 'vision'.
		S121(2) (only appeal if you don't meet a rule) – need to make this clearer Need to consider how someone who does have legitimate standing can appeal but only for issues that actually impacts on them - eg lives next door but isn't overshadowed so shouldn't appeal overshadowing
		Issue of 'reasonableness' – need to have some guidance on what is trying to be achieved, not just 'it's reasonable'
		Subjective and vague provisions in the Multi Unit Housing Development Code
		Mandatory rules or not? Provides certainty to community about what may be next to them but removes flexibility. Raises issue of consistency in interpretation/decision making
		Review development tables - prohibited/permitted
		Clarify what zone objectives and desired character means, for DA process
		Improved communication on the planning system with education and information sessions, fact sheets, etc E.g. 'A guide to the Territory Plan' that describes its different components, and how they relate to each other Using plain English to communicate how rules, codes, etc work together.
	Communication	'A guide to the Territory Plan' that describes its different components, and how they relate to each other
		Review comms materials eg website info, checklists for lodgement, policy consultation strategies
		Explain the relationship between the plan (eg Strategy, Master Plan etc) with other key projects already underway (eg Light Rail) - this should be clarified and clearly explained to help inform the community.

6 Be Responsive	Grouped Issues	Sub Issues	Issues
	District Based Planning		Review land use policy to encourage greater vibrancy, diversity and activation of precincts
			Urban renewal should take a precinct approach that focuses on design excellence, sustainability and the spaces between buildings
			District based plans - one size does not fit all.
			Need district plans to implement the city's strategy plan + create place-based planning and design
	New Technology		Ability to adapt with change – flexible and agile – changing technology – new way of representing/navigating the Territory Plan
	Policy	Residential	Change what is permitted in the residential zones as well as zoning boundaries (i.e. review the location and extent of residential zones)
			Support for higher buildings in some areas to integrate residential development into centres.
			Create lively, diverse residential neighbourhoods of mixed-used medium density buildings supported by strong public realm.
			Provide cultural institutions and recreational facilities to support residential and mixed-use development in the city and service the wider Canberra City.
Create lively diverse residential neighbourhoods of mixed-use medium density buildings supported by strong public realm			
Innovation		Lack of staff, funding and resources for DA process	
		Encourage innovative uses and activities – such as pop-ups, micro-businesses and festivals.	
		More vibrant, high quality domain – attractive.	
		Organic activity – interaction and socialisation between neighbours and the wider community, having places to go, being able to easily get there (eg through walking) and wanting to linger. Village feel.	
Adaptability	Environmental and community Changes	To survive well, communities will need to be flexible and responsive to external changes. Centres which are diverse, resilient and flexible to change and thriving	
		To survive well, the Canberra community will need to be flexible and responsive to change (internal and external).	
	Policy Change	Value cultural and Aboriginal heritage Retain the character and community values. Retain, consider/respect heritage (Aboriginal, environment, since settlement, Griffin's Plan, Bush Capital/Garden City)	

Appendix B –Matrix of key themes and implementation streams

Stream	Key Themes					
	ACT Planning Strategy 2018	Increase confidence	Outcome focused	Reduce complexity	Be responsive	Greater clarity
Legislation		✓	✓✓	✓✓✓	✓	✓
Structure	✓✓			✓✓	✓✓✓	✓✓
Policy	✓✓✓	✓✓✓	✓✓		✓✓	✓✓✓

Stream Focus: small ✓ to large ✓✓✓

ACT Planning Review – Issues and Themes

Issue to resolve	Theme	Considerations	Desired Outcomes	Work being Undertaken	Instrument/ tool	Timing of Work
<p>The Statement of Strategy Directions is to be reviewed and where necessary updated to reflect the actions from the ACT Planning Strategy 2018.</p> <p>Linked with Actions 1.1.1, 1.1.2, 1.2.1, 1.3.1, 1.5.1, 2.6.2, 2.6.3, 2.6.5, 3.2.1, 3.3.1, 3.4.1, 3.5.1, 3.6.2, 5.1.1, 5.1.2, 5.1.4, 5.2.3, and 5.3.2</p>	<p>Support implementation of ACT Planning Strategy 2018</p> <p>Compact and Efficient City Diverse Canberra Sustainable and Resilient Territory Accessible Canberra</p>	<p>Continue to align land use planning and infrastructure planning to support the growth of the city.</p>	<p>– Territory Plan – The statement of strategic directions is updated to reflect the actions from the ACT Planning Strategy 2018.</p>	<p>To commence.</p>	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<p>Building on the Master Plan Program, investigate opportunities for district-level strategic and spatial planning approaches.</p> <p>Linked with Actions 1.1.1, 1.1.2, 1.1.4, 2.1.3, 4.1.2, 4.2.2, 4.4.1, 4.4.2, 4.5.3, 5.1.4, and 5.2.1.</p>	<p>Support implementation of ACT Planning Strategy 2018</p> <p>Compact and Efficient City Diverse Canberra Liveable Canberra Accessible Canberra</p>	<p>What are the key aspects of a district that need to be considered in the planning process:</p> <ul style="list-style-type: none"> Local infrastructure Housing diversity Place-making approaches Access for people with a disability or disadvantage Offset areas where appropriate 	<p>– Territory Plan – To make provision for a district level planning approach.</p>	<p>To commence.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> Jurisdiction review – (due mid-October) Community engagement (Late 2019 – Early 2020) 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<p>Strategic Direction 3.3 Integrate living infrastructure and sustainable design to make Canberra a resilient city within the landscape</p> <p>Linked with Actions 3.2.1, 3.3.1 and 3.3.2.</p>	<p>Support implementation of ACT Planning Strategy 2018</p> <p>Sustainable and Resilient Territory</p>	<p>Strategic Environmental Assessment (SEA) to consider policy aspects of the review and not structure or legislation changes.</p> <p>Assist in the delivery of:</p> <ul style="list-style-type: none"> ACT Climate Change Strategy 2019 – Climate Change team Canberra’s Living Infrastructure Plan: For a Cooler City (2019) – Sustainability and Resilience team. 	<p>– Completed SEA</p> <p>– Updated Territory Plan policies to include consideration of:</p> <ul style="list-style-type: none"> climate change risk for major infrastructure projects climate change adaptation objectives for new estates and subdivision guidelines climate-wise building and estate guidelines microclimate assessment requirements under the Living Infrastructure Plan and incorporating living infrastructure considerations. 	<p>To commence.</p>	<p>Territory Plan change (policy and structure)</p> <p>Strategic Environmental Assessment (SEA) document</p>	<p>Early 2021</p>
<p>– No specific legislation requiring DA conditions to be certified or checked</p> <p>– No specific training in planning provisions required for certifiers</p>	<p>Increase confidence</p> <p>Implementation</p>	<p>– Compliance with planning provisions</p> <p>– Compliance with DA conditions</p>	<p>– Amend Act to require planning certifiers to check DA conditions and confirm compliance with planning requirements on site</p> <p>– Mandate certifiers training on Territory Plan provisions to better their understanding of planning provisions</p>	<p>In progress</p>	<p>Act change</p>	<p>End 2019</p>
<p>– General codes require updating to reflect best practice</p> <p>– Are all of the general codes still required</p> <p>– General codes have inconsistent formatting – between themselves as well as other codes in the Territory Plan</p>	<p>Increase confidence</p> <p>General Codes</p>	<p>– Parking and Vehicular Access</p> <p>– Home Business</p> <p>– Bushfire Risk Mitigation (potentially incorporating provisions relating to flood and other natural hazards)</p> <p>– Signs</p> <p>– Access and Mobility</p> <p>– Crime Prevention Through Environmental Design</p> <p>– Community Facility Location Guidelines</p>	<p>– Update general codes to reflect best practice and have consistent format</p> <p>– Review and update policies in general codes to reflect contemporary practice</p>	<p>N/A</p>	<p>Territory Plan change (policy and structure)</p>	<p>Late 2020</p>

Issue to resolve	Theme	Considerations	Desired Outcomes	Work being Undertaken	Instrument/ tool	Timing of Work
<ul style="list-style-type: none"> – Planning and Development Act 2007 requires a Strategic Environmental Assessment to be undertaken if the Territory Plan is reviewed – Needs to include: Context; Alternatives; Benefits and impacts; Consultation; and Monitoring 	<p>Increase confidence</p> <p>Strategic Environmental Assessment</p>	<ul style="list-style-type: none"> – Strategic Environmental Assessment (SEA) to consider policy aspects of the review and not structure or legislation changes. 	<ul style="list-style-type: none"> – Completed SEA 	<p>To commence.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> – Advice on potential policy changes 	SEA document	Early 2021
<ul style="list-style-type: none"> – Unintended development outcomes as current system does not allow poor quality, compliant development to be refused or high quality, non-compliant development to be approved 	<p>Outcome focused</p> <p>Flexibility in the assessment process</p>	<ul style="list-style-type: none"> – What should and shouldn't be specified in legislation – How is subjectivity managed 	<ul style="list-style-type: none"> – Enable the planning system to better facilitate good development outcomes – rewrite relevant sections of the P&D Act – create practice notes to give guidance for assessment 	<p>To be informed by:</p> <ul style="list-style-type: none"> – jurisdiction review – (due mid-October) 	P&D Act change	End 2019
<ul style="list-style-type: none"> – Design quality is not currently taken into consideration in the development assessment process. – Provisions in the plan do not give assessing officers enough scope to consider character or design quality 	<p>Outcome focused</p> <p>Improved design quality</p>	<ul style="list-style-type: none"> – What development types should have design quality assessed – Design review panel recommendations having statutory weight 	<ul style="list-style-type: none"> – Improve the consideration of the design quality of buildings in the ACT – Introduce guidelines on good design – Amend Act to confirm role of design review panel and the consideration of their advice in the DA process 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Review of design quality assessment in other jurisdictions (due mid-2020) 	<p>P&D Act change</p> <p>Assessment provisions</p> <p>4.5 Guidelines/ practice notes</p>	Mid 2020
<ul style="list-style-type: none"> – Community engagement has indicated that solar access, open (green) space on blocks (and in the area) and height are the most valued aspects of development 	<p>Outcome focused</p> <p>Policy – amenity</p>	<ul style="list-style-type: none"> – Height – Solar access – Open/green space <p>Linked with Actions 3.2.1, 3.3.1 and 3.3.2.</p>	<ul style="list-style-type: none"> – Improved policies regarding amenity, building height, solar access, and open/green space in residential areas. 	To commence	Territory Plan change (policy)	Late 2020
<ul style="list-style-type: none"> – The planning system is inflexible, particularly with the current tracks for DA lodgement – Development assessment pathways discourage innovation – Grounds for appeal and the elements of an application considered under an appeal are unclear – Community concerns regarding what notification they are given of proposed development. 	<p>Reduce complexity</p> <p>Requirements in planning system</p>	<ul style="list-style-type: none"> – Track system – Consultation requirements – Appeal rights – Exemption declaration process – Consider role of guidelines in assessment & statutory weight 	<ul style="list-style-type: none"> – Create a clearer and easier to use planning system, including DA lodgement, notification process and appeals – Amend Act to remove track system for DA lodgement – Amend Act to clarify what can be appealed and what can be taken into consideration – Amend Act to clarify consultation requirements 	In progress.	P&D Act change	End 2019
<ul style="list-style-type: none"> – Conflicts arise between the requirements or allowances in Crown leases and the Territory Plan provisions 	<p>Reduce complexity</p> <p>Crown leases</p>	<ul style="list-style-type: none"> – How should existing lease requirements (e.g. additional permitted or prohibited development) be considered 	<ul style="list-style-type: none"> – Reduced conflict between Crown lease and Territory Plan provisions – Investigate ability to amend P&D Act to clarify relationship between the development provisions within existing Crown leases and the requirements of the Territory Plan. 	To commence	P&D Act change	End 2019

Issue to resolve	Theme	Considerations	Desired Outcomes	Work being Undertaken	Instrument/ tool	Timing of Work
<ul style="list-style-type: none"> – The planning system is too complex – A common approach to basic planning controls for zoning, building height and density is needed – The structure of the planning system and the platforms through which it is provided to the public are difficult to navigate. – There is inconsistency in the use of language and structure of codes in the Territory Plan 	<p>Reduce complexity</p> <p>Structure of Territory Plan</p>	<ul style="list-style-type: none"> – Usability – Simplify – Consistency of wording/ terms – Practice notes/guidelines 	<ul style="list-style-type: none"> – Revised structure of the Territory Plan so that it is easier to use and understand. – Territory Plan restructured, to include codes, development tables and definitions 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) 	<p>Territory Plan change (structure)</p>	<p>Proposed structure End 2019</p> <p>Final document End 2020</p>
<ul style="list-style-type: none"> – The types of development that are exempt from development approval needs to be reviewed – The current format of the exemptions is confusing and difficult to read 	<p>Reduce complexity</p> <p>Exempt development</p>	<ul style="list-style-type: none"> – What type of development should have development approval (e.g. demo rebuilds) 	<ul style="list-style-type: none"> – Clearer exemption provisions – Appropriate balance between exemptions and requirement for a DA – Prepare factsheets to explain what development is exempt or not – Rewrite Schedule 1 in the Regulations to make exemption requirements easier to read and review type of development exempted 	<p>To commence</p>	<p>Regulation change</p> <p>Factsheets</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – Overlays currently have no statutory role in the planning process and are generally for information purposes only 	<p>Greater clarity</p> <p>Overlays</p>	<ul style="list-style-type: none"> – What is the role of overlays and can they be used differently in the Territory Plan 	<ul style="list-style-type: none"> – Provide clarity regarding the purpose of overlays 	<p>To commence.</p>	<p>Territory Plan change (structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – Structure of definitions confusing, particularly umbrella terms and sub categories – Some definitions need updating to reflect contemporary practice 	<p>Greater clarity</p> <p>Definitions</p>	<ul style="list-style-type: none"> – Part A – Definitions of Development – Some Common Terminology – Part B – Definitions of Terms 	<ul style="list-style-type: none"> – Revised and updated definitions that are clear and easy to understand and use – Definitions to reflect contemporary practice 	<p>In progress.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> – Planning Strategy implementation 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – The relationship between the ACT Planning Strategy, Territory Plan and statement of strategic directions needs to be more clearly articulated – The ACT Planning Strategy does not have any statutory role, meaning it cannot be considered in decisions on development applications 	<p>Greater clarity</p> <p>Statement of Strategic Directions</p>	<ul style="list-style-type: none"> – Recommendations of the 2018 Planning Strategy – What is the role of the Strategic Directions <p>Linked with Actions 1.1.1, 1.1.2, 1.2.1, 1.3.1, 1.5.1, 2.6.2, 2.6.3, 2.6.5, 3.2.1, 3.3.1, 3.4.1, 3.5.1, 3.6.2, 5.1.1, 5.1.2, 5.1.4, 5.2.3, 5.3.2</p>	<ul style="list-style-type: none"> – Amended Statement of Strategic Directions, reflecting the Planning Strategy – Amended Act to give statutory link between Planning Strategy and Territory Plan 	<p>Planning Strategy implementation</p> <p>Outcome of jurisdiction review</p>	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – The role of zones needs to be clarified – The purpose of zones and the uses permitted in them is confusing, e.g. commercial zones that permit residential uses. – Zone objectives are complex. – Zone objectives, despite covering character, are not used in the assessment of applications 	<p>Greater clarity</p> <p>Zones</p>	<ul style="list-style-type: none"> – How is land zoned and how many zones are needed – Development tables (permitted and prohibited development) – Objectives – Inclusionary zoning – Social infrastructure needs 	<ul style="list-style-type: none"> – Provide clarity around the zone objectives and function – Amend number of zones and rewrite zone objectives 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Urban form assessment and Social infrastructure capacity study 	<p>Territory Plan change (policy and structure)</p>	<p>End 2020</p>

Issue to resolve	Theme	Considerations	Desired Outcomes	Work being Undertaken	Instrument/ tool	Timing of Work
<ul style="list-style-type: none"> – Character and area specific requirements are currently not considered in the assessment process. – Community engagement has indicated that slight increases in dwelling density would be supported if development is appropriate to the area 	<p>Be responsive</p> <p>District based planning</p>	<ul style="list-style-type: none"> – What are the key aspects of a district that need to be considered in the planning process <p>Linked with Actions 1.1.1, 1.1.2, 1.1.4, 2.1.3, 4.1.2, 4.2.2, 4.4.1, 4.4.2, 4.5.3, 5.1.4, and 5.2.1.</p>	<ul style="list-style-type: none"> – Appropriate provisions that apply at the district level – Define district level planning provisions in district codes 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Community engagement (Late 2019) 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – Current Estate Development Code does not provide sufficient guidance for infill estate development – Current entity requirements and current government policies not reflected in the code 	<p>Be responsive</p> <p>Estate Development Code</p>	<ul style="list-style-type: none"> – Development standards from relevant entities – How can the Code better address the development considerations for infill development – Relevant government policies 	<ul style="list-style-type: none"> – A revised Estate Development Code that reflects best practice and government policies as well as improved provisions for infill development 	<p>In progress.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> – Planning Strategy implementation 	<p>Territory Plan change (policy)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – Recommendations from the Housing Choices project have not yet been implemented – Community engagement and feedback has raised various issues with residential policies. 	<p>Be responsive</p> <p>Policy – residential</p>	<ul style="list-style-type: none"> – Dual occupancies, particularly in RZ1 – Plot ratio vs site coverage – Housing choices policy – Linked closely with district level planning 	<ul style="list-style-type: none"> – Updated residential policies that reflect the aspirations of the community and industry – Implement the recommendations from the Housing Choices project 	<p>To commence.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> – Community engagement – Demonstration housing project 	<p>Territory Plan change (policy)</p>	<p>Late 2020</p>
<ul style="list-style-type: none"> – Besides a brief reference in the Statement of Strategic Directions, Aboriginal and Torres Strait Islander cultural considerations are not incorporated into the Territory Plan 	<p>Be responsive</p> <p>Aboriginal and Torres Strait Islander considerations</p>	<ul style="list-style-type: none"> – Heritage Act provisions – Native title considerations 	<ul style="list-style-type: none"> – Aboriginal and Torres Strait Islander culture more appropriately incorporated into the Territory Plan – Amend P&D Act/Regs to include what needs to be considered when preparing a structure plan 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Aboriginal and Torres Strait Islander engagement 	<p>Territory Plan change (policy and structure) P&D Act change</p>	<p>Late 2020</p>

Environment, Planning and Sustainable Development Directorate

Review and analysis of previous community engagement (2012-2019)

Version 1.1

ACT Planning Review Team
04 February 2020

Contents

Review and analysis of previous community engagement (2012-2019).....	3
Thematic Analysis	4
Analysis of previous community engagement (2012-2019)	4
Focus areas.....	5
Systems Structure (Paper 1).....	5
Strategic Planning (Paper 2).....	3
Development Controls (Paper 3)	5
Development Assessment (Paper 4).....	7
Systems Operations (Paper 5).....	9

Review and analysis of previous community engagement (2012-2019)

Over the past seven years the ACT Government has undertaken a large amount of community engagement for a range of projects, including but not limited to the 2012 ACT Planning Strategy, the 2016 Statement of Planning Intent, the 2018 ACT Planning Strategy, various master plans and territory plan variations. The ACT Planning Review Team analysed this engagement by collating existing reports and evaluating them using a meta-synthesis approach.¹ The results were thematically analysed by hand and sub-issues emerged. Content analysis was used to generate a matrix of these sub-issues, which were then organised into Grouped Issues (what we heard) and refined into the following Key Themes²:

- Reduce complexity
- Outcomes Focused
- Implementation of the 2018 ACT Planning Strategy
- Greater clarity
- Be responsive
- Increase confidence

Key Themes were then linked with the key focus areas³. Focus areas are components of the planning system that are core to its delivery. For the review there are five identified focus areas:

1. **System structure:** the hierarchy and role of various components of the planning system as well as their interrelationships
2. **Strategic planning:** the long-term strategic or policy objectives that describe the purpose and direction of the planning system
3. **Development controls:** the interpretation of that purpose and direction into regulations that define and shape development
4. **Development assessment:** the processes through which development applications are assessed and determined
5. **System operation:** the useability of the system from the perspective of applicants, agencies, and other interested parties

This paper will link the Key Themes directly to the focus areas.

¹ Evaluating and interpreting findings from multiple using sources and identifying patterns to draw conclusions

² Some grouped and sub issues cut across and influence more than one key theme.

³ All key themes cut across and influence more than one focus area.

Thematic Analysis

Analysis of previous community engagement (2012-2019)

Figure 1 shows the relationship between the grouped issues (what we heard), key themes, focus areas and the system outcomes needed to deliver change.

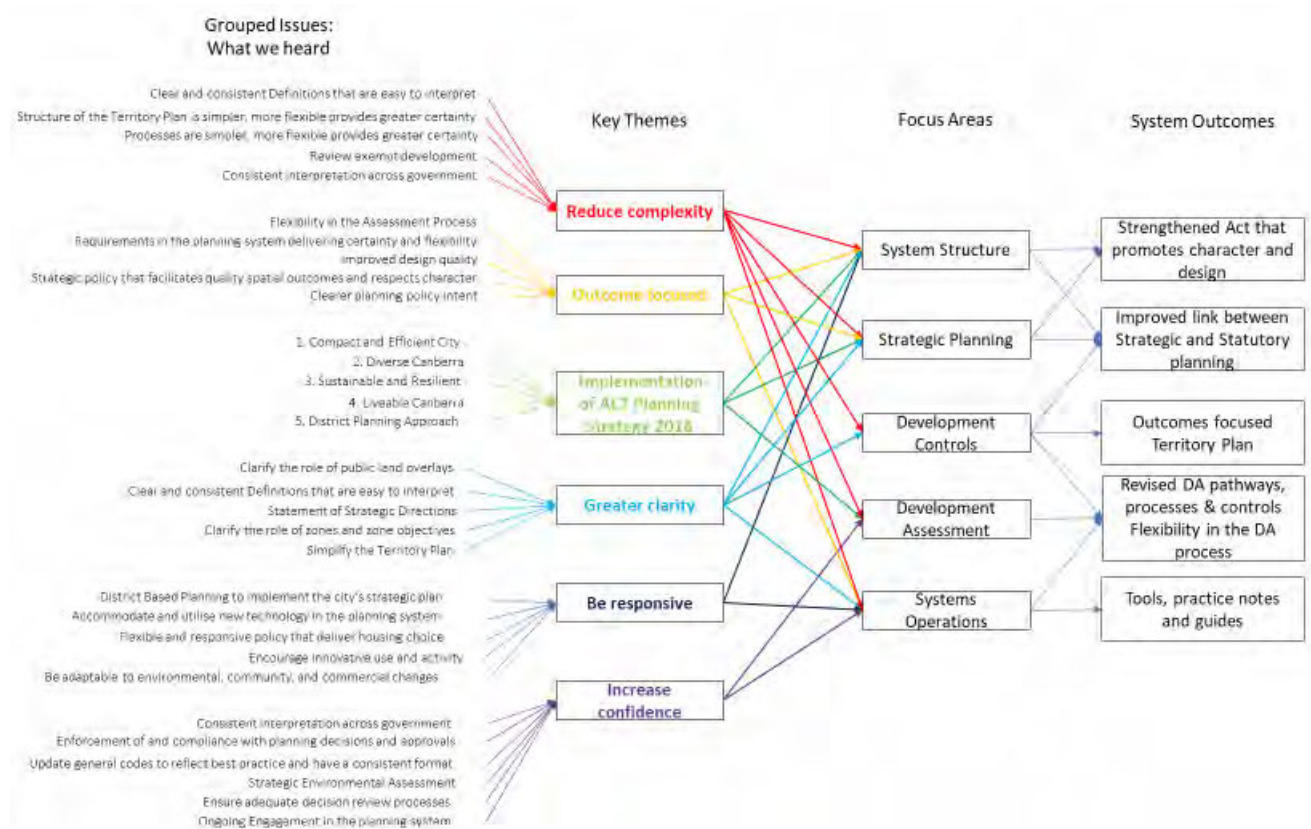


Figure 1: Relationship between Key Themes and Focus Areas

Focus areas

Systems Structure (Paper 1)

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to Systems Structure:

Grouped Issues	Sub Issues	Examples of representative issues raised by the community
District Based Planning		Need district plans to implement the city's strategy plan + create place-based planning and design
New Technology		Ability to adapt with change – flexible and agile – changing technology – new way of representing/navigating the Territory Plan
Policy	Residential	Create lively, diverse residential neighbourhoods of mixed-used medium density buildings supported by strong public realm.
Innovation		Encourage innovative uses and activities – such as pop-ups, micro-businesses and festivals.
Adaptability	Environmental and community changes	To survive well, communities will need to be flexible and responsive to external changes. Centres which are diverse, resilient and flexible to change are thriving
	Policy Change	Retain, consider/respect heritage (Aboriginal, environment, since settlement, Griffin's Plan, Bush Capital/Garden City)
Processes		Concurrent process difficult to administer
Exempt Development		What creates the community angst? i. out of character? ii. assessed by certifiers
Compact and Efficient City	Policy Implementation	Clear policy intent, vision, goals and objectives for what the ACT Government it is seeking to fulfil through planning policy and design for Canberra's future
	City Diversity	Compact communities should be rolled out across Canberra – particularly in the 'middle suburbs' – located between centres and the edge of the city – showcasing housing choice, high quality public spaces and good access to services
	Character/Heritage	Value cultural and Aboriginal heritage

The role of the planning system is, in part, to facilitate the implementation of the ACT Planning Strategy (2018) and other complementary government policies. Analysis of community engagement has revealed that there is broad community support for the Government to implement this. District level planning is seen as an opportunity to link the strategic outcomes identified in the planning strategy to the statutory requirements needed to approve development outcomes. It is anticipated that the future planning system will need to be responsive and flexible enough to meet the changing needs to the community yet able to provide certainty to encourage ongoing investment.

Representative Comments

“... finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style ‘green’ housing and a good mix of other uses”

Community input to the Grouped Issue “Compact and Efficient City”, Sub-Issue Increased Density

To survive well, communities will need to be flexible and responsive to external changes. Centres which are diverse, resilient and flexible to change are thriving

Community input to the Grouped Issue “Adaptability”, Environmental and community changes Sub-Issue Communication

Relationships with focus areas:

The Key Theme of “Be Responsive” relates to the following Key Themes:

- System structure
- Systems operations

Strategic Planning (Paper 2)

The ACT Planning Strategy 2018 recognises that many of the actions it identifies rely on implementation through the government’s key statutory planning document, the Territory Plan. This was confirmed through the thematic analysis which identified a series of grouped issues and additional sub issues that relate directly to Strategic Planning:

Grouped Issues	Sub Issues	Issues
Compact and Efficient City	Age in Place	Allow for residents to age in place and provide opportunities to downsize
	Change to Zoning	Create lively, diverse residential neighbourhoods of mixed-use medium density buildings supported by strong public realm.
	Housing Choice	A finer grain, more diverse development mix offering housing choice and affordability, more medium-density infill, more European-style ‘green’ housing and a good mix of other uses.
	Increased Density	There are often mixed views about intensification but if it is “supported”, it comes with the proviso that any intensification/high rise should be of a high quality and have excellence in design outcomes
	Transport and land use planning	The need for an integrated public transport network is a key element for planning and growth
Diverse Canberra	Environmental Sustainability/Climate Change	Open space and trees (particularly the mature trees) are highly valued.
	Recreational Values	People orientated, walkable streets with easy way finding and interesting destinations along the way
	Livability	To leverage a Canberra lifestyle and urban culture that will boost competitiveness, encourage economic growth and secure community benefits and choice.
	Social and demographic diversity	Need a proportion of affordable/public housing – and this should be addressed at a strategic level.
Liveable Canberra	Healthy City	Active communities where walking and cycling are the easy choice for local trips, with public transport options supported by Park and Ride and Bike and Ride facilities for quick cross-city travel
	Diversity	Support for a city of more diverse communities and neighbourhoods.
	High Quality Design	Introduce precinct plans and urban design guidelines and integrate planning.
	Sustainable City	Plan and design a city centre based on principles of sustainability and healthy living with a well-linked public transport system
	Ease of Movement	Encouraging behaviour change, particularly for travel to school, to establish sustainable travel habits for life

The ACT Planning Strategy (2018) identifies that urban spread will be limited and up to 70% of new housing growth catered for through increased density in appropriate places within our existing urban footprint.⁴ Achieving this will lead to an increase in density and facilitate housing choice to allow for communities to age in place. Further, developing a compact and efficient city will facilitate other government policy objectives including the ACT Climate Change Strategy 2019-2025 and Moving Canberra 2019-2045: Integrated Transport Strategy (Draft).

Representative Comments

“Compact communities should be rolled out across Canberra – particularly in the ‘middle suburbs’ – located between centres and the edge of the city – showcasing housing choice, high quality public spaces and good access to services”

Community input to the Grouped Issue “Compact and Efficient City”, Sub-Issue Housing Choice

Explain the relationship between the plan (eg Strategy, Master Plan etc) with other key projects already underway (eg Light Rail) - this should be clarified and clearly explained to help inform the community

Community input to the Grouped Issue “Simplify”, Sub-Issue Communication

Relationships with focus areas:

The Key Theme of “Implementation of the ACT Planning Strategy 2018” relates to the following Key Themes:

- System structure
- Strategic planning
- Development controls
- Development assessment
- Systems operations

⁴ ACT Planning Strategy (2018)

Development Controls (Paper 3)

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to Development Controls:

Grouped Issues	Sub Issues	Issues
Structure of the Territory Plan	Simplicity	Remove track system
	Flexibility	Improve and simplify planning rules and procedures
	Certainty	How can the zone objectives cover so many different types of blocks – eg RZ1 has huge blocks and compact ones, very different from each other.
	Clarity	Ability to call up provisions specific to a development type or block
Definitions	Clear Consistent Definitions that are easy to interpret	Need clear, unambiguous provisions
Consistency	Consistent interpretation between governments, agencies and officers	Improve and simplify planning rules and procedures
	Unambiguous language	Consistent language in plain English
	Consistency between plans/rules/leases etc	Need to examine leasing system (5th wheel on the cart)
Policy - Amenity	Strategic directions	Urban renewal should take a precinct approach that focuses on design excellence, sustainability and the spaces between buildings.
	Quality Design	Ensure that the development becomes a state of the art/best practice 'sustainability' showcase that sits in and respects the landscape (including the topography) and gives prominence to national significance and public good/wellbeing
	Open Space	Is public realm or private block more important to character?
	Character and Heritage	Heritage to be preserved – and must be treated as a truly equal partner in the process and not as just another stakeholder.
	Community and Diversity	Affordable housing – history, character and village feel is valued.
Intent	What is the intent of the plan?	Clarify what zone objectives and desired character means, for DA process
Overlays	Role of	What is the purpose and role of public land map overlays?
Definitions	Clear, contemporary and consistent	Consistent language in plain English
Statement of Strategic Directions	Role of	Objectives – no one has worked out what they are meant to do and achieve
Zones	Role of	Clear and simple guidelines and rules for each zone
Simplify	Clear, contemporary and consistent	More diagrams, less text Who is it written for? Should it be understood only by industry, or should ma & pa be able to 'get it'?
	Transparent and accountable	Mandatory rules or not? Provides certainty to community about what may be next to them but removes flexibility. It raises issue of consistency in interpretation/decision making
	Communication	'A guide to the Territory Plan' that describes its different components, and how they relate to each other

The Territory Plan and the Act help to establish the conditions needed to protect and create attractive and efficient urban and rural environments by establishing a legal process that manages land use development within the ACT.⁵ These documents also provide a process for public participation, providing the opportunity for the community to express their views on the planning and development of Canberra.

A clear land use plan, that is developed with appropriate stakeholder input, and which sets out the rules governing future changes as well as the parameters for assessing particular developments, gives members of the community a degree of certainty in the system.⁶ This certainty provides a level of confidence in the planning system from the community, the development and construction industry and the professionals implementing the system on behalf of the Government.

Previous community engagement has revealed that while there is broad support for the government's current planning policies and vision for Canberra, people are less confident about the translation of these policies into good outcomes on the ground, in our buildings and public spaces. There is an expectation that the government will effectively implement the planning strategy and to achieve this requires a clear land use plan that instils confidence.

Representative Comments

"The Territory Plan should be simplified and move from rules and regulations to performance outcomes, with a good balance between mandated environmental performance and flexibility to achieve innovation in new developments"

Community input to the Grouped Issue "Structure of the Territory" Plan", Sub-Issue "Simplicity"

Objectives; no one has worked out what they are meant to do and achieve

Community input to the Grouped Issue "Structure of the Territory" Plan", Sub-Issue "Certainty"

Relationships with focus areas:

The key theme of outcomes focused planning relates to the following Key Themes:

- System structure
- Strategic planning
- Development Controls
- Development Assessment
- Systems operations

⁵ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

⁶ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

Development Assessment (Paper 4)

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to Development Assessment:

Grouped Issues	Sub Issues	Issues
Flexibility in the Assessment Process	Creativity and Flair	Add more diversity and ‘quirkiness’ – less regimented structures – encourage creativity at street level – not blank walls. Places for people – attractive, catering for vibrancy and for solitude
	Protection of Values	Aim for suburb objectives rather than zone objectives – what do you want in different suburbs
	Certainty for the Assessment officers	If you build too much subjectivity into the Plan you make it harder for yourself
Requirements in the planning system	Certainty	Provide a “Line of sight” through hierarchy of planning system and documents to ensure high level intent is translated into built form outcomes
	Flexibility	Balance between prescription and flexibility - stopping the worst but not limiting the best
	Simplicity	More diagrams, less text
	Outcomes Focused	Introduce precinct plans and urban design guidelines and integrate planning
Improved design Quality	Quality	While supporting growth in the City, most people want to improve architectural design
	Incentive	Rewarding design that goes beyond minimal requirements to achieve excellence
	Outcomes	Better design outcomes
	Flexibility	Review the structure of the Territory Plan and the content of the Planning and Development Act 2007 to encourage higher quality design and more sustainable and innovative planning outcomes
	Innovation	What are we aiming to achieve in the built environment - we aren’t getting good results now.
	Tools	Have associated guidelines/practice note

Outcomes-focused planning is a system that focuses on the substantive matters to be addressed without specifying in detail how that will be achieved. It is one that is centred on the quality, results and performance of planning system outcomes, rather than rule compliance. An outcomes focused system enables innovation and rewards best practice, leading to better planning, design and built form. It aims to strike the right balance between certainty and flexibility.

A good outcomes focused planning system is one that incorporates high quality, transparent and efficient planning practices while being responsive and equitable. Further, it promotes and provides certainty around implementing planned strategic outcomes.⁷ Consultation for the Minister’s Statement of Planning Intent (2015), and confirmed by public statements from the ACT Planning and Land Authority and the thematic analysis, have identified that the community and industry are seeking a more performance-based and outcome-driven planning system.⁸

⁷ PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

⁸ Minister’s Statement of Planning Intent (2015)

Representative Comments

Allow creativity. Avoid repetitive monotony, encourage unique development, aim for true excellence (buildings, materials, design), best practice, innovative, flexible, artistic design in buildings.

Community input to the Grouped Issue “Compact and Efficient City”, Sub-Issue Housing Choice

“Decide what is really important and mandate that. Otherwise, allow flexibility for creative designers to come up with innovative outcomes”

Community input to the Grouped Issue “Compact and Efficient City”, Sub-Issue Change to Zoning

Relationships with focus areas:

The key theme of outcomes focused planning relates to the following Key Themes:

- System structure
- Strategic planning
- Systems operations

Systems Operations (Paper 5)

The thematic analysis identified a series of grouped issues and additional sub issues that relate directly to Systems Operation:

Grouped Issues	Sub-Issues	Issues
Consistency	Consistent approach to Implementation	Decisions must be intelligible, reasonable, replicable, consistent
	Compliance	Need to have confidence that any development is done in compliance with all applicable regulations and codes and that such compliance will be enforced.
	Anomalies	Address anomalies in the Territory Plan
Implementation	Compliance	There were concerns about a lack of enforcement of ACT legislation and regulations.
	Cross Agency/government	Planning must take place in a transparent, whole-of-government manner – led by ACT Government and NCA
	Appeal rights	Important provision regarding appeal rights but no clear decision how this is interpreted
	Communication	Early and on-going involvement of the community to increase trust in the planning system and reduce third party appeals
	Policy Implementation	Show clear context and compliance with ACT Government and NCA policies, plans and legislation
General Codes		More details are required in the plan to give certainty for development
Enforcement	Enforcement of conditions	If there is an issue that is being raised with a proposal – can it be regulated and can it be enforced – and checked later
	Communication	Provides certainty to community about what may be next to them but removes flexibility.
	Cross Agency/government	Compliance eg with Estate Development Code, world best practice
Decision Review	Appeals	Appeals process – what is the intrinsic purpose of the appeals process
	Communication	Early and on-going involvement of the community to increase trust in the planning system and reduce third party appeals
Ongoing Engagement in the planning system	Inform	Improved communication on the planning system with education and information sessions, fact sheets, etc.
	Consult	Continue to engage with the community to optimize planning outcomes
	Involve	Open engagement with the community and other stakeholders in the early planning, design and through the construction phases.
	Collaborate	Engage the right people – more enlightened and creative planners, up and coming designers
	Empower	Continue to engage with the community to optimize planning outcomes

Good planning delivers confidence, building trust in the system and encouraging investment.⁹

Analysis of community engagement has revealed that while there is broad support for the government's planning policies, people are less confident about the translation of these policies into good planning outcomes. A clear land use plan, that is developed with appropriate stakeholder input, is consistent with the strategic planning intent and which is consistent in both its

⁹ PIA Policy Position (09/13), <https://www.planning.org.au/policy/what-is-good-planning-0913>, Accessed on 23 September 2019.

implementation and enforcement provides the community, the development and construction industry and the professionals implementing the system a degree of certainty and confidence.¹⁰

Representative Comments

We need to have confidence that any development is done in compliance with all applicable regulations and codes and that such compliance will be enforced

Community input to the Grouped Issue “Consistency”, Sub-Issue “Compliance”

Relationships with focus areas:

The Key Theme of “Increase Confidence” relates to the following Key Themes:

- Development assessment
- Systems operations

¹⁰ Gurrán, N., 2011, Australian urban land use planning: Principles, systems and practice (2nd Edition) Sydney University Press

From: [McFarlane, Trina](#)
To: [McFarlane, Trina](#)
Subject: 20200515 - Overlays in the Territory Plan - identifying key issues
Date: Friday, 15 May 2020 3:51:49 PM
Attachments: [Overlays - Part 12 of Territory Plan 2008-27 \(1\).pdf](#)

UNCLASSIFIED

Purpose and context:

- A review of overlays of the Territory Plan as part of ACT Planning Review and Reform project to determine the purpose of overlays – how overlays work and what goes into overlays.

Background:

- The Territory Plan is made up of various codes which contain rules and criteria pertaining to certain types of developments or locations. It includes a statement of strategic directions, a map which sets out zones and precincts in the ACT, objectives and development tables applying to each zone, and a series of precinct, development and general codes. It also includes structure plans and concept plans and an Estate Development Code for the development of future urban areas (FUAs).
- Overlays identify particular land on the Territory Plan where additional provisions apply.
- The Territory Plan Map identifies particular land where overlay provisions apply, including:
 - Special Requirements of the National Capital Plan
 - Future Urban Areas (FUAs)
 - Draft Variations to the Territory Plan
 - Public Land (e.g. nature reserve, sportsground)
 - Inter-town Public Transport Route
 - Public Utilities.
- Overlays inform the user that additional provisions apply. For example, plans of management for public land areas.
- FUAs are identified on the Territory Plan map by an FUA Overlay (s51 of the P&D Act). In FUAs, land use zones are established in the relevant structure plan and concept plans. These documents contain the policies that guide the development of these greenfield areas.

Understand agency issues in further detail:

- General issues - Buffer and clearance zones in Territory Plan. Buffers – should they be overlays?
- What do the relevant agencies need from the ACT Planning Review team to consider and enforce what goes into overlays? Who is best placed to comment?
 - Talk to Patrick Paynter soon – what are the infrastructure issues?
 - Talk to Stuart Jeffries soon – what are the public land issues? e.g. Territory Plan and public land boundaries and maps do not line up.
 - Talk to ICON (Tim Elliot) in a few months' time.

Part 12

Overlays

The Map identifies particular land where the overlay provisions set out below apply.

12.1 Special Requirements of the National Capital Plan

Land indicated on the Map enclosed by a blue border within which the code 'S' appears, or where a black dashed line flanks a Main Avenue or Approach Route, subject to special requirements under the National Capital Plan.

Land indicated on the Map enclosed by a blue border within which the code 'U' appears is urban land subject to a Development Control Plan prepared by the National Capital Authority.

Land indicated on the Map enclosed by a blue border within which the code 'A' appears is national land subject to a master plan under applicable Commonwealth legislation.

Note: The special requirement provisions are transferred from the National Capital Plan and are shown for information purposes only and do not form part of the Territory Plan.

12.2 Future Urban Areas

Land indicated on the map enclosed by a blue border within which the code 'FUA' appears is future urban land for the purposes of Section 51 (2) (a) of the *Planning and Development Act 2007*. The principles and policies for the development of the land are set out in separate documents referred to as a structure plan, which are part of the Territory Plan.

12.3 Draft Variations to the Territory Plan

Land indicated on the Map enclosed by a blue border within which the code 'V' appears, is the subject of a draft variation to the Territory Plan, which has interim effect pursuant to Section 63 of the *Planning and Development Act 2007*.

12.5 Public Land

The purposes for which public land is reserved is indicated on the Map by a houndstooth border and by a map code as indicated below, (except for land zoned Urban Open Space – see clause 4.5 above).

Pa	a wilderness area
Pb	a national park
Pc	a nature reserve
Pd	a special purpose reserve
Pe	an urban open space*
Pf	a cemetery or burial ground
Pg	a water supply catchment
Ph	a lake
Pi	a sport and recreation reserve

* Due to the number and small size of many of the land parcels, the urban open space public land category is not defined by enclosing symbols on the Map in the same manner as the other categories. All Territory land shown zoned Urban Open Space on the Map is reserved as public land in the Pe category unless specifically excluded or covered by another public land category.

12.7 Inter-town Public Transport Route

The Map indicates by symbols the approximate alignments of inter-town public transport (IPT) route.

12.8 Public Utilities

The Map may show the approximate alignments of major electrical, sewer or water conduits. Such alignments are shown for information purposes only and do not form part of the Plan.

From: [McFarlane, Trina](#)
To: [Kaucz, Alix](#); [Burton, Anthony](#)
Subject: 20200522 - Meeting notes - Infrastructure/utilities and Overlays
Date: Friday, 22 May 2020 10:12:00 AM

UNOFFICIAL

Hi – A few notes from our discussion yesterday.

Trina

Attendees:

- Patrick Paynter and Leigh Crocker (Infrastructure Planning)
- Alix, Anthony and Trina (Planning Review)

Notes:

- Reason for needing overlays (or similar mechanism) is to identify infrastructure, utility assets, clearance zones, exclusion zones, buffers etc; and trigger the need for further investigation.
- There are some existing overlays for infrastructure shown in the relevant Structure Plans and Precinct Codes (not the overall/coloured Territory Plan Map).
- Related issues:
 - Utility assets are protected through the Utilities Act.
 - Flooding and other hazards/disasters can be dealt with separately, i.e. Hazards/Climate Adaptation Code.
 - Refer to utility service providers and appropriate national and ACT guidelines and standards.
- Options for further consideration:
 - Remove infrastructure overlays completely from the Territory Plan and hence avoid the need for variations and amendments. Infrastructure could be a layer on ACTmapi instead.
 - Retain overlays in the Territory Plan. Also consider waterways – there could be an overlay for known/named creeks.
 - Consider what other jurisdictions do, e.g. NSW has section 149 certificates.
- Next steps – The teams will continue to collaborate to resolve the overlay issues through the review project.

Hi All

A time to meet to discuss Overlays of the Territory Plan.

We are reviewing Overlays as part of ACT Planning Review and Reform project. The aim of the review is to determine the purpose of Overlays – how they work, what goes into them, whether they are needed, etc.

The first step is for us to understand the infrastructure and utility related issues with Overlays, and what you need us to consider and enforce through the Overlays.

There is further background information on Overlays attached and below.

Thanks
Trina

Trina McFarlane RPIA | Director Planning Policy – Planning Review and Reform

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Background:

- The Territory Plan is made up of various codes which contain rules and criteria pertaining to certain types of developments or locations. It includes a statement of strategic directions, a map which sets out zones and precincts in the ACT, objectives and development tables applying to each zone, and a series of precinct, development and general codes. It also includes structure plans and concept plans and an Estate Development Code for the development of future urban areas (FUAs).
- Overlays identify particular land on the Territory Plan where additional provisions apply.
- The Territory Plan Map identifies particular land where overlay provisions apply, including:
 - Special Requirements of the National Capital Plan
 - Future Urban Areas (FUAs)
 - Draft Variations to the Territory Plan
 - Public Land (e.g. nature reserve, sportsground)
 - Inter-town Public Transport Route
 - Public Utilities.
- Overlays inform the user that additional provisions apply. For example, plans of management for public land areas.
- FUAs are identified on the Territory Plan map by an FUA Overlay (s51 of the P&D Act). In FUAs, land use zones are established in the relevant structure plan and concept plans. These documents contain the policies that guide the development of these greenfield areas.

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Options for Territory Plan contents and structure

Considerations

- The options below do not include options for formatting, graphic layout, etc of the reformed Territory Plan. Once the structure is settled, consideration will be given to how the components of the system can be designed to make it clear, easy to understand and attractive to look at. This consideration will also extend to the practice notes, guidelines and factsheets.
- Need to consider the appropriate level of change to the planning system – enough change to make it work better (and be clearer & easier to use) but not so much change that the community, industry, and assessment officers are confused/overwhelmed.
 - Major changes to the system include adding district planning, greater focus on (and new requirements for) improved design quality, assessment focused on achieving good planning outcomes (not a ‘tick the box’ approach), expanded range of uses permitted in some zones (with introduction of provisions to address the impact of a development on surrounding uses, the list of prohibited uses can be reduced)
 - Industry and community are generally happy with the current structure of the Territory Plan (though not necessarily the provisions it contains), often stating it is easier to use than other jurisdictions. They also prefer to have everything used as part of a DA assessment to be part of the Territory Plan.

TP – Territory Plan

PS – Planning Strategy

TPV – Territory Plan variation

Component	Option A	Option B	Option C	Option D	Preferred
1. Planning Strategy & Statement of Strategic Directions	Status quo – Statement of Strategic Directions contained in the TP to guide TPVs. PS has no link to TP <ul style="list-style-type: none"> – Containing strategic considerations in TP can lead to confusion with PS directions – Current directions need updating 	Statement of Strategic Directions moved to PS <ul style="list-style-type: none"> – Current PS may need to be updated to transfer current Statement of Strategic Direction across? – Current directions need updating 	PS to contain clear directions that TPVs are considered against (rather than specific Statement of Strategic Directions) – change PS now <ul style="list-style-type: none"> – Clearer link between PS and decisions to do a TPV – Removes perceived duplication of strategic guidance – PS will need to be updated 	PS to contain clear directions that TPVs are considered against – add to PS next time it is reviewed. <ul style="list-style-type: none"> – Clearer link between PS and decisions to do a TPV – Removes perceived duplication of strategic guidance 	Option 1C or 1D <ul style="list-style-type: none"> – Streamlines current system and consistent with the principle of having strategic direction/policy in the strategic space (PS etc) and TP is for statutory matters (considered in DA process)

Component	Option A	Option B	Option C	Option D	Preferred
2. District Plan	<p>District plans are only a strategic planning document and are not referred to in the DA process.</p> <ul style="list-style-type: none"> – Fills the gap in current system between Planning Strategy and requirements of the TP – Does not enable strategic policy or direction setting to inform statutory requirements 	<p>District plans are a strategic planning document, but relevant parts are duplicated/transferred in TP to be considered in DA process.</p> <ul style="list-style-type: none"> – Fills the gap in current system between Planning Strategy and requirements of the TP – Makes it clear which policies to consider in DA process (those in the TP) 	<p>District plans have a strategic component but are wholly contained in the TP.</p> <ul style="list-style-type: none"> – Fills the gap in current system between Planning Strategy and requirements of the TP – Could be confusing which elements are strategic and which are considered in DA process 	<p>District plans are statutory only and located in the TP (working like a precinct code). They do not have a strategic component.</p> <ul style="list-style-type: none"> – Does not address the gap in the current system between the Territory wide Planning Strategy and specific requirements of the TP 	<p>Option 2B</p> <ul style="list-style-type: none"> – Advice from Stakeholder Working Series - there is a desire to have everything that is to be taken into consideration for a DA to be located in TP. – Provides the strategic context for the policy that is then transferred into TP.
3. District codes (assuming option 2B is agreed to)	<p><u>Existing structure, plus additional district code layer</u> - District codes introduced to TP in addition to existing suburb precinct codes, structure plans and concept plans.</p> <ul style="list-style-type: none"> – District desired outcomes and specific provisions added to TP. – Adds complexity and potential confusion with an additional layer in system (and 2 that are area based) 	<p><u>District Code (with separate structure/concept plans) and Zone Codes</u> - District codes introduced to TP and incorporate provisions from existing suburb precinct codes. Existing structure & concept plans remain separate.</p> <ul style="list-style-type: none"> – District desired outcomes and specific provisions added to TP. – Current suburb precinct codes incorporated into sections of district code (i.e. all in one place) – Term 'precinct code' can be replaced with 'district code' – A district level code (rather than suburb level) enables better consideration of cross- 	<p><u>District Code (incorporating structure/concept plans) and Zone Codes</u> - District codes introduced to TP and incorporate provisions from existing suburb precinct codes and structure and concept plans.</p> <ul style="list-style-type: none"> – District desired outcomes and specific provisions added to TP – Current suburb precinct codes & structure/concept plan incorporated into sections of district code (i.e. all in one place) – Districts codes such as Belconnen, Gungahlin and Molonglo would need to deal with urban areas and FUA areas (but 	<p><u>Single District Code (incorporating modified zone codes & structure/concept plans)</u> - District codes introduced to TP and incorporate provisions from existing suburb precinct codes and structure/concept plans. District code to also include all provisions relating to the zones within the district.</p> <ul style="list-style-type: none"> – District desired outcomes and specific provisions added to TP – Current suburb precinct codes & structure/concept plan incorporated into sections of district code, in addition to zone requirements (i.e. all in one place) 	<p>Option 3C or D – to mock up examples and potentially test with stakeholder working group</p>

Component	Option A	Option B	Option C	Option D	Preferred
		<p>suburb matters (e.g. Northbourne corridor)</p> <ul style="list-style-type: none"> – Structure/concept plans not included as they relate to future urban areas only. – Does not consider zoning requirements – An improvement of line of sight to district planning, but not achieving full district focus as FUA areas are not dealt with as part of the district code 	<p>could reflect the district planning)</p> <ul style="list-style-type: none"> – Zone requirements remain as separate codes – This approach would have the focus on the type of development (e.g. commercial), with additional considerations for the district – This would provide a more direct connection between district level planning and district code requirements (“line of sight”) 	<ul style="list-style-type: none"> – Districts codes would be lengthy as they would incorporate 5-6 development codes, precinct codes and any structure/ concept plans – This would provide a more direct connection between district level planning and district code requirements (“line of sight”) – They would provide a single code for assessment of development in the zone, with the “district” as the focal point of the code and assessment – Whether development codes are needed for single dwelling, multi unit or estates still to be determined – Previously expressed desire to not have a separate TP for each district – this option is heading that way. 	
<p>4. Codes in Territory Plan</p>	<p><u>Current hierarchy</u> - Status quo – current hierarchy of precinct, development and general code and current headings</p> <ul style="list-style-type: none"> – Currently any inconsistency between a 	<p><u>District, Precinct, Development and General Codes</u> - Add a level in the code hierarchy (as per Option 3A)</p> <ul style="list-style-type: none"> – Adds complexity and potential confusion with 	<p><u>District, Zone/Development and General Code</u> - Single District level (with consolidated precinct requirements) (as per Option 3B/3C), zone, development and general</p>	<p><u>Single District Code (incorporating modified zone/development codes) and general code</u> - Consistent with option 3D above.</p>	<p>Option 4C or 4D - to mock up examples and potentially test with stakeholder working group</p>

Component	Option A	Option B	Option C	Option D	Preferred
	<p>zone development code and development code (eg MUHDC) is addressed in a statement at beginning of code saying zone provision overrides standard development code.</p> <ul style="list-style-type: none"> General codes are not all relevant/up to date and seem to have arbitrary headings 	<p>an additional layer in system (and 2 that are area based)</p> <ul style="list-style-type: none"> Current general codes can be replaced with new themed based general codes 	<ul style="list-style-type: none"> Requires hierarchy between a zone development code and development code (e.g. MUHDC). Current general codes can be replaced with new themed based general codes 	<ul style="list-style-type: none"> TP would contain fewer layers and have provisions located in fewer codes (making them easier to find) Would make development and/or precinct codes longer. 	
5. Zone objectives and development tables	<p>Status quo – zone objectives and development tables specifying the uses permitted and prohibited in a separate document for each zone</p> <ul style="list-style-type: none"> Development tables will need to be amended to remove references to assessment tracks 		<p>Zone objectives and list of permitted development to be incorporated into zone development code (if Option 4C agreed to)</p> <ul style="list-style-type: none"> Contains all zone related considerations in one place, making it easier to use Makes the zone desired outcomes (currently objectives) clearer & easy to find 	<p>Zone objectives and list of permitted development to be incorporated into district code (if Option 3D agreed to)</p> <ul style="list-style-type: none"> Contains all zone related considerations in one place, making it easier to use Makes the desired outcomes clearer & easy to find 	<p>Option 5C or 5D</p> <ul style="list-style-type: none"> Contains all zone related considerations in one place, making it easier to use
6. Overlays	<p>Status quo – retain all current overlays (including NCP requirements and reserve overlays)</p> <ul style="list-style-type: none"> Does not address the issue of the usefulness or applicability of the current overlays (most of the overlays aren't 	<p>Remove NCP related overlays and retain other overlays</p> <ul style="list-style-type: none"> NCP requirements can be included in ACTMAPi Other option is to move to district plan Does not address the issue that most of the remaining overlays 	<p>Remove all overlays – (NCP added to ACTMAPi, nature reserve overlays added to Nature Conservation Act, IPTR to district plan and FUA boundary included in District Code)</p> <ul style="list-style-type: none"> FUA overlay gives flexibility in the development of new areas – as well as 	<p>Remove NCP related overlays (add to ACTMAPi) and nature reserve overlays (add to Nature Conservation Act), move IPTR to district plan, retain FUA overlay and introduce new Intensification Area overlay</p> <ul style="list-style-type: none"> infill areas have existing leases and lessees on the site and surrounding so 	<p>Option 6C</p> <ul style="list-style-type: none"> removes the overlays that are for information purposes only in the TP (or are strategic considerations) but retains the overlay that is working well (linked to TAs etc)

Component	Option A	Option B	Option C	Option D	Preferred
	considered in the DA process)	aren't considered in the DA process	indicating where the zoning is indicative	questionable whether flexibility in the assessment against a zone is appropriate	
7. Future urban areas	<p>Status quo – future urban areas identified by the FUA overlay and assessed against applicable structure plan and concept plan, in addition to Estate Dev Code</p> <ul style="list-style-type: none"> – Ability to use a TA to adjust concept plan – Not all areas currently have a concept plan, which can lead to confusion 	<p>Future urban areas identified by the FUA overlay and provisions from structure plan and concept plan combined into one area specific code.</p> <ul style="list-style-type: none"> – Removes a layer in the Territory Plan combining area specific provisions and directions in one code – Would need to review TA types and process to see if changes required. 	<p>Strategic elements of structure plan added to District Plan and statutory elements added to District Code (which identifies FUA).</p> <ul style="list-style-type: none"> – Highlights the structure plan requirements as strategic considerations – Requires assessment of EDP DA against a strategic plan rather than having all DA requirements in TP. Would result in a large district code 	<p>FUA overlay removed and all area specific provisions included in district code (as per options 3C and 3D)</p> <ul style="list-style-type: none"> – Removes a layer in the Territory Plan combining area specific provisions and directions in one code – Would result in a large district code – Would need to distinguish future urban areas as having different considerations to existing areas – Act provisions could deal with FUA assessment processes, while Code provides assessment provisions – Allows FUA to be considered within its district context 	<p>Option 7C</p> <ul style="list-style-type: none"> – Has all elements to consider an EDP against in the Territory Plan – Removes the need for an overlay
8. Desired outcomes	<p>Include current intents in codes as element desired outcomes and include zone objectives as desired outcomes in zone and development codes (as per 5B)</p>	<p>Include all desired outcomes at start of code (as per options 5B & 5C)</p> <ul style="list-style-type: none"> – Mandatory performance outcome at start of the codes would require compliance with zone and district desired 	<p>Include zone desired outcomes into zone and development codes (as per 5B) and current 'intents' incorporated into either the relevant performance outcome or a practice note.</p>		<p>Option 8C</p> <ul style="list-style-type: none"> – Provides guidance on how provisions should be considered – Requires compliance with zone and district desired outcomes (akin to current desired

Component	Option A	Option B	Option C	Option D	Preferred
	<ul style="list-style-type: none"> – Desired outcomes to be located with the relevant element in the code – zone desired outcomes to be at the start of the development code – District desired outcomes to be in the relevant district code – Desired outcomes would clarify the meaning of the performance outcomes – Mandatory performance outcome at start of codes would require compliance with zone and district desired outcomes (not dissimilar to current 'desired character' definition) 	<ul style="list-style-type: none"> outcomes (not dissimilar to current 'desired character' definition) – May create confusion as to which desired outcome relates to which element 	<ul style="list-style-type: none"> – Previous 'intents' from SDHDC, MUHDC and Res Code have already been incorporated into the relevant criteria. – Zone objective desired outcome to be at the start of the development code – District desired outcomes to be in the relevant district code – Practice notes would clarify the meaning of the performance outcome – Mandatory performance outcome at start of codes would require compliance with zone and district desired outcomes (not dissimilar to current 'desired character' definition) 		<p>character definition (and reference in various criteria) and Act requirement.</p>

Proposed structure of Territory Plan

Current Territory Plan

Governance

Statement of Strategic Directions

Territory Plan Maps

- Incorporating overlays

Zone objectives and Development Tables

Precinct Codes

Development Codes

General Codes

Structure Plans

Concept Plans

Estate Development Code

Definitions

Option 1

Vision

Territory Plan Maps

District Codes

- District level future outcomes
 - Incorporating
 - current suburb precinct codes
 - Structure/concept plans
 - relevant overlays

Development Codes

- Zone objectives
- Permitted uses
- Estate development

General Codes

Definitions

Option 2

Vision

Territory Plan Maps

District Codes

- District level future outcomes
 - Incorporating
 - current suburb precinct codes
 - Structure/concept plans
 - Zone development codes
 - relevant overlays

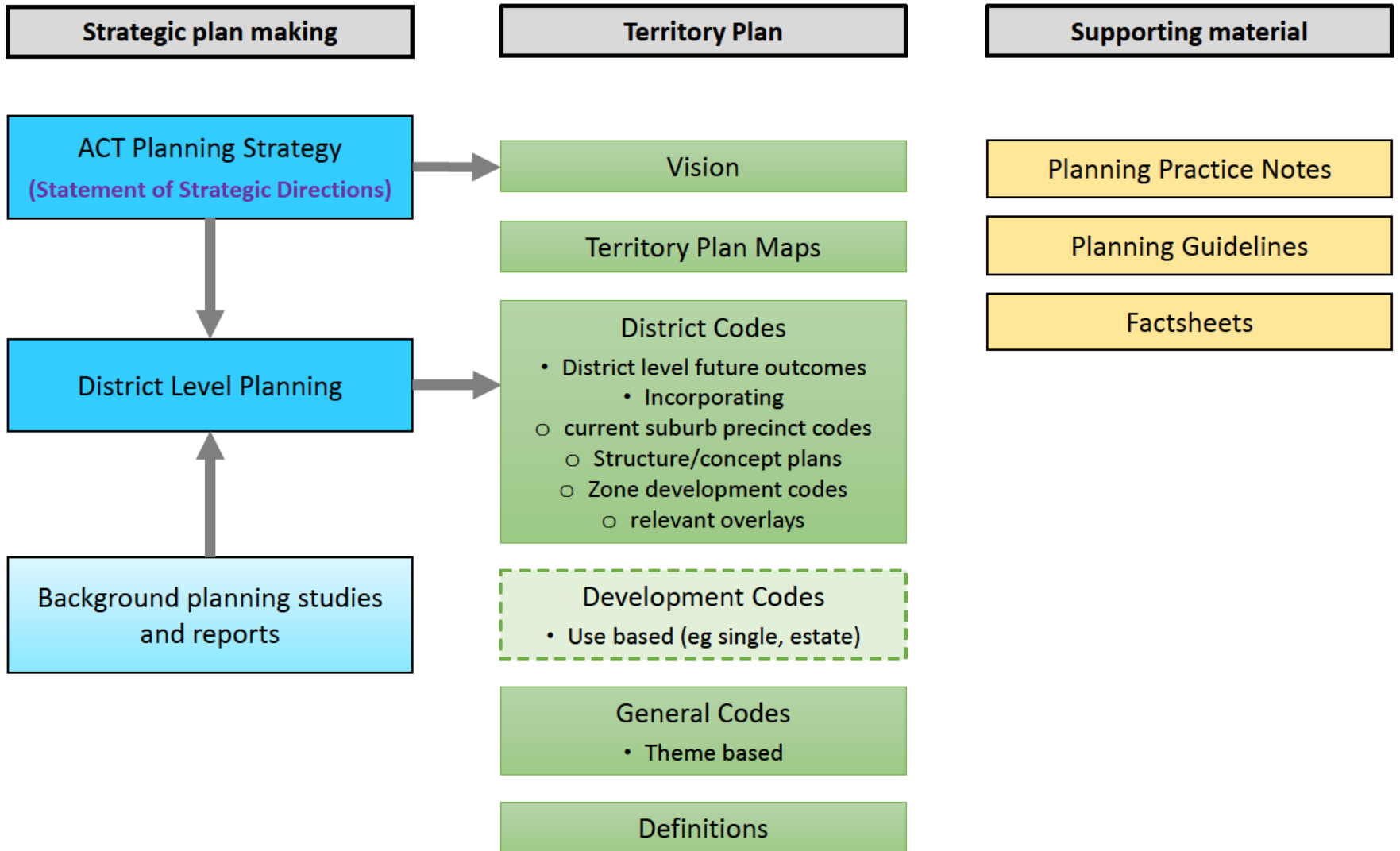
Development Codes

- Use based (eg single, estate)

General Codes

Definitions

Proposed structure of Territory Plan



Current Territory Plan

Maps

Governance

Statement of Strategic Directions

Zone objectives & development tables

- Residential
- Commercial
- Industrial
- Community Facility
- Parks and Recreation
- Transport and Services
- Non Urban

Precinct Maps and Codes

Development Codes

- Zone development codes
- Single Dwelling Housing Development Code
- Multi Unit Housing Development Code

General Codes

- Parking and Vehicular Access
- Bicycle Parking
- Access and Mobility
- Crime Prevention through Environmental Design
- Community Facilities Location Guidelines
- Communications Facilities Infrastructure
- Signs
- Water Use and Catchment
- Home Business
- Waterways: WSUD
- Planning for Bushfire Risk Mitigation
- Residential Boundary Fences
- Lease Variation

Overlays

- National Land subject to a master plan
- Special requirements apply under NCP
- National Land proposed for urban development
- Future urban areas
- Special requirements – main avenues & approach routes (NCP)
- Intertown public transport routes
- Public land
- Public land reserve

Structure Plans

Concept Plans

Estate Development Code

Definitions

From: [Kaucz, Alix](#)
To: [Sayers, Caroline](#)
Cc: [Sullivan, AmandaC](#)
Subject: RE: TP overlays - discussion points
Date: Friday, 6 May 2022 11:12:38 AM

OFFICIAL

Thanks Caroline

I think besides FUAs, everything else will go out of the Territory Plan. ACTMAPi could be used to display any things we think important for people to know (NCP requirements etc).

Those elements that guide future development would be incorporated into the district strategies – not as a specific layer but a factor in the multi factor analysis

From: Sayers, Caroline <Caroline.Sayers@act.gov.au>
Sent: Friday, 6 May 2022 10:33 AM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Sullivan, AmandaC <AmandaC.Sullivan@act.gov.au>
Subject: TP overlays - discussion points
Importance: High

OFFICIAL

Hi Alix,

Just following up after our quick chat about the Territory Plan overlays. Can you review and update? Maybe we could catch up again with Amanda and discuss the following:

- **Public Land overlays** - We need to confirm what changes are to be made to legislation if we remove the public land overlays from the Territory Plan. This impacts management plans for urban parks (TCCS) and nature reserves and National Parks (EPSDD - PCS). Hoping its just an amendment to their respective regulations. Alix suggested some speaks to Hannes.
- **FUA overlays** – these will go into the district strategies
- **Special requirements of the NCPlan** – we did not discuss these. These are area specific so should they go into the district strategies?
- **Draft TPVs** – have we ever shown these overlays before?
- **Intertown public transport routes** – and presumably the tram lines as well. It might seem a bit disjointed to show these in the District Strategies. I note the Territory Plan shows the transport route as a series of white bubbles, but it does not show the railway line.
- **Public utilities** – these state that they are for information purposes only and doe not form part of the plan. They could be placed on ACTmapi.
- **Other** – other are specific matters, such as the different catchments (water supply etc) can be shown on the district strategies.

Thanks
Caroline

Caroline Sayers

Territory Plan Section

Email: Caroline.Sayers@act.gov.au

Phone: (02) 62071719

**Planning and Sustainable Development | Environment, Planning and Sustainable Development Directorate | ACT
Government |**

480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [Kaucz, Alix](#)
To: [Terrplan](#)
Subject: FW: TCCS comments on Territory Plan (A40597579)
Date: Monday, 20 February 2023 3:07:15 PM
Attachments: [TCCS comments on Territory Plan \(A40597579\).docx](#)

OFFICIAL

From: Davidson, Geoffrey <Geoffrey.Davidson@act.gov.au>
Sent: Monday, 20 February 2023 12:07 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>
Cc: Althorp, Vanessa <Vanessa.Aalthorp@act.gov.au>; Acheson, Ellen <Ellen.Acheson@act.gov.au>
Subject: TCCS comments on Territory Plan (A40597579)

OFFICIAL

Hi Alix, Matt and George

Please find attached TCCS comments on the draft Territory Plan. Lots of comments and I have done my best to filter for you.

Many comments will be easy to respond to (e.g. incorrect references to standards and specifications) while others comment on policy and structure change of the TP.

I think it would be useful if you can provide a response to the comments. Perhaps you could group some and provide a general response, while others will need a specific response – similar to table of comments for Cabinet Submissions.

Another option is for me to arrange a meeting with those who provided comments and you can respond verbally with TCCS taking minutes of the meeting.

Please let me know how you would like to take this forward.

Many thanks for your patience while I coordinated TCCS review and comment.

I hope the public consultation is going well and I look forward to hearing from you soon.

Geoff

TCCS Comments on New Territory Plan

Instructions

1. Read the supporting report at https://yoursayconversations.act.gov.au/download_file/8338/2688 . The supporting report provide a good overview of the new Territory Plan including structure, zone and policy changes
2. Review the relevant policies (Parts D, E, F and G). Of key interest to TCCS is
 - a. https://yoursayconversations.act.gov.au/download_file/8226/2688 (parks and recreation)
 - b. https://yoursayconversations.act.gov.au/download_file/8224/2688 (transport and services)
 - c. https://yoursayconversations.act.gov.au/download_file/8227/2688 (subdivisions)
 - d. https://yoursayconversations.act.gov.au/download_file/8223/2688 (community facilities)
3. Review relevant sections of the design guide (e.g. movement, access and place) [https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/8616/6726/0387/Attach D1 - Design Guides Explanation of Intended Effects.pdf](https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/8616/6726/0387/Attach_D1_-_Design_Guides_Explanation_of_Intended_Effects.pdf)
4. Review relevant technical specifications. Of key interest to TCCS is
 - a. https://yoursayconversations.act.gov.au/download_file/8238/2688 (community facilities)
 - b. https://yoursayconversations.act.gov.au/download_file/8236/2688 (parks and recreation)
 - c. https://yoursayconversations.act.gov.au/download_file/8239/2688 (transport and services)
 - d. https://yoursayconversations.act.gov.au/download_file/8241/2688 (subdivision)

Note: The technical specifications replace current codes including Estate Development Code and Parking and Vehicular Access Code

5. Review the District Specifications
6. Add any comments to the table on Page 2 of this document by **31 January 2023**. **Return the completed comment table to Geoff Davidson via email with cc to Ellen Acheson and Coral Watson.**
7. **Geoff Davidson will consolidate comments from all business units, and then provide the consolidated comments to Jim, Ben and Alison before being passed onto EPSDD**

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
Draft Territory Plan Supporting Report	Maps, p.36	Transport Canberra notes the proposed removal of most overlays from the Territory Plan map, including Intertown Public Transport Route. Transport Canberra is interested in ensuring that future light rail corridors are identified (on ACTMAPi as well as other authoritative sources with support from Planning legislation) to ensure the community remains aware of the current plans for these corridors as it matures in planning.	Luke Powter	Transport Canberra
	New definitions – p. 38-39 of Summary Report and Part G1 of the Territory Plan	New “Transport Facility” definition does not cover the maintenance of transport vehicles. This is a potentially noisy activity and is associated with environmental pollutants such as trade waste.	Samuel Palmer	Transport Canberra Light Rail
	Page 74 – Technical Specifications	<p>The following statements are noted:</p> <ul style="list-style-type: none"> - <i>‘Technical specifications provide an opportunity for development compliance with certain provisions.’</i> - <i>‘Technical specifications are therefore limited in its application and do not replace the more comprehensive consideration provided by Design Guides, nor are Technical Specifications mandatory.’</i> <p>It is noted that some of the requirements within the Technical Specifications represent legislative/regulatory requirements. For example, the requirement to adhere to EPA requirement for erosion and sediment control. If compliance with Technical Specifications is not mandatory, it is unclear whether a developer will still be required to adhere to such legislative/regulatory requirements.</p> <p>It is also noted that other requirements within the Technical Specifications are to uphold community safety. If such requirements are not mandatory, does this open the Territory to increased liability around community safety?</p>	Jonathon Dragos	TCCS Infrastructure Planning
	Page 74 – Technical Specifications	Within the New Territory Plan, the term ‘Technical Specifications’ is adopted for the set of technical planning requirements (similar to the requirements in previous codes such as the WSUD Code). The term ‘Technical Specifications’ is typically adopted in ACT to reference specifications for the construction of works by a Contractor (e.g. Municipal Infrastructure Technical Specifications). Is it possible to amend this term to avoid confusion? For example, consider ‘Technical Planning Specifications’.	Jonathon Dragos	TCCS Infrastructure Planning
	P48 of the Supporting Report	Definition of community path system should include terms which future proof the definition to allow for new technology of personal mobility. .	Anne Napier	Strategic Policy and Programs

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	and P.21 of the Dictionary (Part G1 of the Territory Plan)			
	P 70 of the Supporting Report and Zone Policy for RZ	Regarding the policy change on continuous street frontage, please clarify policy on continuous street frontage and permeability for human-scale activities and mobility where appropriate	Anne Napier	Strategic Policy and Programs
	Page 11- 2 nd paragraph of the Supporting Report	It is noted that the draft new Territory Plan will be outcome focused, and it will outline the desired result of planning rather than prescribe how things done. It means going beyond looking at buildings and the environment in isolation to incorporate wellbeing, health, recreation, employment, housing and environmental factors into the planning system. This will outcomes method provide additional opportunities for negotiating offsite works to demonstrate the proposal's performance within the local context?	Dipak Rathod	Development Coordination
	General question	Will documentation and training be developed to ensure consistent decision making within the context of the outcomes focused planning system? How will the District Policies provide for consistency for proposals which span multiple districts (for example light rail)?	Dipak Rathod	Development Coordination
	Page 17 of the Supporting Report	<p>The report by Hatch Roberts Day Estate Development Code Page 53 says "Measures address significant shortcomings in current road design practice which results in <u>excessively wide</u>, over-engineered and unwalkable street environments which prioritise driving convenience over walkability and well-being."</p> <p>The current street widths in particular up to Access B are based on minimum requirements. Thus, it is not clear for what street type this statement applies to.</p> <p>Potential way forward would be to re-evaluate trip generation guidance and lower the required road classification, so narrower streets can be supported (page 41 of the Hatch Roberts Day report)</p> <p>By large, the bare minimum of what recommended in Australian Standards and Austroads needs to be applied considering safe and efficient road network.</p>	Poorna Kumarage	Development Coordination
	Page 49	"Revised definition: floodplain means that area of stream or drainage corridor which is inundated during <u>heavy rainfall</u> events"	Poorna Kumarage	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>Stormwater management is a quantitative subject. This has also gained increasing attention with increasing rainfall. There is no justification provided in removing the 1% AEP term. Do we have a definition provided for <u>heavy</u> rainfall? Suggest using Australian Rainfall and Runoff (ARR) preferred terminology (Very Frequent, Frequent, Rare, Very Rare and Extreme). These terms have quantitative measures linked to them and used nationally. Continue usage of AEP% is preferred for less frequent events.</p> <p>This is particularly problematic as all technical specifications (e.g. MIS08) use 1%AEP to assess flood risk.</p>		
Territory Plan	Part E5 (Parks and Recreation), Table 1.2, p.2	Discussions with the Territory Plan Variation team in June/July 2022 suggested that the project would seek to add an additional use to the PRZ2 Restricted Access Recreation Zone adding municipal depot as a permitted use. The current Draft Territory Plan –does not foreshadow this change. This change is needed to rectify an administrative issue with the current Territory Plan in which the TCCS Holder Depot is located in PRZ2 (and this depot has been located here on this zoned land for circa 40 years) and this change will also support the proposed development of the Holder depot.	Daniel Iglesias	City Presentation
	<p>PART E5: PARKS AND RECREATION</p> <p>1.3 Policy Outcomes (P2)</p> <p>2. Allow for stormwater drainage and the protection of water quality, stream flows and stream environs in a sustainable, environmentally</p>	<p>Comment for consideration: Reference to safety recommended, particularly for areas interacting with natural environs, such as creeks or stormwater drainage channels. Such as: “community to interact with <u>in a safe manner</u>”</p> <p>General Comment:</p> <p>There is mention of servicing of infrastructure and utilities under 1.5 Assessment Outcomes, which would allow TCCS to consider access and other maintenance requirements.</p> <p>Although does this cover service functions such as waste management?</p>	Rashed Yamin	Development Coordination Branch (DCB)

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	<p>responsible manner and which provides opportunities for the community to interact with and interpret the natural environment.</p> <p>1.5 Assessment outcomes (P4)</p> <p>15) Serviceability in terms of infrastructure and utility services.</p>			
	<p>PART E6: TRANSPORT AND SERVICES</p>	<p>General Comment: TS1 and TS2: Safety is mentioned, allowing for TCCS to apply relevant guidelines and standards.</p>	<p>Rashed Yamin</p>	<p>Development Coordination Branch (DCB)</p>
	<p>PART F1: SUBDIVISION 1.3 Policy Outcomes (P1).</p> <p>2. functional and useable parcels of land that are well connected and serviced to relevant utilities, infrastructure and public spaces</p>	<p>Comment for consideration: The numbering seems inconsistent and confusing (legal advice should be sought?), additionally it's preferred dual occ's on RZ1 should design to minimise verge crossings, in keeping with streetscape, street parking, waste, traffic and safety consideration. Should it be as follows:</p> <p>10. Subdivision under the Unit Titles Act 2001 is permitted where all of the following are met:</p> <ul style="list-style-type: none"> a) The block is a surrendered residential block b) It is only for dual occupancy housing c) Both dwellings in the dual occupancy have been lawfully constructed. d) Minimise verge crossings (TCCS recommendation) 	<p>Rashed Yamin</p>	

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	<p>1.4 Assessment (P2). 10. Subdivision under the Unit Titles Act 2001 is permitted where all of the following are met: 11. The block is a surrendered residential block 12. It is only for dual occupancy housing 13. Both dwellings in the dual occupancy have been lawfully constructed. Note: Staged development under the Unit Titles Act 2001 is not permitted.</p>			
	Part E6 pp. 2 1.3 Policy Outcomes	TSZ1 zone appears to preference development of infrastructure (1) over active travel and public transport (2). This inconsistent with D1 Theme 4.	Samuel Palmer	Transport Canberra Light Rail
	Part E6 pp.4 1.5 Assessment Outcomes	TSZ1/2 outcome 8 living infrastructure and permeable surfaces LRS1 Stabling Yard features a large concrete surface. Runoff outcomes could be improved by different design but wanted to flag for TCLR awareness. Note: Tech. Spec TS6 is more specific and sounds workable.	Samuel Palmer	Transport Canberra Light Rail
	General	<p>Strong focus on urban design guide and housing design and ability to exercise discretion, however no focus on clarifying the requirements for developer contributions or off-site works as part of development.</p> <p>Greater emphasis for TCCS to determine and negotiate requirements due to increased flexibility of provisions particularly where compromises are necessary in the interest of delivering great planning outcomes.</p>	Tim Wyatt	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		Potentially just pushes cost shift and further responsibility for upgrading trunk systems onto Government.		
	General	TCCS policies not properly reviewed to see if they can easily achieve their stated zoning or District outcomes. This could lead to additional work for TCCS and proponents by increasing the proportion of applications that will seek performance outcomes.	Tim Wyatt	Development Coordination
	E5 Parks and Rec P. 2	Point 6. Should read ' <u>Prioritise safe and convenient access...</u> Elevate above point 4 to show the priority of being able to access the facility using active modes over protecting 'scenic amenity'.	Anne Napier	Strategic Policy and Programs
	p.3	As above re point 6. Elevate above point 2.	Anne Napier	Strategic Policy and Programs
	E6 Transport and Services P2 – Policy outcomes	Point 2. Should be consistent with Point 1. i.e 'achieve a high level of comprehensive facilities' Points 1 and 2. Should also complement each other.	Anne Napier	Strategic Policy and Programs
	F1 Subdivision policy P3.	Point 7 j) elevate and join with b) as they both relate to mobility and should be planned together. Regarding k) cul-de-sacs can decrease through movements by motor vehicles calming streets and increasing permeability by active modes.	Anne Napier	Strategic Policy and Programs
	Part A – Administration and Governance Part B – The Territory Plan Part C – Planning Principles and Strategic Links Part D1 – Gungahlin District Policy Part D2- Belconnen District Policy Part D3 Inner North & City District Policy	Consider the following zoning change to the Territory Plan to facilitate proposed works on and around the Monaro Highway: CFZ to change to TSZ for part of Tuggeranong Blocks 1563, 1670, 1469 and the unleased land immediately opposite the Isabella Drive/Monaro Highway. This would avoid the need for a Territory Plan Variation to be progressed shortly after the completion of the planning system refresh. Technical Specifications nor the design guides will be outside the Territory Plan. It will therefore be very interesting to understand what these cover and the details they contains, plus how these relate to TCCS' MIS/MITS and TRIS/TRITS, and the TCCS noise guidelines etc. "Good planning outcomes" may not match the technical requirements of the TCCS asset owners and from discussion it appeared how all of these documents link is not resolved. Although it was noted that there would be ways other than the Technical Specifications and the design guides to achieve the		Infrastructure Delivery

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	<p>Part D4 Inner South District Policy</p> <p>Part D5 Molonglo Valley District Policy</p> <p>Part D6-Weston Creek District Policy</p> <p>Part D7-Woden District Policy</p> <p>Part D8-Tuggeranong District Policy</p> <p>Part E1 - Residential Zones Policy</p> <p>Part E2 - Commercial Zones Policy</p> <p>Part E3 – Industrial Zones Policy</p> <p>Part E4 – Community Facilities Zones Policy</p> <p>Part E5 – Parks and Recreation Zones Policy</p> <p>Part E6 Transport and Services Zones Policy</p> <p>Part E7 - Non Urban Zones Policy</p>	<p>“good planning outcomes” – as these were the minimum bar that could be exceeded. Another good example is the parking generation rates and levels of service for intersections currently required by TCCS. EPSDD has attempted to use these guidelines for the Mawson TIA and none of the proposed land releases can be achieved. Similar results can be expected for other centres in all district strategies.</p> <p>How DA’s need to be prepared and how they will be assessed was not clear as it appears a document needed to be prepared demonstrating how “good planning outcomes” were being achieved which EPSDD would assess.</p> <p>The Territory Priority Project (TPP) definition has been broadened (in section 2.1.5 of the Planning bill) to include significant projects across a range of directorates – we need to have a look at this to see what projects of ours it now covers. It was also very interesting to hear that the Minister of Planning will make the decision about whether a project is a TPP based on advice from EPSDD and support of the relevant Minister – so applying for this appears likely to require a prior Ministerial brief and possibly a support letter from our Minister as part of the application, unless another process is advised by EPSDD.</p> <p>EPSDD believe they will need to engage some technical experts to assist with their DA assessments, and that they also think they will need their expertise to deal with ACAT appeals – which will be an increase in resources for them. However they think the system will largely be the same for TCCS’ involvement and input into EDP and DA applications, and that will not cost more. This is something TCCS will need to think through especially based on the fact that the links between the EPSDD and TCCS documents not having been resolved.</p> <p>DA applications for our capital works projects after this planning change goes live will likely be more expensive to prepare and will have more expensive DA fees. It will also be unclear exactly what an application needs to include (which will be very hard to write into a design scope of works and to price in a schedule of rates for our consultants) and that the processing time once the DA is lodged with EPSDD is also likely to be longer. This will impact the preparation of business cases and subsequent funding sought from Government.</p>		

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	<p>Part F1 – Subdivision Zones Policy</p> <p>Part F2 – Lease Variation Policy</p> <p>Part G1 – Dictionary</p>	<p>1.70 public works definition is supported. Part (b) maintenance of a road and carpark should include examples being “conversion of an existing intersection to a roundabout or signalised with works within the existing road reserve, installation of traffic calming measures including traffic islands, and pavement rehabilitation of an existing road”.</p> <p>1.74 Waterway Protection Work section 1(a)) appears to require TCCS’ DG approval – is this something TCCS wants and how will they make it work in relation to TCCS’ Delegations?</p> <p>The list of “what projects” needs to include arterial road and major bridge projects as these are often critical infrastructure, provide significant benefits to the people, are time-critical (ie need certainty and to not be subject to delays, costs and uncertainties that are associated with possible appeals) and involve public consultation/engagement activities. The Minister will declare if it is a TPP and the Chief Planner decides on TPP DAs, but it is unclear who decides on any DA amendments for TPPs.</p> <p>The Planning Bill proposes removal of the Strategic Assessment process under the EBPC Act – this will impact EPSDD and SLA (and therefore our land release related projects).</p> <p>The Offsets provisions appear to be similar to existing. Our past experience has related to the challenges with the EPBC staff at the Federal Department of Environment. However s233 notes the Minister may determine how the value of an offset is to be calculated – it is not clear what advice the Minister receive in order to be able to do this and how this could occur for EPBC offsets? The on-going management of the offset area and therefore delivery of the offset management plan (including funding of costs) is also documented however this can often be a different agency to the proponent, and this is where the challenges of transfer of responsibility lie. Who is the “decision maker” for this section? How does this work for offsets bought in NSW that EPSDD has no jurisdiction over work? s246 1a is inconsistent with EPBC requirements for annual reporting.</p>		

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>Chapter 8 covers <u>Territory Priority Projects</u> (TPPs). Section 210b notes TPPs include development proposals related to light rail or a declared project (with a definition in section 211 that includes any infrastructure within 1km from light rail including access roads, footpaths, bike lanes, safety barriers, signalling facilities, parking, safety fencing etc). Why is light rail the only explicit type of project included and based on the section 211 meaning of <i>related to light rail</i> do all of these infrastructure elements need including in a TPP within 1km from light rail? How does this work for any of our projects involving the listed infrastructure assets located within 1km from the light rail track (existing and in a development proposal/application/approval)? Do these projects also automatically become TPPs and therefore MUST have a DA even if it is an exempt development under the public works definition in the Planning (Exempt Development) Regulation? This definition could be picking up too much and result in numerous additional DAs being required which is an additional cost and time implication for the delivery of projects. This needs further discussion and review. Particularly as stage 2a and 2b of light rail will require supporting works delivered by TCCS (possible examples include signalisation of existing intersections on Hopetoun Cct, installation of CCTV cameras, construction of shared path extensions and/or widening etc) which should not be TPPs requiring a DA. The current definition appears to make all infrastructure projects within 1km from light rail tracks longer to deliver and more expensive.</p> <p>s206 states a DA approval ends 5yrs after the approval takes effect with a max 2 year extension – previously this was effectively unlimited. For our projects this would not appear to be an issue but it could be for waste projects, unless for example the landfill approvals etc are staged in 7 year durations.</p>		
Design Guides	P 11	Add 'permeability under the HDG list with 'connectivity and access'. M&P – recognises that in order to prioritise place (and human scale mobility) in some areas, movement of vehicles may be prioritised in others.	Anne Napier	Strategic Policy and Programs
	P17	Delete 'pedestrian focussed where appropriate', replace with 'supports human-scale activity as the prime function where place values are high' or words of similar effect.	Anne Napier	Strategic Policy and Programs
	General and specifically under	Refer specifically to creating connections to the identified network of active travel routes – ie the Active Travel Infrastructure Practitioners' Tool	Anne Napier	Strategic Policy and Programs

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	the themes in sections 4 and 5.			
	General	Terminology of the technical specification word needs to be differentiated properly with TCCS technical specification.	Dipak Rathod	Development Coordination
	P. 16: <i>“Strategically integrate services, utilities and back-of-house functions to facilitate great streets, spaces and places”. “Reduces impact of services, utilities, basement entrances, waste collection areas...”</i>	Waste collection vehicles are already expected to compete with delivery trucks and other vehicles for space to collect waste. A dedicated waste collection area on large sites must be provided once a site reaches a certain size.	Mike Stelzig	ACT NoWaste, Service Delivery
	P. 28: <i>“Technical specifications, however, fulfill a different purpose; they provide an opportunity for development compliance with certain provisions. Technical specifications are therefore limited in application and do not replace the more comprehensive consideration to be provided by design guides”.</i>	The sentence on page 28 may lead readers to believe that technical manuals no longer need to be complied with.	Mike Stelzig	ACT NoWaste, Service Delivery

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	P. 25: <i>“Minimises impacts on the streetscape, building entry and amenities of residents through well-designed waste storage facilities, reducing impact to the visual appearance of the building”.</i>	Unfortunately, waste storage facilities and access are usually an after thought and developers prefer to offload waste collection to the kerb to be able to increase yield by adding another unit or two in lieu of a waste enclosure and onsite truck turning platform. ACT NoWaste recommends that kerbside collection remains a last resort and is limited to 30 units maximum.	Mike Stelzig	ACT NoWaste, Service Delivery
Technical Specifications	TS6 Transport and Services Technical Specification pp.3 1.2	Control height of buildings in TSZ2 zone: buildings are not more than 2 storeys in height. This is acceptable for e.g. maintenance depot. However an integrated maintenance and operations headquarters would require more land or the physical separation of these functions, or limit such a combined site to an adjacent TSZ2 zone and zone with greater height limit.	Samuel Palmer	Transport Canberra Light Rail
	TS6 Transport and Services Technical Specification pp. 7, pp.8	Accessible path of travel and Compliance with standards There is no mention of the Disability Standards for Accessible Public Transport. DSAPT has a complementary scope to AS1428 and covers access to conveyances and structures that are not considered buildings, such as public transport stops and waiting areas, which appear to be in the scope of TSZ1 and 2.	Samuel Palmer	Transport Canberra Light Rail
	TS6 Transport and Services Technical Specification pp. 11	Telecommunications: telecommunications equipment for transport may be required to be located along a transport corridor e.g. Track-to-Train network and Ops Radio. There is provision for this (#62) but it is not immediately clear how a directional antenna could be placed adjacent to the track as required where there is no OHW wire infrastructure, or Ops Radio with multiple antennae along route.	Samuel Palmer	Transport Canberra Light Rail
	TS6 Transport and Services Technical Specification pp. 11, pp. 12	Utility services endorsement for demolition works, Asset Clearance Zones: No reference to Light Rail as a regulated utility. Demolition and works adjacent to Light Rail infrastructure including but limited to overhead wire infrastructure should also be included in these provisions.	Samuel Palmer	Transport Canberra Light Rail
	TS4, TS5, TS6	Do the rates in the parking schedules differ for town centres, group centres, local centres etc?	Nethmei Senarath	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	<p>TECHNICAL SPECIFICATION TS8: SUBDIVISION</p> <p>Schedule 1 (P 13)</p> <p>Minimum width for a compact block is nominated as 6m.</p>	<p>Minimum width should be increased, Ideal minimum width for a compact block is 7.6m. For example, this was tested in VIC and implemented for small housing codes/compact blocks as a minimum.</p> <p>This is considering other design elements such as verge crossing/driveway width, Street tree, any integrated stormwater systems and on-street parking, particularly when compact blocks are proposed side by side or multiple compact blocks aligned together.</p> <p>TCCS should note verge crossings will be limited to single width for compact blocks.</p> <p>Verge crossing should be designed side by side to maximise on-street parking, addressing current/future parking demands.</p>	Rashed Yamin	Development Coordination Branch (DCB)
	All	It should be included that tandem car parking arrangements for non-residential land uses is not supported.	Nethmei Senarath	Development Coordination
	All	<p>Can there be a deviation from the minimum requirements where there is a valid reason or are they set in stone?</p> <p>E.g. an older building being re-purposed that does not have adequate space for more on-site parking, or government demonstration/affordable housing projects which often have reduced parking due to lower car ownership rates by residents.</p> <p>Suggest there is some clarity on when discretion may be applied.</p>	Lauren Hendriks	Development Coordination
	All	<p>Most sites within local, town, group and city centres would have enough public parking spaces within 200m-1km of the site, to void the need for them to provide on-site parking, where locational requirements do not require this parking on site.</p> <p>However, in many of these locations, while there are significant numbers of public parking spaces provided, this does not mean that they are vacant and available for the users of the new development.</p> <p>The locational requirements seem to be taking the onus of developers to provide on-site parking, and shifting catering this demand onto the public domain.</p>	Lauren Hendriks	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>Many of these public spaces are in high demand, and already multiple visitors are competing for their use, e.g. Recent Assembly Petition for a new carpark in Gungahlin.</p> <p>Access Canberra Parking Operations team are seeing a rise in occupational violence incidents to Parking Inspectors as demand for public parking rises. Putting further pressure on public parking demand may add to these risks, and lead to calls from the community to invest millions into providing new public car parks.</p> <p>Suggest that locational requirements are removed. Transport Impact Assessments could be required as an alternative, and for developments over a certain threshold, Sustainable Travel Plans for the site.</p> <p>If on-site parking is unable to be provided, the proponent needs to demonstrate the suitability and availability of nearby vacant parking spaces as a substitute in these documents. Consideration to be given on time and days of peak utilisation and conflicts with likely existing and future usage patterns of nearby public parking.</p>		
	TECHNICAL SPECIFICATION 1 RESIDENTIAL	Residential visitor parking – clarify whether or not motorcycle parking is required to be provided as part of residential visitor parking. Suggest that it is.	Lauren Hendriks	Development Coordination
	TECHNICAL SPECIFICATION 1 RESIDENTIAL	<p>Residential visitor parking – suggest some short-stay parking is required outside boom gates/roller doors.</p> <p>Visitor parking within boom gates works for known people but it doesn't work for unfamiliar visitors such as delivery drivers, ride share drivers, taxis, or tradespersons servicing the site, which can lead to an increase in illegal parking.</p>	Lauren Hendriks	Development Coordination
	TECHNICAL SPECIFICATION 2 COMMERCIAL	Commercial visitor parking. Mixed-use developments in Kingston Foreshore and Campbell were required to provide on-site parking intended for visitors under the current PVAGC, however did not make this parking available to customers/visitors as intended, with being closed off behind Boom gates and roller doors, and allocated to tenants/owners making it inaccessible for the intended users. High demand for on-street parking in these areas has resulted.	Lauren Hendriks	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		Suggest that where parking is intended for customers/visitors, it is required it to be made available to them. This could be demonstrated as part of a Transport Impact Assessment or site Sustainable Travel Plan.		
	P10 Subdivision	Subdivision Specifications refer to DS 13 rather than MIS05 for Active Travel	Tim Wyatt	Development Coordination
	P14 Community Facilities P11 Transport and Services	Where a technical specification is only partially achieving an outcome there will be a strong expectation for TCCS to justify information gaps (e.g. waste endorsement)	Tim Wyatt	Development Coordination
	P25-29 Subdivision	Subdivision Specifications simply carry forward reliance on unsuitable Estate Development Code road engineering standards for street hierarchy and street network. This means TCCS will be challenged that the cross section and functional road hierarchy requirements are not compatible with infill conditions or result in over designed street environments in greenfield areas.	Tim Wyatt	Development Coordination
	General Comment	Technical Specifications do not appear to reference any of the Municipal Infrastructure Standards. It is unclear why this is the case, given that many of the requirements in MIS would apply and many of the requirements in MIS should be adhered to for assets that are to be maintained by TCCS.	Jonathon Dragos	TCCS Infrastructure Planning
	TS4/TS5/TS6/TS8 Control: Stormwater detention	<p>The WSUD Development Code includes a requirement which states '<i>ensure that the peak rate of stormwater runoff from the site does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for the 1 Exceedance per Year (1EY)</i>'</p> <p>The above requirement appears to be missing from the Technical Specifications. This requirement is intended to ensure a development does not have adverse flooding impacts downstream of a development site. Whilst the volume requirements for Stormwater detention which have been included in the Technical Specifications will go some way to ensuring no adverse flooding impacts downstream, they may not in all cases ensure no worsening to flood impacts. Removal of the above requirements will mean that ACT Govt will be required to expend additional funding to undertake stormwater augmentations to mitigate flooding which could otherwise have been avoided if the developer were to comply with the above requirement to not exceed peak flow rates from the unmitigated development site.</p>	Jonathon Dragos	TCCS Infrastructure Planning

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	TS4 Control: External Lighting. Specification item 32	<p>The following specification requirement can be interpreted in two different ways: <i>'External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard AS1158.3.1 Pedestrian Lighting'</i></p> <p>Does this mean that external lighting is provided to all building frontages, and this includes building frontages that abut pathways, roads, laneways and car-parking areas? Or does it mean that external lighting is provided to all building frontages, all pathways, all roads, all laneways and all car-parking areas? Please clarify.</p>	Jonathon Dragos	TCCS Infrastructure Planning
	TS4 Control: External Lighting. Specification item 32	This specification requirement only refers to a requirement to comply with Australian Standard AS1158.3.1 Pedestrian Lighting. This Aust Standard only applies to pedestrian lighting. There are other Aust Standards which apply to other environments such as roads and pedestrian crossings (AS1158.1.1 and AS1158.1.4, etc). It is unclear why there is no reference to other Aust Standards for lighting for other environments.	Jonathon Dragos	TCCS Infrastructure Planning
	TS4 Control: External Lighting. Specification item 32	It is unclear why reference is not made to MIS 14 – Public Lighting (the relevant TCCS Standard for public lighting).	Jonathon Dragos	TCCS Infrastructure Planning
	TS4 Control: Pedestrian and bicycle paths & TS8 Schedule 7 Shared Paths	<p>Reference is made to two Austroads documents which are superseded. The relevant Austroads document is Austroads Guide to Road Design Part 6A: Walking and Cycling.</p> <p>It is also unclear why reference is not made to MIS 05 Active Travel Facilities Design. MIS 05 includes ACT specific requirements that in some cases go above and beyond the requirements in Austroads Guide to Road Design Part 6A.</p> <p>TS8 Schedule 7 Table 5 does not appear to align with MIS 05 Table 5-10. For example, minimum widths for Trunk Paths is 3.0m. Whereas the minimum width for Intermediate Trunk paths is 2.5m.</p>	Jonathon Dragos	TCCS Infrastructure Planning
	TS4 Control: Directional signage	MIS 05 also contains requirements for directional signage for active travel facilities. It is unclear why MIS 05 is not referenced.	Jonathon Dragos	TCCS Infrastructure Planning

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	Control: Cool paving. Specification item 17(f)	Specification item 17(f) references reinforced grass pavements. Reinforced grass pavements in areas trafficked by vehicles have been shown to degrade rapidly to a point where the grass no longer grows (examples can be provided upon request) and is not preferred by TCCS in areas trafficked by vehicles.	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Control: On-road cycling	In MIS 05, minimum lane width is governed by traffic speed limit. For example, a road with speed limit 80kph is to have a minimum on-road cycle lane width of 1.8m (desirable 2.0m). Whereas a road with speed limit 50kph or 60kph is to have a minimum width of 1.2m (desirable 1.5m).	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Control: Asset clearance zones	This requirement relates to clearance between various assets. Also of importance is protection of an asset from another asset (e.g. use of root barriers to protect underground utilities assets from growing tree roots). This does not appear to be considered.	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Schedule 4 Table 2A	Table 2A contains minimum shared path widths for each road category in the road hierarchy. However, shared path width should be governed by the role/function of the shared path, not the classification of the adjacent road. This also appears to contradict with the shared path widths specified in Schedule 7.	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Schedule 4 Table 2A	It is unclear why kerb type is specified for each road on the road hierarchy. AGRD Part 3 Section 4.6.4 provides guidance on the appropriate use of each kerb type.	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Schedule 4 Table 2A	It is unclear why for a 'Rear lane' it is specified that minimum horizontal radius is to accommodate a 12.5m single unit truck, but there is no requirement for other road types. The design and check vehicles requirements for each road should be governed by the needs of adjacent services and in conjunction with TCCS.	Jonathon Dragos	TCCS Infrastructure Planning
	TS8 Control: Endorsement by Government Agencies	Can the TCCS endorsement list please be expanded to include all aspects of road design, including pavement design, drainage design, design of structures such as retaining walls and bridges, etc.	Jonathon Dragos	TCCS Infrastructure Planning
	General	Given the repetition, these could be collapsed into a single document.	Anne Napier	Strategic Policy and Programs
	TS4 – Community facilities	P.13 (general) Refer to bicycle and micromobility parking and access. s.71-2 Delete reference to AUSTRROADS' guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i>	Anne Napier	Strategic Policy and Programs

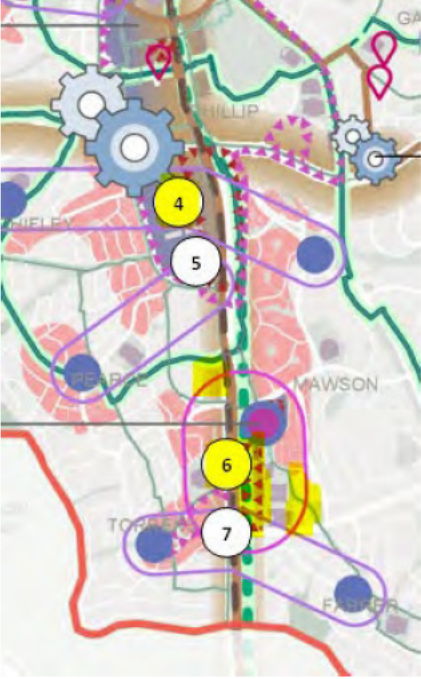
Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		s. 70 Be more specific: Add: '...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides.'		
	1.5 Transport, parking and moment	Reflect the transport hierarchy by placing pedestrian amenity first and private motor vehicle use last.	Anne Napier	Strategic Policy and Programs
	48c)	Suggest change 'adequate' to 'sufficient'	Anne Napier	Strategic Policy and Programs
	TS6 – Transport and Services 1.5 Assessment outcomes	s. 38 d) and s 46. Add: '...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides.'	Anne Napier	Strategic Policy and Programs
	ss. 47 and 48	Delete reference to AUSTRROADS' guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i>	Anne Napier	Strategic Policy and Programs
	s. 49	Refer to the specifics of the End of Trip Facilities Code (or its successor).	Anne Napier	Strategic Policy and Programs
	ss. 50-51 c)	As above Located close to the main entry and facilitating passive surveillance.	Anne Napier	Strategic Policy and Programs
	TS8 - Subdivisions		AN	Strategic Policy and Programs
	Ss 45-46 and Schedule 7	Update shared path requirements to reflect MIS 05	Anne Napier	Strategic Policy and Programs
	TS5 Parks and Rec S.41	Add: '...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides.'	Anne Napier	Strategic Policy and Programs
	S. 50	Add: '...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides.'	Anne Napier	Strategic Policy and Programs
	Ss. 51-52	Delete reference to AUSTRROADS' guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i>	Anne Napier	Strategic Policy and Programs

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	Page 11 – Subdivision	Endorsement by Govt. agencies with TCCS Verge tree management approval required	Dipak Rathod	Development Coordination
	Page 11 – Utilities	Encroachment over the TCCS requirement is to connect the footpath and cycle path with existing network on top of providing this facility.	Dipak Rathod	Development Coordination
	General -Transport	What will be base of the parking requirement for TSZ1 and TSZ2?	Dipak Rathod	Development Coordination
	General	Cross reference list specifications and standards are highly recommended. Any missing specification reference needs to be added in list.	Dipak Rathod	Development Coordination
	General	Clarification is necessary: “Note: The technical specifications replace current codes including Estate Development Code and Parking and Vehicular Access Code” Does this mean both <i>Single Unit Development Code</i> and <i>Multi Unit Development Code</i> is also replaced by technical specifications?	Poorna Kumarage	Development Coordination
	TECHNICAL SPECIFICATION TS6: TRANSPORT AND SERVICES (page9)	“39. Driveways are not less than 5m wide for not less than the first 7m of its length measured from the relevant block boundary” Is this requirement for residential driveways? Or industrial? Minimum width for residential driveway should remain as 3 m. This increment to 5m does not align with other ACT Gov initiatives towards a greener Canberra (e.g. Urban Forest Strategy 2021-2045, ACT Climate Change Strategy 2019-2025 and Canberra’s Living Infrastructure Plan: Cooling the City). Also, this is not practical in blocks with narrow frontages.	Poorna Kumarage	Development Coordination
	TECHNICAL SPECIFICATION TS6: TRANSPORT AND SERVICES (page9&10)	Specifications 44 to 48 agree and highly recommended.	Poorna Kumarage	Development Coordination
		Specification 4	Poorna Kumarage	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	TECHNICAL SPECIFICATION TS8: SUBDIVISION	Cul-de-sac length and size requirements are not specified. These can be found in R19 and 111 of the Estate Development Code (EDC). Cul-de-sac head diameter is important to provide Territory services and access for emergency vehicles.		
		<p>Current EDC R114 and 115 are important rules in terms of public safety, for all types of developments in infill and greenfield areas. No rules replacing the above found either in the proposed TS6 or TS8.</p> <div data-bbox="651 464 981 762" style="border: 1px solid black; padding: 5px;"> <p>R114</p> <p>This rule applies to driveway verge crossings that are not within 40m of a roundabout or signalised intersection.</p> <p>Driveway verge crossings are to be endorsed by TAMS.</p> <p>Note:</p> <p>TAMS will endorse driveway verge crossings where they comply with all of the following:</p> <ul style="list-style-type: none"> a) 6m horizontally clear of the tangent point of the radius of the curve on a corner block. b) AS2890.1 – The Australian Standard for Off Street Parking as amended from time to time, in relation to sightlines and cross fall of the site c) clear of any existing or proposed indented on-street car parking bays, valves, fire hydrants and electricity equipment </div> <div data-bbox="651 804 981 1166" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>R115</p> <p>This rule applies to driveway verge crossings that are within 40m of a roundabout or signalised intersection.</p> <p>Driveway verge crossings are to be endorsed by TAMS.</p> <p>Note:</p> <p>TAMS may endorse driveway verge crossings after considering all of the following:</p> <ul style="list-style-type: none"> a) horizontal clearance from tangent point of the radius of the curve on a corner block b) AS2890.1 – The Australian Standard for Off Street Parking as amended from time to time, in relation to sightlines and cross fall of the site c) the location of any existing or proposed indented on-street car parking bays, valves, fire hydrants and electricity equipment d) TAMS Design Standard for Urban Infrastructure D.515-Driveways or its successor e) standard drawing DSS-02- Heavy Duty Driveways. </div>	Poorna Kumarage	Development Coordination
		R39 of the current EDC regarding Aboriginal sites and objects not found in the proposed subdivision technical specification (TS8). Can we ensure ruling is included either to the TS8 or any relevant specification?	Poorna Kumarage	Development Coordination

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		<p>R39</p> <p>This rule applies to an <i>estate</i> unless the Heritage Council has provided written confirmation that there are no Aboriginal sites and/or objects are located within the development area.</p> <p>Development complies with the relevant cultural heritage assessment and conservation management plan endorsed by the ACT Heritage Council.</p> <p>Supporting document: Cultural heritage assessment and conservation management plan endorsed by the Heritage Council.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with the endorsed cultural heritage assessment and conservation management plan.</p>		
	<p>T6, 1.6: <i>“Control: Post-occupancy waste management Specification: 56. Post occupancy waste management facilities are endorsed by TCCS. The endorsement may include a statement that the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT, and the Design Standards for Urban Infrastructure”</i>.</p>	<p>It is important to note that other codes, standards or legislation may apply to waste management facilities. For example, and in particular for larger sites, the waste management facilities are a workplace requiring compliance with the WH&S Act, the ACT Safe Structures Code etc. The Waste Code will be rewritten at some stage with references to some of these requirements, however, ACT NoWaste cannot sign-off that the waste management facility complies with other acts, codes or standards.</p>	<p>Mike Stelzig</p>	<p>ACT NoWaste, Service Delivery</p>

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
District Specifications	General	Known issues with specified paving that is not trafficable. This is not compatible with delivery drivers, commercial fitout or other maintenance activities. This should be considered for commercial and mixed use zones, and medium density residential with no dedicated loading zone for removalists.	Samuel Palmer	Transport Canberra Light Rail
	<u>Parts DS1 - Gungahlin-</u> <u>Parts DS2- Belconnen</u> <u>Parts DS3 Inner North & City</u> <u>Parts DS4 Inner South</u> <u>Parts DS5 Molonglo Valley-</u> <u>Parts DS6-Weston Creek</u> <u>Parts DS7-Woden</u> <u>Parts DS8- Tuggeranong</u> <u>Parts DS9 East Canberra</u>	<p>Woden District Strategy</p> <ul style="list-style-type: none"> Some of the items included on the Strategy Plan appear to be in the incorrect position as highlighted below. <p>The existing healthy waterway project's wetland (water body) adjacent to Athllon Dr (north of Mawson Group Centre) is missing off this and the Woden district context figure. All District Strategies need double checking to ensure all wetlands are included in the blue-green network as they are water bodies plus are also green spaces which are used for recreation purposes by the community.</p> <p>The Yarralumla Creek blue-green corridor is existing from the southern edge of the Mawson playing fields to Woden and beyond.</p>		Infrastructure Delivery

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		 <ul style="list-style-type: none"> • The District Strategy document is inconsistent about the extent of light rail stage 2B – in some sections it is going to Woden and others it is going to Mawson - this needs to be tidied up. • Has any work been undertaken to consider if it is possible to re-naturalise Yarralumla Creek into a “celebrated re-naturalised urban waterway, parallel to light rail as a continuous spine running through Woden” within its existing physical confines whilst providing the required level of flood protection to the areas adjacent to the creek (between Woden Town Centre, Mawson and Farrer)? This step needs to occur before commitments can be made that it will happen and before it is included in the <i>vision for future light rail corridor</i>. Have Canberra Nature Parks been involved in discussions about Yarralumla Creek becoming a “potential watercourse park”? The plans for this riparian corridor as part of the Woden blue-green network needs a lot more work before 		

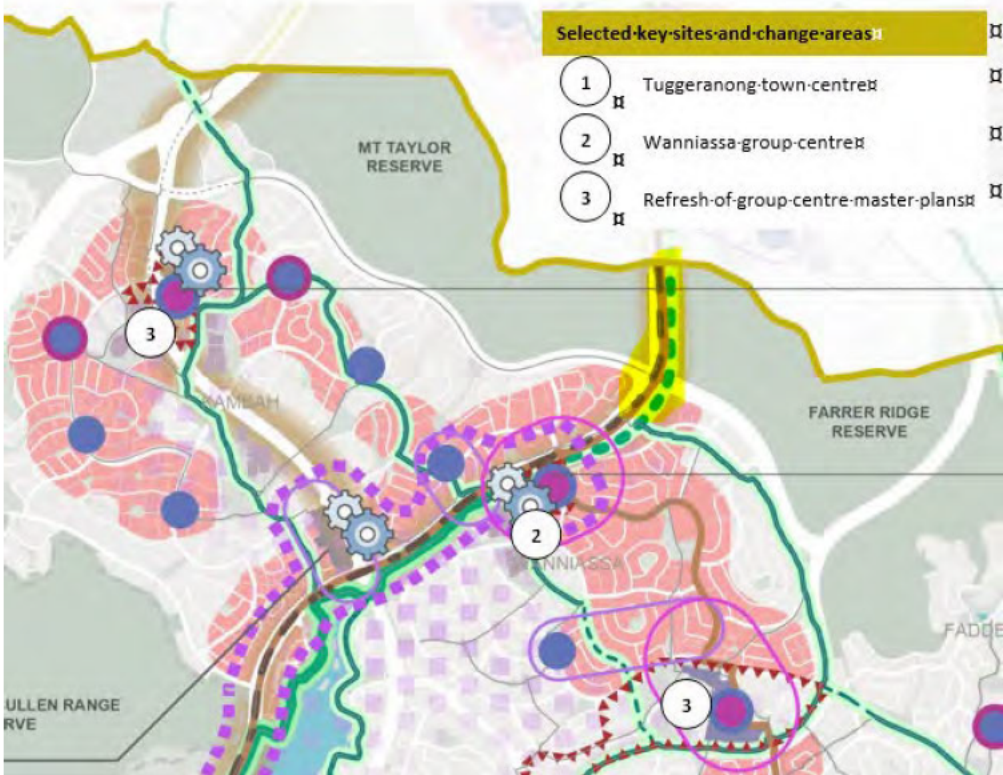
Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>definite statements about its future plans are included in the Woden District Strategy. TCCS and MPC need to be part of this work, including light rail considerations.</p> <ul style="list-style-type: none"> • Is the dotted purple line on the southern side of Mawson correctly identifying the area as industrial/services trades? • Is the potential for flash flooding from Yarralumla Creek being “managed” or has it been identified as a risk in the flood maps – with some works currently planned to be progressed near Mawson? • Have the outcomes of the Woden Valley Reference Traffic Model been considered in the Woden District Strategy? • Have MPC and TCCS reviewed the <i>vision for future light rail corridor</i>? This includes the assumptions about the locations of light rail stops (Yarralumla, Deakin and the Mint). Adelaide Ave is an arterial road not a motorway. Who is proposing to progress and fund “connecting Cotter Road directly to West Deakin with a new interchange” and “a network of major new parks and a landscaped extension of Dunrossil Drive”? Is a re-naturalised Yarralumla Creek possible adjacent to Yarra Glen – also see notes above about Yarralumla Creek? The statement that “the upgrading of the Athllon Drive corridor through to Mawson, Farrer and beyond into Tuggeranong should be undertaken as a singular urban project that integrates urban renewal so that the corridor is realised as a green, multi-modal boulevard that becomes the centre of community life” is inconsistent with Government’s previously agreed approach and election commitments to upgrade and duplicate Athllon Dr. It is also inconsistent with the timing of light rail in TCCS’ master plan, which delivers light rail to Tuggeranong in 20+ years (as stage 4). The related initiative needs re-writing. “Flash flooding” is the incorrect terminology in the blue-green networks initiatives table – the required design standard is the 1% AEP flood. 		

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		<ul style="list-style-type: none"> • Phillip will require noise and air quality buffers to meet EPA requirements between service trades and residential areas as part of the noted land use buffers. This is also a major consideration in the Mitchell area. • Has TCCS reviewed the Woden initiatives - Strategic movement to support city growth table? Should this table be included in the planning strategy as these initiatives will be delivered by TCCS, who's priorities may change over time and are largely independent of EPSDD? Light rail to Tuggeranong is long term. Melrose Dr and Hindmarsh Dr will need significant investigation based on the Woden Valley Reference Traffic Model to reduce congestion which will need to be part of the opportunities to improve east-west connectivity, future rapid transit connections and the strategies to improve urban environment and support the inter-modal transfers required for commuters from Weston Creek and Molonglo Valley onto light rail stage 2B. Are arterial roads "urban boulevards" (consider in relation to Athllon Drive)? • Have TCCS and MPC reviewed the <i>Principles for Curtin Horse Paddocks and Curtin Edge – North and South</i>? Is the bridge for local area connection and access to light rail stops at Yarralumla in the correct location? Is a new street intended to connect to the new Dudley St/Brickworks Way roundabout? The <i>Principles for Woden North</i> appears to be inconsistent with light rail stage 2B's preliminary redesign of the existing Yarra Glen roundabout intersection. The <i>Principles for Phillip and Athllon Dr</i> is inconsistent with TCCS' concept design for Athllon Dr upgrade, the SLA's plans to date for the future development area on the eastern side of Athllon Dr and the design of the Woden bus depot site. The proposed built frontages are unlikely to be possible due to adjacent land uses and the two pocket parks will not be possible on the Woden bus depot site. <i>Principles for Mawson and Farrer (north)</i> is inconsistent with the Mawson playing fields existing uses, underground trunk utility services, planned construction works for the Mawson stormwater and place making upgrade project, light rail's possible requirements for the area and the pocket park shown in the Mawson Group Centre is a block that is currently on the land release program. <i>Principles for Mawson and Farrer (south)</i> also needs to be reviewed. 		

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		<p>Supporting infrastructure required: Is TCCS in agreement with the second paragraph about stormwater? Should the table of <i>Planned infrastructure upgrades for Woden</i> be included as these capital works are being delivered by Directorates and organisations other than EPSDD? Bus services will still be required in and through the Woden District to connect into the light rail stage 2B. Has AECOM's work for CMTEDD about Optimising energy loads of government projects in the Woden district been taken into consideration re electricity supply in Woden? Mawson West is not in the land release program – should the terminology be consistent between the ILRP and the District Strategy?</p>		
		<p>TUGGERANONG DISTRICT STRATEGY</p> <ul style="list-style-type: none"> The section of possible future path connection within the primary blue-green network highlighted in the Figure below should be on the western side of Athllon Dr. The existing connections for walking and cycling are already on that side of the road and are planned to be further enhanced when the southern section of the Athllon Dr upgrade project is constructed. This includes an underpass which is proposed under the western leg of the Athllon Dr/Sulwood Dr intersection. However it may be that the riparian and green space corridors are as shown. This is possibly an example of where the path/movement does not align with the blue-green/environmental objectives – I think this potential conflict needs resolving within all of the District Strategies. <p>The figure below is also missing the existing healthy waterway project's wetland as a water body adjacent to Athllon Dr (just south of Wanniasa Group Centre). All District Strategies need double checking to ensure all wetlands are included in the blue-green network as they are water bodies plus are also green spaces which are used for recreation purposes by the community.</p> <p>A separate TCCS project is progressing the design and construction of a shared path along Sulwood Dr from Tuggeranong Parkway and Athllon Dr. This is not clearly shown on your images and is being progressed to support access to Mt Taylor Reserve (which is not mentioned on p22 in relation to the blue-green network despite forming part of the northern green edge to part of Tuggeranong). Michael McGrath/Leigh Costa can provide further information about this. I note however this is mentioned in the <i>Strategic movement to</i></p>		

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		<p><i>support city growth</i> section of the District Strategy – again this is an example of the green space/movement corridor conflict.</p> <ul style="list-style-type: none"> • “Connections for walking and cycling” do not appear to follow through the document to be discussed and then mentioned in the table of <i>Tuggeranong initiatives – Blue-green network</i>. Mention of this would support TCCS’ current and future programs to extend and maintain the active travel network. Some of these connections do however get additional mention in the <i>Strategic movement to support city growth</i> section of the document. Therefore all paths should only be fully contained in the “movement” section and not be mentioned in any of the text in the “blue-green network” section as the current approach of having them mentioned in two places is resulting in a number of inconsistencies. 		

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
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- The information about light rail to Tuggeranong does not refer to the Light Rail Master Plan, nor does it note that extending south to Tuggeranong is likely to be stage 4 with I believe a delivery timeframe approx. 20 years from now – this is four potential review periods of 5 years beyond 2023 when the District Strategy is released. This information should be confirmed with TCCS and must be included to provide context to many of the comments about the future light rail corridor and it’s development potential (particularly in relation to timeframes).

In a similar vein the *Strategic movement to support city growth* information in all of the District Strategies also needs to refer to the ACT’s Freight Network Plan as this identifies the roads within the ACT that function as part of the

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		<p>National Freight Route and the ACT's Orbital Freight Network. These road freight requirements need to be considered as part of the planning for the surrounding areas, including consideration of the road freight 'last mile' journey requirements in and around town centres, group centres, industrial areas and other hubs within the ACT.</p> <ul style="list-style-type: none"> <i>Tuggeranong initiatives</i> Construction of the Athllon Dr upgrade is also planned to be partially funded by the Australian Government, not just the Monaro Highway upgrades (p30 text). However I do not think who is funding a project is relevant to be included in the District Strategies. <p>The table of <i>Tuggeranong initiatives – Strategic movement to support city growth</i> should include an item containing the duplication of Athllon Drive and upgrades to the Monaro Highway between Hume and Chisholm – both of which are short-term timeframes as they are already underway. These projects are also not shown on the Figure.</p> <p>TCCS also has underway a Tuggeranong Parkway improvement project (down to the Drakeford Dr intersection) which should also be mentioned in the <i>Tuggeranong initiatives – Strategic movement to support city growth</i> section and in the table of Planned infrastructure upgrades for Tuggeranong.</p> <p>The table of Planned infrastructure upgrades for Tuggeranong should also include the Monaro Highway upgrades, plus the path projects mentioned elsewhere in the strategy document. The stormwater and sewer projects included in the table are not mentioned in the relevant sections of the planning strategy prior to this table.</p> <p>However consideration should be given to whether initiatives/planned infrastructure upgrades being delivered by other Directorates should be included in the District strategies as the timing and priorities are likely to change with time, due to funding availability and possibly as a result of a change in government. These tables and figures will therefore get out of date quickly and the information included will therefore become redundant a</p>		

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		<p>significant period of time before the District Strategies are reviewed and updated. If this information is included perhaps it should be conditioned with wording along the lines of “current government initiatives at the time of publication”.</p> <ul style="list-style-type: none"> • How were the Principles for the Wanniasa Group Centre developed? Some of these principles are in contradiction with each other and some will not be possible to deliver with a light rail corridor along Athllon Dr. I also believe it is a rapid transit/light rail <i>corridor</i>, not a <i>boulevard</i>. I do not think these principles have been reviewed, discussed and tested enough to be included in the planning strategy document at this time. • The “four approaches to urban repair in Appendix 2” are referred to in the strategy document however in the Belconnen strategy Appendix 2 is titled City making and ‘urban improvement’. The wording of #1 Achieving multimodal boulevards is inconsistent and only appropriate on ITP routes, what about the rest of Canberra – the graphic below this text is inconsistent with the Movement and Place framework and excludes residential streets and the major arterial network. Has the ‘urban improvement’ approach been discussed with TCCS and how are new connections possible on privately owned blocks (especially as a number of adjoining blocks may not be available for redevelopment at the same time)? Has TCCS been involved with discussions about #2 Realising lively centres, #3 Shorten or reduce the area of urban sections to make a more walkable Canberra and #4 Accessing Canberra’s green network? The new connections in #3 and #4 have similar comments to in #1 above. • Has Appendix 3 District Strategy Implementation Plan including the tables of City-wide implementation pathways and actions and implementation plan – big drivers and initiatives been prepared similar to those included in the Belconnen Strategy? <p>In the #3 of City-wide implementation pathways and actions plan what District policies are being developed? #4 other transport uses should also be considered. #9 is this the first place zero carbon initiatives is mentioned? #10</p>		

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>needs to consider all infrastructure requirements for growth and urban improvement areas including civil and utility infrastructure and these studies and associated upgrade works need to be included as an action. Are the provided indicators measurable and achievable?</p> <p>Has the table titled Belconnen District implementation plan – big drivers and initiatives been discussed with TCCS as some TCCS assets are included in this table? Section 3 of this table is about movement – this is TCCS’ responsibility so should TCCS’ work and priorities be included in an EPSDD document when they are already included in TCCS’ documents? TCCS has responsibility for future light rail master planning. Similarly portions of section 4 relate to TCCS’ work.</p> <ul style="list-style-type: none"> • How will the drivers, planning principles, elements and directions plus initiatives identified in the District Strategy assist with DA applications and assessments (particularly for infrastructure projects that are not located on a site/block)? 		
Other comments	Overall	Utility services reference <i>electricity, water, gas, sewerage and stormwater</i> Request to add Light Rail as a regulated utility under the UTR Act and with similar access/asset clearance zone requirements throughout documentation.	Samuel Palmer	Transport Canberra Light Rail
	General	How has the requirement to submit a Transport Impact Assessment as part of development assessments been included under the Territory Plan?	Nethmei Senarath	Development Coordination
	General	How does the Parking and Vehicular General Code compare to Schedule 1 in TS4, TS5 and TS6 and which rates prevail?	Nethmei Senarath	Development Coordination
	General	Will the new Territory Plan include an updated glossary of terms?	Nethmei Senarath	Development Coordination
	General	Where will nominated car parks for replacement public car parking be included in the new Territory Plan? Will these remain unchanged from the current requirements?	Lauren Hendriks	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
	General	Increased emphasis of Planning Authority requiring written support whether a variation to a standard achieves a safe or satisfactory outcome. This will mean a high degree of TCCS interpretation for off-site works expectations	Tim Wyatt	Development Coordination
	General	Note the transport hierarchy which places pedestrian consideration first and private vehicle transport last. Reflect this wherever possible, where there is discussion of transport. Transport and path environments are increasingly accommodating walking, cycling <u>and</u> micromobility. People may dispute the inclusion of micromobility in the definition of active travel, however, they all share the path environment and micromobility <u>may</u> utilise certain roads and or bike lanes in the future. Select language that accommodates these forms in all the documentation.	Anne Napier	Strategic Policy and Programs
	General	<ol style="list-style-type: none"> 1. further clarification is necessary if Single Unit Development Code and MUDC is replaced by these technical specifications, 2. if codes are replaced by technical specification, we should check <u>each rule</u> in the code to be repealed and provide one-to-one mapping with the new specification, with clarification so that better outcome can be ensured. 3. there are over 200 pages in the circulation; the time given for the review is not adequate and I would request another circulation round after amendments. 	Poorna Kumarage	Development Coordination
	General	The new documents are missing a whole lot of information that took into account many of TCCS requirements around offsite works, infrastructure and the government land environment. For example documents such as the Estate Development Plan (a 63 page document) and the previous Residential Subdivision Development Code (a 64 page document, which has been repealed) has been replaced by documents that are 4 & 33 pages long which concerns me if there's quite a bit of detail missing on TCCS requirements. However, if all of the detail in these and other codes have been dispersed across all of the Technical Specifications (TS), then I think it's ok. On the other hand, if the TS documents are missing specific details or areas in the current codes and standards that relate to TCCS requirement, then it would be good for EPSDD to explain why those areas are no longer considered important as port of this new system.	Jose Henriquez	Development Coordination

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>Suggestion: It would be very helpful if EPSDD provided some training and/or presentations to show us how they will efficiently accessed and effectively applied the new requirements to new DA submissions for us to see how we may be able to readjust our (TCCS) DA assessment process to better align with this new approach and direction.</p>		
	<p>“Serviceability in terms of infrastructure and utility services.”</p>	<p>Is TCCS waste service considered a utility service? The language used in the Tech Specs refers to utility as stormwater, Elec, gas etc... and has a separate mention for post-occupancy waste management.</p> <p>If not, then there is no specific mention in the assessment criterion of any of the Territory Plan policies to cover/protect waste requirements or decisions for allowing appropriate waste services.</p> <p>The assessment provision could consider minor adjustment to allow capture of our core services such as waste, that would allow such matters to be administered and protected under TP policies and have a stronger basis at any potential Tribunal matters:</p> <p>Proposed example: “Serviceability in terms of infrastructure, utility and other core services.”</p>		
	<p>Outcomes based decision making.</p>	<p>The revised TP will be outcomes based decision making. This model is similar to the VIC planning system, where large number of major projects are determined by VCAT and hearing dates span out to 8 month waiting lists.</p> <p>Following are areas of concern and general observations:</p> <ol style="list-style-type: none"> 4. We need consistent decision making, including by EPSDD. 5. How will development precedents be managed? 6. This will result in increased workloads, including many cases likely to be referred at ACAT. Outcomes based decisions will also rely on expert opinions. We will need extra resources to specialise in expert opinions and ACAT matters. 		

Document name	Part / Page / Paragraph Reference	Comment	Reviewer name	Reviewer business unit
		<p>7. Our current standards would need to be up to date, especially when referred at ACAT.</p> <p>8. Territory Plan policies must include general wording to cover service functions of TCCS to allow better protection for decision when at ACAT.</p>		

Teams message:

From: Peter Collier

To: Amanda Putri

Date: 09/01/2024

Putri, Amanda 09/01 9:34 am Edited



Have there been significant change happened on the overlay zone? Just doing some ground truth checking from the source for ACTmapi, I noticed that e.g the Intertown Public Transport Route (IPT) is not there anymore?

09/01 9:39 am

Yes the IPT was degazetted when the new planning system came into effect. I'm not sure of the reasoning, the new system meant a few things were changing and the IPT was one of them. Other changes were the removal of certain FUA overlays for example

From: [Terrplan](#)
To: [Wyatt, Tim](#)
Cc: [Terrplan](#); [McNamara, Jaime](#)
Subject: Request for Input - TCCS - Government Response to Inquiry into the Territory Plan and other associated documents
Date: Monday, 18 March 2024 5:04:00 PM
Attachments: [Inquiry into the Territory Plan and other associated documents report signed.obr](#)
Importance: High

OFFICIAL

Hi Tim

Territory Plan & Coordination are currently preparing the Government Response to the Standing Committee on Planning, Transport and City Services inquiry into the Territory Plan and other associated documents which was publicly released on Tuesday 12 March. A copy of the report is attached for your consideration and can also be found on the ACT Legislative Assembly [website](#). To assist with the development of the Government response, our Executive have recommended that we get in touch with TCCS to kindly request input on **Recommendation 29** – The Committee recommends that the Inter-Town Public Transport Routes should be included in the Territory Plan 2023.

It is acknowledged that the relevant primary legislation sits outside of the Territory Plan. TCCS justification regarding how much certainty is given to the Inter-Town Public Transport Routes if they are not included in the Territory Plan is appreciated. Additionally, any detail on the potential implications of including the Inter-Town Public Transport Routes in the Territory Plan would be great.

In order to meet our required Cabinet timeframes, could we please request that all comments are sent to terrplan@act.gov.au by **COB Friday 22 March**.

Please don't hesitate to get in touch should you wish to discuss further.

Kind regards

Jaime

Jaime McNamara | Planning Officer | Territory Plan & Coordination

Phone: 02 6207 1058 | Email: jaime.mcnamara@act.gov.au

Planning and Urban Policy Division | Environment, Planning and Sustainable Development Directorate | ACT Government

480 Northbourne Avenue, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

ACT Planning Review – Options/Discussion Papers

Option Paper 1 – Reduce complexity (Legislation)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<ul style="list-style-type: none"> – The planning system is inflexible, particularly with the current tracks for DA lodgement – Development assessment pathways discourage innovation – Grounds for appeal and the elements of an application considered under an appeal are unclear – Community concerns regarding what notification they are given of proposed development. 	<p>Reduce complexity</p> <p>Requirements in planning system</p>	<ul style="list-style-type: none"> – Track system – Consultation requirements – Appeal rights – Exemption declaration process – Consider role of guidelines in assessment & statutory weight 	<ul style="list-style-type: none"> – Create a clearer and easier to use planning system, including DA lodgement, notification process and appeals – Amend Act to remove track system for DA lodgement – Amend Act to clarify what can be appealed and what can be taken into consideration – Amend Act to clarify consultation requirements 	In progress.	P&D Act change	End 2019
<ul style="list-style-type: none"> – Conflicts arise between the requirements or allowances in Crown leases and the Territory Plan provisions 	<p>Reduce complexity</p> <p>Crown leases</p>	<ul style="list-style-type: none"> – How should existing lease requirements (e.g. additional permitted or prohibited development) be considered 	<ul style="list-style-type: none"> – Reduced conflict between Crown lease and Territory Plan provisions – Investigate ability to amend P&D Act to clarify relationship between the development provisions within existing Crown leases and the requirements of the Territory Plan. 	To commence	P&D Act change	End 2019

Option Paper 2 – Outcome focused (Legislation)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<ul style="list-style-type: none"> – Unintended development outcomes as current system does not allow poor quality, compliant development to be refused or high quality, non-compliant development to be approved 	<p>Outcome focused</p> <p>Flexibility in the assessment process</p>	<ul style="list-style-type: none"> – What should and shouldn't be specified in legislation – How is subjectivity managed 	<ul style="list-style-type: none"> – Enable the planning system to better facilitate good development outcomes – rewrite relevant sections of the P&D Act – create practice notes to give guidance for assessment 	To be informed by: <ul style="list-style-type: none"> – jurisdiction review – (due mid-October) 	P&D Act change	End 2019
<ul style="list-style-type: none"> – Design quality is not currently taken into consideration in the development assessment process. – Provisions in the plan do not give assessing officers enough scope to consider character or design quality 	<p>Outcome focused</p> <p>Improved design quality</p>	<ul style="list-style-type: none"> – What development types should have design quality assessed – Design review panel recommendations having statutory weight 	<ul style="list-style-type: none"> – Improve the consideration of the design quality of buildings in the ACT – Introduce guidelines on good design – Amend Act to confirm role of design review panel and the consideration of their advice in the DA process 	To be informed by: <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Review of design quality assessment in other jurisdictions (due mid-2020) 	<p>P&D Act change</p> <p>Assessment provisions</p> <p>4.5 Guidelines/ practice notes</p>	Mid 2020
<ul style="list-style-type: none"> – No specific legislation requiring DA conditions to be certified or checked – No specific training in planning provisions required for certifiers 	<p>Increase confidence</p> <p>Implementation</p>	<ul style="list-style-type: none"> – Compliance with planning provisions – Compliance with DA conditions 	<ul style="list-style-type: none"> – Amend Act to require planning certifiers to check DA conditions and confirm compliance with planning requirements on site – Mandate certifiers training on Territory Plan provisions to better their understanding of planning provisions 	In progress	Act change	End 2019

Option Paper 3 – Reduce complexity (Structure)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<ul style="list-style-type: none"> – The planning system is too complex – A common approach to basic planning controls for zoning, building height and density is needed – The structure of the planning system and the platforms through which it is provided to the public are difficult to navigate. – There is inconsistency in the use of language and structure of codes in the Territory Plan 	<p>Reduce complexity</p> <p>Structure of Territory Plan</p>	<ul style="list-style-type: none"> – Usability – Simplify – Consistency of wording/ terms – Practice notes/guidelines 	<ul style="list-style-type: none"> – Revised structure of the Territory Plan so that it is easier to use and understand. – Territory Plan restructured, to include codes, development tables and definitions 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) 	<p>Territory Plan change (structure)</p>	<p>Proposed structure End 2019</p> <p>Final document End 2020</p>
<ul style="list-style-type: none"> – The role of zones needs to be clarified – The purpose of zones and the uses permitted in them is confusing, e.g. commercial zones that permit residential uses. – Zone objectives are complex. – Zone objectives, despite covering character, are not used in the assessment of applications 	<p>Greater clarity</p> <p>Zones</p>	<ul style="list-style-type: none"> – How is land zoned and how many zones are needed – Development tables (permitted and prohibited development) – Objectives – Inclusionary zoning – Social infrastructure needs 	<ul style="list-style-type: none"> – Provide clarity around the zone objectives and function – Amend number of zones and rewrite zone objectives 	<p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Urban form assessment and Social infrastructure capacity study 	<p>Territory Plan change (policy and structure)</p>	<p>End 2020</p>

Discussion Paper 4 - Implementation of ACT Planning Strategy 2018 (Structure/Policy)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<p>The Statement of Strategy Directions is to be reviewed and where necessary updated to reflect the actions from the ACT Planning Strategy 2018.</p> <p>Linked with Actions 1.1.1, 1.1.2, 1.2.1, 1.3.1, 1.5.1, 2.6.2, 2.6.3, 2.6.5, 3.2.1, 3.3.1, 3.4.1, 3.5.1, 3.6.2, 5.1.1, 5.1.2, 5.1.4, 5.2.3, and 5.3.2</p>	<p>Support implementation of ACT Planning Strategy 2018</p> <p>Compact and Efficient City Diverse Canberra Sustainable and Resilient Territory Accessible Canberra</p>	<p>Continue to align land use planning and infrastructure planning to support the growth of the city.</p>	<ul style="list-style-type: none"> – Territory Plan – The statement of strategic directions is updated to reflect the actions from the ACT Planning Strategy 2018. 	<p>To commence.</p>	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<p>Building on the Master Plan Program, investigate opportunities for district-level strategic and spatial planning approaches.</p> <p>Linked with Actions 1.1.1, 1.1.2, 1.1.4, 2.1.3, 4.1.2, 4.2.2, 4.4.1, 4.4.2, 4.5.3, 5.1.4, and 5.2.1.</p>	<p>Support implementation of ACT Planning Strategy 2018</p> <p>Compact and Efficient City Diverse Canberra Liveable Canberra Accessible Canberra</p>	<p>What are the key aspects of a district that need to be considered in the planning process:</p> <ul style="list-style-type: none"> • Local infrastructure • Housing diversity • Place-making approaches • Access for people with a disability or disadvantage • Offset areas where appropriate 	<ul style="list-style-type: none"> – Territory Plan – To make provision for a district level planning approach. 	<p>To commence.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> – Jurisdiction review – (due mid-October) – Community engagement (Late 2019 – Early 2020) 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> – The relationship between the ACT Planning Strategy, Territory Plan and statement of strategic directions needs to be more clearly articulated – The ACT Planning Strategy does not have any statutory role, meaning it cannot be considered in decisions on development applications 	<p>Greater clarity</p> <p>Statement of Strategic Directions</p>	<ul style="list-style-type: none"> – Recommendations of the 2018 Planning Strategy – What is the role of the Strategic Directions <p>Linked with Actions 1.1.1, 1.1.2, 1.2.1, 1.3.1, 1.5.1, 2.6.2, 2.6.3, 2.6.5, 3.2.1, 3.3.1, 3.4.1, 3.5.1, 3.6.2, 5.1.1, 5.1.2, 5.1.4, 5.2.3, 5.3.2</p>	<ul style="list-style-type: none"> – Amended Statement of Strategic Directions, reflecting the Planning Strategy – Amended Act to give statutory link between Planning Strategy and Territory Plan 	<p>Planning Strategy implementation Outcome of jurisdiction review</p>	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>

<ul style="list-style-type: none"> Character and area specific requirements are currently not considered in the assessment process. Community engagement has indicated that slight increases in dwelling density would be supported if development is appropriate to the area 	<p>Be responsive</p> <p>District based planning</p>	<ul style="list-style-type: none"> What are the key aspects of a district that need to be considered in the planning process <p>Linked with Actions 1.1.1, 1.1.2, 1.1.4, 2.1.3, 4.1.2, 4.2.2, 4.4.1, 4.4.2, 4.5.3, 5.1.4, and 5.2.1.</p>	<ul style="list-style-type: none"> Appropriate provisions that apply at the district level Define district level planning provisions in district codes 	<p>To be informed by:</p> <ul style="list-style-type: none"> Jurisdiction review – (due mid-October) Community engagement (Late 2019) 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>
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Discussion Paper 5 – Greater clarity (Legislation/Structure/Policy)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<ul style="list-style-type: none"> The types of development that are exempt from development approval needs to be reviewed The current format of the exemptions is confusing and difficult to read 	<p>Reduce complexity</p> <p>Exempt development</p>	<ul style="list-style-type: none"> What type of development should have development approval (e.g. demo rebuilds) 	<ul style="list-style-type: none"> Clearer exemption provisions Appropriate balance between exemptions and requirement for a DA Prepare factsheets to explain what development is exempt or not Rewrite Schedule 1 in the Regulations to make exemption requirements easier to read and review type of development exempted 	<p>To commence</p>	<p>Regulation change</p> <p>Factsheets</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> Overlays currently have no statutory role in the planning process and are generally for information purposes only 	<p>Greater clarity</p> <p>Overlays</p>	<ul style="list-style-type: none"> What is the role of overlays and can they be used differently in the Territory Plan 	<ul style="list-style-type: none"> Provide clarity regarding the purpose of overlays 	<p>To commence.</p>	<p>Territory Plan change (structure)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> Structure of definitions confusing, particularly umbrella terms and sub categories Some definitions need updating to reflect contemporary practice 	<p>Greater clarity</p> <p>Definitions</p>	<ul style="list-style-type: none"> Part A – Definitions of Development Some Common Terminology Part B – Definitions of Terms 	<ul style="list-style-type: none"> Revised and updated definitions that are clear and easy to understand and use Definitions to reflect contemporary practice 	<p>In progress.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> Planning Strategy implementation 	<p>Territory Plan change (policy and structure)</p>	<p>Mid 2020</p>

Discussion Paper 6 – Be responsive (Policy)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
<ul style="list-style-type: none"> Current Estate Development Code does not provide sufficient guidance for infill estate development Current entity requirements and current government policies not reflected in the code 	<p>Be responsive</p> <p>Estate Development Code</p>	<ul style="list-style-type: none"> Development standards from relevant entities How can the Code better address the development considerations for infill development Relevant government policies 	<ul style="list-style-type: none"> A revised Estate Development Code that reflects best practice and government policies as well as improved provisions for infill development 	<p>In progress.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> Planning Strategy implementation 	<p>Territory Plan change (policy)</p>	<p>Mid 2020</p>
<ul style="list-style-type: none"> Recommendations from the Housing Choices project have not yet been implemented Community engagement and feedback has raised various issues with residential policies. 	<p>Be responsive</p> <p>Policy – residential</p>	<ul style="list-style-type: none"> Dual occupancies, particularly in RZ1 Plot ratio vs site coverage Housing choices policy Linked closely with district level planning 	<ul style="list-style-type: none"> Updated residential policies that reflect the aspirations of the community and industry Implement the recommendations from the Housing Choices project 	<p>To commence.</p> <p>To be informed by:</p> <ul style="list-style-type: none"> Community engagement Demonstration housing project 	<p>Territory Plan change (policy)</p>	<p>Late 2020</p>
<ul style="list-style-type: none"> Besides a brief reference in the Statement of Strategic Directions, Aboriginal and Torres Strait Islander cultural considerations are not incorporated into the Territory Plan 	<p>Be responsive</p> <p>Aboriginal and Torres Strait Islander considerations</p>	<ul style="list-style-type: none"> Heritage Act provisions Native title considerations 	<ul style="list-style-type: none"> Aboriginal and Torres Strait Islander culture more appropriately incorporated into the Territory Plan Amend P&D Act/Regs to include what needs to be considered when preparing a structure plan 	<p>To be informed by:</p> <ul style="list-style-type: none"> Jurisdiction review – (due mid-October) Aboriginal and Torres Strait 	<p>Territory Plan change (policy and structure)</p> <p>P&D Act change</p>	<p>Late 2020</p>

				Islander engagement		
– Community engagement has indicated that solar access, open (green) space on blocks (and in the area) and height are the most valued aspects of development	Outcome focused Policy – amenity	– Height – Solar access – Open/green space Linked with Actions 3.2.1, 3.3.1 and 3.3.2.	– Improved policies regarding amenity, building height, solar access, and open/green space in residential areas.	To commence	Territory Plan change (policy)	Late 2020
Strategic Direction 3.3 Integrate living infrastructure and sustainable design to make Canberra a resilient city within the landscape Linked with Actions 3.2.1, 3.3.1 and 3.3.2.	Support implementation of ACT Planning Strategy 2018 Sustainable and Resilient Territory	Strategic Environmental Assessment (SEA) to consider policy aspects of the review and not structure or legislation changes. Assist in the delivery of: <ul style="list-style-type: none"> • ACT Climate Change Strategy 2019 – Climate Change team • Canberra’s Living Infrastructure Plan: For a Cooler City (2019) – Sustainability and Resilience team. 	– Completed SEA – Updated Territory Plan policies to include consideration of: <ul style="list-style-type: none"> • climate change risk for major infrastructure projects • climate change adaptation objectives for new estates and subdivision guidelines • climate-wise building and estate guidelines • microclimate assessment requirements under the Living Infrastructure Plan and incorporating living infrastructure considerations. 	To commence.	Territory Plan change (policy and structure) Strategic Environmental Assessment (SEA) document	Early 2021

Discussion Paper 7 - Increase confidence (Policy - General Codes)

Issue to Resolve	Theme	Considerations	Desired Outcomes	Input	Instrument	Timing
– General codes require updating to reflect best practice – Are all of the general codes still required – General codes have inconsistent formatting – between themselves as well as other codes in the Territory Plan	Increase confidence General Codes	– Parking and Vehicular Access – Home Business – Bushfire Risk Mitigation (potentially incorporating provisions relating to flood and other natural hazards) – Signs – Access and Mobility – Crime Prevention Through Environmental Design – Community Facility Location Guidelines	– Update general codes to reflect best practice and have consistent format – Review and update policies in general codes to reflect contemporary practice	N/A	Territory Plan change (policy and structure)	Late 2020

Strategic Environmental Assessment

– Planning and Development Act 2007 requires a Strategic Environmental Assessment to be undertaken if the Territory Plan is reviewed – Needs to include: Context; Alternatives; Benefits and impacts; Consultation; and Monitoring	Increase confidence Strategic Environmental Assessment	– Strategic Environmental Assessment (SEA) to consider policy aspects of the review and not structure or legislation changes.	– Completed SEA	To commence. To be informed by: <ul style="list-style-type: none"> – Advice on potential policy changes 	SEA document	Early 2021
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ACT Planning System Review and Reform EPCG Meetings - Actions Arising and Decision Register

Note: Actions and decisions prior to 25 August 2021 can be found at Objective Reference A30354206.

Actions Register (Outstanding Actions)

Agenda Item	Actions Arising	Resp.	Status
3 March 2022			
	PG and TM to consider which groups are on the community reference panel and whether EPF will be enough opportunity for real engagement – TM /PG to confirm that it will be an opportunity for real engagement- I.e. proper working session rather than just a info session	PG/TM	In progress
8 December 2021			
2b) Consultancies	<ul style="list-style-type: none"> Before consultancies are finalised they should be provided to EB, CO and MK for review. 	All	Actioned
	<ul style="list-style-type: none"> Before Explanatory Statements are published on the web they will need to be cleared by the Executive and the Minister’s Office. 	MK/AM	Initial discussions on release of ES have occurred with Exec and MO. To be further discussed in EPCG in the week of 7/3/2020
	<ul style="list-style-type: none"> Consultancy Explanatory Statements to be released collectively – likely release early 2022 	MK/AM	To be further discussed in EPCG in the week of 7/3/2020
	<ul style="list-style-type: none"> Urbis and Hodyl Explanatory Statements Summaries to be tabled at EPCG 	MK	Hodyl tabled 17/2/2022 Urbis scheduled for EPCG consideration/discussion week of 7/03/2022

	<ul style="list-style-type: none"> CO to consider governance with respect to the Urbis report – specifically how it ‘loops back’ into the Directorate’s climate change work 	CO	In progress
3b) Project update	<ul style="list-style-type: none"> Need to test in an integrated way the provisions being included in planning documentation. Testing outcomes can be used to inform community conversations. 	MK/AK	Ongoing
4e) Compliance approach in the Planning Bill	<ul style="list-style-type: none"> Work to continue on options to provide a less intensive regulatory tool to address unclean leaseholds. 	JB/LT	In progress
15 December 2021			
3c) Communications planning and activities for Q1 & Q2 2022	<ul style="list-style-type: none"> Further work required on make-up and ToR for proposed advisory and technical groups (for DS and TP engagement), along with the vehicles for engagement (community reference panel vs EPF et al). 	MK/AM	Scheduled for 3/3/2022 EPCG meeting (out of session paper)
	<ul style="list-style-type: none"> Once the factsheets templates and graphics are in final draft form, Comms will provide to Executive/EPCG for feedback. 	AM	Scheduled for 3/3/2022 EPCG meeting (out of session paper)
4c) Lease and Development conditions	<ul style="list-style-type: none"> Brief to be prepared for EPCG on the proposed approach for reviewing L&D conditions (scope, methodology and resourcing). 	MK	In progress
25 January 2022			
5) Other business - Budget bid 2022-23	<ul style="list-style-type: none"> The team is welcome to provide ideas for the budget bid. We may get an external consultant to prepare. TCCS has good examples and will share them. 	DDG/All	Budget bid being finalised
5) Other business - Response to [REDACTED] on ISCCC Draft District Strategy	<ul style="list-style-type: none"> Prepare response from the team similar to response to [REDACTED] in December 2022 and use wording from recent media release 	TM/AM	In progress
9 February 2022			

4c) Planning studies	<ul style="list-style-type: none"> Map out scenarios and processes for different groups: government, proponents, other? 	TM/AB	In progress
17 February 2022			
3a) Program	<ul style="list-style-type: none"> Bring updated program with Cabinet dates to next EPCG meeting. 	TM	In progress
3a) Work plans	<ul style="list-style-type: none"> Workplan to be brought to EPCG 	MM	In progress
3a) Staff resources	<ul style="list-style-type: none"> Need further staff resources based on District Strategies program and an extra-legal officer (MK). Georges team may be able to provide staff. 	MK	In progress
3a) Communications and engagement	<ul style="list-style-type: none"> RFQ for PSRRP communications and engagement consultant to be released week of 21-25 February 2022. Provide copy to DG for information. 	CO/MK	In progress. EGM approval
4c) Territory Plan parts and functions	<ul style="list-style-type: none"> Agreed to general direction set out in the paper. DG requested reduced length for Territory Plan. Be succinct and consolidate and remove unnecessary provisions. Further decisions with George and the team to refine detail and return to next EPCG. Further discussion required in relation to practice directions (interpretation in determining DAs), practice notes and guidelines; table of proposal changes to the Territory Plan (detail); and the need for an Estate Development Code, which may be able to be covered in other provisions in other codes, e.g. general code. 	AK/CD	Scheduled for discussion 3/3/2022
4e) Consultancies and releasing executive summaries	<ul style="list-style-type: none"> EGM and A/G DDG to review executive summaries ready for release. Minister's (media team) sign off would be ideal. 	CO/AK/CD	Scheduled for discussion week of 7/03/2022

Decision Register

Agenda Item	Decision Register
17 February 2022	

2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed.
3a) Communications and engagement	<ul style="list-style-type: none"> Agreed that RFQ for PSRRP communications and engagement consultant can go out next week with EGM approval. Provide copy to DG for information.
3a) Cabinet date	<ul style="list-style-type: none"> Agreed to Cabinet date of 31 August 2022 for Draft Territory Plan and Draft District Strategies. DG noted it needs to be a polished product and the date is not to slip.
4a) Planning Bill – Direct sale process	<ul style="list-style-type: none"> Agreed to the approach set out in the paper.
4a) Planning Bill – De-concessionalisation	<ul style="list-style-type: none"> Agreed to the approach set out in the paper.
4b) Planning terminology, classification and planning studies	<ul style="list-style-type: none"> Agreed to the approach set out in the paper.
4c) Territory Plan parts and functions	<ul style="list-style-type: none"> Agreed to the general direction set out in the paper regarding the Territory Plan structure and function including that the use of the term ‘code’ would continue to be used as it is unique planning system in describing planning policy. <p>(Note: DG requested reduced length for Territory Plan. Be succinct and consolidate and remove unnecessary provisions. Further decisions with George and the team to refine detail and return to next EPCG. Further discussion required in relation to practice directions (interpretation in determining DAs), practice notes and guidelines; table of proposal changes to the Territory Plan (detail); and the need for an Estate Development Code, which may be able to be covered in other provisions in other codes, e.g. general code).</p>
4d) Territory Plan Variation management	<ul style="list-style-type: none"> Due to timing of meeting, reach position out of session then report back to EPCG.
4e) Consultancies and releasing executive summaries	<ul style="list-style-type: none"> Agreed in-principle to releasing executive summaries. DG delegated to EGM and A/g DDG to review. Minister’s (media team) sign off would be ideal.
9 February 2022	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
25 January 2022	

2a) Actions and Decisions Register	<ul style="list-style-type: none"> • Agreed
4b) Response to ACT Heritage Council	<ul style="list-style-type: none"> • Agreed to pull back response to general acknowledgement.
4c) Response to ACAT	<ul style="list-style-type: none"> • Agreed this is a matter for the Attorney to decide (not the Minister for Planning).
4d) Indigenous land use planning recommendations for Act	<ul style="list-style-type: none"> • Agreed with all recommendations in the paper.
4e) Extension of time provisions policy	<ul style="list-style-type: none"> • Agreed now is the right time to do this.
5) Next meeting	<ul style="list-style-type: none"> • Agreed to continue discussion at next meeting on item 4a) Brief on strategic plan hierarchy, plan-making process and plan structure in reformed system.
15 December 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> • Agreed
4c) Lease and Development conditions	<ul style="list-style-type: none"> • Agreed that lease and development conditions were to be omitted from the planning bill.
8 December 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> • Agreed
4e) Compliance approach in the Planning Bill	<ul style="list-style-type: none"> • Agreed with the compliance approach (no new minor powers and omit deferral arrangements in relation to debts payable). • Agreed that an information brief would be sent to Minister's Office. • Agreed that a drop copy of EPCG paper be provided to the Director-General, Justice and Community Safety Directorate, and A/g Executive Branch Manager, Construction, Utilities & Environment Protection Branch, Access Canberra. <p>(Note: Drop copy provided to Lisa Sampson on 9/12/2021 for circulation to the above, as well as a background paper for BP next meeting David Pryce)</p>

4d) Territory Priority Projects and Minister Powers to decide DA's	<ul style="list-style-type: none"> Agreed to add extra consultation requirements for TPP and that these provisions would be sent to PCO.
1 December 2021	
3c) Communication – talking heads	<ul style="list-style-type: none"> Talking heads video not to be progressed.
4a) Compliance approach in the Planning Bill	<ul style="list-style-type: none"> Agreed in principle to proceed with the compliance approach (no new minor powers) and that a brief would be brought back to EPCG. Agreed that the policy settings for compliance would be dealt with separately (with Access Canberra) rather than through the bill itself.
4b) Exemptions for minor utility works	<ul style="list-style-type: none"> Agreed in principle that new exemption for minor works will be established for all utilities (not just Icon) noting that the exemption would be drafted in a manner to manage risk. A brief will be brought back to EPCG.
5) Other business – departure from entity advice	<ul style="list-style-type: none"> Agreed that the circumstances in which entity advice may be departed from in development application assessment can involve consideration of whether the proposal achieves a good planning outcome.
24 November 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
4c) TPV interim effect approach	<ul style="list-style-type: none"> Recommendations agreed; brief to progress to MO
4e) DA consideration of SLA project deed commitments	<ul style="list-style-type: none"> Agreed that Bill will contain provision requiring deed manager (SLA/CRA) consent (as DA documentation requirement) where DA lodged for lease over which project delivery deed operates
17 November 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
12 November 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
3a) Removing SEAs	<ul style="list-style-type: none"> EPCG agreed that the SEA process will be omitted from the Planning Bill, and if Cabinet agrees the policy paper that will be agreement to the omission of SEAs.

3b) Good planning outcomes	<ul style="list-style-type: none"> EPCG agreed that 'good planning outcomes' is not to be a defined term in the legislation but will set the narrative for how all elements of the system are integrated and balanced to deliver quality outcomes. We will focus on principles of good planning for strategic planning, and develop a narrative for how it all fits together.
3c) Process for removing concessional status of leases	<ul style="list-style-type: none"> EPCG agreed this brief can progress, noting further thinking on conflict issue and whether limited delegation power should be included.
5 November 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Amendment to 13 Oct 2021 entry agreed (recording agreement to management of public land chapter brief); otherwise agreed.
4a) Significant development	<ul style="list-style-type: none"> EPCG agreed to the approach for significant development outlined in brief 4a.
4b) LVC reconsideration process	<ul style="list-style-type: none"> EPCG agreed to retain current LVC reconsideration provisions, with administrative practices to be explored and considered.
4c) Direct sales amendment	<ul style="list-style-type: none"> EPCG agreed not to include a provision in the Planning Bill requiring land custodian consent to direct sales; EGM, PUP to explore opportunities for enhanced administrative arrangements; Cabinet documents to note that this issue has been explored.
4e) Forward workplan	<ul style="list-style-type: none"> EPCG noted forward EPCG program has been completed
20 October 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
4a) Draft Planning Bill – Stocktake of drafts and progress	<ul style="list-style-type: none"> Agreement to run both Executive and Officer level briefings re the legislation policy and legislation as part of Exposure Draft circulation.
4b) Direct sale process – discussion	<ul style="list-style-type: none"> Agreement to a provision being added to legislation re applicant being required to seek agreement by the land custodian.
13 October 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
Public Land Chapter	<ul style="list-style-type: none"> EPCG agreed the proposed approach.
6 October 2021	

2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
Offset Chapter	<ul style="list-style-type: none"> EPCG agreed to the proposed approach and that there is no need for a specific brief to the Minister on this chapter – the Project Team to flag the approach for this chapter in the policy paper and Cabinet documentation.
29 September 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
15 September 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
8 September 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
1 September 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
25 August 2021	
2a) Actions and Decisions Register	<ul style="list-style-type: none"> Agreed
4b) Legislation policy paper template and timeline	<ul style="list-style-type: none"> EPCG agreed that the preparation of policy papers for the legislation, policy and system operation component of the Project formed a good basis for documenting the rationale and pathway forward, and could be used, with minor amendments, for a range of audiences.

Action Register (Completed Actions)

17 February 2022

6) Next meeting	Move to Friday 25 February 2022.	MM	Actioned. PV advised that BP could not accommodate because of Annual Report hearings
25 January 2022			
2a) Update Actions and Decision Register	<ul style="list-style-type: none"> Update prior to next meeting on 1 February 2022. 	TM	Done
3a) Workplans – District Strategies and Territory Plan	<ul style="list-style-type: none"> Inception meeting with District Strategies consultant is to be held in the week of 14 February, before DDG goes on leave. Meeting to discuss resourcing of District Strategies. Add Territory Plan coordination items into the District Strategies workplan (excel). Lock in meeting dates and agenda items with Comms team. 	TM CO/MK/TM TM LJ	District Strategies inception meeting held 17 January. Discussions held on resourcing of District Strategies. Workplan updated. Meeting dates and agenda items locked in.
4a) Brief on strategic plan hierarchy, plan-making process and plan structure in reformed system	<ul style="list-style-type: none"> A separate discussion is required with relevant people about decisions on the new Territory Plan and the questions that the DG and DDG need resolved. 	DDG/CO/MK	Actioned.
4e) Extension of time provisions policy	<ul style="list-style-type: none"> Contact Access Canberra regarding current revenue stream. Discuss at next meeting with Minister's Office. 	LT DG/DDG	Completed. Discussed at the 4 February meeting with Minister Office
5) Other business - PIA National Award Nomination Statement	<ul style="list-style-type: none"> DDG offered to review the statement. It is due to PIA by 5pm 27 January. 	EB/TM	Complete. DDG did not have time to review. Progressed the statement to PIA.
6) Next meeting	<ul style="list-style-type: none"> Next meeting – Scheduled for 1 February 2021 but may be moved to later in that week. 	MM	Actioned

	<ul style="list-style-type: none"> Agenda item – Brief on strategic plan hierarchy, plan-making process and plan structure in reformed system. 		
15 December 2021			
3b) Project Milestone	<ul style="list-style-type: none"> Discussion on structure and concept plans to be listed for EPCG once approach thought through by TP Project Team - endorsed outcomes will feed into the bill. 	AK	Discussed 9/02/2022
3c) Communications planning and activities for Q1 & Q2 2022	<ul style="list-style-type: none"> In order to assist EPCG to make a decision on the proposal for a video animation, Comms will provide examples of animation from the creative providers and scripts concepts - these will be provided to EB/PB before the end of the week 	AM	Advice provided to BP/ER 16/12/21
	<ul style="list-style-type: none"> Communication matrix to be prepared which identifies purpose, engagement, input required, timeframes as well as approach for engagement, including with Aboriginal and Torres Strait Islander community 	MK/AM	Complete. Provided to EPCG in the comms presentation on 15 Dec. Further work is required on ATSI engagement
4b) Bill - Feedback from PCO Discussion	<ul style="list-style-type: none"> Project Team to continue to work to a 23 February Cabinet date, but also discuss with Cabinet Office the possibility of a placeholder for the 2 March Cabinet meeting (if 23 Feb is not achievable because of drafting delays). 	MK/JB	Ongoing
	<ul style="list-style-type: none"> Project Team to work with Government Services/DG Office to schedule a meeting with Minister in mid-January. Meeting purpose is to provide an update on drafting progress. 	MK/JB	Actioned
15 December 2021			

3a) Project management update	<ul style="list-style-type: none"> Graphics of existing vs new processes –to be completed as support collateral for MLA presentations and broader engagement on the bill 	MK/AM	Actioned - included within the Planning bill consultation package
3c) Communications planning and activities for Q1 & Q2 2022	<ul style="list-style-type: none"> Following mapping of known Executive commitments (Action from 1/12 meeting) - decision will be required on which forums most appropriate to discuss the legislation engagement. 	MK/AM/CO	Actioned - included within the Planning bill consultation package
8 December 2020			
2b) Consultancies	<ul style="list-style-type: none"> Project update paper to be reviewed to ensure that it does not make reference to 'streamlining development assessment' – alternative text to be used. 	MK/AM	Actioned – 8/12/21. Paper updated.
2c) Communications	<ul style="list-style-type: none"> Comms and Project Team to stop referring to 'streamlining development assessment' in all documentation 	MK/AM	Noted for future documentation
	<ul style="list-style-type: none"> Project Team to use the same presentation that was used when briefing Minister Stephen Smith. 	MK	Noted
4a) ATSIEB Meeting	<ul style="list-style-type: none"> In advance of the meeting, Project Team to consider use of language and questions that may arise. 	MK	Actioned
	<ul style="list-style-type: none"> Project Team should aim for a 23 February Cabinet date for the bill 	MK/JB	Noted
4c) Bill for Consultation – Cabinet Date	<ul style="list-style-type: none"> Project Team to meet with PCO – reemphasise Project delivery timelines and seek greater expediency in drafting. 	JB/LT	Actioned – Met with PCO on 9/12/2021
	<ul style="list-style-type: none"> If PCO advise that there will be drafting delays, issue will need to be elevated by Directorate – Project team to provide advice to CO (following meeting with PCO) who will discuss next steps with BP and EB. 	MK/JB	EPCG briefed on outcomes of meeting with PCO 15/12/2021. MK/JB to continue to work to 23/2 Cabinet date and continue

			discussion with PCO. MO to briefed early 2022.
	<ul style="list-style-type: none"> Project team to further consider 'Plan' hierarchy (concept, structure et al) and terminology. 	CD/AK	Discussed at EPCG 9/2/22
3b) Project update	<ul style="list-style-type: none"> A place holder for 15/16 December to be placed in BP diary his consideration of district strategy paperwork 	PV	Actioned 8/12/21 – meeting scheduled 16/12/21
4f) District strategies	<ul style="list-style-type: none"> Broader engagement between September and October. Aim to have all consultation complete before mid-November at the latest. 	MK	Workplan/proposed delivery timelines reflects this action.
	<ul style="list-style-type: none"> Amendments to be made to the presentation. Presentation to be reviewed by EB. 	MK/TM	Actioned 8/12/21. Emailed to MK for clearance and forwarding to EB for review.
	<ul style="list-style-type: none"> Single select brief along with scope of works needs be with BP for consideration by 15 December 2021 	MK/TM	RFQ released and consultant response due to EPSDD 28/01/2022.
	<ul style="list-style-type: none"> Single select brief along with scope of works needs be with BP for consideration by 15 December 2021 	MK/TM	RFQ released and consultant response due to EPSDD 28/01/2022.
1 December 2021			EB proc cor inc adv proc wh cor pol be proc

3b) Project Milestone	<ul style="list-style-type: none"> • Animation – Scope of Works to be circulated to BP and ER • Comms to map known Executive commitments and ensure that these are used a forum for raising the legislation engagement (there are some existing opportunities for highlighting the bill at events and meetings Executives are already attending eg Property Council event in Feb, Climate Change Council). 	LT/WD	<p>Scope circulated 1/12/2021</p> <p>22/2/2022 – where appropriate, opportunities have been included in the Planning Bill consultation package.</p>
3c) Communication – proposed animation and stakeholder engagement	<ul style="list-style-type: none"> • Legislation engagement – to be listed for discussion with Minister at the next meeting, including: <ul style="list-style-type: none"> ○ MLA/Minister briefings dates confirmed. ○ Approach to managing ad-hoc requests (EPCG preference is to host universal stakeholder briefings rather than attending ad-hoc meetings. • 	AM/JB	Broadly discussed at 15/12/21 EPCG. Meetings scheduled.
3c) Communications – stakeholder engagement (briefings – dates and approach)	<ul style="list-style-type: none"> • Animation needs to detail key concepts of the bill not just discuss the bill in the context of the planning reforms. EB and BP to review animation script prior to any animation work commencing. 	AM	Discussed at EPCG meeting of 15/12/2021. Script and storyboard to be provided for EPCG approval once prepared.
3c) Communication – proposed animation	<ul style="list-style-type: none"> • Delivery timelines to be brought back to EPCG for consideration/discussion. 	TM	Actioned. Discussed at 8/12/21 EPCG
4c) District strategies	<ul style="list-style-type: none"> • Legislation Team to continue to consider the criteria for departure from entity advice. 	LT	Complete
5) Other business – departure from entity advice	<ul style="list-style-type: none"> • Legislation Team to continue to consider the criteria for departure from entity advice. 	LT	Complete

24 November 2021				Sc req unc 202 bud for info res
3a) Project budget – business case	<ul style="list-style-type: none"> Brief to be sent to EGM, PUP for consideration and decision noting declared interests of BP and EB Copy to be provided to Minister’s senior adviser and DDG Rutledge for noting 	LT	Brief sent to EGM, PUP 24/11; signed 25/11	
4b) Chief Planner provisions	<ul style="list-style-type: none"> Brief to be sent to EGM, PUP for consideration and decision noting declared interests of BP and EB Copy to be provided to Minister’s senior adviser and DDG Rutledge for noting 	LT	Brief sent to EGM, PUP 24/11; signed 25/11	
4b) Chief Planner provisions	<ul style="list-style-type: none"> Recommendations agreed; brief to progress to MO 	CD	Brief sent to Gov Services 24/11	
4c) TPV interim effect approach	<ul style="list-style-type: none"> Bill to be updated to include provision requiring deed manager (SLA/CRA) consent (as DA documentation requirement) where DA lodged for lease over which project delivery deed operates 	JB/LT	Complete	
4e) DA consideration of SLA project deed commitments	<ul style="list-style-type: none"> Bill to be updated to include provision requiring deed manager (SLA/CRA) consent (as DA documentation requirement) where DA lodged for lease over which project delivery deed operates 	JB/LT	Complete	
17 November 2021				Pro wor pre

4a) Presentation to ACT Greens (19 Nov)	<ul style="list-style-type: none"> In moving forward, the Project Team should be cognisant of the relationship between land use and the leasing system 	TM/AB	Team advised of comment
4b) Summary of SGS Final Report	<ul style="list-style-type: none"> The SGS report to be provided to Territory Plan team to inform the drafting of the TP 	TM/AB	Provided to TP Team. Work commenced.
	<ul style="list-style-type: none"> Project Team and Comms to work together to prepare a high-level summary of the report outcomes, along with appropriate narrative – intent being to release this for community information 		Actioned. 17 February EPCG decisions relevant
	<ul style="list-style-type: none"> To be listed for discussion with Minister 		Discussed at 26/11 meeting with Minister
4c) Territory Plan review and drafting	<ul style="list-style-type: none"> DG and DDG to take off-line and discuss with Minister's Office 	BP/EB	Discussed at 26/11 meeting with Minister
5) Other Business - Legislation bid timing change	<ul style="list-style-type: none"> DG requested that meetings be scheduled for 1.5 hours rather than 1 hour. 	MM/PV	Actioned
5) Other Business – Meeting Duration	<ul style="list-style-type: none"> DG requested that meetings be scheduled for 1.5 hours rather than 1 hour. 	MM/PV	Actioned
12 November 2021			
3c) Removing concessional status of leases	<ul style="list-style-type: none"> Brief to the Minister to progress noting further thinking on conflict issue and whether limited delegation power should be included. 	LT/JB	Brief cleared by EGM, PUP 24/11
5 November 2021			

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4d) Interim effect of Territory Plan	<ul style="list-style-type: none"> EPCG noted a brief will be forthcoming on the interim effect, supporting a restrictive use of interim effect and strengthening of provisions to confirm this view 	JB/CD	Progressed to MO 24/11	
20 October 2021				•
4a) Draft Planning Bill – Stocktake of drafts and progress	DG and DDG to be provided with draft legislation (all chapters completed for 7 Dec Cabinet submission) post exposure, along with briefing on final positions	JB	Actioned	
	<ul style="list-style-type: none"> DG and DDG to be provided with draft legislation (all chapters completed for 7 Dec Cabinet submission) post exposure, along with briefing on final positions 	JB	Actioned	
13 October 2021				MM and add at t Ge Por
2a)– EPSD key legislative actions register	<ul style="list-style-type: none"> EPCG requested that drafting of the Offset chapter generally be simplified and made as easy to read as possible. 	JB/AK	Actioned	
4a) Public Land Chapter	<ul style="list-style-type: none"> Amend document as discussed at meeting and schedule an internal workshop to discuss good planning outcome definitions (note – workshop has been scheduled for 26 October 2021). 	AM	Actioned	

3c) Communication Outputs Q4	<ul style="list-style-type: none"> Comms to undertake a stakeholder mapping exercise (relative to resourcing) and once undertaken bring to EPCG for discussion. 	AK/LJ	Complete. Circulated 8/2/2022
3c) Communication and Engagement	<ul style="list-style-type: none"> EPF November 2021 meeting – Comms to provide BP with dot points re engagement pathway. 	AK/LJ	Complete
3c) Communication and Engagement	<ul style="list-style-type: none"> EPF November 2021 meeting – Comms to provide BP with dot points re engagement pathway. 	AK/LJ	Complete
6 October 2021			
2a) Actions and Decisions	<ul style="list-style-type: none"> Flagged the need to review the offsets plan as per the legislative requirement with Ian Walker. Discussed the key legislative actions register with Adam Roach. Adam advised that the register had been handed over to the Governance team (circa 2018) to maintain as part of their performance reporting function. Adam understands that with changes in staff in Governance over the years, updating and maintaining the legislative actions register has fallen off the radar and it hasn't been updated in several years. 	MM	Actioned
4a) Offset Chapter /Key Legislative Action Register	<ul style="list-style-type: none"> Flagged the need to review the offsets plan as per the legislative requirement with Ian Walker. Discussed the key legislative actions register with Adam Roach. Adam advised that the register had been handed over to the Governance team (circa 2018) to maintain as part of their performance reporting function. Adam understands that with changes in staff in Governance over the years, updating and 	MM	Actioned

	maintaining the legislative actions register has fallen off the radar and it hasn't been updated in several years.		
29 September 2021			
4c)– Minister's ability to decide certain DAs – draft provisions	<ul style="list-style-type: none"> Project Team to work with EPSDD Communication to draft letters to MLAs and key stakeholders re engagement approach for the Draft Bill. Letters to be prepared before 7 December Cabinet date. 	AM/JB	Complete
4a) Targeted Stakeholder	<ul style="list-style-type: none"> EPSDD Communication to work with the Project Team to document a clear engagement approach and prepare any necessary 'universal' information/engagement material. 	AM/JB	Complete
	<ul style="list-style-type: none"> EPSDD Communication to work with the Project Team to document a clear engagement approach and prepare any necessary 'universal' information/engagement material. 	AM/JB	Complete
15 September 2021			
3a) Project Update	<ul style="list-style-type: none"> DDG, EGM PUP, EBM Comms and PL PRRPT the communication pathway for the planning reform work over the next 18 months. 	MM	Complete
3c) Communication	<ul style="list-style-type: none"> DDG, EGM PUP, EBM Comms and PL PRRPT the communication pathway for the planning reform work over the next 18 months. 	MM	Complete

8 September 2021

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4d) TPV Workplan and cut off

- Brief to be prepared for Minister. It should provide options for how best to approach TPV cut off and needs to clearly articulate parameter/criteria (for Minister's agreement) for the basis of the decision, and risks to Project delivery timeframes (i.e resources on TPV means less resources drafting the TP). FAQ, developed in consultation with Comms, should for part of the briefing package.

AK

Complete

1 September 2021

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3c) Communication Link's report	Amend Work Plan to reflect DDG comments.	JB	Complete
4a) Work Plan	<ul style="list-style-type: none"> Amend Work Plan to reflect DDG comments. 	JB	Complete
25 August 2021			
Agenda Item	<ul style="list-style-type: none"> Add Project workplan to agenda for 6/9/21 meeting with the Minister. Add budget and workplan to agenda for 1/9/21 EPCG meeting. Papers requiring direct feedback/comment from DG/DGG to be provided to appropriate EO prior to meeting. 		
3a) Project Management	Alex Magee to provide EPCG update on Communication Link's report (Helen Leayr) on the engagement workshops held for district planning before the end of the week.	AM	Complete
3c) Communication and Engagement	Workplan to be provided to DG/DDG through respective EO.	MM	Complete
4a) Work Plan	<ul style="list-style-type: none"> DDG, EGM PUP and PL, PRRPT to meet offline to discuss how related Directorate projects be considered/reflected. 	CO	Complete
	<ul style="list-style-type: none"> Project Team, in consultation with EPCG, to further consider: <ul style="list-style-type: none"> what output defines Project end. DG comment re - narrative with respect to the reform (i.e the Project is complete once legislation is introduced [as opposed to debated], implementation is not part of the Project). <ul style="list-style-type: none"> Project Team to ensure appropriate cross Agency engagement occurs. 	JB/AM	Complete
	<ul style="list-style-type: none"> Brief to be updated to address implementation and then be sent to DG/DDG for consideration/decision. 	TM	Complete
4b) Legislation Policy Paper – template/approach	<ul style="list-style-type: none"> Brief to be updated to address implementation and then be sent to DG/DDG for consideration/decision. 	TM	Complete
4c) Draft brief - district strategies	Brief to be sent to DG/DDG for consideration/decision.	TM	Complete

4e) Draft brief - ILUP recommendations and responses	<ul style="list-style-type: none"> Project Team to provide comments (including EPCG) to consultants early next week. 	TM	Complete
4g) Commercial/industrial/ mixed use project – SGS progress	<ul style="list-style-type: none"> Project Team to further consider the mechanism for obtaining owner consent, and then progress brief for DF/DDG consideration/decision. 	LT	Complete. Brief in system.
4f) Draft brief - Solar building envelope – Exemption declarations	<ul style="list-style-type: none"> 		



Planning Review and Reform Project: Executive Project Control Group

Agenda Item No.	4c
Date of Meeting	17 February 2022
Subject	Proposed approach and structure of the new Territory Plan in the reformed planning system
Branch	Planning System Review and Reform
Paper Prepared by	Alix Kaucz/Cara Doherty
Paper Approved by	Matthew Kamarul
Action Required	For EPCG Endorsement

Purpose

1. To seek your agreement on the proposed Territory Plan structure and function in the reformed planning system so it can be reflected in the draft Planning Bill prior to commencement of public consultation on the draft Bill (subject to Cabinet agreement on 23 February 2022) as needed.

Background

1. A new Planning Act, a new Territory Plan and District Strategies are the three key elements that will deliver the reformed planning system.
2. The proposed reforms will result in a more 'spatially-led' and 'outcomes-based' planning system. This means a greater emphasis on strategic planning and spatial direction for the Territory at different scales; with a better line of sight from the city level (Planning Strategy) to district level and site level of planning. It will be a less prescriptive, principles-based system that provides a framework for improving the design and built outcomes.
3. That means we need to respond by making changes to the planning system, including the Territory Plan and its function as a development control (statutory planning instrument) and its interface and interdependences with other components of the planning system. A key consideration is the purpose, scope, and function of codes within the Territory Plan, with the introduction of district codes leading to a refocused code hierarchy.
4. A baseline of the current Territory Plan has been completed to outline its key components and its function as a development control within the current planning system. This has identified gaps and opportunities that have been considered for the new Territory Plan through an evaluation process.
5. A summary of this was presented at EPCG on 9 February 2022 ([Attachment A](#)) and, as an outcome from this meeting, further details and forward actions for the proposed Territory Plan have been provided below.

Baseline – current Territory Plan

6. The Territory Plan contains the statutory requirements for developments in the ACT. The policies identified in the higher layers of the planning system are currently transferred via a variation to the Territory Plan or technical amendment (where they relate to future urban areas) into the relevant codes (precinct, development or general) or structure and concept plans.
7. The structure and components of the current Territory Plan are explained in [Attachment A](#) (slide 1-2). It 'explodes' the current Territory Plan and distils it into separable portions to evaluate their core function, role and application.
 - a. Application: The Territory Plan applies across all scales of development including at

- Territory-wide, district, town centre, neighbourhood, section, block (site) and building scales. Understanding its spatial application is needed to evaluate and identify the relevant provisions and levers to be set at each scale at a statutory level.
- b. Key components: Parts of the Territory Plan can be grouped into four main components including setting direction and visions, definitions, maps (spatial), codes, and associated development application processes (including Estate Development Plans - EDP).
 - c. Key function: Fundamentally, components within the current Territory Plan serve to either influence an outcome or to control an outcome through development controls. Elements like the Statement of Strategic Directions or Zone Objectives function to influence statutory planning outcomes by being a structuring device and providing a mechanism to enable changes to the Territory Plan. Controlling planning outcomes currently includes the use of Codes, Rules and Criteria.

Gap analysis: issues and opportunities for the proposed Territory Plan

8. A gap analysis of the current Territory Plan has identified what elements work and what elements need to change to better respond to the objectives and outcomes of the reformed planning system. Details of this are provided in Attachment A (slide 3), summarised below.
9. Elements to retain - many aspects of the existing system remain fit for purpose and effective and are proposed to be retained. This is summarised below.
 - a. Zoning and land use provides a logical grouping, and it is proposed to keep the current approach to area and use base.
 - b. The use of the term 'code' in the ACT context is associated with land management and it proposed to keep this term.
 - c. The process of undertaking a Territory Plan technical amendments to update the Territory Plan currently works. It is proposed to keep the current process.
10. Issues and opportunities for the new Territory Plan are summarised below.
 - a. There is a blurred distinction between strategic plans and statutory plans. Greater clarity is needed with an enhanced emphasis on strategic planning and how these inputs are fed into statutory planning.
 - b. There is little discretion for proponents and users of the system to balance and 'weigh' requirements to be able to address trade-offs in the design and delivery of projects. Currently, each provision in the code is equally 'weighted' where a minor consideration can impact a critical consideration. The revised codes should build a 'hierarchy of consideration' into the drafting of the provisions.
 - c. The general codes in particular require modernisation to reflect contemporary statutory planning processes and needs. Regrouping the contents of the codes into logical themes (such as a Movement and Access Code) will assist in achieving a clear and easy to use Territory Plan.
 - d. The Territory Plan structure needs to enable an outcomes focused approach to planning and this needs to be spatially (place) led.

Evaluation

11. An evaluation process has been undertaken to inform the new Territory Plan, evaluating the proposed changes made in response to the identified gaps and opportunities outlined above.
12. A set of evaluation criteria has filtered and 'tested' the proposed elements for the new Territory Plan against the desired outcomes and their ability to meet the objectives of the new planning system. Detail of the evaluation and 'filtering' process is provided in Attachment A (slide 3). The evaluation criteria that have been applied are summarised below.
 - a. Address the complexity and inflexibility of the system by simplifying the codes to make them easier to use and easier to find related provisions.

- b. Consolidate the codes into contemporary planning themes to appropriately consider character, context, and design.
- c. Strengthen the relationship between strategic and statutory planning and provide a role for interfacing government policy.
- d. The ability of the proposed structure, role and function of the new Territory Plan to align with planning principles that support an outcomes-focused assessment.

Key Issues

- 13. The proposed changes are in line with the agreed directions for the planning system and in response to feedback, benchmarking and specialist advice and analysis by EPSDD.
- 14. The way in which the existing and new elements of the Territory Plan will be integrated are shown in Attachment A (slides 4-6).
- 15. Given the detailed nature of the proposed changes in the new Territory Plan, 'key moves' for proposed new elements will be outlined at two scales – at the scale of the overall Territory Plan and at the scale of of the Codes within the Territory Plan itself.

Proposed changes to the Territory Plan (overall)

- 16. The below summarises key proposals for the overarching structure and components of the Territory Plan. See also Attachment A (slide 4).
- 17. Revise the structure for the Territory Plan:
 - a. While the broad structure of the Territory Plan is proposed to remain familiar and retain some existing components, the key proposed changes to the Territory Plan's structure will reflect the three 'streams' of the Territory Plan's core function. This includes the Vision and Definitions (influence), Maps (application) and Codes (provisions).
 - b. This seeks to address complexity and inflexibility in the system. Adding 'vision' will reinforce a clear line of sight, and be consistent with, the Planning Strategy and Objectives of the Act.
- 18. Introduce District Strategies and strategic planning processes as inputs into statutory planning:
 - a. The existing suburb precinct codes and the urban aspects of the existing district and area codes would be consolidated to form new district codes. These district codes would incorporate the existing precinct code, structure plan and concept plan development provisions, aligning them to reflect the planning outcomes arising from the district strategies.
 - b. Consideration of adjacent workstreams including planning reports. This provides a mechanism for inputs into the Territory Plan to strengthen the relationship between strategic and statutory planning.
- 19. Consolidate and rationalise codes:
 - a. The Territory Plan map and zones would remain, with codes providing planning provisions tailored to deliver the desired zone outcomes.
 - b. Retain the current code hierarchy but replace 'precinct code' with 'district code'. The district code would take precedence over the development and general codes (reflecting the policy intent of area specific provisions 'overriding' more general provisions) and the development codes taking precedence over the general codes.
 - c. Introduce a new district code to incorporate provisions specific to each of the eight District Strategies. This will replace the function of the existing precinct codes and will incorporate legacy planning documents including the structure and concept plans that currently apply to future urban areas (FUA).
 - i. Note options for the role of these plans were provided for consideration at EPCG 25 February. This code will enable a 'place led' consideration of character, context and design. District codes will include provisions for both

urban and non-urban sites. Refer Attachment A (slides 7-9) for detailed evaluation and assessment of options.

- d. Retain development codes and incorporate zone objectives as well as permitted and prohibited uses. This will locate all zone related considerations in the one document – the zone development code). Development codes will also be retained for single dwelling and multi unit housing as these uses can occur in multiple zones.
- e. Consolidate the general codes from 13 into 5. The existing general codes are proposed to be consolidated into theme-based general codes, with a greater emphasis on their role in managing development outcomes. It will also make these contemporary with other planning systems and will draw a line of sight back to the Planning Strategy and Planning Principles in the Act.
- f. Change the current Estate Development Code to a general code in recognition of its role in guiding estate development (such as infrastructure, block characteristics). Place and location specific provisions for both infill and greenfield sites would be included in the relevant district code, meaning provisions that determine a defined outcome for an area would override the ‘generalised’ estate provisions.

Proposed changes to the Territory Plan (detail - Codes)

20. The below outlines detail and proposed changes to the codes to align with key objectives of the reformed planning system. Also refer Attachment A (slide 5).
21. Revised structure for codes:
 - a. A new structure will be applied to all codes in the Territory Plan. This will provide consistency in the interpretation and for all development types and scales. It will address complexity in the current Territory Plan and make them easier to use and easier to find related provisions in the codes.
 - b. To help establish a ‘hierarchy of considerations’ (as raised by Statutory Planning) ‘mandatory’ matters for consideration will be located at the start of the code, followed by other (‘non mandatory’) matters. It is considered that this would be an easier to use that embedding mandatory and non-mandatory provisions in separate codes.
 - i. The wording of the ‘non-mandatory’ provisions will also indicate if another matter is considered more significant. For example, the parking provision may enable flexibility, but it could state that this was not to be to the detriment of planting area.
 - ii. This change will provide a structure for the assessment of design and development trade-offs that is aligned with an ‘outcomes-based’ planning system that appropriately considers character, context and design.
 - c. Inclusion of accepted and prohibited uses into each code as relevant will provide a clear plan structure and assist in the application and assessment of development proposals.
22. Identification of policy intent:
 - a. The corresponding policy intent will be identified in each code. This will provide a stronger link between strategic and statutory planning development controls.
 - b. There is an additional opportunity to identify relevant Planning Principles and their considerations within each code. It will seek to reinforce how the Planning Principles have been drawn through and given effect at statutory planning level. This is currently being explored by the project team.
23. Introduce 8 ‘Elements’ into each code:
 - a. This would include Use (land use), Site, Building Design, Environment, Amenity, Access, Redevelopment, and Services. This will provide consistency of elements to be considered by proponents and establish the hierarchy of considerations as noted above. This is currently being explored by the project team to be finalised.

24. Incorporate performance assessment and acceptable measures:
 - a. This will be supported by design guidelines and practice notes. See below point.

Proposed new supporting material

25. To support the implementation of the reformed planning system, EPSDD proposes to update the website and prepare new guidelines, practice notes and other supporting material to clearly explain planning and administrative processes. This includes new design guides (i.e., connection with country, designing for places, housing design, and public realm design) and a built form design guidance toolkit.
26. The team is currently exploring the role of design guides and their multiple functions in both the application and assessment processes (DA) and in the interpretation of the code outcomes. It is suggested that guidelines be given statutory weight via reference to them in the relevant codes in the Territory Plan. The project team is currently reviewing recommendations made by Hodyl & Co. and further discussions to coordinate the adoption of recommendations are being had within the Directorate. See also Consultation.

Financial

27. No financial implications arise from this brief.
28. Guidelines and supporting material that interface with the Territory plan and its implementation may have associated financial implications including engagement and scope for consultancy work. Further resolution on the role of guidelines and supporting material is underway to understand options available and this will be presented at a separate EPCG.

Risk and Sensitivities

29. Further coordination and resolution are required with adjacent workstreams that have interdependencies with the proposed Territory Plan's function and implementation. Further work is required to understand the impacts and opportunities around the below elements.
 - a. Development Application process and assessment requirements.
 - b. Guidelines and practice notes.
 - c. Mechanisms for policy inputs into the Territory Plan including terminology, classification of planning documents, and matters for planning studies to consider (if relevant) at each spatial scale (refer Agenda item 4a and 4b - EPCG 15 Feb).
30. Other points to raise are outlined below.
 - a. Sustainability and narrative of planning principles drawn through to the Code level.
 - b. Any Consequential Amendments to the Bill.

Consultation

Internal

31. The PSRRP and Territory Plan teams were involved in the development of this brief.
32. Preliminary consultation has been had with the Statutory Planning division and is ongoing.

Cross Directorate

33. As this is an internal matter, no cross-directorate consultation occurred during the development of this brief.
34. However, considerations for the proposed Territory Plan structure have incorporated general Territory Plan feedback from other directorates over recent years.

External

35. As this is an internal matter, no external consultation occurred during the development of this brief.
36. However, considerations for the proposed Territory Plan structure have incorporated general Territory Plan feedback from community and industry over recent years, as well as comments received on Variation 306 (that restructured the Residential Zones, Single Dwelling Housing and Multi Unit Housing Development Codes and created the Estate Development Code), both at draft variation stage and post implementation.

Recommendation

That the Executive Project Control Group:

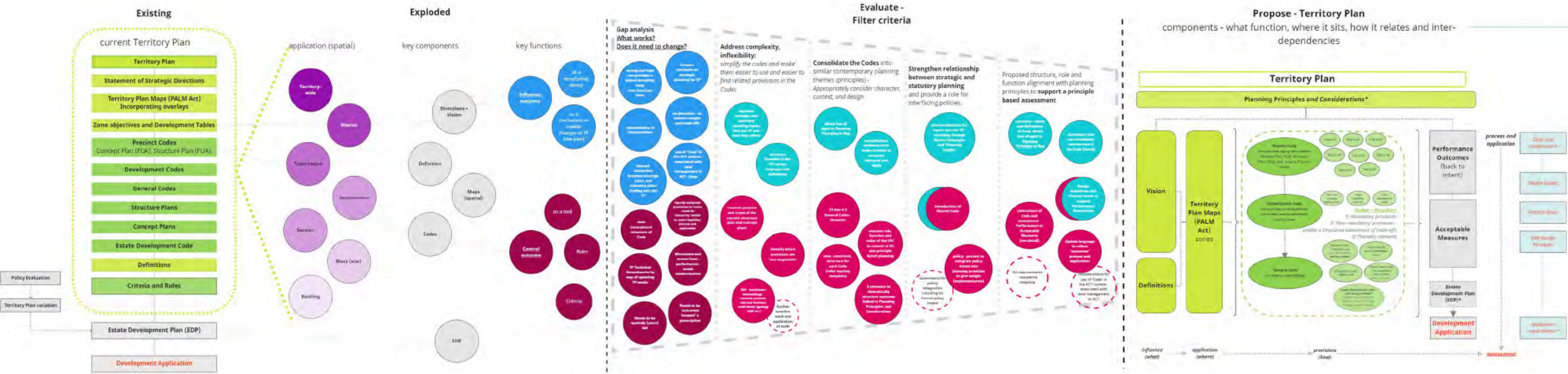
1. Note and endorse the contents of the brief set out above.
2. Agree to the key components of the proposed structure for the new Territory Plan.

Decision by Executive Project Control Group:

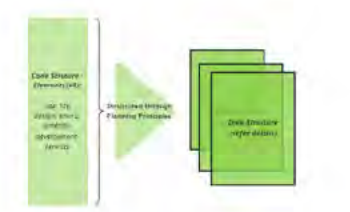
Date:

Attachment A – Territory Plan Baseline, evaluation and proposed

Overall (see also detail pull outs)

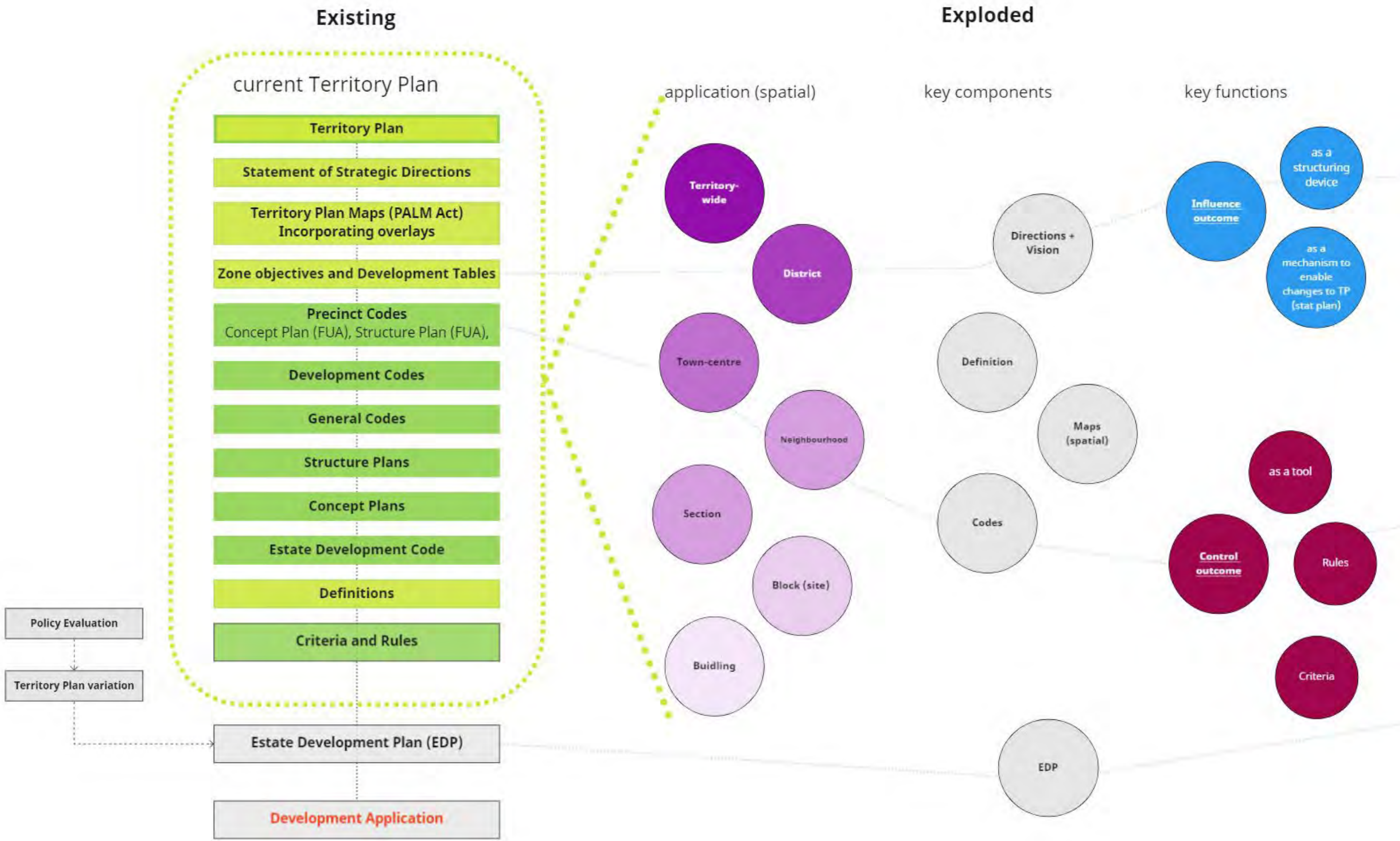


Propose - Code
→ detail to draw through into Code drafting and provisions



pull out:





Evaluate - Filter criteria

Gap analysis What works? Does it need to change?

Address complexity, inflexibility:

simplify the codes and make them easier to use and easier to find related provisions in the Codes

Consolidate the Codes into similar contemporary planning themes (principles) - *Appropriately consider character, context, and design*

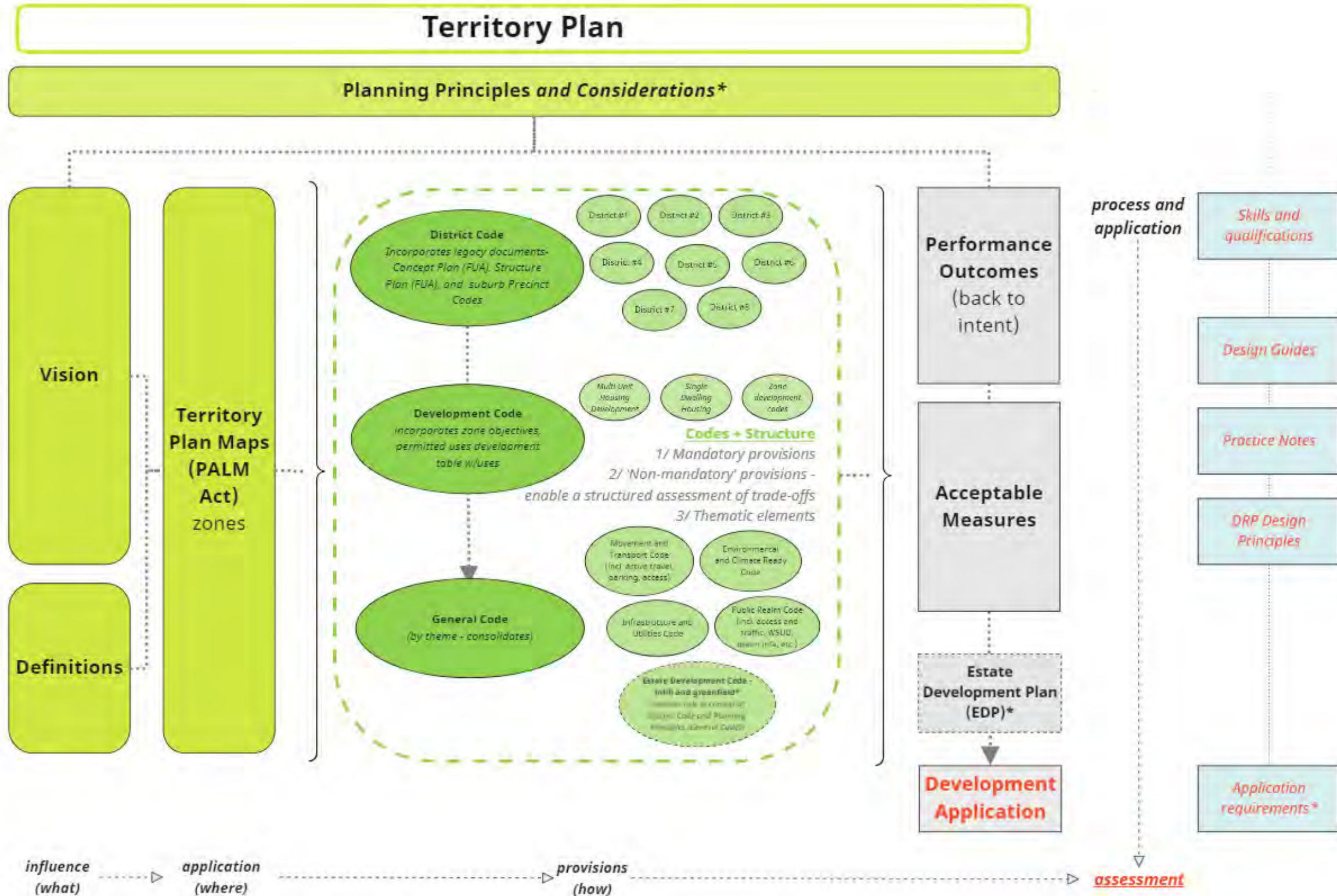
Strengthen relationship between strategic and statutory planning and provide a role for interfacing policies.

Proposed structure, role and function alignment with planning principles to **support a principle based assessment**



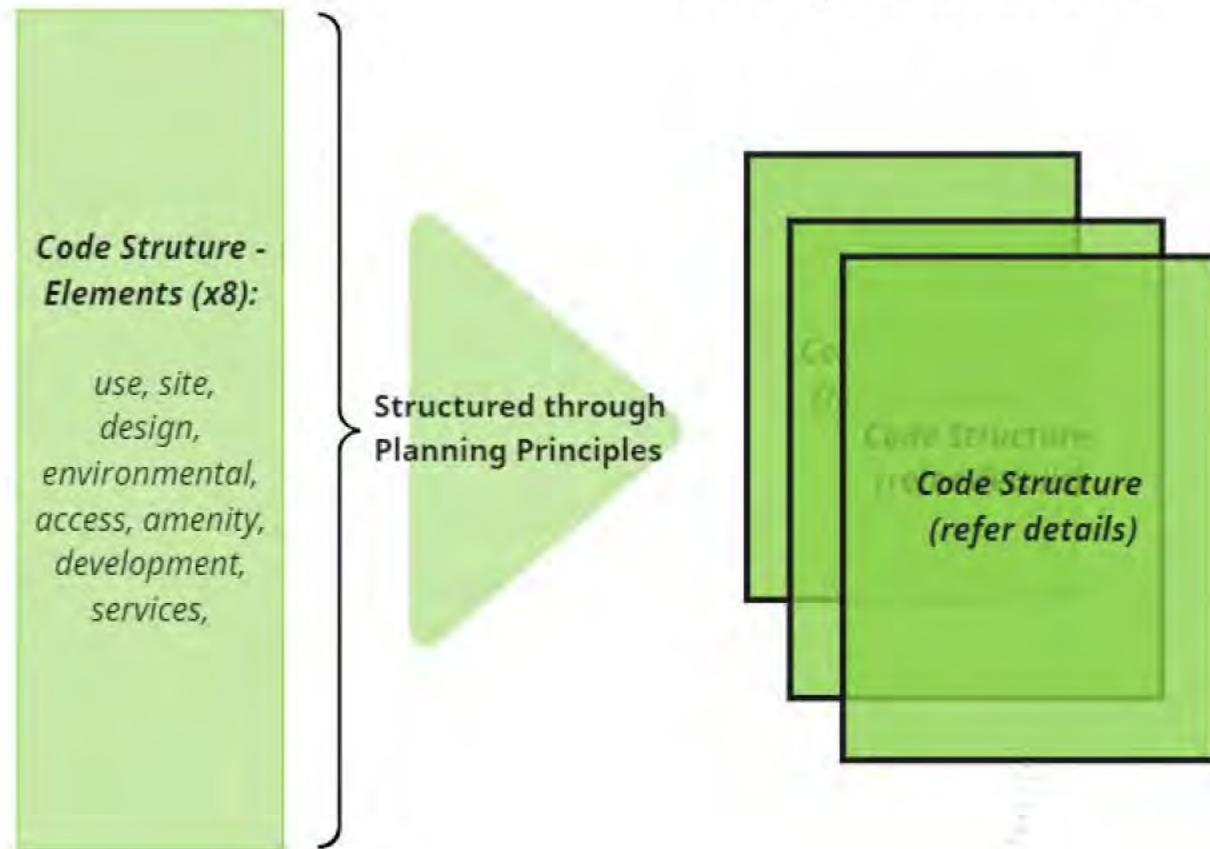
Propose - Territory Plan

components - what function, where it sits, how it relates and inter-dependencies



Propose - Code

.....> detail to draw through into Code drafting and provisions



pull out:

- consistency across Codes
- stronger link between strategies and stat planning
- consolidation of elements and consistency across each Code (under review)
- identification of policy intent and how it fits/sits into Code template
- narrative-line of sight to Principles
- clearer interpretation
- identification of Planning Principles within the Code to reinforce how they have been given effect
- inclusion of accepted and prohibited uses

Proposed changes to the Territory Plan (detail)

Current component	Proposed change
Statement of Strategic Directions	Remove and instead refer to the Planning Strategy and/or district strategy for strategic direction.
-	Add a new vision, consistent with that in the Planning Strategy.
Maps (incorporating overlays)	Retain.
Zone objectives and Development Tables	Incorporate these (or list of permitted and prohibited uses) into the zone development code (i.e., all zone related considerations are in the one document – the zone development code).
Precinct Codes	Consolidate and replace with district codes.
Development Codes	Retain.
General Codes	Regroup into more logical theme based general codes.
Structure Plans and Concept Plans	Options for the role of these plans are provided for consideration and outlined in detail, below.
Estate Development Code	Update with best practice provisions for greenfield and infill estate planning.
Definitions	Restructure to reduce confusion regarding umbrella terms, sub-categories, and common terminology. Relocate to come after the vision.

Role of structure plans and concept plans

Code structure and detail of structure plans and concept plans

- The current structure plans and concept plans only apply to greenfield areas identified as a future urban area (FUA). When a future greenfield development area is identified, a structure plan is prepared to outline the strategic planning intent for the area and the FUA overlay is created, setting the indicative zoning for the land.
 - Structure plans set the high-level planning considerations for a specific greenfield area (FUA). They contain the planning principles and policies that an estate development plan (EDP) must comply with. An EDP DA is assessed against the requirements of the structure plan, the concept plan, and Estate Development Code.
 - A concept plan sits below the structure plan. It contains more detail for the EDP to comply with while remaining consistent with the structure plan. While the Planning and Development Act 2007 (the Act) makes provision for a concept plan, a concept plan does not have to be prepared if it is not considered to be required. If there is no concept plan, an EDP is assessed against the structure plan and Estate Development Code only.
- For new estates on infill sites there is currently no site-specific strategic planning guidance informing the estate development proposal and assessment process. As a structure or concept plan cannot apply to a non-FUA, the development is only required to comply with the Estate Development Code (which provides general planning guidance for estates).
- The delivery of greenfield estates can take many years to complete. During this time the specific planning controls that apply to the area, as well as the indicative zoning and zone boundaries, may need to change to reflect later detailed planning work or a change in circumstances.
- For this reason, the Act provides for a technical amendment to vary the Territory Plan adjust planning provisions in the concept plan, zones, and zone boundaries within a FUA, but only if the change is consistent with the principles and policies in the relevant structure plan. This type of technical amendment cannot (currently) be used to amend the zoning or zone boundaries of non-FUA areas.

Options for role of structure plans and concept plans in the new Territory Plan

Three options for the structure of the new Territory Plan, including the role of structure plans and concept plans, are provided for consideration.

- **Option 1** maintains the status quo – structure plans and concept plans as two separate components of the Territory Plan. Their role would remain the same as is now, though the document would be reviewed and updated to provide consistency in language and format.
 - This option keeps structure and concept plans (that are only applicable in the FUA) as distinct components that could be easily removed once the whole area is developed). The current technical amendment provisions would remain the same.
 - Having structure plans, concept plans, district codes and district strategies as separate components could confuse users, particularly as they are very similar except that the first two apply to the FUA and the last two infill/non-FUA.
- **Option 2** proposes to combine structure plans and concept plans into the one document but keeping it separate from district codes. Part one of this combined document would contain the policies and principles for future development (the content of the current structure plans) and part two would contain more detailed requirements (the content of the current concept plans).
 - a. This option could still utilise the concept of the technical amendment being used to make refinements over time, noting a slight adjustment to the wording of the Act would be required (to refer to the sections in the plan rather than referencing the structure and concept plans)
 - b. This option removes a layer in the Territory Plan however it still has the potential to create confusion for users regarding how its role is different to the district code (if both are providing guidance for the future development of an area).
- **Option 3** (preferred option) proposes to incorporate the strategic direction setting that may be found in a structure plan into the corresponding district strategy. The planning provision/consideration elements of the structure plan and concept plan would then be incorporated into the district code.
 - This option locates all area specific considerations in the one place, making it easier to use and removing the potential for confusion that would occur by having separate but similar documents.
 - Infill and greenfield areas would be treated consistently, albeit with different types of provisions within the respective code to reflect the different requirements of the areas.
 - Consideration can be given to how the technical amendment process could be used to make amendment to the district code to reflect any changes over time (consistent with the current technical amendment parameters). This could mean an amendment to the Bill, for instance to refer to district level future outcomes rather than structure plans.

Proposed – Option 3

All three options are workable however option 3 is the preferred approach. Option 3 provides for a simpler system by locating all area specific considerations in one place, while maintaining the ability to make minor amendments over time via technical amendment.

- The new district codes are proposed to include the area-specific matters required to be considered during the assessment of a development application. These can:
 - Add new district level future outcomes, consistent with those included in the corresponding district strategy.
 - Replace the current suburb precinct codes and combine them to form the district code.
 - Incorporate any relevant overlay requirements.
- If Option 1 or 2 were agreed to, consideration should be given to whether a structure plan could or should apply to an infill area. This could provide more guidance on how an area could develop over time. However, the question would be how this ‘infill structure plan’ differs from the new district code. The infill structure plan could be part of the district code. It could be the new ‘strategic structure plan’, which is transferred from the district strategy to the district code.
 - Currently, if the subject site requires a Territory Plan variation to enable the estate development, provisions (akin to those found in a concept plan) are added to the precinct code to provide this guidance. However, this is only currently possible if the proposed development requires a variation.
- If Option 3 is agreed to, consideration should be given to the extent to which technical amendments are used to adjust zone boundaries for infill sites if the change is consistent with the desired future outcomes of the district.
 - For instance, the district code could nominate an area within which a technical amendment could be utilised (akin to a FUA overlay). As the estate planning is resolved, a zone boundary could be adjusted to reflect any new block boundaries resulting from the EDP approval.
 - A new technical amendment to adjust the provisions in the district code would not be required as a code technical amendment (under the current Act) already has that ability.
 - Unless the district code nominates indicative zoning on an infill site, it is not considered appropriate for a technical amendment to be used to change the zoning of an infill site due to the concern it could create from the community.



ACT
Government

Environment, Planning and
Sustainable Development

ACTION AND DECISION REGISTER
ACT Planning System Review and Reform Project
Executive Project Control Group
Ben Ponton, Erin Brady, Lesley Cameron, James Bennett, Alix Kaucz
Alex Magee (Observer), Karen Wilden (Observer),
Laura Marcantonio (Secretariat)

Item	Agenda Item	Action or Decision Taken	Responsibility
8 April 2021			
2 - Actions Arising	a) Agreement to draft TOR	Agreed	N/A
	b) Agreement to Actions and Decisions Register	Agreed	
4 – Items for approval	ii) Narrative on the new planning system and appetite for change	New Planning Act, enhancing existing planning system. Some elements of existing system to be retained.	James Bennett
	iii) Outcomes-focussed planning system – agreement to terminology	Agreement to terminology of outcomes-focussed planning system, and definition reflected in public Directions Papers	James Bennett
	iv) New name for the authority	Agreement to pursue change in this area	James Bennett
	v) New functions for the authority	Agreement to pursue change in this area. Wording should be revised and not include “seek” or “better”. Consider through drafting of provisions.	James Bennett
	vi) Simplicity/efficiency/reduced length	Agreement to Apply concept to all thinking.	James Bennett
	vii) When adding discretion, accompany with transparency	Agreed	James Bennett
	viii) Timeframes – reflecting actual time, presumption to renotify amendments etc	Agreed in-principle – need to ensure provisions work and retain balance in processes	James Bennett
	ix) Pre-determination advice process	Agreement in-principle to pursue - Needs to be made transparent and upfront, and details need to be resolved	James Bennett
14 April 2021			
4 – Items for approval/discussion	a)i) Commissioning work to embed ATSI values in the planning system	Agreed - This work should be commissioned, scoped by undertaking a risk assessment.	Alix Kaucz
	b)i) Compliance policy settings	Agreed – Explore smaller municipal type orders to simplify compliance aspects.	James Bennett

Item	Agenda Item	Action or Decision Taken	Responsibility
	b)iv) Government Priority Projects: 1) <i>New plan variation process</i> – for govt priority projects, and implementing government policy (e.g. update to strategic district planning)	Consolidated process agreed in-principle. Committee Referrals need to be considered and ad hoc requests for TPVs. Considerations to include enviro, social, fiscal impacts and whether led by Gov or by proponent.	James Bennett
	b)iv) 2) <i>Minister declaration power</i>	Consider how other jurisdictions manage similar powers	James Bennett
22 April 2021			
4 – Items for approval/discussion	a)i) District Planning	Agreement in-principle to District Planning strategic engagement materials. Agreement to include a South and Northside district to begin the engagement. Agreement to Dynamic District Plans – tying into Planning Strategy with a mechanism to make a simple update without the level complexity of a TPV. Agreement to a staged process, including to allow for Budget funding for the detailed planning work in the next (2022-23) Budget.	Alix Kaucz
	b)i) South Australian System	Discussion: Most useful as a point of reference. Meeting to discuss implementation, legislation and issues encountered in the process. Some peripheral elements of the planning system, such as websites, DA lodgement systems etc will need work now. Budget funding will be challenging - need to focus on communications and engagement for funding. Agreement to start socialising these ICT elements with Government now, including support of the CDO in seeking budget funding. Socialisation should commence through the EPSDD led Planning and Infrastructure Subcommittee of Strategic Board.	James Bennett
29 April 2021			
2a)	Actions Arising	Agreement: Lead for implementation of ICT/Gateway work – third stream – Craig Weller. Action: Take cab sub to Planning and Infrastructure Subcommittee of Strategic Board while on circulation – at 25 May. James to prepare presentation for subcommittee meeting.	James Bennett

Item	Agenda Item	Action or Decision Taken	Responsibility
4) Items for decision/discussion	4ai) Policy Items Territory Plan Variation Processes	Act application process - Agreed Statutory criteria process - Agreed Charging of a fee - Supported Agreement to explore a possible two-stage process - where can request authority consider, if authority agrees then may proceed to an application. Note preference is a light touch application process.	
5)	Other Business – Engagement work	Action: Need a checklist of processes and diagrams of the current system so that we can show what we are looking for in terms of keeping/changing in the new system. This will assist communicating the changes. Comms to assist with visuals.	Alix Kaucz Natalie Cooper
6 May 2021			
Standing Items	2b) Policy Update	Agreed: ATSI consultancy – DDG can sign off week of 10 May. Dr Richard J Frankland, Managing Director, Koorreen who facilitated the Executive Cultural Masterclass recently is to be considered in the RFQ.	Alix Kaucz
4) Items for decision/Discussion	4a) Policy Items i) Structure of Territory Plan	Agreed-in principle	Alix Kaucz
	ii) District Planning	Agreed in-principle	Alix Kaucz
	4b) Legislation Items i) Treatment of SLA/CRA/Major Projects for TPV processes	Discussion on how these groups should be treated – when can be proponents but also gov delivery agents. In-principle agreement: If lodging DA – normal process. Should do what everyone else is required to do. Depending on initiation of variation – Gov priority Vs standard request and who is lodging the application. Authority would need to determine whether a priority and determine the process.	James Bennett
	ii) Public notification and amendments	Agreed: Balance between transparency and efficiency in process is required. Public benefit in notifying amendments but adds period of time to assessment. Threshold needs to be considered and some discretion for the authority should be applied.	James Bennett

Item	Agenda Item	Action or Decision Taken	Responsibility
	iii) Complementary uses (process for considering uses not otherwise provided in a development table)	<p>Agreed: New flexible approach to assessable development types rather than default to 'prohibited use' and assessed under impact track.</p> <p>Agreed: New Territory Plan definition "complementary use" with supporting Act provisions.</p>	James Bennett
13 May 2021			
	4a (i) Policy Items - Topics for stakeholder working series	Held over to 20 May meeting	
	4b (ii) Legislation Items - Retention of pre-DA consultation - Territory Plan chapter work through	<p>Agreed: Options should be presented to the Minister to amend or remove the guidelines under the new Act (including rationale)</p> <p>Noted: Use terminology of outcomes focussed, not performance based.</p> <p>Action: Options should be presented to the Minister in relation to committee referral for Territory Plan amendments</p>	
20 May 2021			
Standing Items	Welcome	Agreed: Ben will discuss at the next EPF meeting, the possible leverage of members' expertise to 'test' new chapters of legislation as it is drafted; and other matters pertinent to the Project.	
Standing Items		Agreed: Engage with the MBA and Property Council <u>in confidence</u> as sections of the new Act are drafted. Names can be provided to Ben of the 'trusted' advisers of each entity.	
Standing Items	Policy update:	RFQs closed for the three consultancies – evaluations underway.	
Standing Items	Legislation update	<p>Agreed: Expand the submission to seek approval to investigate more rapid DA processes for 'Priority Projects', noting comments received from MPC.</p> <p>Timing for intro of legislation: Agreed Messaging: Stakeholder consultation draft late 2021 early 2022 – silent on introduction if outside of our control.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
4 – Items for decision/discussion	4)a)i) Topics for stakeholder working series	<p>Noted: Stakeholder meetings 4-6 weeks apart to commence on Wednesday, consisting of : overview, district planning. Following workshops are to discuss statutory processes, development controls.</p> <p>Noted: Focussed District Planning workshops to follow o from stakeholder meetings.</p> <p>Agreed: Engagement on sections of the new Act will be a separate process – as refining, in confidence, to test ideas, as opposed to more formal processes.</p>	
	4)a)ii) District Planning Brief	<p>Options: Discussed.</p> <p>Agreed: Aim for District Planning to go to Subcommittee this year to socialise and Cabinet next year. Timing to be explored.</p> <p>Agreed: Report back to community later this year on workshop outcomes on district planning.</p>	
Other business	Draft Program	Agreed: Draft Program to be held over to next meeting.	
27 May			
Standing Items	Pre-DA Community Consultation	Agreed: Name is causing confusion in the community, group agreed to amend the title within the Legislation work program.	
Standing Items	Project Management update	<p>Noted: regarding expenditure to be spent in 2020-21, including the communications workshop expenses.</p> <p>Project Director tender has closed, assessment is underway.</p>	
Standing Items	Policy Update	Agreed: Heritage values to be incorporated into the workshops for all districts, the group noted that heritage should include both built and natural/cultural.	
Standing Items	Legislation Update	Agreed: Brett to discuss the issue of consent to transfer with Legislation Team.	
Standing Items	Communications and Engagement update	Action: Agreed James and Karen to discuss offline the topics for EPF meeting in June.	
Policy Items	i) Draft Program (Excel file)	Action: Members to take this offline to finalise a Legislation/Engagement work program. James and Karen to take the lead. Group agreed this would be theme based and not include specific dates. Minister Gentleman to discuss the work program at the EPF meeting in June.	

Item	Agenda Item	Action or Decision Taken	Responsibility
3 June			
3 - Standing Items	<p>Legislation update</p> <p>Communications and Engagement</p>	<p>Noted: Drafting Instructions on DA process elements to be sent in coming days.</p> <p>Action: If Craig Wallace cannot be engaged by comms in the next week, then an email to come from Ben, seeking Craig's assistance, should be prepared.</p>	KW
4 – Items for decision/discussion	DA Timeframes	<p>Agreed: A complete development application should be the starting point for statutory timeframes. Timeframe for further information requests to commence from when request for information is sent. Repeat requests would extend timeframe.</p> <p>Appeal rights are likely to be referred back to actpla for decision – therefore timeframes may appear as ongoing. Public Notification periods for considering DAs need to be considered in timeframes.</p> <p>Action: Need to consider how we communicate the 'Complete DA and timeframe' messaging.</p> <p>In-principle agreement to draft provisions to reflect the above and key messages to be prepared in consultation with Comms.</p>	KW/JB
	Options for removal of concessional status of leases	<p>Agreed: Provisions relating to deconcessionalisations to be revised – to include a Social Impact Statement from the applicant and Minister to be the decision maker – with consideration of the requirement for a two-stage process. There is executive appetite to review.</p> <p>Action: Best options to be considered for decision by minister, then report back on the preferred option to EPCG. Consideration of how leases are granted should also be reviewed. Consider the broad definition of 'development' and how LV may be applied and decided.</p>	JB/LT

Item	Agenda Item	Action or Decision Taken	Responsibility
	Compliance processes – Controlled Activity Order applications	<p>Noted: Compliance and Enforcement powers policy and process – there is no discretion for the regulator to commence a process at present.</p> <p>Agreed: Review compliance and enforcements processes to keep ability for complaints to be made to authority, then allow for regulator to decide, based on guidelines, to proceed with the enforcement process.</p> <p>Agreed: Review of other regulatory schemes including in other jurisdictions.</p> <p>Noted: A broad review of infringement activities across gov is being undertaken by JACS.</p>	
10 June			
2) Actions Arising	Actions and Decisions Register		
	Cabinet Update	<p>Noted: Agreement to all recommendations. Need to work on transition plan.</p> <p>ACTION: Letters to be drafted before comms plan settled. Completed</p> <p>ACTION: Invitation to be prepared for 5-6 groups seeking nominations by end next week.</p> <p>Draft ToR prepared for the group, confidentiality agreements to be signed once nominations received.</p> <p>ACTION: Alex to run letters past MO. Completed</p>	
3 - Standing Items	Project Management, including Budget	<p>Noted: Project Director - Tender evaluation team met 10 June. 3 contracts signed and fourth is imminent.</p> <p>ACTION: Ensure COO aware of indigenous expenditure.</p> <p>ACTION: Program is a priority to map put key milestones, tasks and deliverables. Draft back to DDG before next meeting of this group.</p>	
	Policy Update	Noted: Update on district planning workshops.	
	Legislation Update	<p>Noted: Territory priority projects, call in powers, mapping of journey and review work for decision making.</p> <p>Noted: Need for Heritage engagement.</p>	

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4 – Items for decision/discussion	Policy items Territory Plan draft Options	<p>NOTED: Distinctions between Strategic and Statutory Planning needs to be clear. Look and feel of the Territory Plan to follow from settlement of the structure.</p> <p>Options and recommendation to come to next EPCG.</p> <p>ACTION: Need to see what the options are that need to have statutory effect.</p> <p>ACTION: Allow more time at next meeting for this topic.</p> <p>ACTION: Laura to send Proposed Structure document with actions. Ben and Erin to review and discuss. Completed</p>	
	Legislation items Engagement on draft planning Act (EDO)	NOTED: Environmental Defenders Office representing cons council – to be added to legislation working group and likely to be represented at EPF.	



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Environment, Planning and
Sustainable Development

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Executive Project Control Group
Ben Ponton, Erin Brady, Lesley Cameron, James Bennett, Alix Kaucz
Alex Magee (Observer), Karen Wilden (Observer),
Laura Marcantonio (Secretariat)

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8 April 2021			
2 - Actions Arising	a) Agreement to draft TOR b) Agreement to Actions and Decisions Register	Agreed Agreed	N/A
4 – Items for approval	ii) Narrative on the new planning system and appetite for change	New Planning Act, enhancing existing planning system. Some elements of existing system to be retained.	James Bennett
	iii) Outcomes-focussed planning system – agreement to terminology	Agreement to terminology of outcomes-focussed planning system, and definition reflected in public Directions Papers	James Bennett
	iv) New name for the authority	Agreement to pursue change in this area	James Bennett
	v) New functions for the authority	Agreement to pursue change in this area. Wording should be revised and not include “seek” or “better”. Consider through drafting of provisions.	James Bennett
	vi) Simplicity/efficiency/reduced length	Agreement to Apply concept to all thinking.	James Bennett
	vii) When adding discretion, accompany with transparency	Agreed	James Bennett
	viii) Timeframes – reflecting actual time, presumption to renotify amendments etc	Agreed in-principle – need to ensure provisions work and retain balance in processes	James Bennett
	ix) Pre-determination advice process	Agreement in-principle to pursue - Needs to be made transparent and upfront, and details need to be resolved	James Bennett
14 April 2021			
4 – Items for approval/discussion	a)i) Commissioning work to embed ATSI values in the planning system	Agreed - This work should be commissioned, scoped by undertaking a risk assessment.	Alix Kaucz
	b)i) Compliance policy settings	Agreed – Explore smaller municipal type orders to simplify compliance aspects.	James Bennett

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	b)iv) Government Priority Projects: 1) <i>New plan variation process</i> – for govt priority projects, and implementing government policy (e.g. update to strategic district planning)	Consolidated process agreed in-principle. Committee Referrals need to be considered and ad hoc requests for TPVs. Considerations to include enviro, social, fiscal impacts and whether led by Gov or by proponent.	James Bennett
	b)iv) 2) <i>Minister declaration power</i>	Consider how other jurisdictions manage similar powers	James Bennett
22 April 2021			
4 – Items for approval/discussion	a)i) District Planning	Agreement in-principle to District Planning strategic engagement materials. Agreement to include a South and Northside district to begin the engagement. Agreement to Dynamic District Plans – tying into Planning Strategy with a mechanism to make a simple update without the level complexity of a TPV. Agreement to a staged process, including to allow for Budget funding for the detailed planning work in the next (2022-23) Budget.	Alix Kaucz
	b)i) South Australian System	Discussion: Most useful as a point of reference. Meeting to discuss implementation, legislation and issues encountered in the process. Some peripheral elements of the planning system, such as websites, DA lodgement systems etc will need work now. Budget funding will be challenging - need to focus on communications and engagement for funding. Agreement to start socialising these ICT elements with Government now, including support of the CDO in seeking budget funding. Socialisation should commence through the EPSDD led Planning and Infrastructure Subcommittee of Strategic Board.	James Bennett
29 April 2021			
2a)	Actions Arising	Agreement: Lead for implementation of ICT/Gateway work – third stream – Craig Weller.	James Bennett

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4) Items for decision/discussion	4ai) Policy Items Territory Plan Variation Processes	Act application process - Agreed Statutory criteria process - Agreed Charging of a fee - Supported Agreement to explore a possible two-stage process - where can request authority consider, if authority agrees then may proceed to an application. Note preference is a light touch application process.	
5)	Other Business – Engagement work	Action: Need a checklist of processes and diagrams of the current system so that we can show what we are looking for in terms of keeping/changing in the new system. This will assist communicating the changes. Comms to assist with visuals.	Alix Kaucz Natalie Cooper
6 May 2021			
Standing Items	2b) Policy Update	Agreed: ATSI consultancy – DDG can sign off week of 10 May. Dr Richard J Frankland, Managing Director, Koorreen who facilitated the Executive Cultural Masterclass recently is to be considered in the RFQ.	Alix Kaucz
4) Items for decision/Discussion	4a) Policy Items i) Structure of Territory Plan	Agreed-in principle	Alix Kaucz
	ii) District Planning	Agreed in-principle	Alix Kaucz
	4b) Legislation Items i) Treatment of SLA/CRA/Major Projects for TPV processes	Discussion on how these groups should be treated – when can be proponents but also gov delivery agents. In-principle agreement: If lodging DA – normal process. Should do what everyone else is required to do. Depending on initiation of variation – Gov priority Vs standard request and who is lodging the application. Authority would need to determine whether a priority and determine the process.	James Bennett
	ii) Public notification and amendments	Agreed: Balance between transparency and efficiency in process is required. Public benefit in notifying amendments but adds period of time to assessment. Threshold needs to be considered and some discretion for the authority should be applied.	James Bennett

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	iii) Complementary uses (process for considering uses not otherwise provided in a development table)	<p>Agreed: New flexible approach to assessable development types rather than default to 'prohibited use' and assessed under impact track.</p> <p>Agreed: New Territory Plan definition "complementary use" with supporting Act provisions.</p>	James Bennett
13 May 2021			
	4a (i) Policy Items - Topics for stakeholder working series	Held over to 20 May meeting	
	4b (ii) Legislation Items - Retention of pre-DA consultation - Territory Plan chapter work through	<p>Agreed: Options should be presented to the Minister to amend or remove the guidelines under the new Act (including rationale)</p> <p>Noted: Use terminology of outcomes focussed, not performance based.</p> <p>Action: Options should be presented to the Minister in relation to committee referral for Territory Plan amendments</p>	
20 May 2021			
Standing Items	Welcome	Agreed: Ben will discuss at the next EPF meeting, the possible leverage of members' expertise to 'test' new chapters of legislation as it is drafted; and other matters pertinent to the Project.	
Standing Items		Agreed: Engage with the MBA and Property Council <u>in confidence</u> as sections of the new Act are drafted. Names can be provided to Ben of the 'trusted' advisers of each entity.	
Standing Items	Policy update:	RFQs closed for the three consultancies – evaluations underway.	
Standing Items	Legislation update	<p>Agreed: Expand the submission to seek approval to investigate more rapid DA processes for 'Priority Projects', noting comments received from MPC.</p> <p>Timing for intro of legislation: Agreed Messaging: Stakeholder consultation draft late 2021 early 2022 – silent on introduction if outside of our control.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
4 – Items for decision/discussion	4)a)i) Topics for stakeholder working series	<p>Noted: Stakeholder meetings 4-6 weeks apart to commence on Wednesday, consisting of : overview, district planning. Following workshops are to discuss statutory processes, development controls.</p> <p>Noted: Focussed District Planning workshops to follow o from stakeholder meetings.</p> <p>Agreed: Engagement on sections of the new Act will be a separate process – as refining, in confidence, to test ideas, as opposed to more formal processes.</p>	
	4)a)ii) District Planning Brief	<p>Options: Discussed.</p> <p>Agreed: Aim for District Planning to go to Subcommittee this year to socialise and Cabinet next year. Timing to be explored.</p> <p>Agreed: Report back to community later this year on workshop outcomes on district planning.</p>	
Other business	Draft Program	Agreed: Draft Program to be held over to next meeting.	
27 May			
Standing Items	Pre-DA Community Consultation	Agreed: Name is causing confusion in the community, group agreed to amend the title within the Legislation work program.	
Standing Items	Project Management update	<p>Noted: regarding expenditure to be spent in 2020-21, including the communications workshop expenses.</p> <p>Project Director tender has closed, assessment is underway.</p>	
Standing Items	Policy Update	Agreed: Heritage values to be incorporated into the workshops for all districts, the group noted that heritage should include both built and natural/cultural.	
Standing Items	Legislation Update	Agreed: Brett to discuss the issue of consent to transfer with Legislation Team.	
Standing Items	Communications and Engagement update	Agreed: James and Karen to discuss offline the topics for EPF meeting in June.	
Policy Items	i) Draft Program (Excel file)	Action: Members to take this offline to finalise a Legislation/Engagement work program. James and Karen to take the lead. Group agreed this would be theme based and not include specific dates. Minister Gentleman to discuss the work program at the EPF meeting in June.	
3 June			

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3 - Standing Items	Legislation update	Noted: Drafting Instructions on DA process elements to be sent in coming days.	
	Communications and Engagement	Action: If Craig Wallace cannot be engaged by comms in the next week, then an email to come from Ben, seeking Craig's assistance, should be prepared.	KW
4 – Items for decision/discussion	DA Timeframes	<p>Agreed: A complete development application should be the starting point for statutory timeframes. Timeframe for further information requests to commence from when request for information is sent. Repeat requests would extend timeframe.</p> <p>Appeal rights are likely to be referred back to actpla for decision – therefore timeframes may appear as ongoing. Public Notification periods for considering DAs need to be considered in timeframes.</p> <p>Action: Need to consider how we communicate the 'Complete DA and timeframe' messaging.</p> <p>In-principle agreement to draft provisions to reflect the above and key messages to be prepared in consultation with Comms.</p>	KW/JB
	Options for removal of concessional status of leases	<p>Agreed: Provisions relating to deconcessionalisations to be revised – to include a Social Impact Statement from the applicant and Minister to be the decision maker – with consideration of the requirement for a two-stage process. There is executive appetite to review.</p> <p>Action: Best options to be considered for decision by minister, then report back on the preferred option to EPCG. Consideration of how leases are granted should also be reviewed. Consider the broad definition of 'development' and how LV may be applied and decided.</p>	JB/LT

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	Compliance processes – Controlled Activity Order applications	<p>Noted: Compliance and Enforcement powers policy and process – there is no discretion for the regulator to commence a process at present.</p> <p>Agreed: Review compliance and enforcements processes to keep ability for complaints to be made to authority, then allow for regulator to decide, based on guidelines, to proceed with the enforcement process.</p> <p>Agreed: Review of other regulatory schemes including in other jurisdictions.</p> <p>Noted: A broad review of infringement activities across gov is being undertaken by JACS.</p>	
10 June			
2) Actions Arising	Cabinet Update	<p>Noted: Agreement to all recommendations. Need to work on transition plan.</p>	
3 - Standing Items	Project Management, including Budget	<p>Noted: Project Director - Tender evaluation team met 10 June. 3 contracts signed and fourth is imminent.</p> <p>ACTION: Ensure COO aware of indigenous expenditure.</p> <p>ACTION: Program is a priority to map put key milestones, tasks and deliverables. Draft back to DDG before next meeting of this group.</p>	
	Policy Update	<p>Noted: Update on district planning workshops.</p>	
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	Legislation items Engagement on draft planning Act (EDO)	NOTED: Environmental Defenders Office representing cons council – to be added to legislation working group and likely to be represented at EPF.	
17 JUNE			
2) Actions Arising	Agreement to Actions and Decisions Register	Noted	
3) Standing Items	a) Communications/Engagement update	Noted: Good progress for legislation program engagement being made. Noted: Subcommittee discussion paper due to GS tomorrow.	
4) Items for Decision/Discussion	a) Policy items Territory Plan Structure – Options Paper	Paper structure and options outlined, then stepped through. Interaction of Territory Plan and NCP to be considered in detail in the city area. Outcome statements need to be clearly linked to strategic directions. Analysis of each option with pros and cons. Preferred options noted. District planning context set by planning strategy – focus requires further consideration. Agreed: Precinct codes for suburbs to be consolidated into district codes. Include an Infographic on the number of docs in the system to demonstrate that the detail remains but will be made simpler. Noted: Chair is comfortable with heading in terms of recommendations. Agreed: Proceed with current heading subject to further discussions with Erin and team. ACTION: James and Lisa to work up a diagram on where the system is ‘landing’. ACTION: Erin to read through document in the meantime and discuss/provide feedback to the team.	



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2) Actions Arising	Agreement to Actions and Decisions Register	Noted	
3) Standing Items	a) Communications/Engagement update	Noted: Good progress for legislation program engagement being made. Noted: Subcommittee discussion paper due to GS tomorrow.	
4) Items for Decision/Discussion	a) Policy items Territory Plan Structure – Options Paper	Paper structure and options outlined, then stepped through. Interaction of Territory Plan and NCP to be considered in detail in the city area. Outcome statements need to be clearly linked to strategic directions. Analysis of each option with pros and cons. Preferred options noted. District planning context set by planning strategy – focus requires further consideration. Agreed: Precinct codes for suburbs to be consolidated into district codes. Include an Infographic on the number of docs in the system to demonstrate that the detail remains but will be made simpler. Noted: Chair is comfortable with heading in terms of recommendations. Agreed: Proceed with current heading subject to further discussions with Erin and team. ACTION: James and Lisa to work up a diagram on where the system is ‘landing’. Completed ACTION: Erin to read through document in the meantime and discuss/provide feedback to the team.	
24 June 2021			
2) Actions Arising	Agreement to Actions and Decisions Register		
3) Standing Items	Policy update	Noted: Workshops continuing. PAGA item Project Logics completed.	
	Legislation update	Noted: Cabinet paper progressing – needs agreement by MO.	

Item	Agenda Item	Action or Decision Taken	Responsibility
4) Items for Decision/Discussion	a) Policy items Project Program	ACTION: Erin to discuss program with team then re-list for discussion at next meeting. ACTION: Need to consider preparation of a Style Guide for drafting of the new Territory Plan.	AK
	b) Legislation items i) Legislation Working Group TOR (carried over from meeting 11)	Agreed.	
	ii) Draft Bill – Chapters 1-4	ACTION: Ben to spend time (half day) with Erin and team to work through the draft legislation line by line on return from his leave. To include: James, Lisa, Erin, Clinton, George Completed – booked for 3 August	JB
	iii) TP options diagram – full system	ACTION: TP Options paper to come back to EPCG next week – Executive summary and slides to be prepared for MO. Completed Agreed: Terminology going forward for district planning is to be: District Strategy. ACTION: Laura to advise comms to use this terminology moving forward. Completed ACTION: Discuss with Louise tomorrow that the (internal) discussion paper is being settled and placed into diagrammatic form, by comms and engagement. (Ben suggested Nerrida). Completed	JB LM EB
1 July			
2) Actions Arising	Agreement to Actions and Decisions Register	Erin apology. Noted.	

Item	Agenda Item	Action or Decision Taken	Responsibility
3) Standing Items	Policy update Legislation update Communications	Discussion on references used for district planning. Agreed: Terminology to change to District Strategy immediately.	
4) Items for Decision/Discussion	a) Policy items i) District Planning – <i>Min Brief 21/44950</i>	The group considered the concept but did not review in detail. Noted: Brief currently being considered by DDG Brady who will settle the final with the team, noting a preferred option will be recommended; and costing for all options will be included. Agreed that a brief on the approach for district strategies can only be progressed once the Territory Plan structure options paper is cleared by DDG Brady and a brief on the approach is agreed by Minister Gentleman. Once the structure brief is agreed, the district strategies brief can be prepared and sent to Minister Gentleman. Agreed the brief needs to go to Minister to allow funding to be allocated. ACTION: Progress a brief to the Minister with options and costings including a clear position; and noting that decisions on the Strategies will be taken by the EPCG; and highlight the potential requirement for budget funding to progress this work.	AK
	b) Legislation items i) Concurrent Processes – for <i>discussion</i>	Noted: Provision introduced 5 years ago, it is detailed and complex and does not achieve efficiency well. There is an opportunity in the Territory Plan for assessable and prohibited uses to be reviewed and it is proposed to take this issue to the legislation working group. Option 3a noted . Agreed: Option 3b and Director-General signed the brief.	LT

Item	Agenda Item	Action or Decision Taken	Responsibility
	<p>ii) Relationship with other legislation and hierarchy – for <i>discussion</i></p>	<p>Noted: Interactions between Heritage and Tree Protection Acts.</p> <p>Agree: Tighten requirements but retain the ability for the Chief Planner to consider advice of entities, having regard to broader outcomes, such as trees, heritage matters.</p> <p>The decision maker needs to balance their decision making across all matters of the planning system.</p> <p>Action – James to take strong view on the urban forest policy. Tree removal should not be based on design only.</p> <p>Action: Highlight at a future PRRP meeting with Minister Gentleman’s Office, also for visibility of tree protection issues.</p> <p>Noted: Urban Forest Policy listed for discussion at the next Planning and Infrastructure Subcommittee of Strategic Board and Planning Subcommittee of Cabinet (14 July).</p> <p>Action: After comments on the Urban Forest Policy are provided TCCS, James to provide a Cabinet brief to Minister Gentleman, highlighting the need to retain the hierarchy of the Planning Act and the benefits of the independent role of the planning and land authority as a balanced decision-maker in the planning system.</p>	<p>JB</p> <p>EB</p> <p>JB</p>
	<p>Other Business</p>	<p>The Chair raised his meeting with the Government Architect and their discussion about the role of the National Capital Design Review Panel. It was noted that an independent review of the panel needs to be undertaken, and for that to feed into the Planning Review work.</p> <p>The review needs to look at the benefits of NCDRP, scope, roles, advice (including perceived scope creep). It should consider what advice is provided and how that is /is not reflected through DAs, what was outcome, and did it make a difference.</p> <p>The Chair suggested the design consultancy can continue, as this will be a separate piece of work, but concurrent. The ToR of the review need to consider if it is enough to make sure the DRP can’t consider and provide advice beyond their stated remit.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
8 July 2021			
2)	Actions/Decisions register	ACTION: Amend agenda template to remove Policy and Legislation updates from standing items, noting they are substantive items for decision/discussion within the agenda. Completed	LM
4) Items for Decision/Discussion	Review of policy positions in Territory Plan	Discussion on the approach for reviewing policy positions in the Territory Plan. Action: Prepare a policy paper highlighting the government policies that intersect with the planning system and how the actions of those policies can be delivered through the planning system. Discussion on the level of detail required in the review to determine the policy positions in the Territory Plan.	JB
	Territory Priority Projects options	Options and preferred option canvassed in brief. Preferred option limited to projects by or on behalf of govt – and not apply to private entity development proposals. Other jurisdictions' analysis considered. Decision: Progress the brief as prepared to the A/g DDG for review. Completed	LT
Other Business	Updates to Terms of Reference	Noted: Operation of the EPCG has not met the terms of the ToR since inception, for various reasons, including the inability to recruit to the Project Director position. The revised Terms of Reference more appropriately reflect the operation of the EPCG. Action: Circulate out of session revised ToR. Closed: ToR updated further and listed for discussion at 22/7 meeting	JB
22 July 2021			
2) Actions arising	Agreement to actions and decisions register	Noted. Ben apology.	
3) Standing items	Standing items a) project management update, including project budget	Noted continuing recruitment for SOG C (Territory Plan team, to work within Project team during Project)	

Item	Agenda Item	Action or Decision Taken	Responsibility
3)	b) Key project milestones/updates	Erin noted we should use the Stakeholder Working Series as an opportunity for participants to contribute positive ideas and solutions that can be implemented in the reformed planning system	
3)	c) Communications/Engagement update	NC explained that further sessions in SWS likely to be required Action - NC to discuss with JB/EB the need for further sessions JB noted communications/education for move from current Act to new Act may be required in next 6 months, for direction-setting prior to release of exposure draft of Planning Bill. Action - NC to explore approaches taken from other jurisdictions	NC NC
4) Items for decision/discussion	a) Legislation - Consultation requirements for strategic planning documents in new Act	Agreed - there should be a provision in legislation requiring consultation on planning strategy, but discretion as to how Agreed – there does not need to be a statutory consultation requirement for the Minister’s statement of planning priorities Noted - question of whether legislation prescribes consultation requirements for district planning needs to be resolved when final position on District Strategies reached.	
	b) Legislation - Review rights	Action This item to be taken offline for further briefing with EB and BP Completed – meeting scheduled for 30/7	LT
	c) Policy/legislation – interim outcomes from indigenous land use planning consultancy	Action Summary of recommendations to be provided to Ben and Erin within the next week for consideration Completed	TM
	d) Policy/TPVs - Discussion on future TPVs – cut-off for acceptance	Noted: a decision will need to be taken in next 3-6 months about when and how proposed Territory Plan variations are not accepted or transitioned to new system. Erin asked for options brief	JB/AK
5) Other business	a) Updates to Terms of Reference – for decision (JB)	(not discussed)	
29 July 2021			
2) Actions arising	Agreement to actions and decisions register	Noted no comments from Ben or Erin on the draft Indigenous land use planning report	

Item	Agenda Item	Action or Decision Taken	Responsibility
3) Standing items	Standing items a) project management update, including project budget	Noted Erin noted EDP consultancy report needs to suggest provisions that EDPs are delivering what they need to in the strategic sense; need to know how we test things – to make sure they're doing what they're designed to do.	
	b) key milestones/updates	Noted more detailed project planning required in coming months to set out scope of project from here, to take to the Minister for approval, funding. To be brought back to EPCG.	
	c) Communications/engagement update	Noted new comms plan for 6 months required soon so that we have a plan for the next phase. Alex M to be included in discussions.	
4) Items for decision/discussion	a) District strategy contents	Action: review city plan re how structure plan used – for consistency with district strategies on approach and level of detail. Agreed: keep developing district strategy in line with this template, incorporating strategic/structure plan	TM TM
	b) Territory Plan review expectations	Agreed: parts of the Plan where other directorates own the policy – we lead the policy review but work with them acknowledging they own that policy but we're reviewing the whole Plan. Action: Project team to identify policy areas where other Directorates own policy or need to be involved Action: letter to be drafted to DGs for Ben to send – seeking agreement to us leading that policy work, referring to PAGA and using strong language.	JB/AK JB/AK
	c) Individual stakeholder engagement expectations	Agreed: stakeholders to be told we've mapped out the engagement to occur at set stages and we'll approach them if and when those opportunities arise. Updates to be provided regularly at EPF – through standing agenda item - so stakeholders are aware of progress of Project and any upcoming formal engagement can be flagged through a one page summary of engagement. Action: standing item to be added to EPF agenda – PSRRP update.	JB LM
5) Other business	a) amendments to Terms of Reference	Agreed: terms of reference updated and all decisions taken at previous meetings validated.	



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Alex Magee (Observer), Karen Wilden (Observer),
Laura Marcantonio (Secretariat)

Item	Agenda Item	Action or Decision Taken	Responsibility
8 April 2021			
2 - Actions Arising	a) Agreement to draft TOR	Agreed	N/A
	b) Agreement to Actions and Decisions Register	Agreed	
4 – Items for approval	ii) Narrative on the new planning system and appetite for change	New Planning Act, enhancing existing planning system. Some elements of existing system to be retained.	James Bennett
	iii) Outcomes-focussed planning system – agreement to terminology	Agreement to terminology of outcomes-focussed planning system, and definition reflected in public Directions Papers	James Bennett
	iv) New name for the authority	Agreement to pursue change in this area	James Bennett
	v) New functions for the authority	Agreement to pursue change in this area. Wording should be revised and not include “seek” or “better”. Consider through drafting of provisions.	James Bennett
	vi) Simplicity/efficiency/reduced length	Agreement to Apply concept to all thinking.	James Bennett
	vii) When adding discretion, accompany with transparency	Agreed	James Bennett
	viii) Timeframes – reflecting actual time, presumption to renotify amendments etc	Agreed in-principle – need to ensure provisions work and retain balance in processes	James Bennett
	ix) Pre-determination advice process	Agreement in-principle to pursue - Needs to be made transparent and upfront, and details need to be resolved	James Bennett
	x) Expectations on 2021 product and consultation/public release of Bill – Minister/Cabinet approval	Action - Put forward options for approval including Min/CM/Sub-committee in policy approval Cab Sub process Completed	James Bennett

Item	Agenda Item	Action or Decision Taken	Responsibility
14 April 2021			
4 – Items for approval/discussion	a)i) Commissioning work to embed ATSI values in the planning system	Agreed - This work should be commissioned, scoped by undertaking a risk assessment.	Alix Kaucz
	b)i) Compliance policy settings	Agreed – Explore smaller municipal type orders to simplify compliance aspects.	James Bennett
	b)iv) Government Priority Projects: 1) <i>New plan variation process</i> – for govt priority projects, and implementing government policy (e.g. update to strategic district planning)	Consolidated process agreed in-principle. Committee Referrals need to be considered and ad hoc requests for TPVs. Considerations to include enviro, social, fiscal impacts and whether led by Gov or by proponent.	James Bennett
	b)iv) 2) <i>Minister declaration power</i>	Consider how other jurisdictions manage similar powers	James Bennett
22 April 2021			
4 – Items for approval/discussion	a)i) District Planning	Agreement in-principle to District Planning strategic engagement materials. Agreement to include a South and Northside district to begin the engagement. Agreement to Dynamic District Plans – tying into Planning Strategy with a mechanism to make a simple update without the level complexity of a TPV. Agreement to a staged process, including to allow for Budget funding for the detailed planning work in the next (2022-23) Budget.	Alix Kaucz
	b)i) South Australian System	Discussion: Most useful as a point of reference. Meeting to discuss implementation, legislation and issues encountered in the process. Some peripheral elements of the planning system, such as websites, DA lodgement systems etc will need work now. Budget funding will be challenging - need to focus on communications and engagement for funding. Agreement to start socialising these ICT elements with Government now, including support of the CDO in seeking budget funding. Socialisation should commence through the EPSDD led Planning and Infrastructure Subcommittee of Strategic Board.	James Bennett
29 April 2021			

Item	Agenda Item	Action or Decision Taken	Responsibility
2a)	Actions Arising	<p>Agreement: Lead for implementation of ICT/Gateway work – third stream – Craig Weller.</p> <p>Action: James to discuss with Craig. Erin to discuss with Brett.</p> <p>Completed</p> <p>Action: Take cab sub to Planning and Infrastructure Subcommittee of Strategic Board while on circulation – at 25 May. James to prepare presentation for subcommittee meeting.</p>	<p>James Bennett Erin Brady</p> <p>James Bennett</p>
4) Items for decision/discussion	4ai) Policy Items Territory Plan Variation Processes	<p>Act application process - Agreed</p> <p>Statutory criteria process - Agreed</p> <p>Charging of a fee - Supported</p> <p>Agreement to explore a possible two-stage process - where can request authority consider, if authority agrees then may proceed to an application. Note preference is a light touch application process.</p>	
5)	Other Business – Engagement work	<p>Action: Need a checklist of processes and diagrams of the current system so that we can show what we are looking for in terms of keeping/changing in the new system. This will assist communicating the changes. Comms to assist with visuals.</p>	Alix Kaucz Natalie Cooper
		<p>Action: Name for new authority in addition to working title of Territory Planning Authority to be considered.</p> <p>Completed</p>	All
6 May 2021			
Standing Items	2b) Policy Update	<p>Agreed: ATSI consultancy – DDG can sign off week of 10 May. Dr Richard J Frankland, Managing Director, Koorreen who facilitated the Executive Cultural Masterclass recently is to be considered in the RFQ.</p>	Alix Kaucz
	2c) Legislation update	<p>Action: Ben to mention Cab Sub timing at Gentleman meeting on Monday 10 May.</p> <p>Completed</p>	Ben Ponton
4) Items for decision/Discussion	4a) Policy Items i) Structure of Territory Plan	Agreed-in principle	Alix Kaucz
	ii) District Planning	Agreed in-principle	Alix Kaucz

Item	Agenda Item	Action or Decision Taken	Responsibility
	4b) Legislation Items i) Treatment of SLA/CRA/Major Projects for TPV processes	<p>Discussion on how these groups should be treated – when can be proponents but also gov delivery agents.</p> <p>In-principle agreement: If lodging DA – normal process. Should do what everyone else is required to do.</p> <p>Depending on initiation of variation – Gov priority Vs standard request and who is lodging the application. Authority would need to determine whether a priority and determine the process.</p> <p>Action: Include on next meeting agenda for further detailed discussion. Completed.</p>	James Bennett
	ii) Public notification and amendments	<p>Agreed: Balance between transparency and efficiency in process is required. Public benefit in notifying amendments but adds period of time to assessment. Threshold needs to be considered and some discretion for the authority should be applied.</p>	James Bennett
	iii) Complementary uses (process for considering uses not otherwise provided in a development table)	<p>Agreed: New flexible approach to assessable development types rather than default to ‘prohibited use’ and assessed under impact track.</p> <p>Agreed: New Territory Plan definition “complementary use” with supporting Act provisions.</p>	James Bennett
13 May	4a (i) Policy Items - Topics for stakeholder working series	Held over to next week meeting	
	4b (ii) Legislation Items - Retention of pre-DA consultation - Territory Plan chapter work through	<p>Agreed: Options should be presented to the Minister to amend or remove the guidelines under the new Act (including rationale)</p> <p>Noted: Use terminology of outcomes focussed, not performance based.</p>	



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Item	Agenda Item	Action or Decision Taken	Responsibility
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	vi) Simplicity/efficiency/reduced length	Agreement to Apply concept to all thinking.	James Bennett
	vii) When adding discretion, accompany with transparency	Agreed	James Bennett
	viii) Timeframes – reflecting actual time, presumption to renotify amendments etc	Agreed in-principle – need to ensure provisions work and retain balance in processes	James Bennett
	ix) Pre-determination advice process	Agreement in-principle to pursue - Needs to be made transparent and upfront, and details need to be resolved	James Bennett
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Item	Agenda Item	Action or Decision Taken	Responsibility
	b)iv) Government Priority Projects: 1) <i>New plan variation process</i> – for govt priority projects, and implementing government policy (e.g. update to strategic district planning)	Consolidated process agreed in-principle. Committee Referrals need to be considered and ad hoc requests for TPVs. Considerations to include enviro, social, fiscal impacts and whether led by Gov or by proponent.	James Bennett
	b)iv) 2) <i>Minister declaration power</i>	Consider how other jurisdictions manage similar powers	James Bennett
22 April 2021			
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	b)i) South Australian System	Discussion: Most useful as a point of reference. Meeting to discuss implementation, legislation and issues encountered in the process. Some peripheral elements of the planning system, such as websites, DA lodgement systems etc will need work now. Budget funding will be challenging - need to focus on communications and engagement for funding. Agreement to start socialising these ICT elements with Government now, including support of the CDO in seeking budget funding. Socialisation should commence through the EPSDD led Planning and Infrastructure Subcommittee of Strategic Board.	James Bennett
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Item	Agenda Item	Action or Decision Taken	Responsibility
4) Items for decision/discussion	4ai) Policy Items Territory Plan Variation Processes	Act application process - Agreed Statutory criteria process - Agreed Charging of a fee - Supported Agreement to explore a possible two-stage process - where can request authority consider, if authority agrees then may proceed to an application. Note preference is a light touch application process.	
5)	Other Business – Engagement work	Action: Need a checklist of processes and diagrams of the current system so that we can show what we are looking for in terms of keeping/changing in the new system. This will assist communicating the changes. Comms to assist with visuals.	Alix Kaucz Natalie Cooper
6 May 2021			
Standing Items	2b) Policy Update	Agreed: ATSI consultancy – DDG can sign off week of 10 May. Dr Richard J Frankland, Managing Director, Koorreen who facilitated the Executive Cultural Masterclass recently is to be considered in the RFQ.	Alix Kaucz
4) Items for decision/Discussion	4a) Policy Items i) Structure of Territory Plan	Agreed-in principle	Alix Kaucz
	ii) District Planning	Agreed in-principle	Alix Kaucz
	4b) Legislation Items i) Treatment of SLA/CRA/Major Projects for TPV processes	Discussion on how these groups should be treated – when can be proponents but also gov delivery agents. In-principle agreement: If lodging DA – normal process. Should do what everyone else is required to do. Depending on initiation of variation – Gov priority Vs standard request and who is lodging the application. Authority would need to determine whether a priority and determine the process.	James Bennett
	ii) Public notification and amendments	Agreed: Balance between transparency and efficiency in process is required. Public benefit in notifying amendments but adds period of time to assessment. Threshold needs to be considered and some discretion for the authority should be applied.	James Bennett

Item	Agenda Item	Action or Decision Taken	Responsibility
	iii) Complementary uses (process for considering uses not otherwise provided in a development table)	<p>Agreed: New flexible approach to assessable development types rather than default to 'prohibited use' and assessed under impact track.</p> <p>Agreed: New Territory Plan definition "complementary use" with supporting Act provisions.</p>	James Bennett
13 May 2021			
	4a (i) Policy Items - Topics for stakeholder working series	Held over to 20 May meeting	
	4b (ii) Legislation Items - Retention of pre-DA consultation - Territory Plan chapter work through	<p>Agreed: Options should be presented to the Minister to amend or remove the guidelines under the new Act (including rationale)</p> <p>Noted: Use terminology of outcomes focussed, not performance based.</p> <p>Action: Options should be presented to the Minister in relation to committee referral for Territory Plan amendments</p>	
20 May 2021			
Standing Items	Welcome	Agreed: Ben will discuss at the next EPF meeting, the possible leverage of members' expertise to 'test' new chapters of legislation as it is drafted; and other matters pertinent to the Project.	
Standing Items		Agreed: Engage with the MBA and Property Council <u>in confidence</u> as sections of the new Act are drafted. Names can be provided to Ben of the 'trusted' advisers of each entity.	
Standing Items	Policy update:	RFQs closed for the three consultancies – evaluations underway.	
Standing Items	Legislation update	<p>Agreed: Expand the submission to seek approval to investigate more rapid DA processes for 'Priority Projects', noting comments received from MPC.</p> <p>Timing for intro of legislation: Agreed Messaging: Stakeholder consultation draft late 2021 early 2022 – silent on introduction if outside of our control.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
4 – Items for decision/discussion	4)a)i) Topics for stakeholder working series	<p>Noted: Stakeholder meetings 4-6 weeks apart to commence on Wednesday, consisting of : overview, district planning. Following workshops are to discuss statutory processes, development controls.</p> <p>Noted: Focussed District Planning workshops to follow o from stakeholder meetings.</p> <p>Agreed: Engagement on sections of the new Act will be a separate process – as refining, in confidence, to test ideas, as opposed to more formal processes.</p>	
	4)a)ii) District Planning Brief	<p>Options: Discussed.</p> <p>Agreed: Aim for District Planning to go to Subcommittee this year to socialise and Cabinet next year. Timing to be explored.</p> <p>Agreed: Report back to community later this year on workshop outcomes on district planning.</p>	
Other business	Draft Program	Agreed: Draft Program to be held over to next meeting.	
27 May			
Standing Items	Pre-DA Community Consultation	Agreed: Name is causing confusion in the community, group agreed to amend the title within the Legislation work program.	
Standing Items	Project Management update	<p>Noted: regarding expenditure to be spent in 2020-21, including the communications workshop expenses.</p> <p>Project Director tender has closed, assessment is underway.</p>	
Standing Items	Policy Update	Agreed: Heritage values to be incorporated into the workshops for all districts, the group noted that heritage should include both built and natural/cultural.	
Standing Items	Legislation Update	Agreed: Brett to discuss the issue of consent to transfer with Legislation Team.	
Standing Items	Communications and Engagement update	Agreed: James and Karen to discuss offline the topics for EPF meeting in June.	
Policy Items	i) Draft Program (Excel file)	<p>Action: Members to take this offline to finalise a Legislation/Engagement work program. James and Karen to take the lead. Group agreed this would be theme based and not include specific dates. Minister Gentleman to discuss the work program at the EPF meeting in June.</p> <p>Completed</p>	
3 June			

Item	Agenda Item	Action or Decision Taken	Responsibility
3 - Standing Items	Legislation update	Noted: Drafting Instructions on DA process elements to be sent in coming days.	
	Communications and Engagement	Action: If Craig Wallace cannot be engaged by comms in the next week, then an email to come from Ben, seeking Craig's assistance, should be prepared.	KW
4 – Items for decision/discussion	DA Timeframes	<p>Agreed: A complete development application should be the starting point for statutory timeframes. Timeframe for further information requests to commence from when request for information is sent. Repeat requests would extend timeframe.</p> <p>Appeal rights are likely to be referred back to actpla for decision – therefore timeframes may appear as ongoing. Public Notification periods for considering DAs need to be considered in timeframes.</p> <p>Action: Need to consider how we communicate the 'Complete DA and timeframe' messaging.</p> <p>In-principle agreement to draft provisions to reflect the above and key messages to be prepared in consultation with Comms.</p>	KW/JB
	Options for removal of concessional status of leases	<p>Agreed: Provisions relating to deconcessionalisations to be revised – to include a Social Impact Statement from the applicant and Minister to be the decision maker – with consideration of the requirement for a two-stage process. There is executive appetite to review.</p> <p>Action: Best options to be considered for decision by minister, then report back on the preferred option to EPCG. Consideration of how leases are granted should also be reviewed. Consider the broad definition of 'development' and how LV may be applied and decided.</p>	JB/LT

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	Compliance processes – Controlled Activity Order applications	<p>Noted: Compliance and Enforcement powers policy and process – there is no discretion for the regulator to commence a process at present.</p> <p>Agreed: Review compliance and enforcements processes to keep ability for complaints to be made to authority, then allow for regulator to decide, based on guidelines, to proceed with the enforcement process.</p> <p>Agreed: Review of other regulatory schemes including in other jurisdictions.</p> <p>Noted: A broad review of infringement activities across gov is being undertaken by JACS.</p>	
10 June			
2) Actions Arising	Cabinet Update	<p>Noted: Agreement to all recommendations. Need to work on transition plan.</p>	
3 - Standing Items	Project Management, including Budget	<p>Noted: Project Director - Tender evaluation team met 10 June. 3 contracts signed and fourth is imminent.</p> <p>ACTION: Ensure COO aware of indigenous expenditure.</p> <p>ACTION: Program is a priority to map put key milestones, tasks and deliverables. Draft back to DDG before next meeting of this group.</p>	
	Policy Update	<p>Noted: Update on district planning workshops.</p>	
	Legislation Update	<p>Noted: Territory priority projects, call in powers, mapping of journey and review work for decision making.</p> <p>Noted: Need for Heritage engagement.</p>	
	Communications/Engagement Update	<p>Noted: Legislation and Comms teams working together on Comms plan.</p> <p>ACTION: Comms plan draft to James next Wednesday. Then Briefing package to DDG/DG and messaging to EPF. Completed</p> <p>ACTION: Seek views of Aboriginal Elders once comms plan settled</p> <p>ACTION: Internally list all things we need to take to Cabinet and Subcommittee, including papers on policy positions and bring to this forum to settle the proposed packages.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
4 – Items for decision/discussion	Policy items Territory Plan draft Options	NOTED: Distinctions between Strategic and Statutory Planning needs to be clear. Look and feel of the Territory Plan to follow from settlement of the structure. Options and recommendation to come to next EPCG.	
	Legislation items Engagement on draft planning Act (EDO)	NOTED: Environmental Defenders Office representing cons council – to be added to legislation working group and likely to be represented at EPF.	
17 JUNE			
2) Actions Arising	Agreement to Actions and Decisions Register	Noted	
3) Standing Items	a) Communications/Engagement update	Noted: Good progress for legislation program engagement being made. Noted: Subcommittee discussion paper due to GS tomorrow.	
4) Items for Decision/Discussion	a) Policy items Territory Plan Structure – Options Paper	Paper structure and options outlined, then stepped through. Interaction of Territory Plan and NCP to be considered in detail in the city area. Outcome statements need to be clearly linked to strategic directions. Analysis of each option with pros and cons. Preferred options noted. District planning context set by planning strategy – focus requires further consideration. Agreed: Precinct codes for suburbs to be consolidated into district codes. Include an Infographic on the number of docs in the system to demonstrate that the detail remains but will be made simpler. Noted: Chair is comfortable with heading in terms of recommendations. Agreed: Proceed with current heading subject to further discussions with Erin and team. ACTION: James and Lisa to work up a diagram on where the system is 'landing'. Completed ACTION: Erin to read through document in the meantime and discuss/provide feedback to the team.	
24 June 2021			
2) Actions Arising	Agreement to Actions and Decisions Register		
3) Standing Items	Policy update Legislation update	Noted: Workshops continuing. PAGA item Project Logics completed. Noted: Cabinet paper progressing – needs agreement by MO.	

Item	Agenda Item	Action or Decision Taken	Responsibility
4) Items for Decision/Discussion	a) Policy items Project Program	ACTION: Erin to discuss program with team then re-list for discussion at next meeting. ACTION: Need to consider preparation of a Style Guide for drafting of the new Territory Plan.	AK
	b) Legislation items i) Legislation Working Group TOR (carried over from meeting 11)	Agreed.	
	ii) Draft Bill – Chapters 1-4	ACTION: Ben to spend time (half day) with Erin and team to work through the draft legislation line by line on return from his leave. To include: James, Lisa, Erin, Clinton, George Completed – booked for 3 August	JB
	iii) TP options diagram – full system	ACTION: TP Options paper to come back to EPCG next week – Executive summary and slides to be prepared for MO. Completed Agreed: Terminology going forward for district planning is to be: District Strategy. ACTION: Laura to advise comms to use this terminology moving forward. Completed ACTION: Discuss with Louise tomorrow that the (internal) discussion paper is being settled and placed into diagrammatic form, by comms and engagement. (Ben suggested Nerrida). Completed	JB LM EB
1 July			
2) Actions Arising	Agreement to Actions and Decisions Register	Erin apology. Noted.	

Item	Agenda Item	Action or Decision Taken	Responsibility
3) Standing Items	Policy update Legislation update Communications	Discussion on references used for district planning. Agreed: Terminology to change to District Strategy immediately.	
4) Items for Decision/Discussion	a) Policy items i) District Planning – <i>Min Brief 21/44950</i>	The group considered the concept but did not review in detail. Noted: Brief currently being considered by DDG Brady who will settle the final with the team, noting a preferred option will be recommended; and costing for all options will be included. Agreed that a brief on the approach for district strategies can only be progressed once the Territory Plan structure options paper is cleared by DDG Brady and a brief on the approach is agreed by Minister Gentleman. Once the structure brief is agreed, the district strategies brief can be prepared and sent to Minister Gentleman. Agreed the brief needs to go to Minister to allow funding to be allocated. ACTION: Progress a brief to the Minister with options and costings including a clear position; and noting that decisions on the Strategies will be taken by the EPCG; and highlight the potential requirement for budget funding to progress this work.	AK
	b) Legislation items i) Concurrent Processes – for <i>discussion</i>	Noted: Provision introduced 5 years ago, it is detailed and complex and does not achieve efficiency well. There is an opportunity in the Territory Plan for assessable and prohibited uses to be reviewed and it is proposed to take this issue to the legislation working group. Option 3a noted . Agreed: Option 3b and Director-General signed the brief.	LT

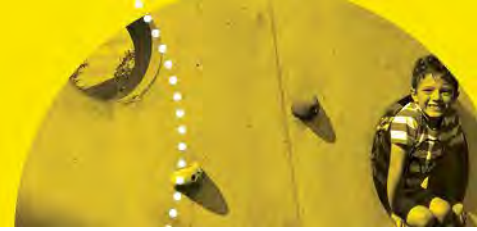
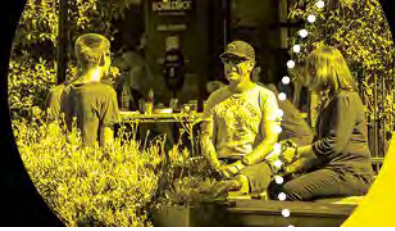
Item	Agenda Item	Action or Decision Taken	Responsibility
	<p>ii) Relationship with other legislation and hierarchy – for <i>discussion</i></p>	<p>Noted: Interactions between Heritage and Tree Protection Acts.</p> <p>Agree: Tighten requirements but retain the ability for the Chief Planner to consider advice of entities, having regard to broader outcomes, such as trees, heritage matters.</p> <p>The decision maker needs to balance their decision making across all matters of the planning system.</p> <p>Action – James to take strong view on the urban forest policy. Tree removal should not be based on design only.</p> <p>Action: Highlight at a future PRRP meeting with Minister Gentleman’s Office, also for visibility of tree protection issues.</p> <p>Noted: Urban Forest Policy listed for discussion at the next Planning and Infrastructure Subcommittee of Strategic Board and Planning Subcommittee of Cabinet (14 July).</p> <p>Action: After comments on the Urban Forest Policy are provided TCCS, James to provide a Cabinet brief to Minister Gentleman, highlighting the need to retain the hierarchy of the Planning Act and the benefits of the independent role of the planning and land authority as a balanced decision-maker in the planning system.</p>	<p>JB</p> <p>EB</p> <p>JB</p>
	<p>Other Business</p>	<p>The Chair raised his meeting with the Government Architect and their discussion about the role of the National Capital Design Review Panel. It was noted that an independent review of the panel needs to be undertaken, and for that to feed into the Planning Review work.</p> <p>The review needs to look at the benefits of NCDRP, scope, roles, advice (including perceived scope creep). It should consider what advice is provided and how that is /is not reflected through DAs, what was outcome, and did it make a difference.</p> <p>The Chair suggested the design consultancy can continue, as this will be a separate piece of work, but concurrent. The ToR of the review need to consider if it is enough to make sure the DRP can’t consider and provide advice beyond their stated remit.</p>	

Item	Agenda Item	Action or Decision Taken	Responsibility
8 July 2021			
2)	Actions/Decisions register	ACTION: Amend agenda template to remove Policy and Legislation updates from standing items, noting they are substantive items for decision/discussion within the agenda.	LM
4) Items for Decision/Discussion	Review of policy positions in Territory Plan	<p>Discussion on the approach for reviewing policy positions in the Territory Plan.</p> <p>Action: Prepare a policy paper highlighting the government policies that intersect with the planning system and how the actions of those policies can be delivered through the planning system.</p> <p>Discussion on the level of detail required in the review to determine the policy positions in the Territory Plan.</p>	JB
	Territory Priority Projects options	<p>Options and preferred option canvassed in brief. Preferred option limited to projects by or on behalf of govt – and not apply to private entity development proposals. Other jurisdictions' analysis considered.</p> <p>Decision: Progress the brief as prepared to the A/g DDG for review.</p>	LT
Other Business	Updates to Terms of Reference	<p>Noted: Operation of the EPCG has not met the terms of the ToR since inception, for various reasons, including the inability to recruit to the Project Director position. The revised Terms of Reference more appropriately reflect the operation of the EPCG.</p> <p>Action: Circulate out of session revised ToR.</p> <p>Closed: ToR updated further and listed for discussion at 22/7 meeting</p>	JB

ACT Planning System Review and Reform Project



DRAFT
**Proposed New Territory Plan -
Supporting Report**
November 2022



Contents

Contents	2
Executive Summary	5
Territory Plan Review Process	5
The New Territory Plan.....	5
Structure changes.....	5
Policy changes	6
The Territory Plan Review Process	9
Introduction.....	9
The Territory Plan 2008.....	9
Need for the new Territory Plan.....	10
Project scope and stages	10
A new Territory Plan.....	12
Research and Planning Studies.....	13
Methodology	13
Review of ACT Government Strategies and Policies	16
Community and entity engagement and feedback.....	17
Jurisdiction Review	19
Planning System Review and Reform Project papers.....	20
Technical Studies	23
Achieving Improved Built Form, Place Design and Public Realm Outcomes.....	23
Commercial and Industrial Zones and Mixed-use Development	24
Estate Development Best Practice Greenfield and Infill Development.....	26
Electric Vehicle Infrastructure	28
Living Infrastructure and Urban Heat.....	30





The New Territory Plan..... 31

 Requirements of the *Planning Bill 2022* 31

 Requirements for the new Territory Plan 31

 Contents of the new Territory Plan 31

Structure Changes 32

 Order and nature of components 32

 Components of policies and associated documents 35

Administration and governance 36

 Maps 36

 New definitions..... 37

 Changes to definitions – uses of land..... 41

 Changes to definitions – terms and concepts 46

 Structure of definitions..... 52

 Other changes..... 52

Zones 54

 Residential Zone Changes..... 56

 Commercial Zone Changes 57

 Industrial Zone Changes 61

 Community Facility Changes 62

 Parks and Recreation Zone Changes 62

 Transport and Services Zone Changes..... 63

 Non-Urban Zone Changes..... 63

Planning principles and strategic links 66

District Policies 67

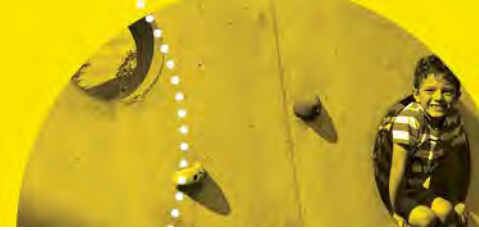
Zone and Other Policies..... 68





Zone Policies - changes.....	69
Design Guides	71
Approach – delivering design guides.....	72
Key components.....	72
Housing Design Guide (HDG).....	73
Urban Design Guide (UDG).....	73
Technical Specifications.....	74
Role of Technical Specifications	74
Policy changes	74
Additional changes to the new Territory Plan.....	76
Garran Primary School expansion	77
Phillip Swimming and Ice Skating Centre	77
Demonstration Housing – overview	78
Forrest Section 44 Block 5 – Multi-Unit Housing.....	79
Lyneham Section 38 Blocks 24 and 25 – Community Housing.....	81
O’Connor Section 66 Block 1 – Multi-unit Housing.....	82
Weston Section 50 Block 2 – Multi-unit Housing.....	84





Executive Summary

Territory Plan Review Process

A draft new Territory Plan has been prepared as one of three key reforms arising from the ACT Planning System Review and Reform project (the Project). This report introduces the Territory Plan review component of the Project and outlines the research, planning work and technical studies undertaken to support the draft new Territory Plan.

The aim of the Project is to deliver a clear, easy-to-use planning system that encourages improved spatial and built outcomes across the Territory and continues to build on Canberra's strong reputation as a great place to live and work. The project included community and industry engagement, as well as benchmarking of the existing system against contemporary planning systems in Australia and internationally. An analysis of agreed government policy related to the Territory Plan was also undertaken as part of the evaluation of existing policies.

Technical work that was completed considered appropriate new planning responses to achieve improved design quality, address issues regarding compatibility of uses (particularly in mixed-use development) and best practice subdivision development in greenfield and redevelopment areas. The outcomes of this technical work and policy evaluation identified the importance of having stronger design requirements for development, as well as a focus on the desired outcomes to be achieved.

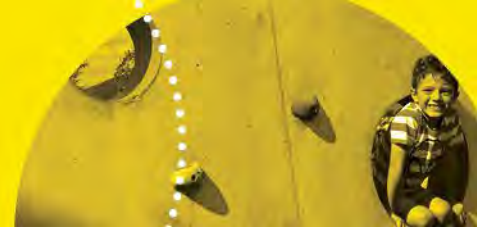
The New Territory Plan

The Territory Plan is the statutory document that guides planning and development in the ACT to deliver an attractive, safe and efficient environment in which to live, work and recreate. It must promote the principles of good planning and give effect to the planning strategy and district strategies.

Structure changes

Two important changes made to the Territory Plan involve its structure and how the planning requirements have been incorporated into it to achieve an outcomes focussed planning system. By restructuring the components of the Plan, introducing supporting material such as design guides and technical specifications and focusing on policy outcomes and assessment requirements, the focus for development assessment is clearly on the impacts and outcomes of a development, rather than a compliance approach.





The draft new Territory Plan will consist of the following seven parts:

- A. Administration and governance
- B. User guidance – the Territory Plan
- C. Planning principles and strategic links
- D. District policies
- E. Zone policies
- F. Other policies
- G. Dictionary and annexures

Supporting material, such as design guides, technical specifications and other material do not form part of the Territory Plan, but may be “called up” by policies within the Territory Plan.

The District and Zone Policies will incorporate maps and a land use table that specifies the uses permitted in each zone or district. The policies will include Policy Outcomes, Assessment Requirements and Assessment Outcomes that are required to be met for all development applications. Consideration against the design guides is called up through the Assessment Outcomes.

The Development Compliance Provisions then call up a range of Technical Specifications, which provide a simpler method (but only one option) of demonstrating compliance with an Assessment Outcome. The supporting material will be enhanced over time, with a range of guidelines and advisory notes to assist in making the Territory Plan clear and easy to use.

Policy changes

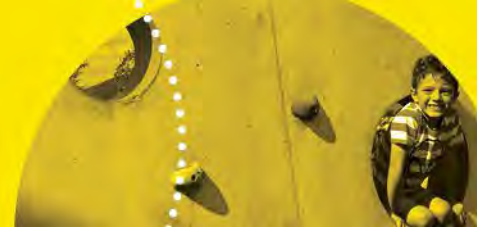
Though the biggest change to the assessment of development is achieved through the new structure of the Territory Plan and the ‘weighting’ given to the Policy Outcomes, Assessment Requirements and Assessment Outcomes, the new Territory Plan also contains policy changes.

Delivering on Government policies

The policy provisions in the Territory Plan give effect to planning related Government policies. Changes being made to implement Government policies and commitments include:

- Living infrastructure and urban heat provisions for commercial and community facility zoned land, as well as subdivision applications.
- Enhancing the provisions related to bushfire and flood risk mitigation in response to a changing climate.
- Amended vehicle parking requirements to encourage and support active travel, while requiring provision of infrastructure for EV charging facilities.
- Assisting to achieve net zero emissions by prohibiting gas connections in new residential subdivisions and introducing large battery storage and hydrogen production as permitted uses in the Territory.





- Providing for a greater range of housing such as community housing (affordable rental) and build-to-rent development will assist in addressing housing affordability. Other changes to address affordability and assist with 70% of new growth being accommodated within the existing urban areas (a target of the ACT Planning Strategy 2018) include:
 - Allowing a block in RZ2 to RZ5 zones to be subdivided without being required to construct the new dwellings first
 - multi unit development in the RZ2 zone being able to have more dwellings as part of the development
 - Allowing apartments (of no more than two storeys) in the RZ2 zone to provide more single level dwellings (that are easier for the resident to age in place), rather than only townhouses.
- Addressing concerns regarding mixed use development by introducing a requirement to provide a 'buffer' use within a building between residential dwellings and 'noisy' uses.

Changes to uses – definitions and zones

Community housing will be a new form of affordable rental in the residential zones, as well as on community facility zoned land if it is in conjunction with a place of worship or supportive housing.

Other changes to definitions include clarifying what constitutes a commercial accommodation unit (i.e., adding 'AirBnB' as an example use) and reducing the potential for a development to overlook its neighbour, by reducing the height of the floor that is classified as upper floor level (reducing it from 1.8m above ground level to 1m above ground level). Uses that are being added to zones include:

- Residential zones – build-to-rent development, early childhood education centre, veterinary clinic
- Local centres – animal care facility, club, drink establishment, produce market
- Mixed use zone – indoor recreation, public transport facility
- Industrial zones - data centre, drone facility, major electrical storage, utility hydrogen production facility
- Community facility zone – community housing
- Open space zones - Utility hydrogen production facility
- Transport zone – emergency services facility, service station
- Non-urban zones – drone facility, ecotourism, emergency services facility, utility hydrogen production facility

Changes to planning provisions

Other changes to planning provisions include:

- Making site coverage provisions mandatory, but changing plot ratio to discretionary
- Removing the dwelling replacement requirement, as this will be adequately covered by dwelling size requirements in the design guides.





- Not permitting residential use at the ground floor level in any commercial CZ1 Core area, not just restricting it in group centres

Design Guides

The new design guides are fundamental instruments to support an outcome-based approach to the assessment of development proposals. Through the planning process, design guides combined with district and zone-based policy outcomes are powerful tools in supporting and achieving a high-quality development outcome while providing flexibility and allowing creativity and innovation in design solutions.

Two Design Guides are being developed:

- Urban Design Guide – addressing public realm outcomes at a range of scales
- Housing Design Guide – addressing housing at a range of densities, including apartment design guidance

An Explanation of Intended Effect (EIE) for these guides will form the initial document to accompany the public consultation phase of the new Territory Plan, allowing the community to comment and influence the detail of the final design guides.

Technical Specifications

The majority of the considerations in the Technical Specifications will remain relatively the same as in the current Territory Plan, though will be applied and considered in a different manner to the provisions in the current Territory Plan. Provisions have been added to address matters such as:

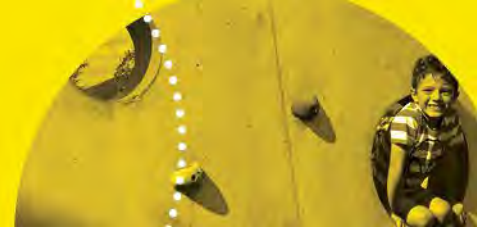
- Living infrastructure
- Urban heat
- Flood risk
- Bushfire risk mitigation
- Parking and active travel
- Electric vehicle charging

Additional changes to the new Territory Plan

Rather than progressing as separate variations to the Territory Plan, changes are proposed to be made to the Territory Plan to facilitate the expansion of the Garran Primary School and to amend the requirements for the Phillip Swimming and Ice Skating Centre. Changes are also proposed to facilitate the delivery of four demonstration housing projects. The locations for these are:

- Forrest Section 44 Block 5 – Multi-Unit Housing
- Lyneham Section 38 Blocks 24 and 25 – Community Housing
- O'Connor Section 66 Block 1 – Multi-unit Housing
- Weston Section 50 Block 2 – Multi-unit Housing





The Territory Plan Review Process

Introduction

The Territory Plan is the statutory document that guides planning and development to provide ACT residents with an attractive, safe and efficient environment in which to live, work and play. This Supporting Report has been prepared in accordance with section 59 of the *Planning Bill 2022* to explain the development of the draft new Territory Plan that has been released for public consultation.

The draft new Territory Plan is one of three key reforms arising from the ACT Planning System Review and Reform project (the Project), which aims to deliver a clear, easy-to-use planning system that encourages improved spatial and built outcomes across the Territory and continues to build on Canberra's strong reputation as a great place to live and work. The other key reforms are a new Planning Act and the introduction of district strategies.

This report introduces the Territory Plan review project, which is part of the wider Project, and outlines the research, planning work and technical studies undertaken to support the draft new Territory Plan. This report provides detail of the specific changes made from the current Territory Plan, including policy, structure and language changes.

The changes are explained in the order in which they appear in the draft new Territory Plan, rather than in the current Territory Plan.

The Territory Plan 2008

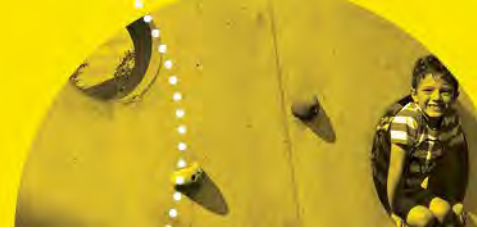
The current Territory Plan took effect on 31 March 2008. The Territory Plan is used to:

- manage development in the ACT, particularly how land is used and what can be built
- assess development applications
- guide the development of new estates and the management of public land.

The *Planning and Development Act 2007* (P&D Act) outlines the object, format, content and review processes of the current Territory Plan. This provides the details of what the Territory Plan must contain, how changes to the plan must be made and when it is to be reviewed. Under the P&D Act, the current Territory Plan must have:

- a statement of strategic directions
- a map, including zones and overlays





- objectives and development tables for each zone
- codes.

The Territory Plan ‘must not be inconsistent with’ the National Capital Plan, which is administered by the Australian Government’s National Capital Authority. Planning in some parts of the ACT is also controlled by the National Capital Plan.

Need for the new Territory Plan

The P&D Act requires the planning and land authority to consider the appropriateness of the Territory Plan and its various development controls every five years. In deciding whether a review is necessary, the planning and land authority considers whether the Territory Plan promotes the ACT Planning Strategy and meets the expectations of industry and community.

In the 15 years since the last major review of the Territory Plan, the long-term aspirations for Canberra have evolved. Canberra’s population is growing and the ACT Government is planning for this growth with a focus on environment, sustainability and economic prosperity.

The 2018 ACT Planning Strategy—as well as other key government strategies such as the Climate Change Strategy, Infrastructure Plan, Housing Strategy and Transport Strategy—shape the context in which the planning system operates. These strategies, together with the evolving aspirations for Canberra and community feedback over several years on a range of matters, identified the need to review the planning system as a whole, rather than just the Territory Plan.

The Project commenced following the release of the 2018 ACT Planning Strategy. The broad aims of the Project are to:

- simplify the planning system
- improve the balance between certainty and flexibility in the system
- incorporate character, context and design as key elements of the system.

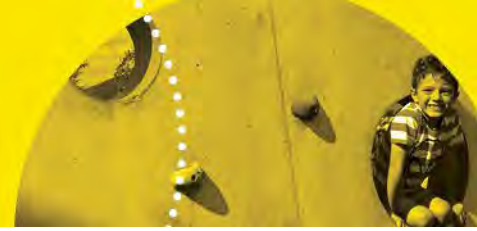
As well as the new Territory Plan, the Project will deliver a new *Planning Bill 2022*, nine new district strategies and detailed design guides.

Project scope and stages

The ACT Government recognised the need for change to the planning system and agreed to the Project in March 2019. It was to be neither a ‘light-touch’ approach to reform nor a full-scale ‘start from scratch’ approach.

The Project has involved a holistic review and proposed reform of the current system to deliver a more ‘spatially-led’ and ‘outcomes focussed’ planning system.





A spatially-led planning system focuses on places and spaces and how these change over time. It focuses on planning for the Territory at different scales, from the city level to the district level and to the site level of planning.

Outcomes focussed means the new planning system will outline the desired results of planning rather than prescribe how things need to be done. It means going beyond looking at buildings and the environment in isolation to incorporate wellbeing, health, recreation, employment, housing and environmental factors into the planning system. It will mean greater flexibility in the way developments can be designed, allowing greater emphasis on improving design quality and built outcomes so that developments can perform well within their local context.

The purpose and objectives of the Project are described in Figure 1.

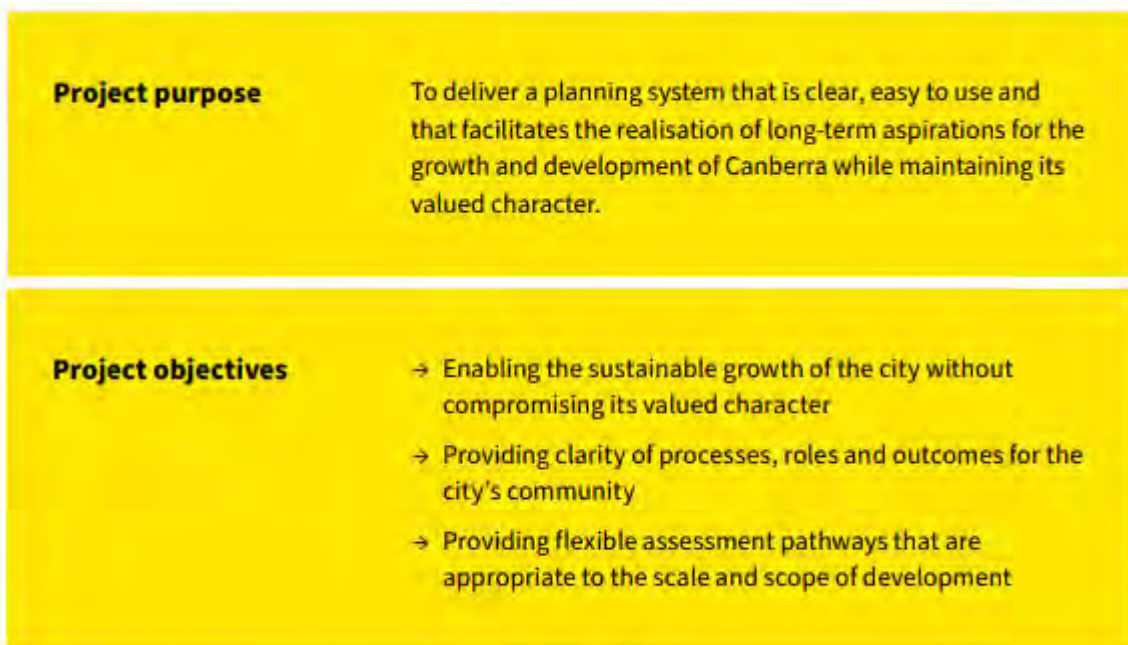


Figure 1: Project purpose and objectives

The methodology for the Project is summarised in Figure 2.

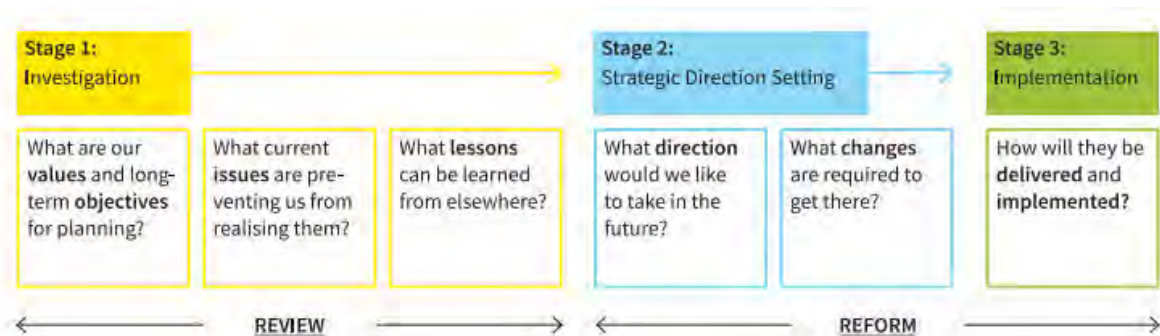


Figure 2: Project stages





The three-stage process for the Project progressively defined and implemented the proposed future direction for the ACT planning system:

Stage 1: Investigation. This included community and industry engagement and benchmarking of the existing system against contemporary examples from states and cities elsewhere in Australia and internationally. Further detail is provided in the sections covering research and planning studies and technical studies.

Stage 2: Strategic direction setting. This stage involved the development of preferred approaches for the future planning system and identified the required changes, including the development of the *Planning Bill 2022* and the district strategies, and changes to the policies within the Territory Plan. These proposed policy changes are detailed in the New Territory Plan section.

Stage 3: Implementation. Following consultation this stage will include enacting the new Planning Act, 2022 and implementing the new Territory Plan and district strategies in 2023. This stage will include supporting documents such as practice notes, training and information sheets to assist industry and the community. A new digital interface with the new Territory Plan will be developed to contain the planning system base data and to support submission and assessment of planning and development applications.

A new Territory Plan

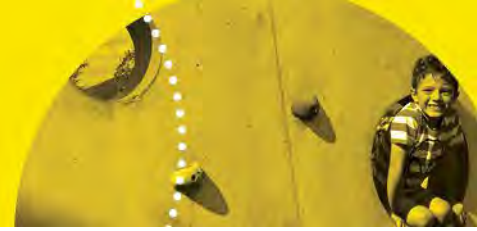
While the new *Planning Bill 2022* provides the legislative framework for the reformed planning system, the new Territory Plan is the main mechanism for achieving an outcomes-focused approach and giving effect to strategic policies (such as the ACT Planning Strategy and the new district strategies). Rather than focussing on prescriptive rules, the new Territory Plan will encourage innovation and high-quality design to achieve the desired outcomes for development.

Throughout 2021 and 2022, work has been undertaken on how to structure the new Territory Plan to deliver on the principles of an outcomes-focused system that is easy to use. The technical work considered how to recognise the distinct character of each of the nine districts in the ACT and simplify the structure of the Territory Plan.

Work has also ensured that Government's strategic policy outcomes are reflected within the new Territory Plan.

The details of the new Territory Plan structure and policy changes are included in the new Territory Plan part of this document.





Research and Planning Studies

Methodology

Project stages and the Territory Plan

The Project was structured around the three-stage process.

Stage 1: Investigation (2019 and 2020). Investigations included community and industry engagement and benchmarking of the existing system against contemporary examples from states and cities elsewhere in Australia and internationally (see section on jurisdiction review). This jurisdictional analysis, which included consideration of key elements of planning systems and their challenges, provided a basis to investigate a range of approaches to respond to the opportunities and challenges in the ACT.

Stage 2: Strategic direction setting (2021 and 2022). The ‘direction’ phase was signalled with the release of policy directions papers in November 2020 (see section on the Planning System Review and Reform papers).

The ‘change’ phase has been ongoing and has included technical work and planning studies to refine and develop the proposed changes to the structure and policy content of the Territory Plan (see section on technical studies). The approach to change has considered the ACT Wellbeing Framework; the wellbeing of ACT residents will continue to be considered as the reforms progress.

Stage 3: Implementation (ongoing). Following tabling of the *Planning Bill 2022*, statutory public consultation on the draft new Territory Plan has commenced. The new Territory Plan will respond to comments received and be finalised in 2023. Implementation of the new Territory Plan will be assisted by information sheets and practice notes, training sessions and online tools.

Overarching review methodology

The review methodology has been a cycle of continuous improvement (Figure 3). The process:

- reviews existing policy and its outcomes on the ground
- evaluates the expected outcomes of the proposed changes
- develops the proposed changes for inclusion in the new Territory Plan.





Figure 3: Review cycle

Figure 4 outlines the policy evaluation process. Evaluation of the strategic planning stream and the statutory planning stream was undertaken concurrently, then combined to confirm the policy position or identify where new policy work was required before new Territory Plan provisions could be drafted. Depending on the policy gap, policy provisions were developed for the new Territory Plan or future planning work identified.

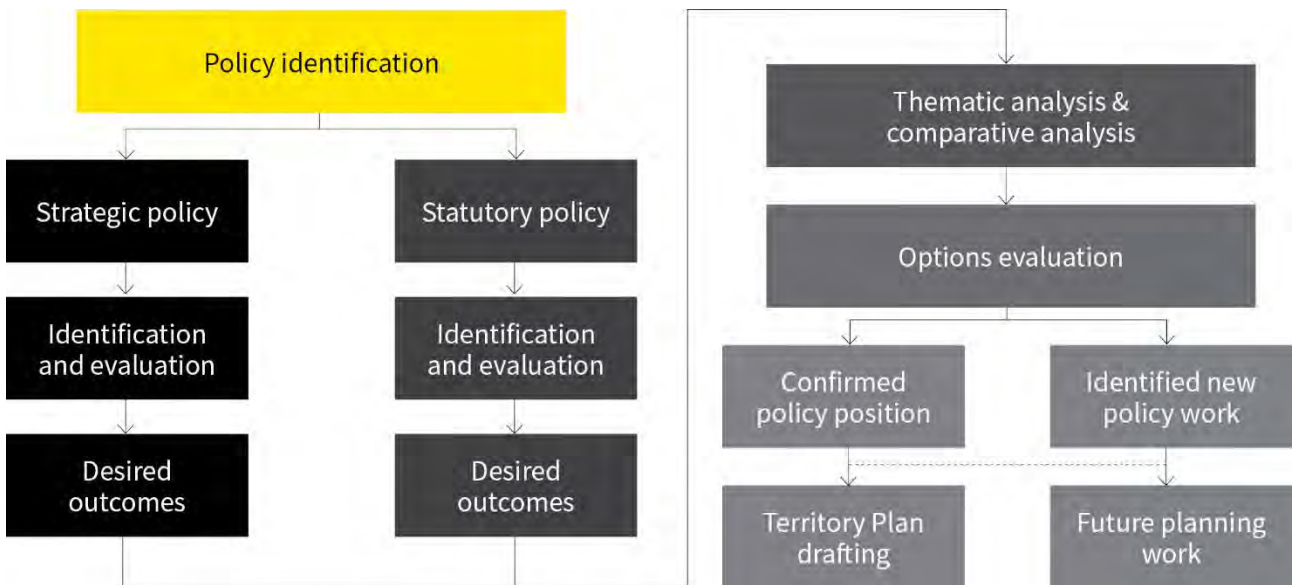


Figure 4: Policy Evaluation Process

Government policies were reviewed to determine if they could achieve their stated outcome through the planning system. If so, relevant outcomes-based development provisions were drafted to align with and achieve the agreed policy outcome while avoiding over-prescription and limiting possible design outcomes.

Figure 5 provides details of the drivers for change that were considered when determining whether policy changes were required for the Territory Plan.



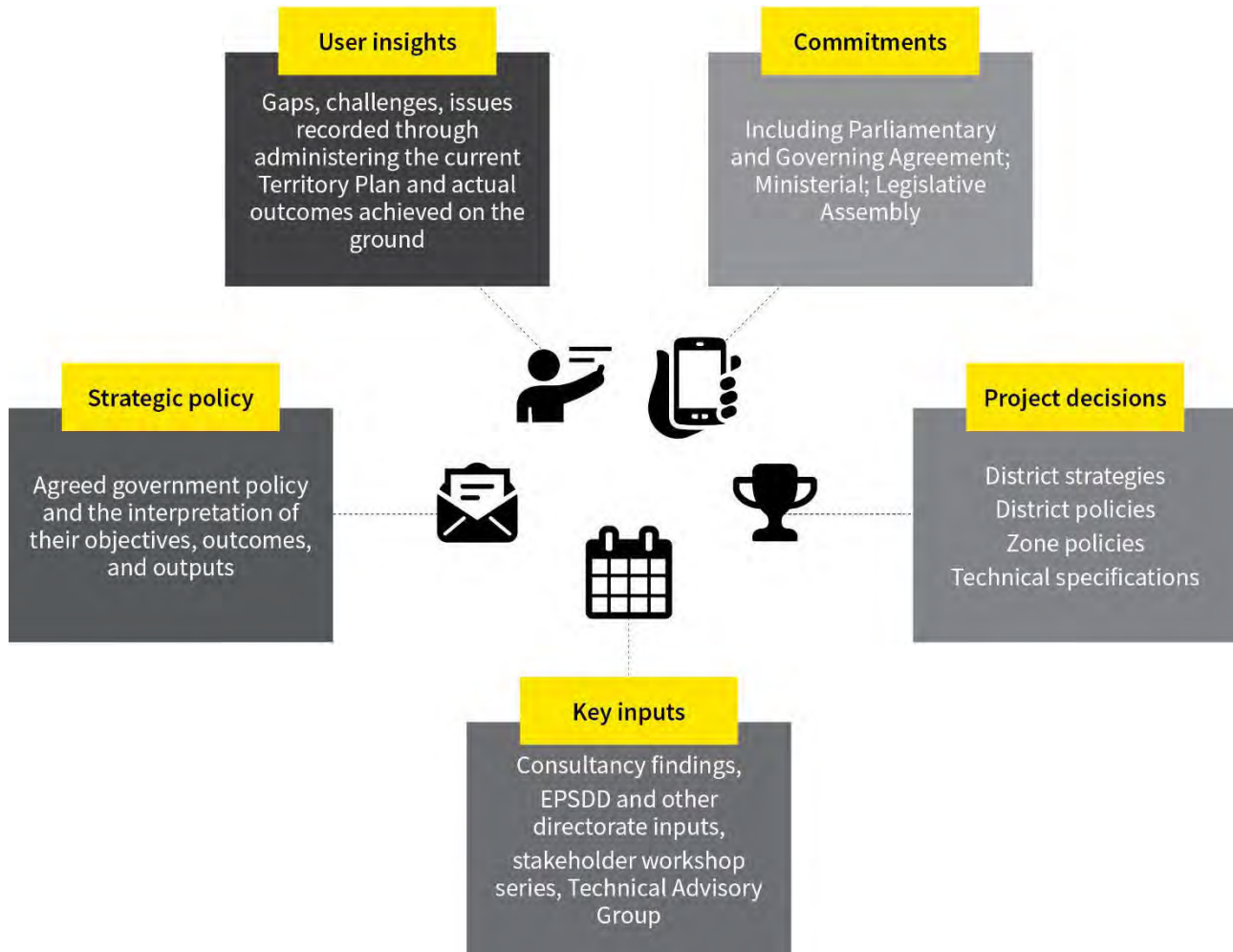


Figure 5: Drivers for change

Policy evaluation process

In line with the review methodology above, the policy evaluation process undertook the following to inform the drafting of outcomes-based development controls:

- Identified agreed government strategic policy that related to the Territory Plan to:
 - determine the desired outcome(s) of the strategic policy
 - inform the drafting of outcomes-based development policies that align with the strategic policy.
- Reviewed existing Territory Plan codes and identified existing statutory policy within the Territory Plan to:
 - determine if the policy is delivering an identified desired strategic outcome
 - determine whether the policy intent meets the outcomes that are being achieved on the ground



- identify if the policy requires changes to meet the desired strategic outcome
- determine if the policy is still needed and provide a recommendation based on that assessment.
- Identified potential strategic policy gaps to:
 - determine if existing operational policy should be reflected in future strategic policy.

Review of ACT Government Strategies and Policies

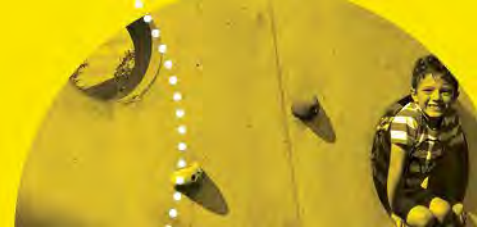
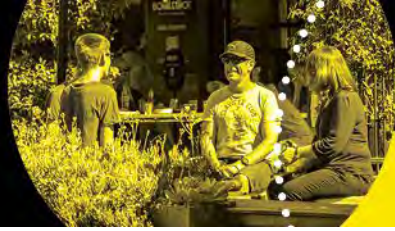
The Project included a review of ACT Government strategic policies that are relevant to the planning system. The key policies are listed in Figure 6. [Attachment 1](#) outlines how the new Territory Plan is consistent with the relevant planning outcomes contained in these strategies and policies.

ACT Government Directorate	Government Strategy
CMTEDD	Parliamentary & Governing Agreement (10th Legislative Assembly)
	ACT Wellbeing Framework
	ACT Infrastructure Plan 2020
EPSDD	ACT Planning Strategy
	Minister's Statement of Planning Intent
	ACT Climate Change Strategy
	Nature Conservation Strategy
	Canberra's Living Infrastructure Plan
	Design Principles for the ACT (NCDRP)
	The ACT's Transition to Zero Emissions Vehicles: Action Plan 2018-21
ACT Housing Strategy	
TCCS	ACT Transport Strategy 2020
CSD	ACT Women's Plan 2016-26, The Second Action Plan 2020-22

Figure 6: Key ACT Government strategies

The new Territory Plan part of this document outlines the policy changes that are proposed to be included in the new Territory Plan. This explanation will indicate where changes have been made to reflect government policy commitments.





Community and entity engagement and feedback

The Minister for Planning and Land Management and the Environment, Planning and Sustainable Development Directorate (EPSDD) maintain ongoing dialogue with the Canberra community and other stakeholders, including the planning and development industry and other government directorates.

Over recent years, engagement on planning related projects identified that while the current system can be considered to be adequate, the structure of the Territory Plan and the nature of the decision-making process (being focussed on rule compliance rather than desired outcomes) makes it difficult to achieve the government and community's broader policy objectives and long-term vision for the ACT.

Feedback indicated a desire to have a planning system that focusses on the desired outcomes for development rather than prescriptive rules. Articulating the desired characteristics for future development in the ACT would facilitate an outcomes-focussed assessment process; that is, being able to focus on a good outcome for a development in its context, rather than a 'rule compliance' approach to assessment. This will place an emphasis on improving design quality and built outcomes so developments can perform well within their local context such as their community and environment.

Figure 7 provides an overview of the feedback over recent years regarding the Territory Plan and planning system. [Attachment 2](#) provides further detail of this feedback.





GROUP ISSUES: WHAT WE HEARD WAS WANTED

Clear and consistent definitions that are easy to interpret
Structure of Territory Plan to be simpler, more flexible, provide greater certainty
Processes to be simpler, more flexible, provide greater certainty
Review exempt development
Consistent interpretation across government

Flexibility in the assessment process
Requirements in the planning system delivering certainty and flexibility
Improved design quality
Strategic policy that facilitates quality spatial outcomes and respects character
Cleaner planning policy intent

Compact and efficient city
Diverse Canberra
Sustainable and resilient
Liveable Canberra
District planning approach

Clarify the role of the public land overlays
Clear and consistent definitions that are easy to interpret
Statement of strategic directions to align with directions of Planning Strategy
Clarify the role of zones and zone objectives
Simplify the Territory Plan

District-based planning to implement the city's strategic plan
Accommodate and utilise new technology in the planning system
Flexible and responsive policy that deliver housing choice
Encourage innovative use and activity
Be adaptable to environment, community, and commercial changes

Consistent interpretation across government
Enforcement of and compliance with planning decisions and approvals
Update general codes to reflect best practice and have consistent format
Ensure adequate decision review processes
Ongoing engagement in the planning system

Figure 7: Feedback topics





Based on the feedback received on the planning system, three key messages were identified:

- Key Message 1: The current system does not adequately accommodate consideration of design quality or development appropriateness, putting at risk the valued character of Canberra and its suburbs.
- Key Message 2: The disconnect between strategic and statutory planning means the system is not well placed to address future planning challenges and aspirations of the long-term Planning Strategy.
- Key Message 3: These issues, along with the general complexity of the system, is compromising the community's confidence in the system and their ability to fully participate in planning and development.

In addition to this early feedback, other consultation and engagement processes have provided opportunities for community and industry to have their say about planning matters. For example, feedback has been recorded through regular forums including the Environment and Planning Forum and the Planning and Construction Industry Chief Executive Reference Group.

A stakeholder working series comprising industry, community and interest group representatives was established in 2022 to initiate technical conversations with the project team on policy and structure options. This working series enabled more detailed conversations on elements of the new Territory Plan and provided the members an opportunity to provide valuable feedback on the workability of the proposed changes.

Throughout the review process, comments have been received from entities who have an interest in the Territory Plan.

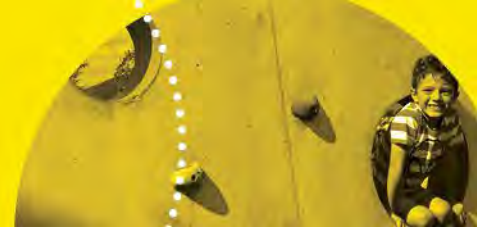
The new Territory Plan part of this document outlines the policy changes that are proposed to be included in the new Territory Plan. This explanation will indicate where changes are made to reflect entity or community comments.

Jurisdiction Review

Initial work on the Project involved a review of other national and international planning jurisdictions to identify best practice approaches that might help improve the ACT system. The following jurisdictions were chosen as they represented the range - from prescriptive through to discretionary planning systems - with different governance systems:

- National:
 - City of Yarra (Victoria)
 - City of Ballarat (Victoria)
 - City of Parramatta (New South Wales)
 - City of Newcastle (New South Wales)
 - City of Adelaide (South Australia)





- International:
 - Singapore
 - City of Toronto (Ontario, Canada)
 - City of Minneapolis (Minnesota, United States)
 - London Borough of Camden (United Kingdom)

These systems were reformed recently and addressed common challenges and opportunities around growth and sustainability. Further details on this jurisdiction review and benchmarking process are included in [Attachment 3](#) – Analysis of planning systems in other jurisdictions.

Other planning systems that have been reviewed recently, such as South Australia and New South Wales, were also considered. This review work has shown that the planning challenges identified in the ACT are also common in other planning systems.

The review of specific planning matters such as development provisions, definitions and zoning allowances has involved a review of similar matters in other planning systems. Due to the number and nature of changes being proposed by this Project, these jurisdictions are not individually listed. However, due to the similarities across the nation in planning governance systems, most of these jurisdictions are Australian local councils.

Specific policy advice was also sought from subject matter experts in EPSDD and other government agencies. EPSDD areas included Statutory Planning, Territory Plan, Housing Policy, Development and Implementation, Climate Change and Energy, Parks and Conservation Service, and Environment.

Planning System Review and Reform Project papers

The Planning System Review and Reform Project papers released in 2020 outlined the proposed approach to changing the planning system, based on the jurisdiction review and early community and industry feedback. The suite of papers included an [overview paper](#) and five focus area papers on [System Structure](#), [Strategic Planning](#), [Development Controls](#), [Development Assessment](#) and [System Operation](#).





Figure 8: Policy Direction Papers

Each paper outlined the context of the project; how that particular focus area related to the Project and other focus areas; challenges, opportunities and gaps; and considerations relevant from the benchmarking. The papers identified key directions for next steps as part of an integrated approach to improving the planning system:

- Focus Area 1 – System Structure: The hierarchy of the various components of the system as well as their individual roles and interrelationships.
- Focus Area 2 – Strategic Planning: The long-term strategic or policy objectives that describe the purpose and direction of the planning system.
- Focus Area 3 – Development Controls: The interpretation of strategic and policy objectives into regulations that define and shape development.
- Focus Area 4 – Development Assessment: The processes through which development applications are assessed and determined.
- Focus Area 5 – System Operation: The useability of the system from the perspective of applicants, agencies and other interested parties.

The paper most relevant to the review of the Territory Plan was Focus Area 3 – Development Controls. This paper focussed on development control provisions, which are the main operational component of the planning system. They address what types of development can occur where, how they interact with their neighbouring land uses and what the development should look like.





The paper noted that development control provisions should clearly translate broad policy directions into a set of practical outcomes-based policies for development. This would facilitate development outcomes consistent with long-term policy directions that respond to the expectations of the community.

The paper proposed several key directions, outlined in the following table with how these proposals have been responded to as the Project progressed.

Development Controls – key directions

	Key direction	Response
DC1	Adopt objective or outcomes-focussed development controls.	The new Territory Plan contains the desired Policy Outcomes, Assessment Requirements, Assessment Outcomes and Development Compliance Provisions that form the key considerations during the assessment of a development application. These make clear the desired intent of the development provisions and the outcome to be achieved.
DC2	Clarify the role and purpose of each zone and code.	The Project has involved a review of the various components of the Territory Plan, including the current zones and codes. Policy Outcomes have been developed to identify what needs to be achieved by a development in each zone. The revised structure of the Territory Plan aims to clarify the purpose of the various policy documents, technical specifications and design guides and their role in the decision making process.
DC3	Strengthen the alignment between development controls and strategic directions.	The development of the Policy Outcomes, Assessment Requirements, Assessment Outcomes and Development Compliance Provisions has taken into consideration the five strategic directions in the ACT Planning Strategy (compact and efficient city, diverse Canberra, sustainable and resilient territory, liveable Canberra and accessible Canberra) and the principles of good planning included in the Planning Bill.
DC4	Expand precinct codes to address existing and desired character.	New district policies have been developed to replace the previous precinct codes and reflect the policy directions set in the new district strategies. As district strategies identify particular characteristics of the district, policy outcomes will be included in the relevant district policy.
DC5	Develop new controls related to the management of areas identified for change.	District strategies will identify areas for change. Any identified changes will be included as policy outcomes, assessment requirements and assessment outcomes in the district policy.
DC6	Provide the planning authority with the ability to exercise discretion in favour of high-quality development outcomes.	The new planning system will introduce design guides that will be required to be considered during the design and assessment of nominated development types. These will enable high quality design outcomes to be considered in the assessment process for development applications.





Technical Studies

The early stages of the Project identified the need for further detailed work in certain areas and the addition of best-practice thinking from global leading experts. Consultancies were undertaken to provide recommendations for changes to existing development provisions or the introduction of new ones. Most consultancies included a review of best practice in other jurisdictions to assist in the development of the recommendations.

The consultancies are outlined below, including an overview of the recommendations they made and how those recommendations have been considered in the Project.

Achieving Improved Built Form, Place Design and Public Realm Outcomes

Hodyl & Co. (Hodyl) was engaged to provide specialist advice in respect to built form and public realm outcomes. The final report can be found [here](#). A gap analysis of the existing ACT system identified:

- design guidance was inconsistent and poorly drafted in some instances
- terms in the policy were not clearly defined
- guidance was too rigid and that there were contradictions between different elements of policy
- difficulties in translating strategic design work into the Territory Plan
- a lack of co-ordination between different agencies when it came to desired design outcomes.

The outputs of this report included a recommended process and framework to guide the planning and delivery of built form, place design and public realm provisions:

- Measures that can be achieved through a new planning framework, such as new planning controls and the policy setting (design guides) that encourage applicants to go beyond the minimum standards.
- Measures that can be achieved through design standards, such as Transport Canberra and City Services (TCCS) design standards for the public domain.

The evidence-based research informed the seven core recommendations for the ACT to improve design outcomes through planning:

1. Design Act – a strategic design policy that positions design at the centre of shaping cities
2. Design Guides – a series of design guides that focus on delivering design outcomes that are sought across the ACT
3. Design Guide – Connection with Country
4. Design Guide – Designing for Place
5. Design Guide – Housing Design Guide
6. Design Guide – Public Realm Design Guide
7. Toolkit – guiding document(s) around best-practice methods for developing, evaluating and implementing design guidance for built form outcomes.





The table below identifies how the recommendations have been responded to as the Project has progressed.

Recommendations - Achieving Improved Built Form, Place Design and Public Realm Outcomes

Recommendation	Response
Design Act	This recommendation will be considered following the implementation of the new planning system (including the introduction of design guides) to determine whether a separate Design Act is required.
Design Guides – series of design guides.	See below points.
Design Guide – Connection with Country	This recommendation was considered and identified for future development to enable thorough consultation and engagement processes to be undertaken with Traditional Custodians.
Design Guide – Designing for Place	This recommendation has been adopted, with the proposed Urban Design Guide combining both the Designing for Place and Public Realm guidance.
Design Guide – Housing Design Guide	This recommendation has been adopted..
Design Guide – Public Realm Design Guide	This recommendation has been adopted, with the proposed Urban Design Guide combining both the Designing for Place and Public Realm guidance.
Toolkit	This recommendation has been noted and considered as part of the suite of supporting documentation for the Territory Plan, including fact sheets and practice notes.

Commercial and Industrial Zones and Mixed-use Development

SGS Economics and Planning was engaged to consider compatibility of uses (particularly in mixed-use development), a potential cost benefit analysis of commercial and industrial zones, and provide recommendations on a framework, measures and mechanisms for guiding improvements to commercial and industrial land use zoning in the ACT. The consultancy also considered the number of commercial and industrial zones in the ACT and the suitability of current controls to achieve policy objectives. The final report can be found [here](#).

The report addresses three key issues identified for commercial, industrial and mixed-use zones in the ACT:

- Clarify the role of major centres in supporting employment
- Character and land use conflict in commercial zones (emerging mixed-use areas)
- Industrial land for industrial uses





The table below identifies how the recommendations have been responded to as the Project has progressed.

Recommendations - Commercial and Industrial Zones and Mixed-use Development

Recommendation	Response
<p>Proposed changes to zone objectives and land uses</p>	<p>CZ1 Core Zone – The removal of residential uses in CZ1 was not supported; compared to larger centres in other jurisdictions, Canberra is a highly decentralised city with a series of town centres. If a need is identified to restrict or prohibit residential use in a specific commercial centre, this protection can be added to the relevant district strategy and/or policy.</p> <p>CZ2 Business Zone – The recommendation to continue a range of commercial uses, with a potential floorspace cap or similar provision to make sure the zone retains its primary function for commercial uses was supported.</p> <p>CZ3 Services zone – Continuing to permit entertainment uses and focussing on urban services and lower value uses, retail and convenience and offices (that are ancillary to other permitted uses) was supported.</p> <p>CZ4 Local Centres Zone – allowing entertainment uses and focussing on servicing local population needs, including supermarkets, retail, hospitality, and community facilities was supported (noting that indoor entertainment facilities use is already permissible in the CZ4 zone).</p> <p>CZ5 Mixed Use Zone – Allowing entertainment uses and focussing on providing for retail, smaller and medium-sized supermarkets, hospitality, community facilities and offices was supported (noting that indoor entertainment facilities use is already permissible in the CZ5 zone).</p> <p>CZ6 Leisure and Accommodation Zone – Continuing to facilitate leisure and accommodation-based activities was supported.</p> <p>IZ1 General Industrial Zone – protecting industrial land by limiting uses to heavy and light industries was supported.</p> <p>IZ2 Mixed Use Industrial Zone – Providing uses to meet worker needs (such as take-away food and convenience shopping) but limiting the scale is supported. Using IZ2 as a buffer between IZ1 and other uses is noted.</p>
<p>Strategic planning</p>	<p>Recommendations are noted regarding:</p> <ul style="list-style-type: none"> • undertaking a study of employment trends • using population projections to develop employment forecasts and identify jobs targets





- designating night-life areas and future mixed-use precincts
- identifying role and function of industrial precincts and retaining them for industrial uses.

District strategies provide the framework for strategic planning, forecasts and targets.

Zoning and land uses

Recommendations are noted regarding:

- reviewing permitted uses in commercial and industrial zones, including low impact uses in CZ3 zone
- using structure planning to inform decision making on commercial and residential development proposals, discourage rezoning of industrial lands
- defining intended boundaries for night-life precincts and introduce through District Policies
- introducing provisions for heavy industrial uses in industrial sub-precincts
- in new land release areas, establishing minimum buffers to existing industrial zones.

Design and specific controls

The recommendations regarding provisions in commercial zones for height, bulk, amenity and sunlight, soundproofing, minimum non-residential floorspace controls and areas where residential use is not permitted is noted. New housing and urban design guides will address solar and daylight access, apartment size, layout and ceiling heights.

The requirement for non-residential ground floor and encouraging a separation between non-residential and residential uses as an assessment outcome to enhance the amenity of residents in mixed-use developments.

Estate Development Best Practice Greenfield and Infill Development

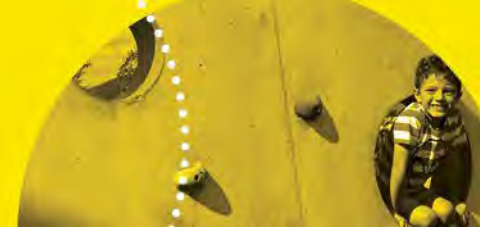
Hatch Roberts Day was engaged to provide expert advice on achieving improved greenfield subdivision and redevelopment outcomes for precincts and estates through the ACT planning system and Territory Plan including the current Estate Development Code (EDC). The final report can be found [here](#).

This report sought to provide an evidence base on high-quality, contemporary best practice measures for EPSDD to improve design outcomes for greenfield subdivision and redevelopment of precincts and estates.

The report's findings suggest the EDC underperforms in delivering minimum urban design outcomes necessary to sustain liveable communities. Key gaps and limitations in current ACT policy were found to be:

- limited guidance or metrics relating to overall estate layout, walkable community design or minimum residential densities
- a lack of standards relating to environmental sustainability and climate resilience





- reliance on unsuitable road engineering standards which result in over-designed street environments that do not support sustainable, walkable and compact development outcomes
- overly prescriptive standards relating to block dimension and slope which do not achieve meaningful benefit and hinder the delivery of density, design variety and innovation
- insufficient requirements for tree canopy and vegetation provision and technical hindrances within associated street and verge standards
- variable requirements between estate planning in all areas and estate planning in residential zones and commercial zones without clear rationale or benefit.

Existing standards were found to be strong for utility infrastructure, environmental conservation and public space provision and locational requirements.

Recommendations on delivery frameworks to support best practice design have been grouped into planning levers and mechanisms:

- Legislation and strategy recommendations
- Territory Plan and Code recommendations
- Site planning and development recommendations

Specific policy recommendations for the Territory Plan development provisions were identified. These recommendations were grouped thematically through five principles:

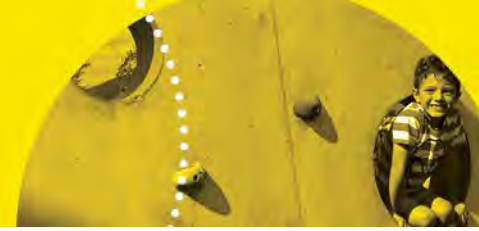
- Principle 1: Structure
- Principle 2: Public Space.
- Principle 3: Movement
- Principle 4: Services
- Principle 5: Environment

A series of broader and supplementary reforms to the ACT planning framework were also recommended to supplement recommendations on specific development control (provisions) relating to the EDC to ensure a 'holistic approach' to embed process and guidance to achieve best practice.

The report's recommendations were assessed against their ability to be translated into the Territory Plan and associated policy impacts. The key issues and actions taken forward are below.

- Recommendations addressing changes to the EDC have been considered in the context of the new Territory Plan's structure of Policy Outcomes, Assessment Requirements, Assessment Outcomes and Development Compliance Provisions.
- The restructure of the new Territory Plan resets the approach to development including new subdivisions. A single policy now addresses subdivisions whether they are a small or large scale development.





- Consistent with the new Zone Policies, a short list of mandatory provisions has been carried over from the current Territory Plan, achieving a number of key policy requirements. To obtain approval, compliance with the Assessment Requirements is mandatory.
- The Assessment Outcomes then provide a short list of broad considerations that the development application and proposed subdivision will be assessed against. Reference to other Territory Planning Authority materials is then available to inform how these Assessment Outcomes will be considered. This includes Design Guides and Technical Specifications. The Technical Specifications will typically demonstrate a method (but not the only method) of meeting a part of the Assessment Outcome by reference in the Development Compliance Provisions.
- It is for the developer how they choose to approach the Assessment Outcomes, which may be by reference to the Design Guides, use of the Development Compliance Provisions and Technical Specifications or approach to the matter in a performance approach claiming another method.
- Many of the current Territory Plan provisions have been incorporated into the Technical Specifications allowing an easier transition when the new Territory Plan commences. The Technical Specifications will be an evolving assessment tool that will be updated regularly to reflect emerging planning issues, environmental needs, development needs and new design and technological advancements. Technical Specifications will however offer possible solutions and potentially certainty for proponents.
- The recommended performance ‘principles’ have been considered and included as new or amended ‘Desired Outcomes’ in the new Territory Plan.

Electric Vehicle Infrastructure

Urbis was engaged to provide expert advice on how to include in the new Territory Plan a requirement for electric vehicle (EV) charging infrastructure for new multi-unit residential and commercial buildings and investigate measures to support retrofitting of EV charging infrastructure in existing buildings. The final report can be found [here](#).

The report’s recommendations address:

- legislative changes for new developments
- minimum technical requirements for
 - multi-unit residential development
 - commercial development
- options to encourage retrofitting
- response to the recommendations.

The table below identifies how the key recommendations have been responded to as the project has progressed.



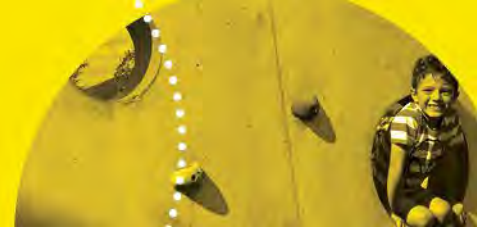
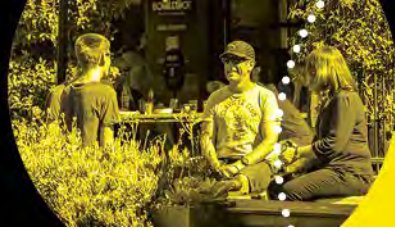


Recommendations – Electric Vehicle Charging

	Recommendation	Response
Amendments to the ACT planning system	Create consistency in the delivery of EV infrastructure across all new developments.	The National Construction Code (NCC) 2022 includes new EV ready provisions for multi-unit residential, commercial, and public buildings. Consistent with both the NCC 2022 and the Government policy position, the ACT Government will engage with the National Capital Authority as part of the Project consultation process to consider consistency in the delivery of EV ready infrastructure across all new developments.
	Introduce planning controls to guide the delivery of EV infrastructure in new developments.	Complementing the NCC 2022 provisions planning requirements have been introduced in the Zone Policies requiring consideration of EV ready infrastructure across all zones. The Technical Specifications expand on the NCC 2022 provisions to identify minimum numbers across the zones for new developments.
	Confirm that development applications demonstrate consistency with new planning controls.	The new Territory Plan structure minimises mandatory elements however, consistent with NCC 2022, each zone requires consideration of EV ready infrastructure. The Technical Specification offer a consistent value for obtaining approval in regards to EV ready infrastructure. Further guidance on consistency will be developed.
EV ready retrofitting	Consider options for EV regulatory change to the Unit Titles Act, owners' corporation rules, incentives and stakeholder awareness.	The suggested options are outside the role of the Territory Plan. The ACT Government will continue to monitor the implementation of EV ready infrastructure through the planning system and will consider these actions as needed.

Addressing EV infrastructure and building readiness can be achieved through both planning and non-planning means. For example, the National Construction Code (NCC) 2022 includes new EV ready provisions for new multi-unit residential, commercial, and public buildings. The provisions do not require EV charging equipment to be installed but are designed to facilitate easier installation of such equipment in future through the provision of additional electrical supply capacity and ensuring additional switchboard space to allow for 100% of the carparking spaces in new multi-unit residential buildings and 10% of parking spaces in new commercial and public buildings. The NCC 2022 provisions do not apply to existing buildings except in specific circumstances.





Living Infrastructure and Urban Heat

Civille Pty Ltd was engaged to provide expert advice on planning provisions for tree canopy cover, permeability and urban heat in the following settings:

- Estates
- Commercial zones
- the Community Facility Zone

The final reports are at [Attachment 9i](#) and [Attachment 9ii](#).

The key recommendations made in the reports included:

- the introduction of tree canopy cover and permeability benchmarks for greenfield residential estates and development on blocks in commercial zones and the Community Facility Zone
- the introduction of cool materials (roof, façade and paving) standards for development on blocks in commercial zones and the Community Facility Zone
- the introduction of design principles for living infrastructure and urban heat.

The tree canopy cover and permeability benchmarks and cool materials standards are included in the draft Territory Plan largely as recommended. The design principles will be considered for inclusion in other stages of the reform process.





The New Territory Plan

Requirements of the *Planning Bill 2022*

The object of the Territory Plan is to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.

The preparation of the new Territory Plan has ensured it meets this object as stated in section 46 of the *Planning Bill 2022*. The preparation of the Plan has also responded to the requirements for the Territory Plan and the contents of the Territory Plan as specified in sections 47 and 48 of the Bill.

Requirements for the new Territory Plan

Section 47 of the *Planning Bill 2022* sets out the role of the Territory Plan and what it must contain. This states that the Territory Plan:

- a) must promote principles of good planning; and
- b) must give effect to the planning strategy and district strategies; and
- c) may give effect to relevant outcomes related to planning contained in other government strategies and policies.

Contents of the new Territory Plan

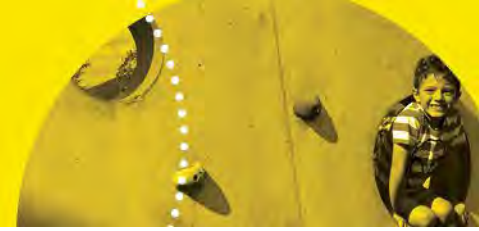
Section 48 of the *Planning Bill 2022* sets out what the Territory Plan must contain. It must:

- a) include a map (the territory plan map) that identifies districts and designates land use zones; and
- b) set out the planning principles and policies for giving effect to the object of the plan, including –
 - i) the policy outcomes to be achieved by the plan; and
 - ii) requirements and outcomes against which development proposals are assessed; and
 - iii) provisions that support compliance with requirements for undertaking development.

The Territory Plan can include anything else considered relevant to the object of the Territory Plan. It is also able to apply, adopt or incorporate a law of another jurisdiction or an instrument as in force from time to time, unless the territory plan provides otherwise.

These requirements have been taken into consideration during the development of the new Territory Plan.





Structure Changes

Order and nature of components

The draft new Territory Plan consists of seven parts. Each of these parts are outlined below and illustrated in Figure 9.

Part A – Administration and governance

This part contains key statutory information necessary for the administration and operation of the Territory Plan, including references or links to relevant materials such as maps, supporting documents and definitions.

Part B – User guidance – the Territory Plan

This part contains a summary of the Territory Plan and key supporting documents such as Design Guides and Technical Specifications. This part also contains information about how to use the Territory Plan.

Part C – Planning principles and strategic links

This part provides more information on important principles and the strategic planning framework for land use and development in the ACT. Some of the important principles include a statement of principles of good planning and the interaction with the ACT Planning Strategy and district strategies.

Part D – District policies

District policies are an important and distinctive feature of the draft new Territory Plan that sets it apart from previous plans. The use of district policies is underpinned by strategic planning work undertaken at a district level that builds on detailed analysis and research undertaken for each district. There are nine districts, each with its own unique characteristics and themes.

District policies outline desired policy outcomes unique to each district, and include key assessment requirements, expected assessment outcomes and development compliance provisions relevant to each district.

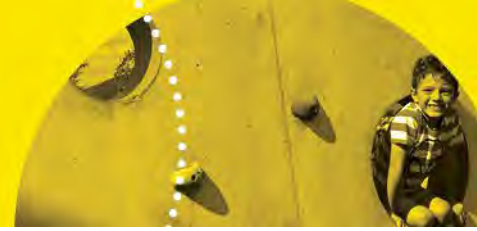
District policies are key to shaping places and communities in the ACT, implementing strategic planning objectives, protecting and minimising the impacts on our environment, and establishing future urban form and development patterns.

Part E – Zone policies

Zone policies use the proven planning concept of land use zoning to allocate land uses and development opportunities based on the zoning of the land.

There are seven zone policies that follows a clear hierarchy of land uses.





Zone policies outline desired policy outcomes unique to each zone, and include key assessment requirements, expected assessment outcomes and development compliance provisions as appropriate for each zone. Zoning is a tested and widely used assessment tool used to inform development decisions. Zoning also provides clarity about land uses and often shapes public and private investment decisions.

Part F – Other policies

Other policies are necessary to guide the orderly development of land in the ACT. One such policy is for the subdivision of land, including the development of greenfield land with future estates and subdivisions to make better use of existing underdeveloped land.

Another policy is required for the unique leasehold system found in the ACT, specifically to assess whether proposed new or additional uses applied for under the Crown lease are suitable for the land.

These policies apply to relevant development types across all Districts and Zones.

Part G – Dictionary and annexures

Part G comprises a dictionary containing key definitions and terms used in the Territory Plan. Definitions serve to describe, clarify and provide meaning to key concepts and uses that are essential to the application of the Territory Plan and necessary for the assessment of development proposals.

Part G also contains annexures referenced elsewhere in the Territory Plan.

Supporting material

Supporting material may include background material, guidelines, advisory notes or other supporting material. Supporting material do not form part of the Territory Plan but may be “called up” by policies within the Territory Plan.

Supporting materials play an important role in preparing, assessing, and deciding development proposals.

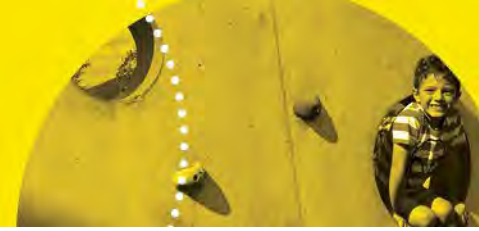
Design guides, technical specifications and other material provides important guidance, clarification, and assistance in preparing, assessing and deciding development proposals.

Design Guides

A new suite of design guides will support the interpretation, application, and assessment of Territory Plan Policies (planning provisions) in the new planning system. This need was identified in the review stage of this project and seeks to address the current gaps in the planning system to deliver innovation and better design outcomes through planning.

These Guides are currently in development. An early Explanation of Intended Effects (EIE) has been prepared at this time. The Guides will be completed for the commencement of the new Territory Plan.





Elements of the new Guides will be a required assessment, typically for residential amenity of new developments. For typical Zone Policy Assessment Outcomes, the proponent may choose to use the Guides to inform their assessment and achieve the stated outcomes, however alternative approaches remain a choice.

Technical specifications

The *Planning Bill 2022* requires the Territory Plan to contain provisions that support compliance with requirements for undertaking development. In the Territory Plan these provisions are referenced as Technical Specifications.

These provisions are typically numerical, quantifiable or relate to an accepted standard. Examples include pre-determined setbacks, heights, stormwater management or certain standards for parking or storage. Technical specifications might also relate to requirements or standards from another government entity or from a utility service provider.

If a proposed development complies with a relevant provision in the Technical Specifications and the specification comprehensively addresses the relevant outcome, it is unlikely to require further assessment regarding those specific provisions. The Territory Planning Authority may consider endorsement or written support from an entity or utility service provider to demonstrate compliance with a provision that relates to services or utilities.

Technical specifications provide an opportunity for development compliance with certain provisions. Technical specifications are therefore limited in its application and do not replace the more comprehensive consideration provided by Design Guides.

Technical Specifications will be regularly reviewed. The current draft Technical Specifications will be reviewed upon the completion of the new Design Guides and potentially expanded for the commencement of the new Territory Plan so there is an easier transition between the 2008 and 2023 Territory Plan.



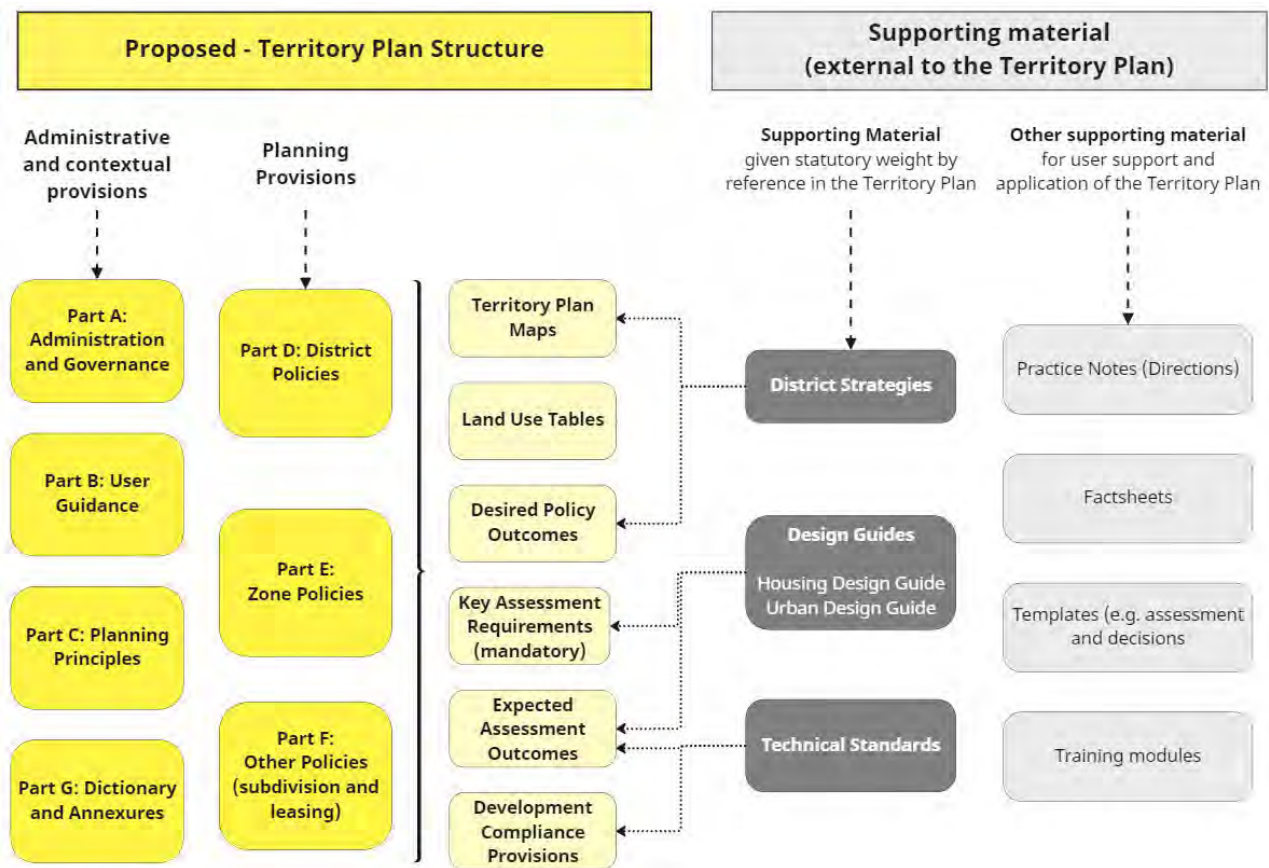


Figure 9: Territory Plan structure and supporting material

Components of policies and associated documents

The District and Zone Policies follows the same configuration of:

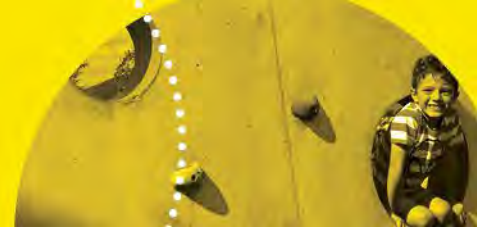
Maps – either of the district or the zone.

Land Use Table – a table of permissible development types. While the Zone Policies specifies the uses permitted in each zone, the District Policy specifies the uses permitted or prohibited for specific areas. The area specific allowance or restriction overrides the general zone permissions.

Policy Outcomes – A list of policy outcomes which will guide subsequent assessment. Consideration of the relevant outcomes is to be maintained during application of any performance assessments.

Assessment Requirements – Typically these are stand-alone provisions that do not require reference to other Territory Plan provisions (other than to the dictionary) and are ‘pass or fail’ type requirements. To obtain approval, all relevant Assessment Requirements must be satisfied.





Assessment Outcomes – these are the requirements that will lead to a development application being approved or refused. All Assessment Outcomes are outcomes based and may be satisfied (or not) because:

- The application is consistent with a relevant element of the Design Guides
- The application is consistent with the Development Compliance Provisions and relevant Technical Specifications and comprehensively addresses the Assessment Outcome. Where a Technical Specification is only partially addressing an Assessment Outcome, further detail may be required in support of the development
- The application is consistent with the Assessment Outcome and although is not addressed (or entirely consistent with) the Design Guides or Technical Specifications, the application is supported by sufficient information to consider the proposed development has achieved good planning outcomes against the Assessment Outcome and Policy Outcomes.
- The Assessment Outcome is not relevant to the development circumstances.

Development Compliance Provisions – call up a range of Technical Specifications as one way of achieving compliance. These specifications provide a simpler method of demonstrating compliance with an Assessment Outcome. As the Design Guides evolve, so to will the Technical Specifications to match.

Between these two levels of supporting documents, it is expected a significant ‘library’ of policy will be available to guide users when considering the Territory Plan Assessment Outcomes.

Administration and governance

This section sets out changes that have been made in regard to maps and definitions. Details on the Design Guides and Technical specifications are provided in later sections.

Maps

The zones nominated in the Territory Plan map will remain the same as the Territory Plan 2008 map.

The key change to the maps is the removal of all overlays except for the Future Urban Area overlay. Currently the Territory Plan contains the following overlays:

1. Special Requirements of the National Capital Plan
 - S – special requirements under the National Capital Plan
 - Main Avenues and Approach Routes
 - U – urban land subject to a Development Control Plan prepared by the National Capital Authority
 - A – national land subject to a master plan under applicable Commonwealth legislation
2. Future Urban Area
3. Draft Variations to the Territory Plan
4. Public Land
 - Pa – wilderness area





- Pb – national park
- Pc – nature reserve
- Pd – special purpose reserve
- Pe – urban open space
- Pf – cemetery or burial ground
- Pg – protection of water supply
- Ph – lake
- Pi – sport or recreation reserve

5. Intertown Public Transport Route

6. Public Utilities

The overlays for the information of National Capital Plan requirements, Territory Plan variations and public utilities are not specific assessment requirements for a development application and are included in the maps for information purposes only. Instead, the information can be referred to more readily on the ACTMAPi spatial data system that is publicly available.

The Planning Bill 2022 removes the concept of an overlay under the Planning and Development Act 2007 as an administrative efficiency. Importantly, the identification of areas of public land, and the need to prepare plans of management for public land, remains as an essential feature of the Planning Bill 2022. Where that public land is a reserve under the Nature Conservation Act 2014, the provisions of the Nature Conservation Act apply in relation to the preparation of a reserve management plan. Future legislative amendments to the Nature Conservation Act may occur to streamline this process even further.

It is not considered necessary to include the other public land overlays in the new Territory Plan map as the areas are either no longer public land (for example sports ovals that are now leased) or are covered by other requirements for their management (for example cemeteries).

New definitions

In response to feedback from community, industry and from the planning and land authority Development Assessment team, new definitions are proposed to be added to the Territory Plan. The reasons for adding the new definitions are covered in the table below.

Item	Issue raised	Considerations	Change proposed
Build-to-rent (BTR)	Developments have been proposed where the whole building will	BTR is a form of multi unit housing that is available for long term rental rather than	New definition:





have the one owner and units are available for rent (rather than sale). There has been uncertainty whether BTR is standard multi unit housing (as the rental is an ownership model, not a development type) or whether it is an undefined use.

for sale. As BTR will have long term tenants, there is a need to provide the tenants with the same amenity required for multi unit housing occupants.

build-to-rent development means the use of land for multi-unit housing development that is held by a single owner for the purpose of providing dwellings for lease under residential tenancy agreements. The owner of a build-to-rent development may provide some or all the dwellings as affordable rental dwellings.

Provisions:

The Residential Zones Policy will state that BTR development is to comply with that policy

Cafe	It has been unclear in past development proposals whether a café is considered to be a takeaway or a restaurant	Creating a new definition for café removes the uncertainty of how this type of food establishment is defined (where customers regularly eat in or takeaway)	New definition: Café means the use of land the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, take away meals and drinks or entertainment are also provided.
Complementary use	Under the current planning system an undefined use is assessed under the impact track. As the new system will not have the impact track, a need has been identified for a use that can apply to all undefined uses that have a similar or lesser impact than a use that is permitted in a zone.	A new definition of complementary use is proposed	New definition: complementary use means the use of land for a purpose that is not otherwise defined in the Territory Plan but does not have a greater impact on the land than a use permitted in that zone
Data centre	Data centres are an emerging technology and use, however the 2008 version of the Territory Plan does not include it as a defined use.	Existing data centres have been defined as <i>store</i> , <i>telecommunications facility</i> or <i>light industry</i> , depending on the particular proposal. It is considered that a separate definition for a <i>data centre</i> would be appropriate to remove any doubt on what use it should be defined as.	New definition: data centre means the use of land for the co-location of groups of networked computer servers for the remote storage, processing and/or distribution of large amounts of data.
Drone facility	Drones for commercial aviation related	It is considered that a separate definition for a	New definition:





purposes and associated facilities have been identified as a recent emerging technology and use. It has been problematic to classify drone facilities under existing Territory Plan definitions.

drone facility would be an appropriate response in the new Territory Plan, to specifically cater for this emerging use.

drone facility means the use of land for the landing or departure of drones and the housing, servicing, maintenance and repair of drones. It does not include facilities where drones are used solely for the collection and delivery of goods or drones used for personal use.

<p>Ecotourism</p>	<p>There is currently no adequate definition which permits opportunities for the use or development of ecotourism related facilities and activities (such as commercial accommodation) in the national parks and nature reserves in the ACT</p>	<p>A new definition of 'ecotourism' is considered necessary to provide for tourism facilities and activities with a focus on supporting conservation, natural environments and native flora and fauna.</p>	<p>New definition: ecotourism means the use of land for tourism related facilities and activities that take place in the natural environment, the primary aim being to support the conservation of the native flora and fauna in those locations. This can include overnight stays</p>
<p>Early childhood education and care</p>	<p>The definitions for child care services and early childhood education are currently inconsistent with the Education and Care Services National Law. Long day care includes preschool programs, so the definition of early childhood education and care is not correct.</p>	<p>A definition for early childhood education and care should be added to the Territory Plan to replace the current definition of child care centre.</p>	<p>New definition: early childhood education and care means a service approved under the Education and Care Services National Law or a licenced service under the Children and Young People Act 2008. Example uses: long day care services, preschools, play schools, out of school hours services</p>
<p>Major electricity storage facility</p>	<p>The definitions currently do not include a use that adequately covers a large battery storage facility for electricity generated by renewable sources.</p>	<p>It is considered necessary to have a standalone definition that responds to the emerging use of land that house large scale battery storage facilities</p>	<p>New definition: major electricity storage facility means equipment and associated buildings for the storage of electricity with a capacity of 5MW or greater, or a grid connection of 66kV or greater.</p>
<p>Transport facility</p>	<p>It is considered unnecessary to have two separate definitions – <i>public</i></p>	<p>The two definitions can be effectively combined into one comprehensive definition that covers the</p>	<p>New definition: transport facility means the use of land for the assembly, transport or dispersal</p>





transport facility and *transport depot*.

range of uses associated with a transport facility. The new definition of *transport facility* replaces the existing definitions of *public transport facility* and *transport depot*.

of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency. It includes facilities for the parking, manoeuvring, temporary layover and storage of public transport vehicles, and vehicles used in connection with a commercial or industrial transport undertaking and driver amenities

<p>Utility hydrogen production facility</p>	<p>The ACT is undertaking a major energy transition to reduce greenhouse gas emissions. This will see new energy sources such as hydrogen replace fossil fuels.</p>	<p>While natural gas is currently produced outside of the ACT, hydrogen is likely to be produced in the ACT. There is currently no clear definition for a utility-scale facility that produces hydrogen for injection into distribution mains. Creating a new definition will enable other planning requirements to apply to hydrogen production.</p>	<p>New definition: utility hydrogen production facility means equipment and associated buildings for the production and associated storage of hydrogen for injection into major service conduits.</p>
<p>Urban Design Development</p>	<p>There is a need to define the scale and characteristics of a development that would trigger the use of the Urban Design Guide (UDG).</p>	<p>This term is used in defining a development threshold trigger for use of the UDG.</p>	<p>New definition: urban design development is defined as:</p> <ul style="list-style-type: none"> a) development on land with a site area greater than 1 hectare; or b) development where the Territory Plan requires a planning and response report to be prepared for the land before development approval may be granted
<p>Veterinary clinic</p>	<p>A veterinary clinic is currently covered under the definition of <i>health facility</i> and is permitted in residential zones. Though <i>health facility</i> is restricted to day patients only, many vets in residential zones provide care for animals overnight. A <i>veterinary hospital</i> provides for the care and treatment of animals at all times</p>	<p>Many existing vets in residential areas do not have an impact on the surrounding area, despite having animals stay overnight. Therefore, it is considered necessary to create a new definition of a <i>veterinary clinic</i> (to differentiate it from <i>health facility</i>) to permit overnight stays when in a residential area. To avoid impacting on the amenity of the locality, the use does not include animal care facility (i.e. it</p>	<p>New definition: veterinary clinic means the use of land as a facility for the diagnosis, surgical or medical treatment of animals, especially domestic animals, where the activities carried on do not interfere with the amenity of the locality. The animals may be kept on the premises overnight for the purposes of observation and treatment, but does not include an animal care facility.</p>





(i.e. overnight) but is not a permitted use in residential areas.

does not include boarding or animal 'day care').

Changes to definitions – uses of land

To improve the interpretation of provisions within the Territory Plan, improve the policy outcomes and remove ambiguity, the following changes are proposed to the definitions.

Item	Issue raised	Considerations	Change proposed
Agriculture	Reference to animal husbandry to be updated to reflect its definition change	It is proposed to amend this definition	Reference to <i>animal husbandry</i> changed to <i>intensive animal farming</i> to reflect corresponding definition change
Ancillary use	Definition should be amended to remove the defined term from the definition	Definition of <i>ancillary use</i> could be clarified by not referring to 'ancillary'	Within the definition 'ancillary to the primary use' is to be replaced with 'subordinate or secondary to the primary use'
Animal husbandry	The definition has been revised and updated as well as a change in title to refer to intensive animal farming.	The use animal husbandry to be changed to intensive animal farming and revised	New definition: intensive animal farming means any form of animal production that takes place within a building or a building where animals are reared in confined areas.
Bulky goods retailing	Some developments have suggested they are bulky goods retailing due to the shop being of a large size (and selling small sized items), rather than selling large/ bulky items	Definition needs to be refined to clarify that it does not cover a large shop area that sells smaller items. Also reference to a loading dock within the building is not considered to be necessary.	Revised definition: bulky goods retailing means the use of land where the goods or materials sold or displayed are predominantly of such a size, shape or weight as to require: <ul style="list-style-type: none"> a) a large area for handling, storage or display; and/or b) direct vehicular access to the <i>site</i> by members of the public, for the purpose of loading goods or materials from the loading dock into their vehicles after purchase, but does not include any <i>shop</i> used primarily for the sale of food or clothing.
Car park	Definition needs to include manoeuvring space	A revised definition will make it clearer and easier to determine what constitutes a <i>car park</i>	Revised definition: car park means the use of land specifically allocated for the parking of





Caretaker's residence	Need to amend definition to clarify it means that only one dwelling can be used for the purposes of the residence for a caretaker.	A revised definition will make it clearer what constitutes a <i>caretaker's residence</i>	motor vehicles <u>including any manoeuvring space and access thereto.</u> Revised definition: <i>caretaker's residence</i> means <u>one dwelling</u> used for the residence of a caretaker, in connection with another land use, including <i>industry</i> and commercial activity.
Commercial accommodation unit	Commercial accommodation unit is considered to be a definition term rather than a use or development type	Commercial accommodation unit has been revised and moved to 'definitions – general section'.	Revised definition: <i>commercial accommodation unit</i> means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. A commercial accommodation unit may comprise a <i>dwelling</i> but not a room or suite of rooms within a <i>dwelling</i> . It does not include any associated facility such as a <i>restaurant</i> , bar or functions room.
Community housing	Definition not in main dictionary	Definition of <i>community housing</i> is currently included in the Dickson Precinct Code	Include current <i>community housing</i> definition (in Dickson Precinct Code) into the dictionary
Craft workshop	There have been examples where commercial operations such as a craft or boutique beer brewery or a chocolatier have been described as a craft workshop.	The preparation of food and beverages is not in keeping with the intent of a craft workshop as a space for the manual preparation of craft articles. The definition of craft workshop is amended to specifically exclude the manufacture of food and beverages for human consumption.	Revised definition: <i>craft workshop</i> means the use of land for the manufacture, primarily by manual methods, of craft articles such as leatherwork, pottery, woodwork, hand woven goods and the like, <u>but excludes the manufacture of food and beverages for human consumption.</u>
Department store	A department store is adequately covered by the definition of 'shop'	A separate definition for a department store is not considered necessary, rather it is example use for the definition of 'shop'.	Definition has been removed and department store has been listed as an example use.
Farm tourism	Definition does not specify that farm tourism must be a secondary activity to the primary use of the land for agriculture	Definition to also make it clear that farm tourism as a use must be authorised by the lease	Revised definition: <i>farm tourism</i> means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists that is secondary to the <u>primary use of the</u>





Financial establishment	To clarify that investments do not have to specifically relate to money but could involve other financial investment opportunities.	A revised definition will make it clearer to determine what constitutes a <i>financial establishment</i>	<p>land for agriculture and authorised by the lease</p> <p>Revised definition: financial establishment means the use of land for the primary purpose of providing finance, <u>investment opportunities</u> and providing services to lenders, borrowers and investors on a direct and regular basis.</p>
Home business	There have been issues with a 'home business' including the storage of vehicles and having an adverse impact on neighbours	The current definition of home business does not specify that residential land used for a home business does not include a motor vehicle depot	<p>Revised definition: home business means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land <u>but does not include a motor vehicle depot</u></p>
Land management facility	The ACT is undertaking a major energy transition to reduce greenhouse gas emissions. The current definition needs to be adjusted to clearly allow for zero emissions vehicles, plant and machinery.	Existing definition of land management facility needs to allow for recharging of electric vehicles, plant and machinery. It is likely that some facilities will produce hydrogen on-site for immediate use. The new definition allows for this, without permitting wholesale production of hydrogen.	<p>Revised definition: land management facility means the use of land for land management or the storage of any plant, machinery or materials used in the course of land management, whether or not facilities are included for the parking, servicing, <u>fuelling, charging</u> and repair of plant or machinery. <u>Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</u></p>
Liquid fuel depot	The ACT is undertaking a major energy transition to reduce greenhouse gas emissions. This will see new energy sources such as hydrogen replace fossil fuels.	A regulatory review identified a number of ways the planning system needs to change to appropriately regulate hydrogen as a zero-emissions fuel. The current definition of liquid fuel depot is not clear on the storage of hydrogen as a gas. Further, it is likely that any facility conducting bulk storage and wholesaling of hydrogen liquid will produce the hydrogen on site. The definition needs to be adjusted to address this.	<p>Revised definition: liquid fuel depot means the use of land for:</p> <ul style="list-style-type: none"> a) the bulk storage or wholesale distribution of petrol, oil, petroleum products or other inflammable liquids; b) the retail distribution of drums containing petrol, oil, petroleum products or other inflammable liquids; or c) <u>the bulk storage or wholesale distribution of hydrogen fuel as a liquid or gas, including the production of hydrogen fuel for these purposes.</u>
Mental health facility	A specific site in Symonston is the only	As the secure mental health facility has been constructed, it is not	Definition has been removed





	place where this use is permitted.	necessary to retain this definition.	
Minor service reticulation	Services of this nature are generally located in road verges (unleased land) or easements within leases.	Easements are generally not located on unleased land as easements are recorded in lease documents.	Revised definition: service reticulation means the water supply, sewerage, stormwater and gas pipe reticulation, electricity lines and telecommunication cables which are normally located in road <u>verges and the like</u> , or <u>easements within leases</u> .
Municipal depot	The ACT is undertaking a major energy transition to reduce greenhouse gas emissions. The current definition needs to be adjusted to clearly allow for zero emissions vehicles, plant and machinery.	Existing definition needs to allow for recharging of electric vehicles, plant and machinery. For hydrogen, it is likely that some municipal depots will produce hydrogen on-site for immediate use. The new definition allows for this, without permitting wholesale production of hydrogen.	Revised definition: municipal depot means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing, <u>fuelling, charging</u> and repair of plant, machinery or vehicles. <u>Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</u>
Outdoor education establishment	The current definition refers to including a residence where this is necessary for the protection or management of the primary facility	This can be covered with minor use or caretaker's residence so is considered not necessary to form part of the definition and is proposed to be deleted.	Revised definition: outdoor education establishment means the use of land for an education centre for children or adults where the primary focus is on the natural and/or cultural resources of the area
Plant and equipment hire establishment	The use <i>plant and equipment hire</i> is adequately covered by the definition of <i>industrial trades</i>	This definition is not necessary as it is covered under the <i>industrial trades</i> definition	Definition has been removed
Public transport facility	To simplify and streamline the definitions, it was considered that public transport facility and transport depot as separate standalone definitions was unnecessary.	The definition of public transport facility and transport depot have been merged into a new definition of <i>transport facility</i>	Definition removed
Retirement village scheme	Minor editorial adjustments and clarifications to the definition	It is proposed to amend this definition	Revised definition: retirement village scheme , for a retirement village, means a scheme under which a person may –





			<ul style="list-style-type: none"> a) enter into a residence contract with the scheme operator for the retirement village; and b) on payment of an <u>ongoing</u> contribution, acquire a right to live in the retirement village, however the right accrues; and c) on payment of the relevant charge, acquires one or more services in relation to the retirement village.
Serviced apartment	A <i>serviced apartment</i> does not need to be separately defined as it is covered by the definition of <i>multi unit housing or commercial accommodation unit</i>	A separate definition for a <i>serviced apartment</i> is not considered necessary, rather it is example use for the definition of 'commercial accommodation unit'	Definition has been removed Serviced apartment has been listed as an example use for a <i>commercial accommodation unit</i>
Service station	The ACT is undertaking a major energy transition to reduce greenhouse gas emissions. The current definition needs to be adjusted to allow for the transition to zero emissions vehicles.	The amended definition allows for recharging of electric vehicles rather than just refuelling. For hydrogen, it is likely that some service stations will produce hydrogen on-site for immediate sale. The new definition allows for this, without permitting wholesale production of hydrogen on-site	Revised definition: service station means the use of land for the fuelling, <u>charging</u> and/or servicing of motor vehicles, whether or not the land is also used for any one or more of the following purposes: <ul style="list-style-type: none"> a) the sale by retail of spare parts and accessories for motor vehicles; b) washing and greasing of motor vehicles; c) installation of accessories; d) the retail sale of other goods, within an <i>ancillary</i> retail area not greater than 150m² in area; e) providing toilet facilities, amenities and service for motorists; f) repairing of motor vehicles (other than body building, panel beating or spray painting); g) the hiring of trailers, and h) <u>production and storage of hydrogen for on-site fuelling purposes.</u>
Social enterprise	Definition not in main dictionary	Definition of <i>social enterprise</i> is currently	Include current <i>social enterprise</i> definition (in Dickson Precinct Code) into the dictionary





included in the Dickson
Precinct Code

Special dwelling	Special dwellings are generally captured under the definition of <i>supportive housing or residential care accommodation</i>	Special dwelling is rarely used in development proposals as it can be considered to be <i>supportive housing or residential care accommodation</i>	Definition has been removed
Supermarket	The definition of supermarket has been revised to remove the reference to 'large' shop	Size limits for supermarket are determined through the provisions in the commercial zones policies	Revised definition supermarket means a <i>shop</i> selling food and other household items where the selection of goods is organised on a self-service basis
Temporary use	Currently <i>temporary use</i> is only permitted on unleased land and cannot be used to define a use on leased land.	It is proposed to amend the definition to allow a <i>temporary use</i> to be considered on leased land (by removing the reference to unleased land in the definition).	Revised definition: temporary use means the use of land for a purpose that is temporary in nature and for which a time limit is applied (for a maximum of three years) such as through a development condition or licence and which may be extended or renewed.
Veterinary hospital	With the introduction of a new definition for <i>veterinary clinic</i> , the definition for <i>veterinary hospital</i> needs to be amended to distinguish between them.	A <i>veterinary hospital</i> usually provides for the care and treatment of larger animals or animals requiring more significant treatment, and where services are available at all times. A <i>veterinary hospital</i> is more likely to have an impact on neighbours than a <i>veterinary clinic</i> .	Revised definition: veterinary hospital means the use of land for diagnosis, surgical or medical treatment of animals, particularly larger animals, where services are available at all times. The animals may be kept on the premises overnight for the purposes of observation and treatment.

Changes to definitions – terms and concepts

To improve the interpretation of provisions within the Territory Plan, improve the policy outcomes and remove ambiguity, the following changes are proposed to the definitions.

In response to feedback regarding potential confusion with the definitions in the Territory Plan, the following minor changes are proposed to remove ambiguity and improve clarity.

Item	Issue raised	Considerations	Change proposed
Adjacent	The current wording is considered to need	The current definition is: <i>adjacent</i> means either	Revised definition:





clarification as the reference to blocks being separated by a road can be confusing.

being contiguous with the subject location; or, if separated only by a road, where the front boundary faces the section of the road which separates it from the subject location.

adjacent, to an area, means either contiguous with the area, or, if the area is separated from another area only by a road, the front boundary of each area facing the road.

Attached house	The current definition of <i>attached house</i> does not take into account the provision of communal basement car parking.	The definition has been revised to incorporate the provision of communal basement car parking. Some example uses have also been included in the definition for the purposes of clarity.	Revised definition: <i>attached house</i> means any <i>dwelling</i> , within a <i>building</i> containing two or more <i>dwellings</i> , which has within its curtilage open space at ground level and separate private access for each dwelling for the exclusive use of the occupants of the <i>dwelling</i> . <u>Attached houses may incorporate communal basement car parking. Attached house includes row house, semi-detached house, terrace house and townhouse.</u>
Attic	The definition of attic does not specifically state that the use of the attic space cannot be used as a separate dwelling.	It is considered necessary to clarify in the revised definition that an attic cannot be used as a separate dwelling.	Revised definition: <i>attic</i> means any habitable space, <u>but not a separate dwelling</u> , contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.
Building	Examples of caravans and tiny homes on blocks have raised the question of whether a transportable dwelling or a vehicle is considered a building. The Building Code also specifies items as not being considered a dwelling.	As some transportable dwellings that are being lived in are located on a block in a way that has an adverse impact on the neighbours, there is a need to clarify what development provisions apply to it. However, it is not considered to be appropriate to apply planning requirements to a vehicle located on a block	Revised definition (underlined): <u>'building is a structure and</u> includes: a) an addition to a <i>building</i> ; b) a <i>structure</i> attached to a <i>building</i> ; and c) a part of a <i>building</i> <u>but does not include:</u> i. <u>a transportable building, mobile home, caravan or similar that is not used for long term habitation; and is readily transportable without being disassembled or removed from associated components;</u> ii. <u>paving, a driveway or a road that is not inside a building;</u> iii. <u>a surface level car park that is not inside a building</u>





Building line	<p>Part of the definition of <i>building line</i> states a 'fence, courtyard wall or retaining wall is not deemed to be part of the <i>building</i>'. This can lead to it being interpreted that those elements do not constitute a <i>building</i>.</p>	<p>It is considered necessary to clarify in the definition that a fence, courtyard wall or retaining wall is not deemed to be part of the <i>building</i> for the purposes of setting the building line.</p>	<p>Revised definition: <i>building line</i> means a line drawn parallel to any <i>front boundary</i> along the front face of a <i>building</i> or through the point on a <i>building</i> closest to the <i>front boundary</i>. A terrace, landing, porch, <i>balcony</i>, deck or verandah that is more than 1.5 metres above <i>finished ground level</i> or is covered by a roof is deemed to be part of the <i>building</i>. A fence, courtyard wall or retaining wall is not deemed to be part of the <i>building</i> <u>for the purpose of setting the building line.</u></p>
Carport	<p>The current definition of carport does not expressly state that it is a covered (i.e. roofed) car parking space.</p>	<p>It is considered necessary to make it clear in the definition that a carport is to be roofed.</p>	<p>Revised definition: <i>carport</i> means a roofed car parking space wholly or partly enclosed on not more than two sides, but open to the street that the carport gains vehicle access from.</p>
Commercial accommodation use	<p>Commercial accommodation use is currently an umbrella term for various forms of commercial accommodation, such as guest house, hotel and motel, which are separately defined.</p>	<p>A specific definition of commercial accommodation use is necessary to capture other forms of development that constitute commercial accommodation that are not specifically defined. The definition will also make it clear that commercial accommodation use does not include a caravan park, camping ground or a group or organised camp.</p>	<p>New definition <i>commercial accommodation use</i> means the use of a building or part of a building for one or more commercial accommodation units. It does not include a caravan park/camping ground or a group or organised camp.</p>
Communal open space	<p>The current definition of communal open space does not specifically require it to be easily accessible on the subject site.</p>	<p>It is proposed to clarify this requirement by revising the definition</p>	<p>Revised definition: <i>communal open space</i> means common outdoor open space <u>in an easily accessible location on the subject site</u> for recreation and relaxation of residents of a housing development.</p>
Community path system	<p>The current definition does not refer to emerging modes of active travel such as the use of scooters.</p>	<p>The definition has been revised to include scooters to be consistent with the definition of active travel</p>	<p>Revised definition: <i>community path system</i> means a route constructed or under reserve which includes a path open to the public for the use of non-motorised traffic, such as bicycles, <u>scooters</u>, pedestrians and joggers, and motorised mobility aids</p>





Datum ground level	The existing definition is convoluted and does not read easily for the purposes of application.	It is proposed to revise the definition to simplify it and make the meaning of datum ground level clearer to understand	<p>Revised definition:</p> <p>datum ground level means the surface ground level as determined in a field survey authorised by a registered surveyor:</p> <ul style="list-style-type: none"> a) at the time of Operational Acceptance for subdivision; or b) if a) is not available and provided no new earthworks have occurred, at the date of grant of the lease of the block; <p>whichever is the earliest.</p> <p>Where a) or b) is not available, datum ground level is the best estimate of the surface ground level determined in a field survey considering the levels of the immediate surrounding area and authorised by a registered surveyor.</p> <p>This definition includes natural ground level.</p>
Detached house	It is proposed to make the definition of <i>detached house</i> clearer.	A revised definition will make it clearer and easier to determine what constitutes a <i>detached house</i> for the purposes of application	<p>Revised definition:</p> <p>detached house means a <i>building</i> comprising a single <i>dwelling</i> which is not attached to any other <i>dwelling</i> and where the <i>dwelling</i> has within its curtilage <u>separate private access to the <i>dwelling</i> and</u> open space at ground level for the exclusive use of the occupants of the <i>dwelling</i>. It may include a free-standing <i>dwelling</i> in a <i>multi-unit development</i>.</p>
Fin wall	The existing definition is convoluted and can pose challenges to interpretation.	A revised definition will make it clearer and easier to determine what constitutes a <i>fin wall</i> in a development.	<p>Revised definition:</p> <p>fin wall means part of an external wall built to extend past the <i>façade</i> and typically not required for structural purposes. <i>Fin wall(s)</i> are provided to add architectural interest and/or visual screening.</p>
Floodplain	The current definition of floodplain refers to a 1 in 100 Annual Exceedance Probability (AEP) event, but it can be any drainage corridor which is inundated	It is proposed to remove the reference to the 1 in 100 Annual Exceedance Probability (AEP) event in the definition of floodplain.	<p>Revised definition:</p> <p>floodplain means that area of stream or drainage corridor which is inundated during heavy rainfall events</p>





during heavy rainfall events.

Garage	The current definition of garage does not specifically state that a garage needs to be roofed.	It is considered necessary to make it clear in the definition that a garage is to be roofed.	Revised definition: <u>garage</u> means a <u>roofed car parking space</u> wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.
Lower floor level	The current setbacks for dwellings are defined by whether they are upper floor level (UFL) or lower floor level (LFL), with UFL setbacks being greater to protect the privacy of neighbours.	The current definition of LFL is a floor level less than 1.8m above datum ground level. This creates instances where the floor level is almost at fence height but the setback is very close to the boundary (creating an overlooking issue). If the height of the LFL is lowered, this would reduce the instance of floor levels that are almost UFL but having a much closer setback (for example a LFL setback can be 1.5m from the boundary while an UFL needs to be 6m).	Revised definition: <u>lower floor level</u> (LFL) means a <u>finished floor level</u> which is <u>1.0</u> metres or less above <u>datum ground level</u> at any point. Underlined text has been changed.
Private open space	The definition includes a reference to 'Up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over'. This is considered a policy issue and not relevant to the definition	It is proposed to remove the reference to 'up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over' as this is a policy matter, not a definition element	Revised definition: <u>private open space</u> means an outdoor area within a block useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.
Screening device	It is proposed to enhance the definition for the purposes of clarity to include angled louvres to restrict overlooking	A revised definition will make it clearer and easier to determine what constitutes a <i>screening device</i> in a development	Revised definition: <u>screening device</u> means a permanent structure that comprise one or more of the following a) opaque or translucent glazing b) solid panels c) perforated panels or trellises with a maximum 25% openings d) <u>angled louvres to restrict overlooking.</u>





Secondary residence	The current definition does not differentiate that a secondary residence is meant to be subordinate to the principal dwelling on a block.	The definition is clarified to specifically refer to a secondary residence being subordinate to the principal dwelling on a block.	Revised definition: secondary residence means a second <i>dwelling</i> on a <i>block</i> which is subordinate to the principal <i>dwelling</i> on the <i>block</i> .
Standard block	When the definition of standard block was brought in to replace the single dwelling block definition, it was amended to explicitly exclude blocks where the lease permitted two dwellings. This created problems as it enables not just blocks with existing multi unit developments to be redeveloped with fewer controls applying to them, but also those that have a lease that permits two dwellings.	The current definition is: Standard block means a block with one of the following characteristics: a) originally leased or used for the purpose of one or two dwellings <u>except where the original lease explicitly permits two dwellings</u> b) created by a consolidation of blocks, at least one of which is covered by a)	Revised definition: standard block means a <i>block</i> with one of the following characteristics: a) originally leased or used for the purpose of one or two dwellings created by a consolidation <u>or subdivision</u> of blocks, at least one of which is covered by a)
Storey	It is proposed to clarify the definition of storey to specifically exclude a space that contains only a lift shaft or stairway.	A revised definition will make it clearer and easier to determine what constitutes a <i>storey</i> .	Revised definition: storey means a space within a <i>building</i> that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an <i>attic</i> or a <i>basement</i> <u>or a space that contains only a lift shaft or stairway.</u>
Structure	It is proposed to clarify that the definition of structure also includes retaining walls, swimming pools, ornamental ponds, advertising devices, notices and signs.	A revised definition will make it clearer and easier to determine what constitutes a <i>structure</i>	Revised definition: structure includes a fence, <u>retaining wall, swimming pool, ornamental pond,</u> mast, antenna, aerial, road, footpath, driveway, carpark, culvert, service conduit, cable, <u>advertising device, notice or sign.</u>
Undercroft parking	It is proposed to clarify that the definition of undercroft parking does not include basement vehicle parking.	A revised definition will make it clearer and easier to determine what constitutes <i>undercroft parking</i>	Revised definition: undercroft parking means that portion of a <i>building</i> set aside for <u>vehicle parking and does not include basement vehicle parking.</u>





Unscreened deck, balcony or roof terrace	The definition is considered superfluous as the unscreened elements are self-explanatory	It is proposed to delete this definition	Definition removed
Upper floor level	The current setbacks for dwellings are defined by whether they are upper floor level (UFL) or lower floor level (LFL), with UFL setbacks being greater to protect the privacy of neighbours	In response to the proposed change to the LFL definition (outlined above) the definition of UFL will need to be changed.	Revised definition: <i>upper floor level</i> (UFL) means a <i>finished floor level</i> , which is greater than <u>1.0</u> metres above <i>datum ground level</i> at any point. Underlined text has been changed.

Structure of definitions

The definitions in the Territory Plan have been restructured to provide greater clarity and to make them easier to use and understand. Following advice from Parliamentary Counsel’s Office, the format also reflects the dictionary format of other legislation, recognising that a number of terms used in the Territory Plan are referenced in other legislation.

The current Part A ‘definition of development’ have been renamed ‘definitions – uses of land’. The ‘definitions of terms’ currently located in Part B of the Territory Plan definitions have been renamed ‘definitions – terms and concepts’.

The current table in Part A contains a column for ‘Umbrella Term’ (a term that groups a number of uses together) and a column for ‘Sub-categories’ (a definition that is not a ‘standalone’ development use but is not common terminology), both of which have created confusion. The current umbrella term has led to proponents and community members being unclear regarding what uses are or are not permitted in a zone. The sub-categories are uses that are not specifically referenced as permitted or prohibited in the development tables and therefore their purpose is unclear.

The new table in the ‘definitions – uses of land’ section has only two columns – definitions and example uses (to rename the existing ‘some common terminology’ column).

Definitions in the current Part A ‘definitions of development’ that are definition terms rather than uses or development types have been moved to the ‘definitions – terms and concepts’. Likewise, definitions in the current Part B that are uses rather than terms have been moved to ‘definitions – uses of land’.

Other changes

The following definitions have had their common terminology amended to either add or delete a term





Definition	Term added	Term deleted
Agriculture	Broadacre farming	
Aquatic recreation facility		Swimming facilities
Boarding house	Student accommodation	
Caravan park/ camping ground	Holiday park	
Commercial accommodation use	Air BnB	
Communications facility		Australia Post facility, depot
Community activity centre		Child minding
Educational establishment		College of Advanced Education Other specialist college Teachers college
Freight transport facility	Freight depot / warehouse	
Health facility		Veterinary day clinic
Indoor entertainment facility		Dance hall Discotheque Music hall
Offensive industry	Saw mill	Factory
Outdoor recreation facility	Mountain bike tracks	
Personal service	Nail salon	
Playing field	oval Sports field	
Produce market	Farmers market	
Public agency		CES office Totalisator Agency Board
Recycling facility	Recycling sorting	
Restaurant	Eatery bistro	
Shop	Department store Mobile phone store	Photographic store Sound centre Video hire
Store	Archives	Minor industrial area
Zoological facility		Oceanarium





References to the *Planning and Development Act 2007* have been updated to refer to the *Planning Act 2022* (noting it will have been enacted when the new Territory Plan takes effect).

References to zone objectives and precinct codes have been updated to refer to Policy Outcomes and District Policies respectively.

The following redundant definitions (those that are not referenced in the Territory Plan, are defined in other legislation or common definition is appropriate) have been deleted:

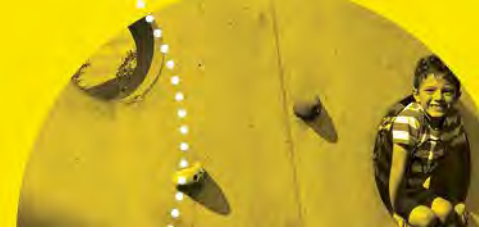
Use of land	Terms and concepts	Terms and concepts	Terms and concepts
Chancellery	Application	Domestic water supply – disinfected	Secondary window
Hydro-electric power generation	Approval	Environment	Section
Serviced apartment	Aquatic habitat	Environmental values	Section master plan
Stock water supply	Controlled activity	Environmental assessment	Sediment
	Defined land	Fishing	Sewer vent
	Development	Groundwater	Sewerage storm tank
	Development condition	Groundwater abstraction	Streamflow diversion
	Defined land	Height of wall	Streamflow regulation
	Development	Heritage Register	Street façade
	Development condition	Inquiry	Territory
	Discharge – stormwater	Irrigation water supply	Tunnel
	Discharge – wastewater	Land capability	Water based recreation
	Domestic water supply	Lateral opening	Water storage
	Domestic water supply – fully treated	Lessee	Water uses
	Domestic water supply – partially treated	Nature conservation area	Waterscape
		Objection	Waterway
		Remnant native vegetation	

Zones

In reviewing the zones and uses within zones in the Territory Plan, consideration has followed two processes:

- Sites to be rezoned
- Uses to add or delete in different zones.





During the development of the district strategies, consideration was given as to whether a site should be rezoned to reflect the changing and future needs of the city. The draft district strategies have not recommended the rezoning of any blocks to be included in the draft new Territory Plan released for public consultation.

Consideration was also given to current Territory Plan variation requests already submitted to EPSDD. These requests are discussed in more detail in the 'Additional changes to the new Territory Plan' section later in this report.

There are also sites where the zone or boundary to the zone are being amended to better reflect the shape and form of a block and the use on the site. These include:

- Aranda section 1 blocks 30-32 (Aranda emergency services facility) fire station
- Campbell section 38 block 4 (to reflect National Capital Plan)
- Griffith section 43 blocks 30 and 31
- Pialligo section 12 block 7
- Phillip section 23 blocks 19 and 20

Areas with a future urban area overlay that is no longer required (often parts of roads and public land) will have the redundant overlay removed.

A key aspect of the new Territory Plan and planning system is the focus on improving the outcomes of development once they are built and being used by the community. This means that instead of focussing on strict prohibition of uses and compliance with prescriptive rules, the assessment of a development focuses on the impacts and outcomes of a development and how it meets the desired policy outcomes relevant to the zone. The uses permitted in a zone have therefore been considered to see what uses can be added, particularly where the impacts of any future development can be managed through appropriate planning and development provisions.

The following provides a summary of changes to permitted uses under each of the broad zoning categories as follows:

1. Residential Zones (RZ)
2. Commercial Zones (CZ)
3. Industrial Zones (IZ)
4. Community Facility Zone (CFZ)
5. Parks and Recreation Zones (PRZ)
6. Transport and Services Zones (TSZ)
7. Non-Urban Zones (NUZ)





Residential Zone Changes

Zone	Changes Proposed	Explanation	Reason
RZ1 Suburban Zone	Add build-to-rent development	Inclusion of this land use will enable assessment of this new type of housing development, consistent with the ACT Housing Strategy and Parliamentary and Governing Agreement.	Impact similar to multi unit housing – a use already permitted in this zone.
	Add community housing	Permitting community housing will increase housing choice in the zone and provide opportunity for affordable housing options	Impact similar to supportive housing – a use already permitted in this zone
	Add early childhood education and care (to replace child care centre)	Changes to the delivery of early childhood education have necessitated the need for the new definition	Replacing child care – a use already permitted in this zone.
	Add veterinary clinic	New use to differentiate between veterinary hospital and health facility.	Impact similar to health facility – a use already permitted in this zone.
RZ2 Suburban Core Zone	Add build-to-rent development	As above	As above
	Add community housing	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add veterinary clinic	As above	As above
RZ3 Urban Residential Zone	Add build-to-rent development	As above	As above
	Add community housing	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add veterinary clinic	As above	As above
RZ4 Medium Density Residential Zone	Add build-to-rent development	As above	As above
	Add community housing	As above	As above





	Add early childhood education and care (to replace child care centre)	As above	As above
	Add veterinary clinic	As above	As above
RZ5 High Density Residential Zone	Add build-to-rent development	As above	As above
	Add community housing	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add social enterprise	A small-scale use associated with larger supportive housing developments, provides opportunities for residents to be involved in business activities such as arts and crafts or a café	The social enterprise uses will be undertaken by residents of supportive housing, and it is considered impacts will be minimal.
	Add veterinary clinic	As above	As above

Commercial Zone Changes

Zone	Changes proposed	Explanation	Reason
CZ1 Core Zone	Add build-to-rent development	As above	As above
	Add café	New definition to distinguish between restaurant and take-away food shop	Impact similar to restaurant – a use already permitted in this zone.
	Add community housing	As above	As above
	Add complementary use	Provides flexibility to consider undefined/ currently unknown uses	Use must demonstrate that it does not have a greater impact on the land than a use permitted in this zone
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add transport facility	Use combines and replaces the current definitions of public transport facility and transport depot	Impact similar to public transport facility – a use it is replacing that is already permitted in this zone.





	Add veterinary clinic	As above	As above
CZ2 Business Zone	Add build-to-rent development	As above	As above
	Add café	As above	As above
	Add community housing	As above	As above
	Add complementary use	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add transport facility	As above	As above
	Add veterinary clinic	As above	As above
CZ3 Services Zone	Add animal care facility	Permitting animal care facilities will allow caring, boarding or breeding facilities for predominantly domestic animals within this zone.	Animal care facilities have become more widespread and are considered an appropriate land use within this zone.
	Add build-to-rent development	As above	As above
	Add café	As above	As above
	Add community housing	As above	As above
	Add complementary use	As above	As above
	Add data centre	Permitting data centre will provide additional locations to develop this emerging use	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add drone facility	Permitting drone facility will respond to emerging technology and use, in a zone with existing uses likely to utilise it	Use is considered to be appropriate in this zone, noting other permitted services/industrial based uses
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add transport facility	As above	As above
Add veterinary clinic	As above	As above	





CZ4 Local Centres Zone	Add animal care facility	As above	As above
	Add build-to-rent development	As above	As above
	Add café	As above	As above
	Add club	Permitting club will provide opportunity for a greater variety of uses in the centre, improving activity and viability. EPA and liquor licencing regulations protect the impact on surrounding residents.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add communications facility	Permitting communications facility will provide additional sites for such infrastructure	Use is already permitted in the CZ1, CZ2, CZ3 and CZ5 zones. Considered to be appropriate in this zone
	Add community housing	As above	As above
	Add complementary use	As above	As above
	Add craft workshop	Permitting craft workshop will provide opportunity for a greater variety of uses in the centre, improving activity and viability.	Impact similar to health facility – a use already permitted in this zone.
	Add drink establishment	Permitting drink establishment will provide opportunity for a greater variety of uses in the centre, improving activity and viability. EPA and liquor licencing regulations protect the impact on surrounding residents.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add early childhood education and care (to replace child care centre)	As above	As above
Add municipal depot	Permitting municipal depot will provide the opportunity for undeveloped land in the centre to be utilised for municipal purposes	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area	
Add produce market	Though an unlikely use in a local centre, a produce market would not be incompatible with	Produce market is a variation of a shop which is already permitted in this zone	





other uses and the planning intent of local centres

	Add veterinary clinic	As above	As above
CZ5 Mixed Use Zone	Add build-to-rent development	As above	As above
	Add café	As above	As above
	Add community housing	As above	As above
	Add complementary use	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add indoor recreation facility	Currently indoor recreation facilities are not permitted within the CZ5 Mixed Use Zone. This will allow use for primarily indoor sporting activities.	Use is already permitted in other commercial zones. Considered to be appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add transport facility	While a transport facility may not seem relevant to this zone, there could be vacant CZ5 land adjacent to developed land that could be suitable for this use	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add veterinary clinic	As above	As above
CZ6 Leisure and Accommodation Zone	Add café	As above	Impact similar to a takeaway food shop
	Add caretaker's residence	Some leisure and accommodation uses may require a caretaker's residence to support maintenance and security of the use.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add complementary use	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add transport facility	As above	As above
	Add veterinary clinic	As above	As above





Industrial Zone Changes

Zone	Changes proposed	Explanation	Reason
IZ1 General Industrial Zone	Remove Child care centre	Child care centre is not an appropriate land use within industrial areas.	Industrial zones are to ensure that the use of the land is for predominantly industrial purposes and that externalities such as noise and odour emissions potentially associated with industrial uses do not conflict with sensitive land uses.
	Add complementary use	As above	As above
	Add data centre	As above	As above
	Add drone facility	As above	As above
	Add major electrical storage	Permitting major electrical storage responds to the emerging use of land that house large scale battery storage facilities	Impact similar to major electrical substation – a use already permitted in this zone
	Add transport facility	As above	As above
IZ2 Mixed Use Industrial Zone	Add utility hydrogen production facility	Permitting this use responds to the emerging use of land for a utility-scale facility that produces hydrogen for injection into distribution mains.	Impact similar to power generation station – a use already permitted in this zone
	Remove Child care centre	Child care centres are not an appropriate land use within industrial areas.	Industrial zones are to ensure that the use of the land is for predominantly industrial purposes and that externalities such as noise and odour emissions potentially associated with industrial uses do not conflict with sensitive land uses.
	Add complementary use	As above	As above
	Add data centre	As above	As above
	Add drone facility	As above	As above
	Add major electrical storage	As above	As above
	Add transport facility	As above	As above





Add utility hydrogen production facility

As above

As above

Community Facility Changes

Zone	Changes proposed	Explanation	Reason
CFZ Community Facility Zone	Add community housing	As above	As above
	Add early childhood education and care (to replace child care centre)	As above	As above
	Add social enterprise	A small-scale use associated with larger supportive housing developments, provides opportunities for residents to be involved business activities such as arts and crafts or a café	The social enterprise uses will be undertaken by residents of supportive housing, and it is considered impacts will be minimal.
	Add veterinary clinic	As above	As above

Parks and Recreation Zone Changes

Zone	Changes proposed	Explanation	Reason
PRZ1 Urban Open Space Zone	Add complementary use	As above	As above
	Add utility hydrogen production facility	As above	As above
PRZ2 Restricted Access Recreation Zone	Remove Child care centre	As above	As above
	Add complementary use	As above	As above
	Add utility hydrogen production facility	As above	As above





Transport and Services Zone Changes

Zone	Changes proposed	Explanation	Reason
TSZ1 Transport Zone	Add complementary use	As above	As above
	Add drone facility	As above	As above
	Add emergency services facility	Permitting emergency services facilities in this zone will provide additional locations to develop this important community protection facility.	This is an appropriate land use within this zone, provided it does not encroach on primary intent of zone for transport related uses.
	Add railway use	Railway use is a transport use and is an appropriate land use within this zone	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add service station	Service station is an appropriate land use within this zone	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
TSZ2 Services Zone	Add complementary use	As above	As above
	Add data centre	As above	As above
	Add drone facility	As above	As above
	Add service station	As above	As above

Non-Urban Zone Changes

Zone	Changes proposed	Explanation	Reason
NUZ1 Broadacre Zone	Add bulk landscape supplies	Bulk landscape supplies often require a larger site that is separated from other sensitive uses. This is consistent with the zone's desired policy outcomes.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add complementary use	As above	As above
	Add data centre	As above	As above
	Add drone facility	As above	As above





	Add ecotourism	Ecotourism provides for tourism facilities and activities with a focus on supporting conservation, natural environments and native flora and fauna.	Impact similar to farm tourism – a use already permitted in this zone
	Add group or organised camp	Permitting group or organised camp to this zone will allow short term share accommodation and recreation, reflecting the existence of established camping facilities within the zone	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add major electrical storage facility	As above	As above
	Add produce market	Though an unlikely use in a broadacre area, a produce market would not be incompatible with other uses in the zone. It could facilitate diversification and more local food products to be sold in the ACT direct to consumers	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add restaurant	Though an unlikely use in a broadacre area, a restaurant would not be incompatible with other uses in the zone.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add utility hydrogen production facility	As above	As above
	Add veterinary clinic	As above	As above
NUZ2 Rural Zone	Add animal care facility and intensive farming	Animal care facility and animal husbandry (re-named intensive farming) are considered to be appropriate uses that are consistent with the zone’s desired policy outcomes	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add bulk landscape supplies	As above	As above
	Add caretaker’s residence	Some rural uses may require a caretaker’s residence to support	Use is considered appropriate in this zone, with development provisions in





		maintenance and security of the use.	place to control impact on surrounding area
	Add commercial accommodation use	Permitting commercial accommodation use in this zone will give greater flexibility for tourist accommodation in the ACT.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add complementary use	As above	As above
	Add ecotourism	As above	As above
	Add emergency services facility	As above	As above
	Add utility hydrogen production facility	As above	As above
NUZ3 Hills, Ridges and Buffer Zone	Add complementary use	As above	As above
	Add ecotourism	As above	As above
	Add emergency services facility	As above	As above
	Add group or organised camp	As above	As above
	Add utility hydrogen production facility	As above	As above
NUZ4 River Corridor Zone	Add aquatic recreation facility	Permitting aquatic recreation facility will allow small scale aquatic recreation facilities such as swimming facilities, wharves or boat land facilities, which are considered appropriate in this zone.	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
	Add complementary use	As above	As above
	Add ecotourism	As above	As above
	Add utility hydrogen production facility	As above	As above
NUZ5 Mountains and Bushland Zone	Add caretaker's residence	As above	As above





Add complementary use	As above	As above
Add ecotourism	As above	As above
Add group or organised camp	As above	As above
Add outdoor education establishment	Permitting outdoor education establishment will allow a use that reflects existing facilities in this zone and is consistent with the zone's desired policy outcomes	Use is considered appropriate in this zone, with development provisions in place to control impact on surrounding area
Add utility hydrogen production facility	As above	As above

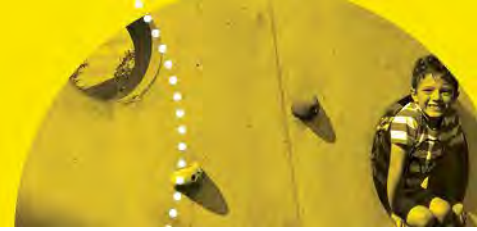
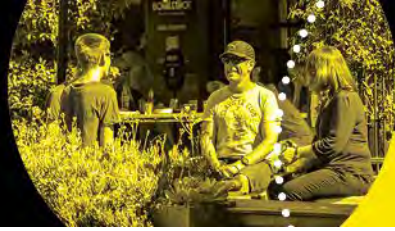
Planning principles and strategic links

The policy provisions in the Territory Plan give effect to the principles of good planning as outlined in the *Planning Bill 2022*, as well as planning related Government policies.

In addition to these, the policy provisions will be enhanced with the addition of new provisions that implement Government policies and commitments. These include:

- Living infrastructure and urban heat provisions for commercial and community facility zoned land, as well as subdivision applications.
- Enhancing the provisions related to bushfire and flood risk mitigation in response to a changing climate. This includes prohibiting new residential blocks with higher bushfire risk (i.e., with a bushfire attack level above BAL29)
- Amended vehicle parking requirements to encourage and support active travel, while requiring provision of infrastructure for EV charging facilities.
- Achieving net zero emissions will be assisted by prohibiting gas connections in new residential subdivisions (both greenfield and redevelopment sites) and adding new definitions to enable large battery storage and hydrogen production in the Territory.
- Housing affordability will be addressed through creating a greater range of housing options such as community housing (affordable rental) in the community facility and residential zones and build-to-rent development in residential zones. Inclusionary zoning will not be added to the Territory Plan at this time as it will first be considered at the district strategy level.
- Housing choice will be improved (which will also contribute to addressing affordability) with the relaxation of some dwelling density policies in residential zones. The amended policies will increase the





feasibility of developments and assist in achieving the target of 70% of new dwellings being in existing urban areas. The changes include:

- Allowing a block in RZ2 to RZ5 zones to be subdivided without being required to construct the new dwellings first (as long as it can be demonstrated that the blocks created can accommodate dwellings that meet the planning requirements). This enables ‘vacant’ blocks to be sold in areas close to services and facilities.
 - Increasing the number of dwellings permitted in a multi unit development in the RZ2 zone, as well removing development restrictions regarding block amalgamations and maximum number of dwellings within a building.
 - Allowing multi unit developments in RZ2 dwellings to be in the form of an apartment (which would enable a dwelling to be on a single level and easier for the resident to age in place).
- Addressing concerns regarding mixed use development by introducing a requirement to provide a ‘buffer’ use within a building between residential dwellings and ‘noisy’ uses.
 - Sport and recreation needs for the Territory have been considered through the district strategies. These have not indicated that a reduction in recreation space (particularly restricted access recreation zoned land) is warranted.
 - Demonstration housing proposals will be incorporated into the new Territory Plan rather than being progressed as individual variations to the current Territory Plan.
 - School site expansion – the rezoning to expand the Garran Primary School site will be incorporated into the new Territory Plan rather than being progressed as separate variation to the current Territory Plan.

Further details of the specific changes are provided in the sections below.

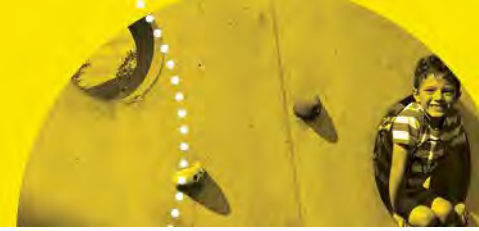
District Policies

The development of the new district policies has been a combination of reviewing the current suburb precinct codes, as well as the structure and concept plans that apply to future urban areas. It is to be noted that as the district strategies will start public consultation at the same time as the draft new Territory Plan, any provisions identified in the district strategies to go into the district policies cannot be finally confirmed until the district strategy consultation process has been completed.

The precinct codes in the current Territory Plan contain numerous site or area specific controls, for example building height requirements, active frontages, floor area limits, restrictions on uses and measures to minimise adverse impacts on the subject block and neighbouring blocks. In preparing the new district policies, the provisions in the precinct codes were reviewed and the following changes made:

- Site specific provisions that relate to a development that is complete have not been included in the new district policies as they are no longer required.





- Provisions that apply to specific sites but are common/repeated across precinct codes (for example active frontage requirements) are included more generally (i.e. applied to the zone or district as a whole, rather than specific sites).

The policies and requirements in the current precinct codes that are still relevant have been incorporated into the new district policies without change, except for adjustments to the wording to assist clarity and consistency with the style of the new Territory Plan. The audit of site specific provisions is continuing, therefore more provisions may be removed if they are found to be redundant.

The more numerical or quantifiable requirements (often rules in the current precinct codes) are now located in the District Technical Specifications (discussed further in a later section) and are clearly only one way to achieve the desired outcomes.

New area specific provisions that have been included in relevant district policies relate to the implementation of the Government's demonstration housing projects. Details of these specific sites are included at the end of this document.

Zone and Other Policies

The current Territory Plan and proposed new Territory Plan have very different approaches to managing development, responding to a change to an outcomes-focussed assessment process. Though the zones and majority of the policy content remain the same, the way provisions are applied and are considered is significantly different.

The sections above provide an explanation of the new structure of the Territory Plan and the policy documents. This section provides an explanation of the policy changes that have been proposed in the new Territory Plan.

A key difference between the current development codes and the new zone policies is the level of detail contained in each one. Unlike the development codes, the zone policies take a broader approach and focus on the Policy Outcomes and Assessment Outcomes – the higher level considerations that development must meet. In addition, the Assessment Requirements specify the 'mandatory' considerations – matters that must be met for a development application to be approved. While this is not dissimilar to the concept in the current development codes of criteria and mandatory rules, the key difference is that the Assessment Requirements and Outcomes must be met, irrespective of their compliance with the supporting material (e.g. the relevant Technical Specifications) that are called up by the Development Compliance Provisions.

The more numerical or quantifiable requirements (often rules in the current development codes) are now located in the Technical Specifications (discussed further in a later section) and are clearly only one way to achieve the desired outcomes.





Additional structural changes in the policy documents are the Residential Zones Policy combined with the considerations from the current Residential Zones Development Code, the Single Dwelling Housing Development Code and the Multi Unit Housing Development Code. The Subdivision Policy combines the considerations from the Estate Development Code and the subdivision provisions from the various zone development codes.

The table below provides details on the policy changes included in the Zone Policies.

Zone Policies - changes

Item	Issue raised	Considerations	Change proposed
Residential subdivision	Subdivision within existing residential zones is restrictive and requires significant upfront investment (impacting feasibility)	Improving the feasibility of multi unit developments leads to increased housing choice and availability of dwellings in existing areas	It is proposed to allow subdivision in RZ2 to RZ5 before the new dwellings are constructed. New blocks will need to demonstrate ability for compliant dwellings to be located on the new blocks but will not need to have a constructed dwelling on site to be approved.
Plot ratio vs site coverage	Plot ratio is complicated and does not necessarily achieve good planning outcomes	With the recent introduction of site coverage provisions for residential blocks, it is considered that this is a more appropriate method of managing building scale than plot ratio. Building scale can also be adequately managed through building height and envelopment limits and setback requirements	Removal of plot ratio as a mandatory requirement by moving it to Technical Specifications. Site coverage provisions to become mandatory as an Assessment Requirement in the Residential Zones Policy. As they will become mandatory, the site coverage limit has been increased slightly.
Plot ratio	Various plot ratio limits apply to multi into development in the RZ1 and RZ2 zones	Though the smaller plot ratio limits the dwelling size, it can make it difficult to achieve good solar access to the block, particularly if the 50% for two dwellings next to each other is sought. Also, a different plot ratio applies if it is a dual occupancy or 3+ dwellings on the site	Plot ratio change to be a set 50% for multi unit in RZ1 and RZ2
Number of dwellings	The maximum number of dwellings permitted on a block (particularly in RZ2) makes	Increasing the number of dwellings permitted on a block (or blocks) improves feasibility and enables dwelling availability in RZ2 areas to increase	Amend the provision for a maximum number of dwellings on a RZ2 block to one per 250m ² above the minimum block size.





	redevelopment unfeasible		Also to remove the reference to <i>standard block</i> to make the provision apply to all blocks in the zone.
Dwelling replacement requirement	Dwelling replacement rule impacts the delivery of a range of housing	The provision came in to address an issue in RZ3 and RZ4 regarding family homes being replaced with new apartments that did not include 'family sized' units. The provisions relating to range of dwelling sizes/number of bedrooms adequately addresses this	Delete the dwelling replacement requirement
Apartments in RZ2	Provision prohibits apartments in RZ2 which means multi unit development is usually two storey townhouses	Allowing apartments will increase the number of single level dwellings, a preferred design for people with mobility issues (such as due to age)	Remove restriction on apartments in RZ2
Storeys	Basement under two storeys is not permitted in RZ1	Basement spaces are not often visible from the street as they are predominantly underground. Removing this restriction would not have a significant impact on the scale of a dwelling	Remove restriction on a basement under two storeys in RZ1
Continuous street frontage	Current provision in RZ2 requiring blocks that are amalgamated to have a continuous frontage	Requirement was introduced to prevent blocks being amalgamated through a section as it could effectively create a new 'street' through the section.	Remove the mandatory requirement for a continuous street frontage and add a consideration to prevent vehicular access through the section from one street to the other
Home business	Requirements for a home business are currently located in the separate Home Business General Code.	Move to Residential Zones Policy as it relates to the permitted use in these zones. Stronger provisions are required to respond to concerns about some home businesses in the ACT.	The potential impacts of this as with all developments will fall to demonstrating compliance with the relevant Zone Assessment Outcomes. There are limited Technical Specifications for a Home Business at this time, however these will be strengthened over time noting in the meantime that the Assessment Outcomes will still be relevant.
Subdivision and consolidation requirements	Being located outside of the multi unit code currently, the	Subdivision and consolidation requirements relate almost	Move all subdivision and consolidation requirements to the Subdivision Policy.





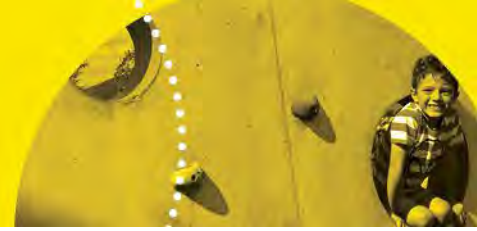
	requirements can be missed by the proponent or community/ neighbours.	exclusively to multi unit development.	
Resident amenity	No provisions currently for resident amenity in facilities that are not multi unit or single dwelling housing.	Though not separate dwellings, residents in supportive housing, residential care accommodation etc should still be provided with adequate bedroom and communal living spaces.	Resident amenity has been given significance in new structure. This applies across residential development types.
Community housing	Need for affordable rental options. Current definition for community housing allows affordable rental where provided by a community organisation	Adding community housing to residential zones (which already permit residential) provides clarity that this form of affordable rental is supportable in these zones	In the CFZ zone, only permit community housing where associated with a place of worship or supportive housing Community housing cannot be separately titled
Residential in commercial zones	Current provisions only prohibit residential use at the ground level in the CZ1 in group centres	To encourage active frontages and protect commercial uses in commercial areas and protect the amenity of residents, restrict residential at the ground floor in CZ1 in all centres	Amend provision so that residential is not permitted at the ground level in all CZ1 areas

Design Guides

An outcome-based approach to the assessment of development proposals is a distinctive feature of the Territory Plan, and design guides are fundamental instruments to support the design and assessment tasks. Design guides and design evaluation processes play a critical role in supporting the development application and assessment processes in the new planning system. Specifically, those planning policies that are less prescriptive leave more room for interpretation and innovation.

A suite of design guides with a focus on the priority areas and longer-term policy settings are required to achieve a strong design focussed planning system. The approach taken to the content of design guides has been informed by technical investigations and consultation through the Territory Plan review process, outlined earlier in this report. This includes the development of design guides for designing for place and public realm (urban design), and housing (including apartments, urban infill residential and medium density). They are future-focussed and respond to the current and future policy challenges of the urban realm and relate to the outcomes focussed provisions within the Territory Plan. They assist with challenging the design thinking within the community and industry and help to educate citizens on the possibilities of different urban and improved built form design outcomes.





To support this, two Design Guides are being developed.

- Urban Design Guide (UDG) – addressing public realm outcomes at a range of scales
- Housing Design Guide (HDG) – addressing housing at a range of densities, including apartment design guidance

Through the planning process, design guides combined with district and zone-based policy outcomes are powerful tools in supporting and achieving a high-quality development outcomes while providing flexibility and allowing creativity and innovation in design solutions.

As documents that play a supporting role to the new Territory Plan, the Design Guides will be written and developed in a style and format that assists the interpretation of statutory policy and provides clear guidance to proponents and statutory officers (including development assessment staff, Courts and Tribunals) within an outcomes based planning system paradigm – the use of images, drawings and graphics will assist in this regard.

Approach – delivering design guides

The Design Guides are to be delivered in two stages:

- Stage 1 (November 2022) will include an Explanation of Intended Effects (EIE). This will form the initial document to accompany the public consultation phase of the new Territory Plan. The EIE will provide guidance to assist the community and industry during the consultation phase to understand the intent, look and feel, likely content, practical usage, benefits and limitations of design guidance within an outcomes-based planning system. It will provide information on how the Design Guides will be implemented to work with and support the new planning system and new Territory Plan.
- Stage 2 (March 2023) will deliver the Design Guides for implementation into the new planning system. These two documents will provide design guidance on Urban Design and Housing Design, and work in conjunction with the new Territory Plan.

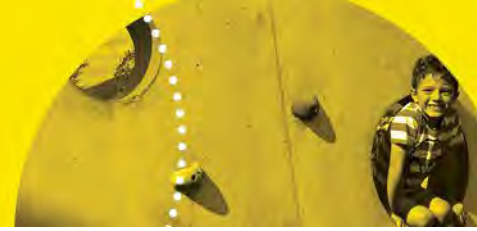
It is important that the inputs from stakeholders and outcomes from public consultation (Stage1 EIE) are incorporated into the development of the design guides. Stakeholders that will be involved throughout the development process will include relevant government agencies, the ACT Government Architect, design review team (NCDRP), and industry technical experts.

Key components

Design guides are typically outcomes-based documents and the proposed Urban Design Guide and Housing Design Guide will have the following characteristics:

- contain both qualitative and quantitative performance outcomes
- offer alternative design solutions
- contain design outcomes that go beyond the ‘minimum’ requirements - including what design outcomes to avoid





- are human and user centric
- respond to people and place
- realigns the use 'standards' to meet social and human needs in the public realm and residential design
- helps to quantify social benefit

Housing Design Guide (HDG)

The Housing Design Guide will articulate desired design outcomes to guide and assess the design quality of housing across a range of housing typologies and densities. The Housing Design Guide addresses residential components of proposed developments and provide important guidance that supports the amenity and wellbeing of occupants. In addition, the guide places a greater degree of guidance and performance requirements on matters such as:

- visual privacy and interface
- solar and daylight access,
- common circulation and spaces,
- apartment size and layout,
- ceiling heights,
- private open space and balconies,
- natural ventilation

Further detail on the Housing Design Guide including design principles, content and policy rationale, and its implementation into the new planning system is provided in the [Explanation of Intended Effects](#).

Urban Design Guide (UDG)

The Urban Design Guide will provide important urban and larger scale design guidance for developments that are defined as being:

- precinct scale or urban design developments;
- exceeding one hectare; comprising more than 1,000m² of public or common space; or
- developments that required advice from the Design Review Panel.

The Urban Design Guide will provide guidance to deliver high quality and consistent public realm outcomes, with clarity on the preferred design outcomes for both public and private delivery.

Further detail on the Urban Design Guide including design principles, content and policy rationale, and its implementation into the new planning system is provided in the [Explanation of Intended Effects](#).





Technical Specifications

Technical Specifications are ‘called up’ through the Development Compliance provisions of the new Territory Plan policy documents. Each zone has a Technical Specification that corresponds with the relevant Zone Policy.

Each Technical Specification comprises a *control* and a *specification*.

- **Control** refers to the general issue that the specification deals with.
- **Specification** suggests a solution that supports compliance with respect to the particular issue or provision

Role of Technical Specifications

Technical Specifications are used as one possible solution or to provide certainty for identified aspects of a development proposal. Technical Specifications may also be used as a reference or benchmark for technical matters in the preparation and assessment of development proposals.

The Technical Specifications are typically numerical, quantifiable or relate to an accepted standard. Examples include pre-determined setbacks, heights, stormwater management or certain standards for parking or storage.

Technical specifications provide an opportunity for development compliance with certain provisions. Technical specifications are therefore limited in their application and do not replace the more comprehensive consideration provided by Design Guides, nor are Technical Specifications mandatory.

Selected updated and simplified elements of the current Territory Plan technical information have formed the initial Technical Specifications. This will allow for an easier transition between Territory Plans (2008 to 2023) and be familiar with proponents wanting more detail with regards to meeting relevant Assessment Outcomes.

The ‘library’ of Technical Specifications will be added to before commencement of the new Territory Plan and regularly reviewed thereafter to ensure sufficient information is available at this level.

Technical Specifications are not likely to cover all Assessment Outcome provisions and may not fully address a particular Assessment Outcome, therefore consideration against the relevant Assessment Outcomes remains key to obtaining development approval.

Policy changes

Similar to the Zone Policies, the majority of the considerations in the Technical Specifications will remain relatively the same, though will be applied and considered in a different manner.

A number of provisions have been reworded or regrouped to assist with clarity and ease of use. Provisions have also been added to address matters such as:





- Living infrastructure
- Urban heat
- Flood risk
- Bushfire risk mitigation
- Parking and active travel
- Electric vehicle charging

The provisions noted below are either new or have had a more significant change from the current Territory Plan

Item	Issue raised	Considerations	Change proposed
Build-to-rent development	Currently there is uncertainty whether build-to-rent is multi unit housing or a different use.	Defining build-to-rent development and permitting it in the residential zone (and requiring it to comply with multi unit development provisions) removes potential to argue that it is a different use and therefore not comply with the multi unit provisions.	A build-to-rent development will need to address all relevant Assessment Outcomes which will reference the Design Guides. Some Technical Specifications may also be useable for guidance/compliance with the Outcomes.
Solar building envelope	Complicated solar envelope control. Different solar angles provided depending on the orientation of the block.	Reducing the potential for provisions to be misunderstood or misinterpreted.	For simplification and clarification purposes, the angle of the solar fence is nominated as 31° as a Development Compliance option.
Number of dwellings in a building	Current rule in RZ2 limits the number of dwellings in a building to four	The provision was introduced to prevent large multi unit buildings in RZ2, which could resemble an old motel style. Rather than this requirement that limits flexible design, a provision regarding articulation can be added	Amend the provision that limits four dwellings in a building. Add criteria to existing provision to consider articulation or other controls introduced to address character and design quality
Noise impacts	Need to address the noise impact between residential/sensitive uses and other uses permitted in the commercial zone	With increased mixed use developments (particularly residential located with other commercial uses) need to require a 'buffer' use between a potential noise generating use (indoor recreation, club,	Responses to site suitability have been added to the Commercial Zone Policy. The Technical Specification includes a restriction that residential use cannot be located directly adjacent to club, indoor recreation, restaurant or other noisy uses





		restaurant etc) and residential uses	
Living infrastructure and permeability	Consultancy looked at living infrastructure in commercial and community facility zones, as well as estate development	Consultancy made recommendations on provisions to add to the relevant Policies	Environmental values are an Assessment Outcome for the Commercial Zones Policy and Community Facilities Zone Policy. Provisions to technical specifications regarding living infrastructure and permeability requirements have been included. This is expected to be expanded over time to provide increased information to meet agreed living infrastructure outcomes.
Parking requirements	The parking requirements that currently apply to development have not been updated for several years and are difficult to use.	Consideration was given to contemporary parking rates to determine those that would be appropriate to development in the ACT.	Changes to parking requirements focused on making them easier to use by removing redundant text and consolidating parking rate tables. Key changes include the introduction of requirements for electric vehicle charging and specifying that residential rates in the city and town centres are the maximum permitted.
Ongoing requirements in new suburbs	The current Estate Development Code does not restrict the number of block/site specific controls on a block.	Having multiple site specific requirements or allowances on a block creates confusion for builders and certifiers. Having numerous controls for a site can undermine the standard considerations in the Territory Plan	Add a consideration to the Subdivision Technical Specification to restrict the number of ongoing provisions that can apply to a block

Additional changes to the new Territory Plan

During the development of the new Territory Plan, requests were received for site specific changes to be made to respond to specific development proposals. While many will not be progressed until after the new Territory Plan takes effect, some changes are proposed to the new Territory Plan. These relate to projects that are implementing government planning work or consistent with current government policy.

In addition, there are six draft variations to the current Territory Plan that are nearing completion of the consultation phase of the variation process.

These changes have not yet been added to the relevant parts of the new Territory Plan - rather when both the draft variations and the draft new Territory Plan complete their consultation processes, and should the outcome be that the variations be adopted, the variations will be incorporated into the new Territory Plan.





Garran Primary School expansion

The new Territory Plan will contain a zone change to part of Block 9 Section 33 Garran to enable the expansion of the Garran Primary School. The zone will change from PRZ1 Urban Open Space to Community Facility to accommodate the school additions and integrate the existing Early Learning Centre within the school site.

Further details on the Garran Primary School proposal are located in [Attachment E10i](#)

Phillip Swimming and Ice Skating Centre

The current Territory Plan contains a requirement for the Phillip Swimming and Ice Skating Centre (PSISC) at Block 2 Section 22 Phillip to:

- provide or retain an ice-skating rink suitable for national ice hockey competition
- provide or retain a 50m public pool with direct public access to Irvine Street, and
- that any redevelopment for other uses involves the inclusion of the pool as an indoor facility.

In 2016, the ACT Government made a commitment to look at options for a new ice sports facility, preferably in south Canberra. A site was identified on Rowland Rees Crescent in Greenway (Block 17, Section 46) to be near other sporting facilities and in close proximity to the Tuggeranong Town Centre with access to public transport. The ACT Government has undertaken an Expression of Interest process and selected a suitable party to design, construct, own, operate and maintain a new ice sports facility in Tuggeranong. Subject to the private sector entity delivering the proposed new ice sports facility in Tuggeranong, the provisions in the new Woden District Policy will provide flexibility in the requirement to provide an ice sports facility on the Phillip site. This means an ice-skating rink would not be required at Block 2 Section 22 Phillip, if agreed by the ACT Government, in the circumstance where an alternate ice rink is developed in the ACT.

In recognition of changes to indoor swimming pool community preferences, the requirement for a 50m indoor pool to be provided if the site is redeveloped is proposed to be amended. The draft new Territory Plan instead proposes the requirement for the site to have:

- indoor 25m x 20m 8-lane public pool – water depth of 1.35m to 2.0m
- indoor warm water program pool – minimum dimensions of 20m x 10m
- indoor toddlers/leisure pool, learn to swim pool and/or water play splash pad – minimum size of 500m²
- associated amenities to support the operation of the pool facilities
- a transition from within the centre to the outdoors (including to external gardens, decks and outdoor eating areas to support indoor/outdoor activities).





Demonstration Housing – overview

Demonstration Housing is closely aligned with the ACT Government’s Housing Choices policy project. Housing Choices investigates ways in which the housing needs of residents can be better met now and in the future. Its aim is to introduce more flexibility into the planning system to enable more housing choice in housing type and encourage the kind of quality residential buildings that the community wants.

Extensive community engagement was undertaken as part of the Housing Choices project. The community indicated that it wants more housing diversity including options to age in place, better construction quality, better housing design, more affordable housing, and infill development that reflects Canberra’s garden city principles.

The Demonstration Housing Project was established to test and showcase how the ACT can best contribute to making a compact, sustainable, accessible and active city through innovative planning, design and delivery. Demonstration Housing is intended to deliver different housing types that are not currently available in Canberra and that support high quality design, build quality, housing choice, environmental sustainability and medium density infill. It offers a ‘hands on’ opportunity to test the effectiveness of different housing types through real examples and future review through post-occupancy assessment.

The Demonstration Housing Project responds to an ACT Legislative Assembly resolution passed in June 2017, which asked the ACT Government to engage with the community and industry stakeholders about how to deliver demonstration housing proposals that showcase best-practice in one or more of the following areas:

- excellence in construction and design quality
- carbon neutral buildings
- medium density infill
- innovative planning and engagement approaches
- innovative housing products and typologies
- close partnership with industry bodies
- options for public and affordable housing

The Demonstration Housing Project called for expressions of interest in 2018, which were considered in accordance with the areas being showcased from the above list (having identified one or more areas). Each proponent went through a rigorous two-stage evaluation process, which included design refinements. This process was designed to assess the interest, capability, and experience of proponents to deliver projects that address the resolution of the Legislative Assembly. The evaluation criteria included an assessment against the demonstration housing concept, design quality and build quality. Proponents were required to present to the National Capital Design Review Panel. All Demonstration Housing proposals are required to respond to the design feedback from the Panel through design refinement.

The experience gained from Demonstration Housing and assessment via post occupancy evaluation studies will be used to inform changes to housing policy and planning provisions more broadly. Any further changes that may be required in the future to the Territory Plan to encourage and support improved housing choice and housing quality in Canberra would be subject to further stakeholder involvement and community consultation.





Under the Demonstration Housing Project, a successful proponent is required to undertake community consultation about their proposal in accordance with an approved engagement strategy. This requirement is undertaken prior to any consultation of a change to the Territory Plan and the results are included in a Planning Report, which is available on the Environment, Planning and Sustainable Development Directorate website. Further information about the Demonstration Housing Project can be found at www.planning.act.gov.au/urban-renewal/demonstrationhousing-project.

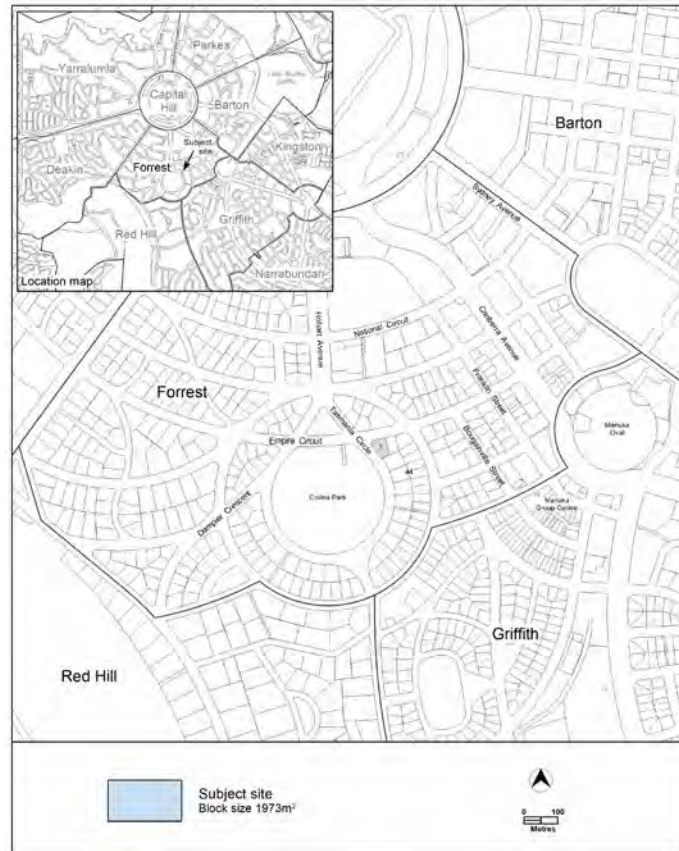
Forrest Section 44 Block 5 – Multi-Unit Housing

The proposal for demonstration housing at Forrest section 44 block 5 is for three multi-unit dwellings. This type of development is not currently permitted in the RZ1 zone, as a maximum of two dwellings is permitted on the subject block. The Territory Plan, only for this site, will enable a greater number of dwellings to be developed on the block and to be unit titled.

The RZ1 zoning for the site will be retained and the proposed changes to the planning controls in the Territory Plan are only to enable this specific proposal. The proposal for multi-unit housing was chosen to showcase medium density infill, and innovative housing products and typologies. Only the specified Demonstration Housing proponent is able to develop the site for the proposed demonstration housing.

The proposed multi-unit housing will consist of three four-bedroom dwellings of 2-storeys and aims to present as a large single dwelling from the street. This is consistent with the Blandfordia 4 Heritage Guideline requirement for the conservation of the garden city values. The proposal will meet many of the built form requirements for single dwelling housing and demonstrate how the suburban character of the RZ1 area can be maintained with a higher density of development.





Location map – 38 Empire Circuit, Forrestdale

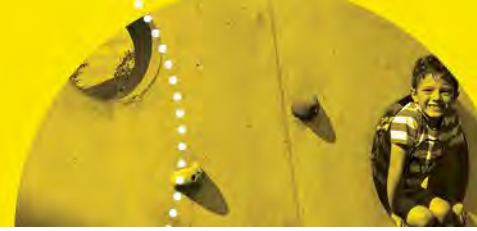
Changes proposed for Forrestdale Section 44 Block 5

- allowing the development of three multi-unit dwellings and limiting who can undertake this development to the specified Demonstration Housing proponent
- specifying one driveway verge crossover
- setting the minimum number of on-site car parking spaces to six
- requiring all dwellings to be accessible to Liveable Gold Level standard
- allowing dwellings to be individually unit titled

Reasons for making changes

- increases housing choice by allowing greater dwelling density – allowing 3 dwellings where currently only 2 are permitted and allowing unit titling
- the development allows for ageing in place through addressing liveability requirements
- the development has been designed to fit in with the low-density character of the surrounding area
- increases the supply of housing which is consistent with the aim of the ACT Planning Strategy to provide 70% of new housing within the existing urban footprint





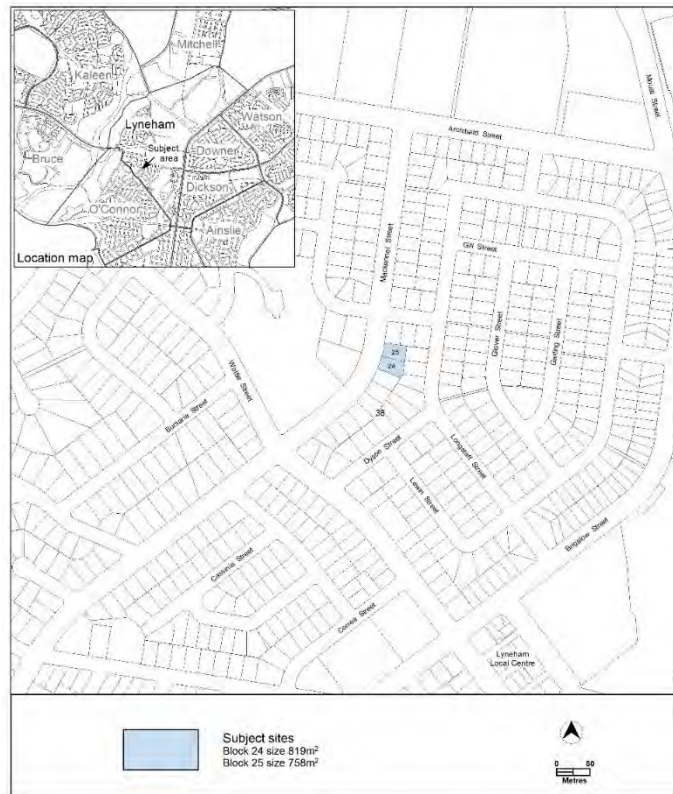
- allows for testing and evaluation of the concept, which may influence future policy about housing choice

Further details on the proposal are located in [Attachment E10ii](#)

Lyneham Section 38 Blocks 24 and 25 – Community Housing

The proposal for demonstration housing at Lyneham section 38, block 24 and 25 is for community housing. Additional planning requirements to develop nine community housing dwellings are only to enable this specific proposal.

The proposal for community housing on this site was chosen to showcase medium density infill, close partnership with industry bodies, innovative housing products and typologies, and options for public and affordable housing. The proposed community housing will consist of nine dwellings of 2-storey built form.

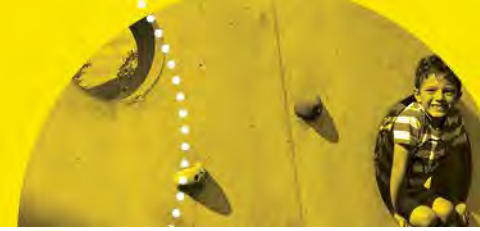


Location Map – 18 and 20 Mackennal Street, Lyneham

Changes proposed for Lyneham Section 38 Blocks 24 and 25

- allowing the development of nine community housing dwelling and limiting who can undertake this development to the specified Demonstration Housing proponent
- applying side and rear boundary setback requirements for ground and upper floor levels of 3.25 metres
- specifying a maximum of one driveway verge crossover per block
- setting the minimum number of on-site car parking spaces to six





- allowing up to two unroofed carparking spaces on each block setback a minimum of 2.5 metres from the front property boundary
- requiring dwellings to be accessible to Liveable Housing Design Gold Level standard for a minimum of 40% of dwellings and remaining dwellings to meet Silver Level standard (noting that Element 1 of the Liveable Housing Design (Silver Level) does not apply to upper floor level dwellings).
- requiring community housing development to meet elements of the Multi Unit Housing Development Code requirements

Reasons for making changes

- increases housing choice by allowing greater dwelling density – allowing 9 dwellings where currently only 4 are permitted
- the development allows for ageing in place through addressing liveability requirements
- the development has been designed to fit in with the character of the surrounding area, similar to requirements within the RZ1 zone.
- the site is well located close to existing services in the nearby Lyneham local centre
- increases the supply of housing which is consistent with the aim of the ACT Planning Strategy to provide 70% of new housing within the existing urban footprint
- allows for testing and evaluation of the concept, which may influence future policy about housing choice
- Further details on the proposal are located in [Attachment E10iii](#)

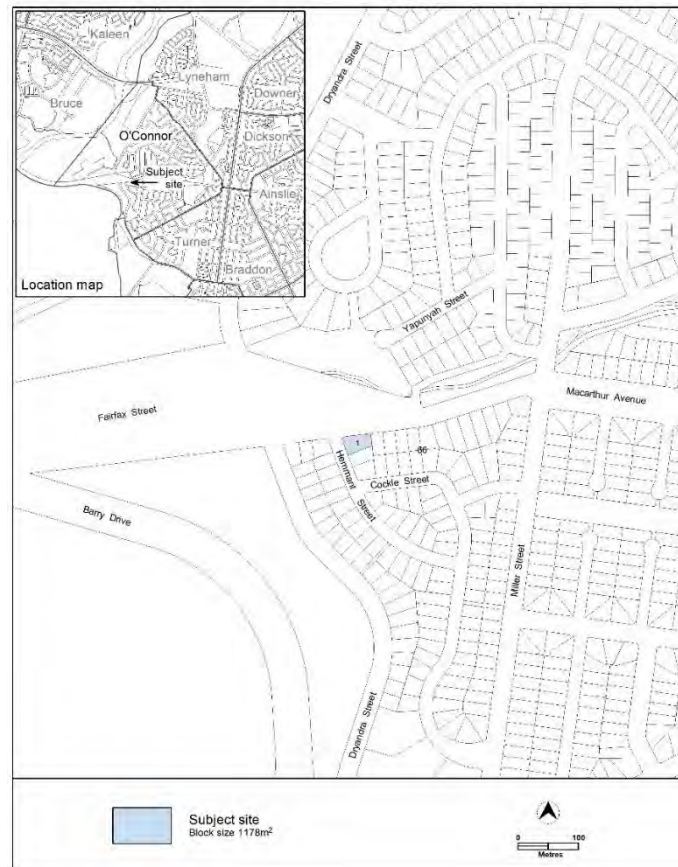
O'Connor Section 66 Block 1 – Multi-unit Housing

The proposal for demonstration housing at O'Connor is for three multi-unit dwellings. This type of development is not currently permitted in the RZ1 zone, where a maximum of two dwellings are permitted on a standard block.

The RZ1 zoning for the site will be retained and the proposed changes to the planning controls in the Territory Plan are only to enable this specific proposal. The proposal for multi unit housing was chosen to showcase medium density infill, and innovative housing products and typologies.

The proposed multi-unit housing will consist of three 3-bedroom dwellings of 2-storeys in height contained in two separate buildings. The proposal will meet many of the built form requirements for single dwelling housing in the RZ1 zone and demonstrate how the suburban character of the RZ1 area can be maintained with a higher density of development.





Location map – 25 Fairfax Street, O'Connor

Changes proposed for O'Connor Section 66 Block 1

- allowing the development of three multi-unit dwellings and limiting who can undertake this development to the specified Demonstration Housing proponent
- allowing a zero metre side setback to the southern side property boundary for a length of up to 16m at ground level
- specifying a maximum of two driveway verge crossings
- setting the minimum number of on-site car parking spaces to six
- requiring all dwelling to be assessable to Liveable Housing Design Gold Level standard
- incorporating requirements for courtyard walls, including:
 - heights of up to 1.8m and setback from the northern property boundary where enclosing principle private open space of 0.7m and a 2m setback from the western property boundary
 - defining construction materials
- allowing dwellings to be individually unit titled





Reasons for making changes

- increases housing choice by allowing greater dwelling density – allowing 3 dwellings where currently only 2 are permitted and allowing unit titling
- the development allows for ageing in place through addressing liveability requirements
- the site is well located close to existing services in the nearby O’Connor local centre
- increases the supply of housing which is consistent with the aim of the ACT Planning Strategy to provide 70% of new housing within the existing urban footprint
- allows for testing and evaluation of the concept, which may influence future policy about housing choice

Further details on the proposal are located in [Attachment E10iv](#)

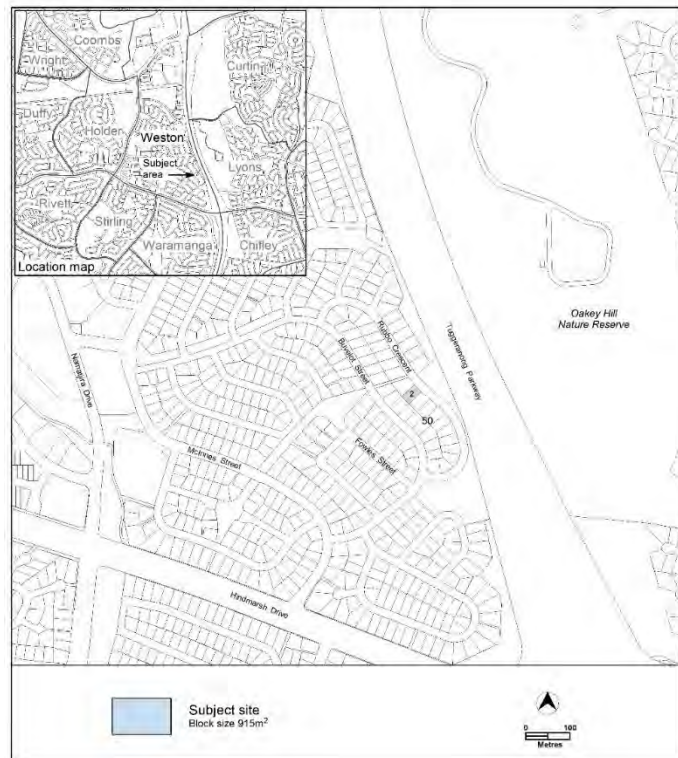
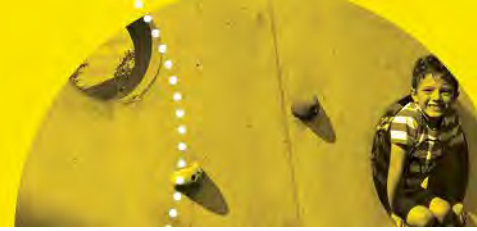
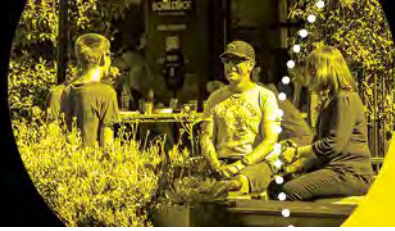
Weston Section 50 Block 2 – Multi-unit Housing

The proposal for demonstration housing at Weston section 50 block 2 for three multi-unit dwellings. This type of development is not currently permitted in the RZ1 zone, where a maximum of two dwellings are permitted on a standard block.

The RZ1 zoning for the site will be retained and the proposed changes to the planning controls in the Territory Plan are only to enable this specific proposal. The proposal for Weston section 50 block 2 was chosen to showcase medium density infill, excellence in construction and design quality, and innovative housing products and typologies.

The proposed multi-unit housing will consist of 3 dwellings of various sizes (one 1-bedroom unit and two 3-bedroom units) in a 2-storey form and aims to present as a dual occupancy to the street. The proposal is anticipated to meet some of the built form requirements for single dwelling housing in the RZ1 zone.



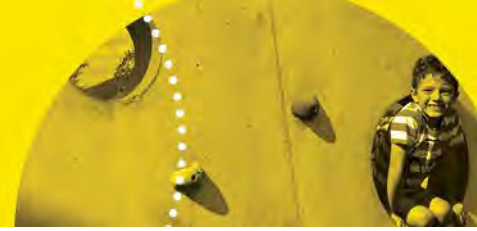
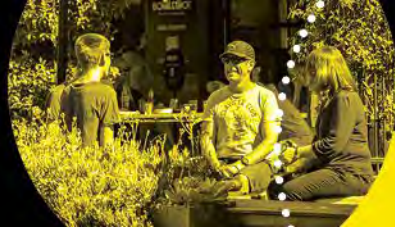


Location map – 24 Rubbo Crescent, Weston

Changes proposed for Weston Section 50 Block 2

- allowing the development of three multi-unit dwellings and limiting who can undertake this development to the specified Demonstration Housing proponent
- introducing built form requirements for character, including presenting to the street as a dual occupancy and solar access and privacy requirements to protect neighbouring residential properties
- allowing a minimum of 3m side boundary setbacks for ground level and upper levels
- specifying one driveway verge crossover
- setting the minimum number of on-site car parking spaces to four
- requiring all dwellings to be accessible:
 - two units to meet Liveable Housing Design Gold Level standard
 - one unit to meet Liveable Housing Design Silver Level standard
- allowing dwellings to be Unit Titled
- including a requirement for appropriate green infrastructure, site permeability and urban heat reduction, which may include the provision of green roof, green wall or vertical garden, permeable paving, and a cool roof





Reasons for making changes

- increases housing choice by allowing greater dwelling density – allowing 3 dwellings where currently only 2 are permitted and allowing unit titling
- the development allows for flexible living including for extended and blended families (intergenerational living) and people living with disability and their carers
- the development has been designed to fit in with the low-density character of the surrounding area, appearing as a dual occupancy dwelling from the street
- the site is well located close to existing services in the nearby Cooleman Court group centre the site has good access to public transport
- increases the supply of housing which is consistent with the aim of the ACT Planning Strategy to provide 70% of new housing within the existing urban footprint
- allows for testing and evaluation of the concept, which may influence future policy about housing choice

Further details on the proposal are located in [Attachment E10v](#)



From: [Kaucz, Alix](#)
To: [Moser, Sonya](#)
Cc: [Hai, Helen](#)
Subject: RE: FOR INPUT- active travel related General Codes
Date: Friday, 27 November 2020 3:35:00 PM
Attachments: [image001.jpg](#)
[image002.png](#)

OFFICIAL

Great – thanks Sonya!

From: Moser, Sonya <Sonya.Moser@act.gov.au>
Sent: Friday, 27 November 2020 2:53 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Hai, Helen <Helen.Hai@act.gov.au>
Subject: RE: FOR INPUT- active travel related General Codes

OFFICIAL

Hi Alix

I've spoken to Carrell and updated her re the End-of-Facilities general code. They are doing a project to update the Active Travel Framework 2015 to be consistent with the recently released ACT Planning Strategy 2020. She said that there was an action to do a Cycling and Walking General Code in the NCP and Territory Plan. I indicated that it would be unlikely in the NCP and she thought the new general code had been put on hold because of the Planning System Review. I indicated that you were not aware of this and on discussion it seems like they want a map indicating main routes. She suggested an overlay in the Territory Plan and I indicated that we may be removing them and it may be better to do a layer on ACTMapi (possibly with a link to the TP), especially given the difficulties with changing the TP. I suggested that the TP may not be the best place for this document. I also indicated that I would inform you of our discussion. I agreed to send her a copy of the draft variation.

Thanks and regards

Sonya

From: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Sent: Thursday, 26 November 2020 5:32 PM
To: Moser, Sonya <Sonya.Moser@act.gov.au>
Subject: RE: FOR INPUT- active travel related General Codes

OFFICIAL

Hi Sonya

For you to raise with Carrell – we aren't working on a cycling and walking general code, in fact this is the first I've heard of it (though let me know if I'm mistaken)

Alix

From: Hambrick, Carrell <Carrell.Hambrick@act.gov.au>
Sent: Thursday, 26 November 2020 2:59 PM
To: Moser, Sonya <Sonya.Moser@act.gov.au>
Cc: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Subject: RE: FOR INPUT- active travel related General Codes

OFFICIAL

Hi Sonya,

Hope you are well.

I am gathering information on the Bicycle Parking General Code and proposed Cycling and Walking General Code as a part of an internal review of the Active Travel Framework

implementation over the past 5 years. Would it be possible to have a brief discussion tomorrow morning?

Understanding the status of the processes for reviewing the Bicycle Parking General Code and establishing the Cycling and Walking General Code (which I understand is halted) as well as key takeaways from those processes would be a part of that review.

Please let me know when you might be available to chat, and I can chuck a 15 minute call in Teams.

Thanks in advance for your help!

Kind regards,

Carrell Hambrick | Graduate Policy Officer
Strategic Transport Policy and Active Travel



M [REDACTED] | E carrell.hambrick@act.gov.au

Please consider the environment before printing this e-mail.

From: Kaucz, Alix <Alix.Kaucz@act.gov.au>

Sent: Thursday, 26 November 2020 8:52 AM

To: Hambrick, Carrell <Carrell.Hambrick@act.gov.au>

Subject: RE: FOR INPUT- active travel related General Codes

OFFICIAL

Hi Carrell

Thank you for your email. My calendar is up to date so feel free to find a time that suits us both. Alternatively, given my calendar is quite full for the rest of the week, you could contact Sonya Moser in my team to discuss?

Kind regards

Alix

Alix Kaucz | Senior Director - Territory Plan Section

Phone 02 6205 0864

Planning, Land and Building | Environment, Planning and Sustainable Development | **ACT Government**

Level 2, 480 Northbourne Avenue Dickson ACT 2602 | www.environment.act.gov.au

From: Hambrick, Carrell <Carrell.Hambrick@act.gov.au>

Sent: Wednesday, 25 November 2020 6:57 PM

To: Kaucz, Alix <Alix.Kaucz@act.gov.au>

Subject: FOR INPUT- active travel related General Codes

Hi Alix,

Hope your week is going well.

I am doing a status update against actions outlined in the Active Travel Framework Implementation Plan over the past 5 years and there are two action items I was hoping to get your input on.

First action was a review the Bicycle Parking General Code to ensure best-practice. I understand this may be with the minister at this point. I'd like to be able to capture where this is up to and any key takeaways from the process of drafting the updated code.

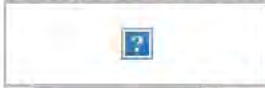
Second, I understand a similar process was paused which would create a Cycling and Walking General Code. It is noted the process was halted pending the outcome of the Planning Reform. Similar comments around key process takeaways would be really appreciated on this item too. Would you be available for a quick chat tomorrow afternoon or Friday morning to discuss?

Please let me know when you might be available to chat, and I can chuck a 15 minute call in Teams.

Thanks in advance for your help.

Kind regards,

Carrell Hambrick | Graduate Policy Officer
Strategic Transport Policy and Active Travel



M [REDACTED] | **E** carrell.hambrick@act.gov.au

Please consider the environment before printing this e-mail.

From: [Kaucz, Alix](#)
To: [Powter, Luke](#)
Cc: [Burton, Anthony](#); [McFarlane, Trina](#)
Subject: RE: Public Transport Territory Plan Layer
Date: Friday, 5 March 2021 5:36:00 PM
Attachments: [image001.jpg](#)

OFFICIAL

Hi Luke

Thank you for your email. We are still currently working though the higher level issues related to the planning system review and haven't yet got to the overlays part. We will be in touch in coming months regarding the intertown public transport corridor and the Territory Plan.

Kind regards

Alix

Alix Kaucz | Senior Director - Territory Plan Section

Phone 02 6205 0864

Planning and Urban Policy | Environment, Planning and Sustainable Development | **ACT Government**

Level 2, 480 Northbourne Avenue Dickson ACT 2602 | www.environment.act.gov.au

From: Powter, Luke <Luke.Powter@act.gov.au>

Sent: Wednesday, 3 March 2021 2:01 PM

To: Kaucz, Alix <Alix.Kaucz@act.gov.au>

Subject: Public Transport Territory Plan Layer

OFFICIAL

Dear Alix,

My name is Luke Powter and I work for Vanessa Barnett in the recently renamed Strategy, Planning and Policy team at Transport Canberra. I am writing to you to pick up on the conversation from last year on defining a specifications for a spatial planning layer incorporating transport planning – a modernisation of the “intertown public transport corridor.”

I am writing to generally find out where this is at and to ascertain anything I or Vanessa can do to assist or provide input into that project.

If you wish to discuss this further, I am more than happy to discuss over the phone.

Kind regards,

Luke

Luke Powter | A/G Policy Officer | Strategy, Planning & Policy

Phone: 02 6205 5017 | Email: luke.powter@act.gov.au

Transport Canberra and City Services | ACT Government

Level 3, 480 Northbourne Avenue, Dickson Canberra ACT 2601

I work and am generally contactable 8:30am to 5:00pm (weekdays)

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From: [Kaucz, Alix](#)
To: [McFarlane, Trina](#); [Burton, Anthony](#)
Subject: RE: Question about Overlays
Date: Tuesday, 19 October 2021 5:28:00 PM

OFFICIAL

Hi Trina

I have no idea what the current thinking is re overlays but the original intent was to remove them and then add any necessary detail in the district codes. Whether this is the same approach for FUAs I don't know but I'd recommend removing them too and then the Act (under the TA section) refer to future urban areas identified in a district code (rather than an overlay).

Hope this helps

Alix

From: McFarlane, Trina <Trina.McFarlane@act.gov.au>
Sent: Tuesday, 19 October 2021 5:07 PM
To: Burton, Anthony <Anthony.Burton@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>
Subject: RE: Question about Overlays

OFFICIAL

Hi Alix and Anthony

Are you able to assist with my question below?

I need to provide a response to SGS on this tomorrow to assist them to complete their report.

Thanks

Trina

From: McFarlane, Trina
Sent: Monday, 18 October 2021 3:10 PM
To: Bennett, JamesP <JamesP.Bennett@act.gov.au>; Tomlins, Lisa <Lisa.Tomlins@act.gov.au>; Dengate, Clinton <Clinton.Dengate@act.gov.au>; Burton, Anthony <Anthony.Burton@act.gov.au>; Mangeruca, Maria <Maria.Mangeruca@act.gov.au>
Subject: Question about Overlays

OFFICIAL

Hi All

Could someone send me a para on what we are doing in relation to Overlays in the Territory Plan?

Is the proposal to replace Overlays with something else in the new Territory Plan?

I need a few words on how this will work to give to SGS consultants.

Thanks

Trina

From: [Sainsbury, Marcus](#)
To: [Kaucz, Alix](#)
Cc: [Henry, Karen](#); [Smith Du Toit, Fiona](#); [McFarlane, Trina](#)
Subject: RE: Safeguarding future Light Rail Infrastructure
Date: Wednesday, 15 December 2021 4:59:17 PM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL

Thanks Alix – much appreciated feedback.

Cheers, Marcus

From: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Sent: Wednesday, 15 December 2021 10:02 AM
To: Sainsbury, Marcus <Marcus.Sainsbury@act.gov.au>
Cc: Henry, Karen <Karen.Henry@act.gov.au>; Smith Du Toit, Fiona <Fiona.SmithDuToit@act.gov.au>; McFarlane, Trina <Trina.McFarlane@act.gov.au>
Subject: RE: Safeguarding future Light Rail Infrastructure

OFFICIAL

Hi Marcus

Apologies for the delay in replying. Although the Territory Plan currently has the Intertown Public Transport Route overlay, this doesn't really link to any provisions to enable it to be formally considered in the assessment process.

The current Planning System Review and Reform Project is looking to add District Strategies to the planning system and these may be a mechanism to safeguard future light rail infrastructure. Alternatively the precinct codes (or their successor) could add provisions to address this.

Happy to discuss options if you would like.

Kind regards

Alix

From: Sainsbury, Marcus <Marcus.Sainsbury@act.gov.au>
Sent: Friday, 10 December 2021 5:18 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Henry, Karen <Karen.Henry@act.gov.au>; Smith Du Toit, Fiona <Fiona.SmithDuToit@act.gov.au>
Subject: Safeguarding future Light Rail Infrastructure

OFFICIAL

Hi Alix,

Just wanted to check (off the back of a request from our DG) what mechanisms might exist either through the Territory Plan, or some other operational register, to safeguard future light rail infrastructure (corridors, depots, traction power substations). Is it the case that the only (current) provisions are the "Public Transport Overlay" or is there a register that EPSDD maintains for future land use activities?

Appreciate any advice you can offer in relation to the above. Also more than happy to have a short chat if that is easier.

Cheers, Marcus

Marcus Sainsbury | Senior Director Design, Environment and Planning
Major Projects Canberra | **Light Rail** | ACT Government
T 02 6207 2060 | M [REDACTED] | E marcus.sainsbury@act.gov.au
GPO Box 158, Canberra ACT 2601

www.act.gov.au



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Making flexibility work - if you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.

Response to issues raised by TCCS on New Territory Plan

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
Draft Territory Plan Supporting Report	Maps, p.36	Transport Canberra notes the proposed removal of most overlays from the Territory Plan map, including Intertown Public Transport Route. Transport Canberra is interested in ensuring that future light rail corridors are identified (on ACTMAPi as well as other authoritative sources with support from Planning legislation) to ensure the community remains aware of the current plans for these corridors as it matures in planning.	As this goes across districts, and is part of a future planning process, the District Strategies would be the best place for this overlay	No action
	New definitions – p. 38-39 of Summary Report and Part G1 of the Territory Plan	New “Transport Facility” definition does not cover the maintenance of transport vehicles. This is a potentially noisy activity and is associated with environmental pollutants such as trade waste.	The repair of plant or machinery is covered by the definition of municipal depot. Both municipal depot and transport facility are permissible uses in transport zones	No action
	Page 74 – Technical Specifications	<p>The following statements are noted:</p> <ul style="list-style-type: none"> - <i>‘Technical specifications provide an opportunity for development compliance with certain provisions.’</i> - <i>‘Technical specifications are therefore limited in its application and do not replace the more comprehensive consideration provided by Design Guides, nor are Technical Specifications mandatory.’</i> <p>It is noted that some of the requirements within the Technical Specifications represent legislative/regulatory requirements. For example, the requirement to adhere to EPA requirement for erosion and sediment control. If compliance with Technical Specifications is not mandatory, it is unclear whether a developer will still be required to adhere to such legislative/regulatory requirements.</p> <p>It is also noted that other requirements within the Technical Specifications are to uphold community safety. If such requirements are not mandatory, does this open the Territory to increased liability around community safety?</p>	If the proponent chooses to use the Technical Specifications as a means to demonstrate meeting the Assessment outcomes, then they must meet legislative/regulatory requirements.	No action
	Page 74 – Technical Specifications	Within the New Territory Plan, the term ‘Technical Specifications’ is adopted for the set of technical planning requirements (similar to the requirements in previous codes such as the WSUD Code). The term ‘Technical Specifications’ is typically adopted in ACT to reference specifications for the construction of works by a	Agreed, amendment to the the Bill will be made to refer to these as technical planning requirements	Yes

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
		Contractor (e.g. Municipal Infrastructure Technical Specifications). Is it possible to amend this term to avoid confusion? For example, consider 'Technical Planning Specifications'.		
	P48 of the Supporting Report and P.21 of the Dictionary (Part G1 of the Territory Plan)	Definition of community path system should include terms which future proof the definition to allow for new technology of personal mobility.		
	P 70 of the Supporting Report and Zone Policy for RZ	Regarding the policy change on continuous street frontage, please clarify policy on continuous street frontage and permeability for human-scale activities and mobility where appropriate	The assessment outcome - safety and accessibility for residential area covers this issue, plus the housing and parts of the urban design guide may apply (depending upon scale). Was the trade off on street frontage to add a consideration to prevent vehicular access through the section from one street to the other -put in?	No action
	Page 11- 2 nd paragraph of the Supporting Report	It is noted that the draft new Territory Plan will be outcome focused, and it will outline the desired result of planning rather than prescribe how things done. It means going beyond looking at buildings and the environment in isolation to incorporate wellbeing, health, recreation, employment, housing and environmental factors into the planning system. This will outcomes method provide additional opportunities for negotiating offsite works to demonstrate the proposal's performance within the local context?	Noted	No action
	General question	Will documentation and training be developed to ensure consistent decision making within the context of the outcomes focused planning system? How will the District Policies provide for consistency for proposals which span multiple districts (for example light rail)?	Yes, document and training will occur. Provisions will be incorporated into all districts that apply.	
	Page 17 of the Supporting Report	The report by Hatch Roberts Day Estate Development Code Page 53 says "Measures address significant shortcomings in current road design practice which results in	The consultant's report is just a background document. Changes have	

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
		<p><u>excessively wide</u>, over-engineered and unwalkable street environments which prioritise driving convenience over walkability and well-being.”</p> <p>The current street widths in particular up to Access B are based on minimum requirements. Thus, it is not clear for what street type this statement applies to.</p> <p>Potential way forward would be to re-evaluate trip generation guidance and lower the required road classification, so narrower streets can be supported (page 41 of the Hatch Roberts Day report)</p> <p>By large, the bare minimum of what recommended in Australian Standards and Austroads needs to be applied considering safe and efficient road network.</p>	been made to the subdivision policy.	
	Page 49	<p>“Revised definition: floodplain means that area of stream or drainage corridor which is inundated during <u>heavy rainfall</u> events”</p> <p>Stormwater management is a quantitative subject. This has also gained increasing attention with increasing rainfall. There is no justification provided in removing the 1% AEP term. Do we have a definition provided for <u>heavy</u> rainfall? Suggest using Australian Rainfall and Runoff (ARR) preferred terminology (Very Frequent, Frequent, Rare, Very Rare and Extreme). These terms have quantitative measures linked to them and used nationally. Continue usage of AEP% is preferred for less frequent events.</p> <p>This is particularly problematic as all technical specifications (e.g. MIS08) use 1%AEP to assess flood risk.</p>	Amendments made following advice from Patrick Painter and ESA	Yes
Territory Plan	Part E5 (Parks and Recreation), Table 1.2, p.2	Discussions with the Territory Plan Variation team in June/July 2022 suggested that the project would seek to add an additional use to the PRZ2 Restricted Access Recreation Zone adding municipal depot as a permitted use. The current Draft Territory Plan –does not foreshadow this change. This change is needed to rectify an administrative issue with the current Territory Plan in which the TCCS Holder Depot is located in PRZ2 (and this depot has been located here on this zoned land for circa 40 years) and this change will also support the proposed development of the Holder depot.	This change has been made by adding the use as an additional assessable development on this and the neighbouring block.	Yes

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	<p>PART E5: PARKS AND RECREATION</p> <p>1.3 Policy Outcomes (P2)</p> <p>2. Allow for stormwater drainage and the protection of water quality, stream flows and stream environs in a sustainable, environmentally responsible manner and which provides opportunities for the community to interact with and interpret the natural environment.</p> <p>1.5 Assessment outcomes (P4)</p> <p>15) Serviceability in terms of infrastructure and utility services.</p>	<p>Comment for consideration: Reference to safety recommended, particularly for areas interacting with natural environs, such as creeks or stormwater drainage channels. Such as: “community to Interact with <u>in a safe manner</u>”</p> <p>General Comment: There is mention of servicing of infrastructure and utilities under 1.5 Assessment Outcomes, which would allow TCCS to consider access and other maintenance requirements. Although does this cover service functions such as waste management?</p>	<p>Agreed - Changes have been made</p> <p>Revised details in the policy document may address this</p>	<p>Yes</p>
	<p>PART E6: TRANSPORT AND SERVICES</p>	<p>General Comment: TS1 and TS2: Safety is mentioned, allowing for TCCS to apply relevant guidelines and standards.</p>	<p>Noted</p>	

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	<p>PART F1: SUBDIVISION 1.3 Policy Outcomes (P1).</p> <p>2. functional and useable parcels of land that are well connected and serviced to relevant utilities, infrastructure and public spaces</p> <p>1.4 Assessment (P2). 10. Subdivision under the Unit Titles Act 2001 is permitted where all of the following are met: 11. The block is a surrendered residential block 12. It is only for dual occupancy housing 13. Both dwellings in the dual occupancy have been lawfully constructed. Note: Staged</p>	<p>Comment for consideration: The numbering seems inconsistent and confusing (legal advice should be sought?), additionally it's preferred dual occ's on RZ1 should design to minimise verge crossings, in keeping with streetscape, street parking, waste, traffic and safety consideration. Should it be as follows:</p> <p>10. Subdivision under the Unit Titles Act 2001 is permitted where all of the following are met:</p> <ul style="list-style-type: none"> a) The block is a surrendered residential block b) It is only for dual occupancy housing c) Both dwellings in the dual occupancy have been lawfully constructed. d) Minimise verge crossings (TCCS recommendation) 	<p>Yes, this will be done for final document</p> <p>This is located in the residential technical specification</p>	<p>Yes</p>

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	development under the Unit Titles Act 2001 is not permitted.			
	Part E6 pp. 2 1.3 Policy Outcomes	TSZ1 zone appears to preference development of infrastructure (1) over active travel and public transport (2). This inconsistent with D1 Theme 4.	Policy outcomes are not listed in priority ordered	No Action
	Part E6 pp.4 1.5 Assessment Outcomes	TSZ1/2 outcome 8 living infrastructure and permeable surfaces LRS1 Stabling Yard features a large concrete surface. Runoff outcomes could be improved by different design but wanted to flag for TCLR awareness. Note: Tech. Spec TS6 is more specific and sounds workable.	Noted	
	General	Strong focus on urban design guide and housing design and ability to exercise discretion, however no focus on clarifying the requirements for developer contributions or off-site works as part of development. Greater emphasis for TCCS to determine and negotiate requirements due to increased flexibility of provisions particularly where compromises are necessary in the interest of delivering great planning outcomes. Potentially just pushes cost shift and further responsibility for upgrading trunk systems onto Government.	Outside scope of Territory Plan reforms	No action
	General	TCCS policies not properly reviewed to see if they can easily achieve their stated zoning or District outcomes. This could lead to additional work for TCCS and proponents by increasing the proportion of applications that will seek performance outcomes.	Outside scope of Territory Plan reforms	No action
	E5 Parks and Rec P. 2	Point 6. Should read ' <u>Prioritise safe and convenient access</u> ... Elevate above point 4 to show the priority of being able to access the facility using active modes over protecting 'scenic amenity'..	Agreed, changes made to point 6. Not elevated as the list is not prioritised	Yes
	p.3	As above re point 6. Elevate above point 2.	Not prioritised	No action
	E6 Transport and Services P2 – Policy outcomes	Point 2. Should be consistent with Point 1. i.e 'achieve a high level of comprehensive facilities' Points 1 and 2. Should also complement each other.	Will look at this	
	F1 Subdivision policy P3.	Point 7 j) elevate and join with b) as they both relate to mobility and should be planned together.	Will look at this	

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
		Regarding k) cul-de-sacs can decrease through movements by motor vehicles calming streets and increasing permeability by active modes.		
	Part A – Administration and Governance Part B – The Territory Plan Part C – Planning Principles and Strategic Links Part D1 – Gungahlin District Policy Part D2- Belconnen District Policy Part D3 Inner North & City District Policy Part D4 Inner South District Policy Part D5 Molonglo Valley District Policy Part D6-Weston Creek District Policy Part D7-Woden District Policy Part D8- Tuggeranong District Policy	<p>Consider the following zoning change to the Territory Plan to facilitate proposed works on and around the Monaro Highway: CFZ to change to TSZ for part of Tuggeranong Blocks 1563, 1670, 1469 and the unleased land immediately opposite the Isabella Drive/Monaro Highway. This would avoid the need for a Territory Plan Variation to be progressed shortly after the completion of the planning system refresh.</p> <p>Technical Specifications nor the design guides will be outside the Territory Plan. It will therefore be very interesting to understand what these cover and the details they contains, plus how these relate to TCCS’ MIS/MITS and TRIS/TRITS, and the TCCS noise guidelines etc. “Good planning outcomes” may not match the technical requirements of the TCCS asset owners and from discussion it appeared how all of these documents link is not resolved. Although it was noted that there would be ways other than the Technical Specifications and the design guides to achieve the “good planning outcomes” – as these were the minimum bar that could be exceeded. Another good example is the parking generation rates and levels of service for intersections currently required by TCCS. EPSDD has attempted to use these guidelines for the Mawson TIA and none of the proposed land releases can be achieved. Similar results can be expected for other centres in all district strategies.</p> <p>How DA’s need to be prepared and how they will be assessed was not clear as it appears a document needed to be prepared demonstrating how “good planning outcomes” were being achieved which EPSDD would assess.</p> <p>The Territory Priority Project (TPP) definition has been broadened (in section 2.1.5 of the Planning bill) to include significant projects across a range of directorates – we need to have a look at this to see what projects of ours it now covers. It was also very interesting to hear that the Minister of Planning will make the decision about whether a project is a TPP based on advice from EPSDD and support of the relevant Minister – so applying for this appears likely to require a prior Ministerial brief and possibly a support letter from our Minister as part of the application, unless another process is advised by EPSDD.</p>	This will need to be considered as a separate variation with appropriate community consultation post the commencement of the new TP.	Later

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	<p>Part E1 - Residential Zones Policy</p> <p>Part E2 - Commercial Zones Policy</p> <p>Part E3 – Industrial Zones Policy</p> <p>Part E4 – Community Facilities Zones Policy</p> <p>Part E5 – Parks and Recreation Zones Policy</p> <p>Part E6 Transport and Services Zones Policy</p> <p>Part E7 - Non Urban Zones Policy</p> <p>Part F1 – Subdivision Zones Policy</p> <p>Part F2 – Lease Variation Policy</p> <p>Part G1 – Dictionary</p>	<p>EPSDD believe they will need to engage some technical experts to assist with their DA assessments, and that they also think they will need their expertise to deal with ACAT appeals – which will be an increase in resources for them. However they think the system will largely be the same for TCCS’ involvement and input into EDP and DA applications, and that will not cost more. This is something TCCS will need to think through especially based on the fact that the links between the EPSDD and TCCS documents not having been resolved.</p> <p>DA applications for our capital works projects after this planning change goes live will likely be more expensive to prepare and will have more expensive DA fees. It will also be unclear exactly what an application needs to include (which will be very hard to write into a design scope of works and to price in a schedule of rates for our consultants) and that the processing time once the DA is lodged with EPSDD is also likely to be longer. This will impact the preparation of business cases and subsequent funding sought from Government.</p> <p>1.70 public works definition is supported. Part (b) maintenance of a road and carpark should include examples being “conversion of an existing intersection to a roundabout or signalised with works within the existing road reserve, installation of traffic calming measures including traffic islands, and pavement rehabilitation of an existing road”.</p> <p>1.74 Waterway Protection Work section 1(a)) appears to require TCCS’ DG approval – is this something TCCS wants and how will they make it work in relation to TCCS’ Delegations?</p> <p>The list of “what projects” needs to include arterial road and major bridge projects as these are often critical infrastructure, provide significant benefits to the people, are time-critical (ie need certainty and to not be subject to delays, costs and uncertainties that are associated with possible appeals) and involve public consultation/engagement activities. The Minister will declare if it is a TPP and the Chief Planner decides on TPP DAs, but it is unclear who decides on any DA amendments for TPPs.</p>	Noted	

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
		<p>infrastructure projects within 1km from light rail tracks longer to deliver and more expensive.</p> <p>s206 states a DA approval ends 5yrs after the approval takes effect with a max 2 year extension – previously this was effectively unlimited. For our projects this would not appear to be an issue but it could be for waste projects, unless for example the landfill approvals etc are staged in 7 year durations.</p>		
Technical Specifications	TS6 Transport and Services Technical Specification pp.3 1.2	<p>Control height of buildings in TS22 zone: buildings are not more than 2 storeys in height.</p> <p>This is acceptable for e.g. maintenance depot. However an integrated maintenance and operations headquarters would require more land or the physical separation of these functions, or limit such a combined site to an adjacent TS22 zone and zone with greater height limit.</p>	The purpose of the tech specs is to provide one way to meet the policy. Should a developer want to part from the tech spec, then they justify it as part of the policy	No action
	TS6 Transport and Services Technical Specification pp. 7, pp.8	<p>Accessible path of travel and Compliance with standards</p> <p>There is no mention of the Disability Standards for Accessible Public Transport. DSAPT has a complementary scope to AS1428 and covers access to conveyances and structures that are not considered buildings, such as public transport stops and waiting areas, which appear to be in the scope of TSZ1 and 2.</p>	If this is a TCCS requirement, it does not need to be duplicated in the Territory Plan	No action
	TS6 Transport and Services Technical Specification pp. 11	<p>Telecommunications: telecommunications equipment for transport may be required to be located along a transport corridor e.g. Track-to-Train network and Ops Radio. There is provision for this (#62) but it is not immediately clear how a directional antenna could be placed adjacent to the track as required where there is no OHW wire infrastructure, or Ops Radio with multiple antennae along route.</p>	This is an operational issue. If it is not in the tech specs, then it is to be justified when addressing the TP policy	No action
	TS6 Transport and Services Technical Specification pp. 11, pp. 12	<p>Utility services endorsement for demolition works, Asset Clearance Zones:</p> <p>No reference to Light Rail as a regulated utility. Demolition and works adjacent to Light Rail infrastructure including but limited to overhead wire infrastructure should also be included in these provisions.</p>	This is an operational issue. If it is not in the tech specs, then it is to be justified when addressing the TP policy	No action
	TS4, TS5, TS6	Do the rates in the parking schedules differ for town centres, group centres, local centres etc?.	Yes the parking rates for TS4, TS5 and TS6 differ from those in a town/group/local centre. Parking rates for commercial centres are found in TS2	No action

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	<p>TECHNICAL SPECIFICATION TS8: SUBDIVISION</p> <p>Schedule 1 (P 13)</p> <p>Minimum width for a compact block is nominated as 6m.</p>	<p>Minimum width should be increased, Ideal minimum width for a compact block is 7.6m. For example, this was tested in VIC and implemented for small housing codes/compact blocks as a minimum.</p> <p>This is considering other design elements such as verge crossing/driveway width, Street tree, any integrated stormwater systems and on-street parking, particularly when compact blocks are proposed side by side or multiple compact blocks aligned together.</p> <p>TCCS should note verge crossings will be limited to single width for compact blocks.</p> <p>Verge crossing should be designed side by side to maximise on-street parking, addressing current/future parking demands.</p>	<p>Noted: Not in the scope of Territory Plan Review. Can be considered in the future.</p>	
	<p>All</p>	<p>It should be included that tandem car parking arrangements for non-residential land uses is not supported.</p>	<p>The assessment outcomes specify '<i>Adverse impacts of development on surrounding uses is minimised and residential amenity protected. This includes between residential uses and between non-residential and residential uses</i>'. Tech Specs specify the number of parking spaces for non-residential land uses, but is silent on configuration (except for Home business vehicle must mark in the allocated parking spaces). Any development would need to meet the assessment outcomes, so there is no need to specifically mention tandem parking or non-residential land uses.</p>	<p>No action</p>

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	All	<p>Can there be a deviation from the minimum requirements where there is a valid reason or are they set in stone?</p> <p>E.g. an older building being re-purposed that does not have adequate space for more on-site parking, or government demonstration/affordable housing projects which often have reduced parking due to lower car ownership rates by residents. Suggest there is some clarity on when discretion may be applied.</p>	<p>Policy Assessment Requirements are mandatory, Technical Specifications are not.</p> <p>Parking rates are not mandatory</p>	No action
	All	<p>Most sites within local, town, group and city centres would have enough public parking spaces within 200m-1km of the site, to void the need for them to provide on-site parking, where locational requirements do not require this parking on site.</p> <p>However, in many of these locations, while there are significant numbers of public parking spaces provided, this does not mean that they are vacant and available for the users of the new development.</p> <p>The locational requirements seem to be taking the onus of developers to provide on-site parking, and shifting catering this demand onto the public domain.</p> <p>Many of these public spaces are in high demand, and already multiple visitors are competing for their use, e.g. Recent Assembly Petition for a new carpark in Gungahlin.</p> <p>Access Canberra Parking Operations team are seeing a rise in occupational violence incidents to Parking Inspectors as demand for public parking rises. Putting further pressure on public parking demand may add to these risks, and lead to calls from the community to invest millions into providing new public car parks.</p> <p>Suggest that locational requirements are removed. Transport Impact Assessments could be required as an alternative, and for developments over a certain threshold, Sustainable Travel Plans for the site</p> <p>If on-site parking is unable to be provided, the proponent needs to demonstrate the suitability and availability of nearby vacant parking spaces as a substitute in these</p>	<p>Agree. Locational requirements have been removed for local, town, group and city centres. Pending discussions with</p>	Yes

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		documents. Consideration to be given on time and days of peak utilisation and conflicts with likely existing and future usage patterns of nearby public parking.	TCCS on appropriate wording regarding Transport Impact Assessments	
	TECHNICAL SPECIFICATION 1 RESIDENTIAL	Residential visitor parking – clarify whether or not motorcycle parking is required to be provided as part of residential visitor parking. Suggest that it is.	Agreed and added	Yes
	TECHNICAL SPECIFICATION 1 RESIDENTIAL	Residential visitor parking – suggest some short-stay parking is required outside boom gates/roller doors. Visitor parking within boom gates works for known people but it doesn't work for unfamiliar visitors such as delivery drivers, ride share drivers, taxis, or tradespersons servicing the site, which can lead to an increase in illegal parking.	Agreed – added to TS1-Residential	Yes
	TECHNICAL SPECIFICATION 2 COMMERCIAL	Commercial visitor parking. Mixed-use developments in Kingston Foreshore and Campbell were required to provide on-site parking intended for visitors under the current PVAGC, however did not make this parking available to customers/visitors as intended, with being closed off behind Boom gates and roller doors, and allocated to tenants/owners making it inaccessible for the intended users. High demand for on-street parking in these areas has resulted. Suggest that where parking is intended for customers/visitors, it is required it to be made available to them. This could be demonstrated as part of a Transport Impact Assessment or site Sustainable Travel Plan.	Sustainable travel plan – a portion of parking for customers/visitors - a portion must be outside of boom gates or a portion made available outside boom gates/ roller doors Talk to n..	
	P10 Subdivision	Subdivision Specifications refer to DS 13 rather than MIS05 for Active Travel.	This has been amended to now reference MIS05 'Municipal Infrastructure Standards 05 Active Travel Facilities Design'	Yes
	P14 Community Facilities P11 Transport and Services	Where a technical specification is only partially achieving an outcome there will be a strong expectation for TCCS to justify information gaps (e.g. waste endorsement).	Noted. This is the same requirement in the existing TP. A requirement to comply with the <i>Development Control Code for Best Practice Waste Management in the ACT</i> has now been added to the Tech Specs.	

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	P25-29 Subdivision	Subdivision Specifications simply carry forward reliance on unsuitable Estate Development Code road engineering standards for street hierarchy and street network. This means TCCS will be challenged that the cross section and functional road hierarchy requirements are not compatible with infill conditions or result in over designed street environments in greenfield areas.	Schedules 3 to 7 which related to Street Hierarchy, Street Network, Intersection Spacing, Bus Routes and Shared Paths have been removed from the new Subdivision Technical Specification. Policy has been incorporated requiring endorsement from TCCS for the above-mentioned items. This will ensure that the Territory Plan does not include standards that are not consistent with TCCSs' standards and that TCCS can ensure their standards are met.	Yes
	General Comment	Technical Specifications do not appear to reference any of the Municipal Infrastructure Standards. It is unclear why this is the case, given that many of the requirements in MIS would apply and many of the requirements in MIS should be adhered to for assets that are to be maintained by TCCS.	Not currently referred to in the current TP. For detail design stage, not development application stage.	
	TS4/TS5/TS6/TS8 Control: Stormwater detention	<p>The WSUD Development Code includes a requirement which states '<i>ensure that the peak rate of stormwater runoff from the site does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for the 1 Exceedance per Year (1EY)</i>'</p> <p>The above requirement appears to be missing from the Technical Specifications. This requirement is intended to ensure a development does not have adverse flooding impacts downstream of a development site. Whilst the volume requirements for Stormwater detention which have been included in the Technical Specifications will go some way to ensuring no adverse flooding impacts downstream, they may not in all cases ensure no worsening to flood impacts. Removal of the above requirements will mean that ACT Govt will be required to</p>	<p>This was a criterion in the General codes as one way to meet the rules. The rules have been transferred to the tech specs</p> <p>The Assessment Requirements of the Zone Policies require consideration of water</p>	No action

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		expend additional funding to undertake stormwater augmentations to mitigate flooding which could otherwise have been avoided if the developer were to comply with the above requirement to not exceed peak flow rates from the unmitigated development site.	sensitive urban design measures	
	TS4 Control: External Lighting. Specification item 32	<p>The following specification requirement can be interpreted in two different ways: <i>'External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with Australian Standard AS1158.3.1 Pedestrian Lighting'</i></p> <p>Does this mean that external lighting is provided to all building frontages, and this includes building frontages that abut pathways, roads, laneways and car-parking areas? Or does it mean that external lighting is provided to all building frontages, all pathways, all roads, all laneways and all car-parking areas? Please clarify.</p>	First interpretation is correct	No action
	TS4 Control: External Lighting. Specification item 32	This specification requirement only refers to a requirement to comply with Australian Standard AS1158.3.1 Pedestrian Lighting. This Aust Standard only applies to pedestrian lighting. There are other Aust Standards which apply to other environments such as roads and pedestrian crossings (AS1158.1.1 and AS1158.1.4, etc). It is unclear why there is no reference to other Aust Standards for lighting for other environments.	AS1158.1.1 refers to vehicular traffic lighting and AS1158.1.4 refers to Lighting of pedestrian crossings – both of which are TCCS operational issues and out of scope for the TP	No action
	TS4 Control: External Lighting. Specification item 32	It is unclear why reference is not made to MIS 14 – Public Lighting (the relevant TCCS Standard for public lighting).	MIS14 does not include private lighting within the boundaries of a block, only to TCCS public lighting equipment.	No action
	TS4 Control: Pedestrian and bicycle paths & TS8 Schedule 7 Shared Paths	<p>Reference is made to two Austroads documents which are superseded. The relevant Austroads document is Austroads Guide to Road Design Part 6A: Walking and Cycling.</p> <p>It is also unclear why reference is not made to MIS 05 Active Travel Facilities Design. MIS 05 includes ACT specific requirements that in some cases go above and beyond the requirements in Austroads Guide to Road Design Part 6A.</p>	<p>Agreed and changes made.</p> <p>Conflicting information - see comment from Anne Napier below, where she has recommended the Ausroad guide be referenced, not the MIS Active travel design.</p>	Yes

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		TS8 Schedule 7 Table 5 does not appear to align with MIS 05 Table 5-10. For example, minimum widths for Trunk Paths is 3.0m. Whereas the minimum width for Intermediate Trunk paths is 2.5m.	Schedule 7 has been removed from the Subdivision Technical Specification.	Yes
	TS4 Control: Directional signage	MIS 05 also contains requirements for directional signage for active travel facilities. It is unclear why MIS 05 is not referenced.	AS1742.10 (2009) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection is still relevant here, as it includes more than just active travel.	No action
	Control: Cool paving. Specification item 17(f)	Specification item 17(f) references reinforced grass pavements. Reinforced grass pavements in areas trafficked by vehicles have been shown to degrade rapidly to a point where the grass no longer grows (examples can be provided upon request) and is not preferred by TCCS in areas trafficked by vehicles.	Noted, this is only one of 4 examples of permeable paving listed	No action
	TS8 Control: On-road cycling	In MIS 05, minimum lane width is governed by traffic speed limit. For example, a road with speed limit 80kph is to have a minimum on-road cycle lane width of 1.8m (desirable 2.0m). Whereas a road with speed limit 50kph or 60kph is to have a minimum width of 1.2m (desirable 1.5m).	Removed lane width from this control and added Endorsement from TCCS required.	Yes
	TS8 Control: Asset clearance zones	This requirement relates to clearance between various assets. Also of importance is protection of an asset from another asset (e.g. use of root barriers to protect underground utilities assets from growing tree roots). This does not appear to be considered.	Noted. This is utility provider issue and should be addressed through any endorsement or TP assessment.	No action
	TS8 Schedule 4 Table 2A	Table 2A contains minimum shared path widths for each road category in the road hierarchy. However, shared path width should be governed by the role/function of the shared path, not the classification of the adjacent road. This also appears to contradict with the shared path widths specified in Schedule 7.	Schedules 3 to 7 which related to Street Hierarchy, Street Network, Intersection Spacing, Bus Routes and Shared Paths have been removed from the new Subdivision Technical Specification. Policy has been incorporated requiring endorsement from TCCS for the above-mentioned items. This will ensure that the	Yes

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			Territory Plan does not include standards that are not consistent with TCCSs' standards and that TCCS can ensure their standards are met.	
	TS8 Schedule 4 Table 2A	It is unclear why kerb type is specified for each road on the road hierarchy. AGRD Part 3 Section 4.6.4 provides guidance on the appropriate use of each kerb type.	As Above	Yes
	TS8 Schedule 4 Table 2A	It is unclear why for a 'Rear lane' it is specified that minimum horizontal radius is to accommodate a 12.5m single unit truck, but there is no requirement for other road types. The design and check vehicles requirements for each road should be governed by the needs of adjacent services and in conjunction with TCCS.	As Above	Yes
	TS8 Control: Endorsement by Government Agencies	Can the TCCS endorsement list please be expanded to include all aspects of road design, including pavement design, drainage design, design of structures such as retaining walls and bridges, etc.	Agree and added	Yes
	General	Given the repetition, these could be collapsed into a single document.	Noted	
	TS4 – Community facilities	<p>P.13 (general) Refer to bicycle and micromobility parking and access.</p> <p>s.71-2 Delete reference to AUSTRROADS' guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i></p> <p>s. 70 Be more specific: Add: '...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides.'</p>	<p>Have amended to reference <i>TCCS Municipal Infrastructure Standards 05 Active Travel Facilities Design</i></p>	<p>Yes</p> <p>Yes</p>
	1.5 Transport, parking and moment	Reflect the transport hierarchy by placing pedestrian amenity first and private motor vehicle use last.	Not listed in hierarchical order	No action
	48c)	Suggest change 'adequate' to 'sufficient'	Amended	Yes

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	TS6 – Transport and Services 1.5 Assessment outcomes	s. 38 d) and s 46. Add: ‘...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides. ’	Amended	Yes
	ss. 47 and 48	Delete reference to AUSTRROADS’ guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i>	Have amended to reference TCCS Municipal Infrastructure Standards 05 Active Travel Facilities Design	Yes
	s. 49	Refer to the specifics of the End of Trip Facilities Code (or its successor).	Amended	Yes
	ss. 50-51 c)	As above Located close to the main entry and facilitating passive surveillance.	Amended	Yes
	TS8 - Subdivisions			
	Ss 45-46 and Schedule 7	Update shared path requirements to reflect MIS 05.	Agreed and changed Schedule 7 has been removed	Yes
	TS5 Parks and Rec S.41	Add: ‘...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides. ’	Agreed and changed	Yes
	S. 50	Add: ‘...according to active travel routes identified in the Active Travel Infrastructure Practitioners Tool and consistent with Municipal Infrastructure Standard 05 (Active Travel) and relevant design guides. ’	Agreed and changed	Yes
	Ss. 51-52	Delete reference to AUSTRROADS’ guides (superseded). Replace with <i>Guide to Road Design Part 6A: Paths for Walking and Cycling</i>	Have amended to reference TCCS Municipal Infrastructure Standards 05 Active Travel Facilities Design	Yes
	Page 11 – Subdivision	Endorsement by Govt. agencies with TCCS Verge tree management approval required	Noted: This is beyond the scope of the Territory Plan.	No action

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	Page 11 – Utilities	Encroachment over the TCCS requirement is to connect the footpath and cycle path with existing network on top of providing this facility.	Noted – TCCS can provide approval of any encroachments over their assets/utilities.	No action
	General -Transport	What will be base of the parking requirement for TSZ1 and TSZ2?	Parking provisions have been transferred over from the existing parking and vehicle access general code	No action
	General	Cross reference list specifications and standards are highly recommended. Any missing specification reference needs to be added in list.	Noted.	
	General	Clarification is necessary: “Note: The technical specifications replace current codes including Estate Development Code and Parking and Vehicular Access Code” Does this mean both <i>Single Unit Development Code</i> and <i>Multi Unit Development Code</i> is also replaced by technical specifications?	These are general codes in the existing TP. Relevant requirements from these general codes have been transferred to the technical specifications. Relevant sections of both these codes have been transferred to either E1- Zone Policy - Residential (if mandatory) and to the TS1- Technical Specification - Residential	
	TECHNICAL SPECIFICATION TS6: TRANSPORT AND SERVICES (page9)	<p>“39. Driveways are not less than 5m wide for not less than the first 7m of its length measured from the relevant block boundary”</p> <p>Is this requirement for residential driveways? Or industrial? Minimum width for residential driveway should remain as 3 m.</p> <p>This increment to 5m does not align with other ACT Gov initiatives towards a greener Canberra (e.g. Urban Forest Strategy 2021-2045, ACT Climate Change Strategy 2019-2025 and Canberra’s Living Infrastructure Plan: Cooling the City). Also, this is not practical in blocks with narrow frontages.</p>	See if we have copied it across	

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	TECHNICAL SPECIFICATION TS6: TRANSPORT AND SERVICES (page9&10)	Specifications 44 to 48 agree and highly recommended.	Noted	
	TECHNICAL SPECIFICATION TS8: SUBDIVISION	<p>Specification 4</p> <p>Cul-de-sac length and size requirements are not specified. These can be found in R19 and 111 of the Estate Development Code (EDC). Cul-de-sac head diameter is important to provide Territory services and access for emergency vehicles.</p>	Noted – Cul-de-sac heads diameter has not been specified and would be assessed and endorsed by TCCS or possibly ESA at the time of assessment.	No action
		<p>Current EDC R114 and 115 are important rules in terms of public safety, for all types of developments in infill and greenfield areas. No rules replacing the above found either in the proposed TS6 or TS8.</p> <div data-bbox="562 786 893 1086" style="border: 1px solid black; padding: 5px;"> <p>R114 This rule applies to driveway verge crossings that are not within 40m of a roundabout or signalised intersection. Driveway verge crossings are to be endorsed by TAMS. Note: TAMS will endorse driveway verge crossings where they comply with all of the following:</p> <ol style="list-style-type: none"> a) 6m horizontally clear of the tangent point of the radius of the curve on a corner block... b) AS2890.1 – The Australian Standard for Off Street Parking as amended from time to time, in relation to sightlines and cross fall of the site c) clear of any existing or proposed indented on-street car parking bays, valves, fire hydrants and electricity equipment </div>	Noted – Verge crossings and their locations are assessed and endorsed by TCCS and safety would form part of that assessment and be achieved through TCCS standards. Pedestrian safety addressed in Zone policies.	No action

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		<p>R115 This rule applies to driveway verge crossings that are within 40m of a roundabout or signalised intersection. Driveway verge crossings are to be endorsed by TAMS. Note: TAMS may endorse driveway verge crossings after considering all of the following:</p> <ul style="list-style-type: none"> a) horizontal clearance from tangent point of the radius of the curve on a corner block b) AS1890.1 – <i>The Australian Standard for Off Street Parking</i> as amended from time to time, in relation to sightlines and cross fall of the site c) the location of any existing or proposed on-street car parking bays, valves, fire hydrants and electricity equipment d) TAMS Design Standard for Urban Infrastructure DS15-Driveways or its successor e) standard drawing DS5-02- Heavy Duty Driveways. 		
		<p>R39 of the current EDC regarding Aboriginal sites and objects not found in the proposed subdivision technical specification (TS8). Can we ensure ruling is included either to the TS8 or any relevant specification?</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>R39 This rule applies to an estate unless the Heritage Council has provided written confirmation that there are no Aboriginal sites and/or objects are located within the development area. Development complies with the relevant cultural heritage assessment and conservation management plan endorsed by the ACT Heritage Council. Supporting document: Cultural heritage assessment and conservation management plan endorsed by the Heritage Council. Note: A condition of development approval may be imposed to ensure compliance with the endorsed cultural heritage assessment and conservation management plan</p> </div>	<p>Noted and action: ACT Heritage will be required to provide endorsement. Have added ACT Heritage Council under Control: Endorsed by Government Agencies to ensure this occurs.</p>	<p>Yes</p>
	<p>T6, 1.6: "Control: Post-occupancy waste management Specification: 56. Post occupancy waste management"</p>	<p>It is important to note that other codes, standards or legislation may apply to waste management facilities. For example, and in particular for larger sites, the waste management facilities are a workplace requiring compliance with the WH&S Act, the ACT Safe Structures Code etc. The Waste Code will be rewritten at some stage with references to some of these requirements, however, ACT NoWaste cannot sign-off that the waste management facility complies with other acts, codes or standards.</p>	<p>Noted. The Technical specifications do not override other legislative requirements</p>	<p>No action</p>

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	<p><i>facilities are endorsed by TCCS. The endorsement may include a statement that the waste facilities and management associated with the development are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT, and the Design Standards for Urban Infrastructure".</i></p>			
	Overall	<p>Utility services reference <i>electricity, water, gas, sewerage and stormwater</i> Request to add Light Rail as a regulated utility under the UTR Act and with similar access/asset clearance zone requirements throughout documentation.</p>		
	General	<p>How has the requirement to submit a Transport Impact Assessment as part of development assessments been included under the Territory Plan?</p>	Discuss with Nethmei Senarath	
	General	<p>How does the Parking and Vehicular General Code compare to Schedule 1 in TS4, TS5 and TS6 and which rates prevail?</p>	<p>Parking provisional rates have been transferred from the General code into the relevant Zone technical specification</p>	No action
	General	<p>Will the new Territory Plan include an updated glossary of terms?</p>	<p>Terms are defined in Part G1 Dictionary</p>	No action

Document name	Part / Page / Paragraph Reference	TCCS Comment	Territory Plan Comments	Action
	General	Where will nominated car parks for replacement public car parking be included in the new Territory Plan? Will these remain unchanged from the current requirements?	If they are in currently listed in Precinct Codes, they have been transferred to District Policies	No action
	General	Increased emphasis of Planning Authority requiring written support whether a variation to a standard achieves a safe or satisfactory outcome. This will mean a high degree of TCCS interpretation for off-site works expectations.	Noted	
Other comments	General	Note the transport hierarchy which places <u>pedestrian consideration first and private vehicle transport last</u> . Reflect this wherever possible, where there is discussion of transport. Transport and path environments are increasingly accommodating walking, cycling <u>and micromobility</u> . People may dispute the inclusion of micromobility in the definition of active travel, however, they all share the path environment and micromobility <u>may</u> utilise certain roads and or bike lanes in the future. Select language that accommodates these forms in all the documentation.	Noted	
	General	<ol style="list-style-type: none"> 1. further clarification is necessary if Single Unit Development Code and MUDC is replaced by these technical specifications, Answered above 2. if codes are replaced by technical specification, we should check <u>each rule</u> in the code to be repealed and provide one-to-one mapping with the new specification, with clarification so that better outcome can be ensured. 3. there are over 200 pages in the circulation; the time given for the review is not adequate and I would request another circulation round after amendments. 		
	General	The new documents are missing a whole lot of information that took into account many of TCCS requirements around <u>offsite works</u> , infrastructure and the government land environment. For example documents such as the Estate Development Plan (a 63 page document) and the previous Residential Subdivision Development Code (a 64 page document, which has been repealed) has been replaced by documents that are 4 & 33 pages long which concerns me if there's quite a bit of detail missing on TCCS requirements. However, if all of the detail in these and other codes have been dispersed across all of the Technical Specifications (TS), then I think it's ok. On the other hand, if the TS	It is not the role of the TP to replicate TCCS requirements.	No action

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		<p>documents are missing specific details or areas in the current codes and standards that relate to TCCS requirement, then it would be good for EPSDD to explain why those areas are no longer considered important as part of this new system.</p> <p>Suggestion: It would be very helpful if EPSDD provided some training and/or presentations to show us how they will efficiently accessed and effectively applied the new requirements to new DA submissions for us to see how we may be able to readjust our (TCCS) DA assessment process to better align with this new approach and direction.</p>	Noted	
	<p>“Serviceability in terms of infrastructure and utility services.”</p>	<p>Is TCCS waste service considered a utility service? The language used in the Tech Specs refers to utility as stormwater, Elec, gas etc... and has a separate mention for post-occupancy waste management.</p> <p>If not, then there is no specific mention in the assessment criterion of any of the Territory Plan policies to cover/protect waste requirements or decisions for allowing appropriate waste services.</p> <p>The assessment provision could consider minor adjustment to allow capture of our core services such as waste, that would allow such matters to be administered and protected under TP policies and have a stronger basis at any potential Tribunal matters:</p> <p>Proposed example: “Serviceability in terms of infrastructure, utility and other core services.”</p>	<p>There have been changes since the consultation version. Waste is now considered as a specific Assessment Outcome in the Zone Policies, and there is a corresponding specification for waste in the services and utilities section of the technical specifications</p>	No action
	<p>Outcomes based decision making.</p>	<p>The revised TP will be outcomes based decision making. This model is similar to the VIC planning system, where large number of major projects are determined by VCAT and hearing dates span out to 8 month waiting lists.</p> <p>Following are areas of concern and general observations:</p> <ol style="list-style-type: none"> 4. We need consistent decision making, including by EPSDD. 5. How will development precedents be managed? 	Noted	

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		<ul style="list-style-type: none"> 6. This will result in increased workloads, including many cases likely to be referred at ACAT. Outcomes based decisions will also rely on expert opinions. We will need extra resources to specialise in expert opinions and ACAT matters. 7. Our current standards would need to be up to date, especially when referred at ACAT. 8. Territory Plan policies must include general wording to cover service functions of TCCS to allow better protection for decision when at ACAT. 		

From: [Kaucz, Alix](#)
To: [Mitchell, Joanne](#); [Kamarul, Matthew](#)
Subject: table of policy changes
Date: Saturday, 25 June 2022 7:38:00 PM
Attachments: [Key policy and system changes with new Territory Plan.docx](#)

Let me know if more detail is needed or other items to add

From: [Davidson, Geoffrey](#)
To: [Kaucz, Alix](#); [Kamarul, Matthew](#); [Cilliers, George](#)
Cc: [Althorp, Vanessa](#); [Acheson, Ellen](#)
Subject: TCCS comments on Territory Plan (A40597579)
Date: Monday, 20 February 2023 12:07:04 PM
Attachments: [TCCS comments on Territory Plan \(A40597579\).docx](#)

OFFICIAL

Hi Alix, Matt and George

Please find attached TCCS comments on the draft Territory Plan. Lots of comments and I have done my best to filter for you.

Many comments will be easy to respond to (e.g. incorrect references to standards and specifications) while others comment on policy and structure change of the TP.

I think it would be useful if you can provide a response to the comments. Perhaps you could group some and provide a general response, while others will need a specific response – similar to table of comments for Cabinet Submissions.

Another option is for me to arrange a meeting with those who provided comments and you can respond verbally with TCCS taking minutes of the meeting.

Please let me know how you would like to take this forward.

Many thanks for your patience while I coordinated TCCS review and comment.

I hope the public consultation is going well and I look forward to hearing from you soon.

Geoff



ACT
Government

Territory Plan Explanatory Report

Contents

Contents	2
1. Introduction.....	3
2. Background.....	3
2.1. Review process	3
2.2. Requirements of the <i>Planning Bill 2022</i>	4
3. Consultation process	6
4. Territory Plan Structure	6
4.1. Components of Territory Plan	7
4.1.1. Design Guides	9
4.1.2. Planning Technical Specifications	12
4.1.3. How to use the Territory Plan	12
4.2. Changes in response to consultation	13
5. Policy changes	14
5.1. Changes made with new Territory Plan	14
5.1.1. Uses and definitions	14
5.1.2. Zones and Overlays.....	19
5.1.3. Policy.....	21
5.1.4. Design guides.....	23
5.1.5. Planning technical specifications.....	23
5.2. Changes made following consultation	24
5.2.1. Uses and definitions	25
5.2.2. Policy.....	26
5.2.3. Design guides.....	27
5.2.4. Planning specifications	28

1. Introduction

The draft new Territory Plan is one of three key reforms arising from the ACT Planning System Review and Reform project (the Project), which aims to deliver a clear, easy-to-use planning system that encourages improved spatial and built outcomes across the Territory and continues to build on Canberra’s strong reputation as a great place to live and work. The other key reforms are a new Planning Act and the introduction of district strategies.

The draft Territory Plan was made available for public comment from 1 November 2022 to 3 March 2023. In conjunction with the consultation process, a Supporting Report was prepared to outline the process undertaken to develop the draft Territory Plan, in accordance with section 59 of the Planning Bill 2022. The Supporting Report explained the need for a new Territory Plan and the stages of the review process, as well as the research, planning work and technical studies undertaken to support the development of the draft Territory Plan. The report also provided detail of the specific changes proposed in the consultation version of the Territory Plan, including policy, structure and language changes.

This Explanatory Report provides details of the changes made to the Territory Plan in response to, and following, public consultation on the draft Territory Plan. It should be read in conjunction with the Supporting Report as that report provides further details of the changes.

2. Background

2.1. Review process

The ACT Government recognised the need for change to the planning system and agreed to the Project in March 2019. It was to be neither a ‘light-touch’ approach to reform nor a full-scale ‘start from scratch’ approach.

The Project has involved a holistic review and proposed reform of the current system to deliver a more ‘outcomes focussed’ planning system.

Outcomes focussed means the new planning system will outline the desired results of planning rather than prescribe how things need to be done. It means going beyond looking at buildings and the environment in isolation to incorporate wellbeing, health, recreation, employment, housing and environmental factors into the planning system. It will mean greater flexibility in the way developments can be designed, allowing greater emphasis on improving design quality and built outcomes so that developments can perform well within their local context.

The purpose and objectives of the Project are:

Project Purpose	To deliver a planning system that is clear, easy to use and that facilitates the realisation of long-term aspirations for the growth and development of Canberra while maintaining its valued character.
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Project objectives	<ul style="list-style-type: none"> ➤ Enabling the sustainable growth of the city without compromising its valued character. ➤ Providing clarity of processes, roles and outcomes for the city's community. ➤ Providing flexible assessment pathways that are appropriate to the scale and scope of development.
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Throughout 2021 and 2022, work was undertaken on how to structure the new Territory Plan to deliver on the principles of an outcomes focussed system that is easy to use. The technical work considered how to recognise the distinct character of each of the nine districts in the ACT and simplify the structure of the Territory Plan.

The Supporting Report provides details on the process for preparing the draft Territory Plan, as well as how Government's strategic policy outcomes are reflected within the new Territory Plan. It also provides detail of the consultancies that were undertaken to inform policy changes in the Territory Plan. These consultancies included:

- Achieving Improved Built Form, Place Design and Public Realm Outcomes – providing advice in respect to built form and public realm outcomes.
- Commercial and Industrial Zones and Mixed-use Development – considering compatibility of uses (particularly in mixed-use development) and mechanisms for guiding improvements to commercial and industrial land use zoning in the ACT.
- Estate Development Best Practice Greenfield and Infill Development – providing advice on achieving improved greenfield subdivision and redevelopment outcomes.
- Electric Vehicle Infrastructure – providing advice on electric vehicle (EV) charging infrastructure provisions for the Territory Plan.

The outcomes of the technical work and policy evaluation identified the importance of having stronger design requirements for development, as well as a focus on the desired outcomes to be achieved.

2.2. Requirements of the *Planning Bill 2022*

The object of the Territory Plan is to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.

The preparation of the new Territory Plan has ensured it meets this object as stated in section 46 of the *Planning Bill 2022*. The preparation of the Plan has also responded to the requirements for the Territory Plan and the contents of the Territory Plan as specified in sections 47 and 48 of the Bill.

Section 47 of the Planning Bill 2022 sets out the role of the Territory Plan and what it must contain. This states that the Territory Plan:

- a) must promote principles of good planning;
- b) must give effect to the planning strategy and district strategies; and
- c) may give effect to relevant outcomes related to planning contained in other government strategies and policies.

The principles of good planning specified in section 10 are:

- a) activation and livability principles;
- b) cultural heritage conservation principles;
- c) high-quality design principles;
- d) integrated delivery principles;
- e) investment facilitation principles;
- f) long-term focus principles;
- g) natural environment conservation principles;
- h) sustainability and resilience principles; and
- i) urban regeneration principles.

The creation of the new district strategies took into consideration the principles of good planning. The development of the new Territory Plan gives effect to the district strategies and is consistent with the principles of good planning in the Bill.

Section 48 of the *Planning Bill 2022* sets out what the Territory Plan must contain. It must:

- a) include a map (the Territory Plan map) that identifies districts and designates land use zones; and
- b) set out the planning principles and policies for giving effect to the object of the plan, including:
 - i) the policy outcomes to be achieved by the plan;
 - ii) requirements and outcomes against which development proposals are assessed; and
 - iii) provisions that support compliance with requirements for undertaking development.

The Territory Plan can include anything else considered relevant to the object of the Territory Plan. The Territory Plan may also be supported by supporting material (such as design guides and planning specifications) to help readers to understand and apply the Territory Plan.

These requirements have been taken into consideration during the development of the new Territory Plan.

3. Consultation process

Consultation on the draft new Territory Plan and the nine draft district strategies was held over a four-month period from 1 November 2022 to 3 March 2023. The consultation process included a range of engagement activities across 4 phases:

- Phase 1 – Share: sharing information with the community to learn about the project, engagement process and to answer any initial questions. This process included in-person pop-ups and community workshops in each district, industry workshops and community council presentations.
- Phase 2 – Consider: providing individuals and organisational stakeholders time to consider the project material and prepare feedback through Your Say.
- Phase 3 – Listen: opportunity for stakeholders to be heard through several feedback channels, including a range of in-person and online events available to the Canberra community and stakeholder organisations.
- Phase 4 – Report: collation and analysis of comments received during the consultation period.

During the consultation period, over 400 written submissions were received on the draft new Territory Plan and draft district strategies, containing over 1,800 comments.

A consultation report for the draft new Territory Plan has been prepared in accordance with section 606 of the Planning Act 2023 and includes the matters raised in written submissions related to the Territory Plan. Also in accordance with section 606 of the Planning Act 2023, Appendix 1 of the Territory Plan Consultation Report includes the mandatory agency comments received on the draft Territory Plan and Appendix 2 includes the written submissions received during the consultation process.

In addition to this consultation report, a Listening Report has been prepared by Communication Link that outlines the feedback received during the engagement process, as well as a Submissions Report prepared by Ethos Urban that provides an external response to the over 1,800 comments made in the written submissions.

These three documents provide further detail on the feedback received on the draft new Territory Plan and a response to the themes raised in the comments.

4. Territory Plan Structure

The Territory Plan is the statutory document that guides planning and development to provide ACT residents with an attractive, safe and efficient environment in which to live, work and play. While the new *Planning Bill 2022* provides the legislative framework for the reformed planning system, the new Territory Plan is the main mechanism for achieving an outcomes-focused approach and giving effect to strategic policies (such as the ACT Planning Strategy and the new district strategies). Rather than focussing on

prescriptive rules, the new Territory Plan encourages innovation and high-quality design to achieve the desired outcomes for development.

Two important changes made with the new Territory Plan involve its structure and how the planning requirements have been incorporated into it to achieve an outcomes focussed planning system. By restructuring the components of the Plan, introducing supporting material such as design guides and planning technical specifications and focusing on policy outcomes and assessment requirements, the focus for development assessment is clearly on the impacts and outcomes of a development, rather than a compliance approach.

4.1. Components of Territory Plan

The Territory Plan consists of seven parts:

Part A – The Territory Plan (Governance)

This part contains key statutory information necessary for the administration and operation of the Territory Plan, including where the Territory Plan applies. This part contains an explanation of the components of the Territory Plan and how they are used in the development assessment process.

Part B – Territory Plan Map

This part contains the maps that form part of the Plan, identifying all land covered by the Plan.

Part C – Planning principles and strategic links

This part provides more information on important principles and the strategic planning framework for land use and development in the ACT. Some of the important principles include a statement of principles of good planning and the interaction with the Planning Strategy and district strategies.

Part D – District policies

District policies are an important and distinctive feature of this Plan. The use of district policies is underpinned by strategic planning work undertaken at a district level that builds on detailed analysis and research undertaken for each district (district strategies). Development considerations identified in the district strategies are then implemented through the relevant district policy, making it a required consideration in the development assessment process.

District policies are key to shaping places and communities in the ACT, implementing strategic planning objectives, protecting and minimising the impacts on our environment, and establishing future urban form and development patterns.

There are nine districts, each with its own unique characteristics and themes. District policies contain the considerations and requirements that are specific to a district or part of a district. These considerations and requirements override any relevant requirements in the zone or other policies.

District policies specify uses that are permissible or prohibited on specific blocks in addition to those specified by a zone. The policies outline desired policy outcomes that are important to each district and include assessment outcomes and key assessment requirements relevant to each district.

Development applications must demonstrate that they are consistent with all the relevant assessment outcomes and assessment requirements.

Part E – Zone policies

Zone policies allocate land uses and development opportunities to land in the ACT based on the zoning of the land.

There are seven zone policies that incorporate the 23 land use zones to apply zone specific considerations and requirements to land in the ACT.

Zone policies specify uses that are permissible (subject to a development application) or prohibited in specific zones. The policies outline desired policy outcomes that are important in differentiating each zone and include assessment outcomes and key assessment requirements relevant to each zone.

Part F – Other policies

Other policies are necessary to guide the orderly development of land in the ACT.

One such policy is for the subdivision of land, including the development of greenfield land with future estates and subdivisions to make better use of existing underdeveloped land. This policy also includes the assessment outcomes and key assessment requirements that apply to future urban areas (as identified in the Territory Plan Map with the future urban area overlay).

Another policy is required for the unique leasehold system found in the ACT, specifically to assess applications that propose new or additional uses in the Crown lease.

These policies apply to relevant development types across all districts and zones.

Part G – Dictionary

Part G comprises a dictionary that contains key definitions and terms used in the Territory Plan. Definitions describe, clarify and provide meaning to key concepts and uses that are essential to the application of the Territory Plan and necessary for the assessment of development proposals.

Supporting documents

The Territory Plan provides for a more outcomes focused planning system. It is accompanied by supporting documents such as design guides and planning specifications that provide important guidance and clarification to deliver a more efficient development assessment process that focuses on developing high-quality built outcomes for Canberra. Other supporting documents can include guides, factsheets, practice notes, templates and training material.

Supporting materials do not form part of the Territory Plan but may be 'called up' by policies within the Territory Plan. Design guides are a required consideration in the development assessment process and both design guides and planning specifications are notifiable instruments.

Figure 1 below illustrates the Territory Plan structure and the relationship with the supporting material.

Territory Plan Structure

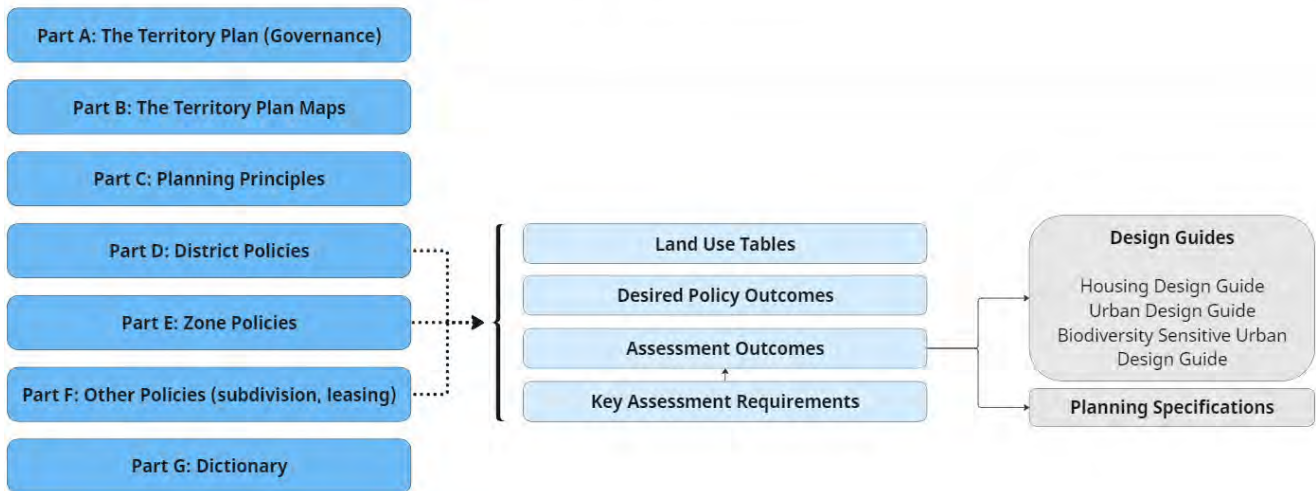


Figure 1: Territory Plan structure and supporting material

Hierarchy of Territory Plan components

In the event of any inconsistency between Territory Plan considerations, the order of precedence is as follows:

- District policy
- Zone policy
- Other policy
- Design Guides
- District planning specifications
- Zone planning specifications
- Other planning specifications.

4.1.1. Design Guides

Though the Territory Plan contains provisions that will deliver the desired planning outcomes for the ACT, there is a need for these to be supported by clear methods and examples for how they can be met.

Under the Planning Act 2023, the Minister may prepare design guidance for development proposals (design guides) to support the Territory Plan. A design guide is a notifiable instrument published on the ACT Legislation Register and must also be published on the Territory Planning Authority website.

The design guides provide clear and easy to understand qualitative guidance that identify design possibilities and encourage innovation. Design guides also identify where flexibility in design can be considered and matters that must be addressed. Overall, the guides are critical in the design and

assessment process, particularly when planning provisions are less prescriptive and leave room for interpretation and innovation.

Design guides made by the Minister include:

- Urban Design Guide - provides guidance for larger developments to support the delivery of high quality public realm and built form outcomes.
- Housing Design Guide – provides guidance for housing to support the amenity and wellbeing of the residents and their visitors.
- Biodiversity Sensitive Urban Design Guide – provides guidance on protecting natural values, including biodiversity and ecological connectivity.

Other place-specific or theme-based design guides may be prepared and made by the Minister.

The developments specified below are required to respond to the design guides.

Urban Design Guide

Development is required to consider and provide a design response to the Urban Design Guide where:

- a) it is precinct scale with a site area greater than one hectare;
- b) the combined development gross floor area exceeds 10,000m²;
- c) comprises more than 1,000m² of public or common space; or
- d) required to seek advice from the Design Review Panel.

In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Urban Design Guide for the following themes:

- a) Country and place;
- b) Urban structure and natural systems
- c) Site and Land Use
- d) Access and Movement
- e) Public Space and Amenity
- f) Built Form and Building Design
- g) Sustainability and Environment.

Housing Design Guide

Residential development, excluding single dwelling housing and secondary residence, is required to consider and provide a design response to the Housing Design Guide. In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Housing Design Guide for each of the themes. This includes consistency with the assessment outcomes and guidance that specifically address the following design elements:

- a) visual privacy and building separation;
- b) solar and daylight access;
- c) common circulation and spaces;
- d) apartment size and layout;
- e) ceiling heights;
- f) private open space and balconies; and
- g) natural ventilation.

Biodiversity Sensitive Urban Design Guide

The Biodiversity Sensitive Urban Design Guide applies to the planning, design and approval processes for the development and redevelopment of sites:

- a) in the Future Urban Areas;
- b) in non-urban zones (NUZ1-5);
- c) in PRZ1 Urban Open Space; and
- d) with an area greater than one hectare in all zones.

The Biodiversity Sensitive Urban Design Guide does not apply to single dwelling housing, secondary residences, or development where the increase in impermeable surfaces is 500m² or less.

In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Biodiversity Sensitive Design Guide for the following themes:

- a) maintain and enhance nature;
- b) connect and extend nature;
- c) minimise threats to protect nature; and
- d) connect people to nature.

Place-specific or theme-based Design Guides

Additional Design Guides may be made from time to time under the *Planning Act 2023*. These design guides will set out their application to particular development types.

All design guides are published on the ACT Legislation Register and the Territory Planning Authority website.

4.1.2. Planning Technical Specifications

The Territory Plan makes reference to district planning technical specifications (providing possible solutions to district policies), zone planning specifications (providing possible solutions to zone policies) and other planning specifications (providing possible solutions to other policies).

Planning technical specifications are used as a possible solution or to provide guidance for identified aspects of a development proposal. Planning technical specifications may also be used as a reference or benchmark for planning matters in the preparation and assessment of development proposals to demonstrate compliance with the Territory Plan.

4.1.3. How to use the Territory Plan

Uses

After identifying the zoning of a parcel of land, the relevant Zone Policy indicates uses that are permissible (marked as a 'Y' in the land use table) or prohibited. The relevant district policy may specify that other uses are permissible on a nominated site, or that a use normally permitted in a zone is prohibited on a site.

Policy outcomes

The policy outcomes within the district, zone and other policies describe the desired development outcome to be achieved in a specific district or zone, or to be achieved through a subdivision or lease variation. For zones and districts, these outcomes identify how one zone is different to another or features that are of particular importance in a district (or part of a district). The policy outcomes inform the assessment outcomes for a zone or district and are used in the assessment process to guide compliance with the assessment outcomes to deliver the desired development outcomes for an area.

Assessment outcomes

The primary assessment consideration for a development application is the assessment outcomes in the district, zone and other policies. Assessment outcomes are consistent with the policy outcomes in the Territory Plan policies and specify the desired outcomes to be achieved by a development proposal.

Recognising the importance when planning a development of first considering the broader urban context and then moving to the detailed design considerations, the assessment outcomes in the zone and other policies are grouped into the following themes:

- Country and Place
- Urban Structure and Natural Systems
- Site and Land Use
- Access and Movement
- Public Space and Amenity
- Built Form and Building Design
- Sustainability and Environment
- Parking, Services and Utilities

Not all themes are relevant in each policy therefore all eight themes may not be included in a policy document.

In demonstrating compliance with the assessment outcomes, consideration is to be given to the relevant design guides and may be given to planning technical specifications which may serve as a benchmark. While all assessment outcomes are to be met, not all outcomes are covered by design guidance and/or planning specification. Assessment of a zone assessment outcome can take into consideration the relevant zone specification or an applicable district specification, noting that the district specification would take precedence over the zone specification. However, a district assessment outcome takes into consideration a corresponding district specification rather than the zone specification.

Where a proposed development complies with a relevant provision in the design guide and/or planning technical specification and the development comprehensively addresses the outcome, further assessment regarding those assessment outcomes will not be required.

Where a design guide applies to a development, the proposal must demonstrate that it is consistent with the guidance provided for assessment outcomes for the design elements. Given the nature of the design guides, different design responses are possible to meet the same assessment outcomes.

The Territory Planning Authority may consider advice or written support from a referral entity to demonstrate compliance with a relevant assessment outcome. Where endorsement from an entity is noted as a planning specification, entity referral will be required.

Assessment requirements

Assessment requirements set the mandatory development controls within specific zones or for specific development types.

District policies also contain assessment requirements. Assessment requirements in district policies will prevail where inconsistencies occur.

4.2. Changes in response to consultation

Though the parts of the Territory Plan remain relatively unchanged from the consultation version of the Territory Plan, the sections within the parts have been revised and refined. Adjustments have been made to Parts A and B of the Territory Plan to reflect the final structure of the Territory Plan and to separate the Territory Plan governance (explanatory) matters from the Territory Plan maps. Part A contains the overview of the Territory Plan components and how they are to be used.

In response to feedback received during the consultation process, the Territory Plan policy documents have been revised to more clearly articulate the desired assessment outcomes, as well as grouping them by category. The sections in the policies have been reordered to state the assessment outcomes before the assessment requirements, highlighting their importance in the decision making process.

The design guides have now been completed and are available for consideration against the assessment outcomes. The guides are structured around the same themes as the policy documents, assisting in where the design guide considerations relate to the applicable assessment outcomes.

The planning technical specifications have also been revised and refined. The specifications now include the assessment outcomes from the relevant policy document, grouped into the same categories to identify the outcome relevant to the specification. They also include clearer guidance on how the assessment outcomes can be met.

5. Policy changes

Though the biggest change to the assessment of development is achieved through the new structure of the Territory Plan and the ‘weighting’ given to the policy outcomes, assessment outcomes and assessment requirements, the new Territory Plan also contains policy changes. This part of the Explanatory Report provides details of the policy changes being made with the new Territory Plan, as well as where those proposed policy changes have been amended in response to and following public consultation.

5.1. Changes made with new Territory Plan

This section summaries the policy changes being made with the new Territory Plan. The Supporting Report provides further detail on the reasons for the policy change, therefore that detail is not repeated in this report.

5.1.1. Uses and definitions

New definitions

The following new definitions have been added to the Territory Plan:

New definitions
Café
Complementary use
Data centre
Drone facility
Ecotourism
Early childhood education and care (replaces child care centre)
Major electricity storage facility
Transport facility (replaces public transport facility)
Utility hydrogen production facility
Veterinary clinic

Definition changes – uses of land

The following are changes made to the uses of land defined in the Territory Plan (underlined sections are the revised wording):

Definition	Change proposed
Agriculture	Reference to <i>animal husbandry</i> changed to <i>intensive animal farming</i> to reflect corresponding definition change.

Ancillary use	Within the definition 'ancillary to the primary use' is to be replaced with 'subordinate or secondary to the primary use'.
Animal husbandry	Replaced with: intensive animal farming means any form of animal production that takes place within a building or a building where animals are reared in confined areas.
Car park	car park means the use of land specifically allocated for the parking of motor vehicles <u>including any manoeuvring space and access thereto.</u>
Caretaker's residence	caretaker's residence means <u>one dwelling</u> used for the residence of a caretaker, in connection with another land use, including <i>industry</i> and commercial activity.
Commercial accommodation unit	commercial accommodation unit means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. A commercial accommodation unit may comprise a <i>dwelling</i> but not a room or suite of rooms within a <i>dwelling</i> . It does not include any associated facility such as a <i>restaurant</i> , bar or functions room. which may be used by the occupants of the premises but, which is also available for use by non-occupant members of the public.
Community housing	Include current <i>community housing</i> definition (in Dickson Precinct Code) into the dictionary.
Craft workshop	craft workshop means the use of land for the manufacture, primarily by manual methods, of craft articles such as leatherwork, pottery, woodwork, hand woven goods and the like, <u>but excludes the manufacture of food and beverages for human consumption.</u>
Department store	Definition has been removed and department store has been listed as an example use.
Farm tourism	farm tourism means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists that is secondary to the <u>primary use of the land for agriculture and</u> authorised by the lease.
Financial establishment	financial establishment means the use of land for the primary purpose of providing finance, <u>investment opportunities</u> and providing services to lenders, borrowers and investors on a direct and regular basis.
Home business	home business means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land <u>but does not include a motor vehicle depot.</u>
Land management facility	land management facility means the use of land for land management or the storage of any plant, machinery or materials used in the course of land management, whether or not facilities are included for the parking, servicing, <u>fuelling, charging</u> and repair of plant or machinery. <u>Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</u>
Liquid fuel depot	liquid fuel depot means the use of land for: a) the bulk storage or wholesale distribution of petrol, oil, petroleum products or other inflammable liquids; b) the retail distribution of drums containing petrol, oil, petroleum products or other inflammable liquids; or c) <u>the bulk storage or wholesale distribution of hydrogen fuel as a liquid or gas, including the production of hydrogen fuel for these purposes.</u>
Minor service reticulation	service reticulation means the water supply, sewerage, stormwater and gas pipe reticulation, electricity lines and telecommunication cables which are normally located in road <u>verges and the like</u> , or <i>easements</i> within <i>leases</i> .
Municipal depot	municipal depot means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing, <u>fuelling, charging</u> and repair of plant, machinery or vehicles. <u>Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</u>
Outdoor education establishment	outdoor education establishment means the use of land for an education centre for children or adults where the primary focus is on the natural and/or cultural resources of the area. It may include a residence where this is necessary for the protection or management of the primary facility.

Retirement village scheme	retirement village scheme , for a retirement village, means a scheme under which a person may: <ul style="list-style-type: none"> a) enter into a residence contract with the scheme operator for the retirement village; b) on payment of an <u>ongoing</u> contribution, acquire a right to live in the retirement village, however the right accrues; and c) on payment of the relevant charge, acquires one or more services in relation to the retirement village.
Serviced apartment	Definition has been removed. Serviced apartment has been listed as an example use for a <i>commercial accommodation unit</i>
Service station	service station means the use of land for the fuelling, <u>charging</u> and/or servicing of motor vehicles, whether or not the land is also used for any one or more of the following purposes: <ul style="list-style-type: none"> a) the sale by retail of spare parts and accessories for motor vehicles; b) washing and greasing of motor vehicles; c) installation of accessories; d) the retail sale of other goods, within an <i>ancillary</i> retail area not greater than 150m² in area; e) providing toilet facilities, amenities and service for motorists; f) repairing of motor vehicles (other than body building, panel beating or spray painting); g) the hiring of trailers; and h) <u>production and storage of hydrogen for on-site fuelling purposes.</u>
Social enterprise	Include current <i>social enterprise</i> definition (in Dickson Precinct Code) into the dictionary.
Supermarket	supermarket means a large shop selling food and other household items where the selection of goods is organised on a self-service basis.
Temporary use	temporary use means the use of unleased land for a purpose that is temporary in nature and for which a license may be issued for a maximum term of three years <u>time limit is applied (for a maximum of three years)</u> such as through a <u>development condition or licence</u> and which may be <u>extended or renewed</u> .
Veterinary hospital	veterinary hospital means the use of land for diagnosis, surgical or medical treatment of animals, <u>particularly larger animals, where services are available at all times</u> . The animals may be kept on the premises overnight for the purposes of <u>observation and</u> treatment.

Definition changes – terms and concepts

The following are changes made to the terms and concepts defined in the Territory Plan (underlined sections are the revised wording):

Item	Change proposed
Adjacent	<i>adjacent</i> , <u>to an area</u> , means either being contiguous with the subject location area , or, if <u>the area is separated from another area</u> only by a road, where the front boundary faces the section of the road which separates it from the subject location <u>the front boundary of each area facing the road.</u>
Attached house	attached house means any <i>dwelling</i> , within a <i>building</i> containing two or more <i>dwellings</i> , which has within its curtilage open space at ground level and separate private access for each dwelling for the exclusive use of the occupants of the <i>dwelling</i> . <u>Attached houses may incorporate communal basement car parking. Attached house includes row house, semi-detached house, terrace house and townhouse.</u>
Attic	attic means any habitable space, <u>but not a separate dwelling</u> , contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.
Building	<u>'building is a structure and</u> includes: <ul style="list-style-type: none"> a) an addition to a <i>building</i>; b) a <i>structure</i> attached to a <i>building</i>; and c) a part of a <i>building</i> <u>but does not include:</u>

- i. a transportable building, mobile home, caravan or similar that is not used for long term habitation; and is readily transportable without being disassembled or removed from associated components;
- ii. paving, a driveway or a road that is not inside a building;
- iii. a surface level car park that is not inside a building.

Building line	building line means a line drawn parallel to any <i>front boundary</i> along the front face of a <i>building</i> or through the point on a <i>building</i> closest to the <i>front boundary</i> . A terrace, landing, porch, <i>balcony</i> , deck or verandah that is more than 1.5 metres above <i>finished ground level</i> or is covered by a roof is deemed to be part of the <i>building</i> . A fence, courtyard wall or retaining wall is not deemed to be part of the <i>building</i> <u>for the purpose of setting the building line.</u>
Carport	carport means a car shelter <u>roofed</u> car parking space wholly or partly enclosed on not more than two sides, but open to the street that the carport gains vehicle access from.
Commercial accommodation use	commercial accommodation use <u>means the use of a building or part of a building for one or more commercial accommodation units.</u> It does not include a caravan park/camping ground or a group or organised camp.
Communal open space	communal open space means common outdoor open space <u>in an easily accessible location on the subject site</u> for recreation and relaxation of residents of a housing development.
Community path system	community path system means a route constructed or under reserve which includes a path open to the public for the use of non-motorised traffic, such as bicycles, <u>scooters</u> , pedestrians and joggers, and motorised mobility aids. (consultation version contained reference to non-motorised traffic)
Datum ground level	datum ground level means the surface ground level as determined in a field survey authorised by a registered surveyor: <ul style="list-style-type: none"> a) at the time of Operational Acceptance for subdivision; or b) if a) is not available <u>and</u> provided no new earthworks have occurred, or c) at the date of grant of the lease of the block; whichever is the earliest. Where a) or b) or c) is not available, datum ground level is the best estimate of the surface ground level determined in a field survey considering the levels of the immediate surrounding area and authorised by a registered surveyor. This definition includes natural ground level.
Detached house	detached house means a <i>building</i> comprising a single <i>dwelling</i> which is not attached to any other <i>dwelling</i> and where the <i>dwelling</i> has within its curtilage <u>separate private access to the dwelling</u> and open space at ground level for the exclusive use of the occupants of the <i>dwelling</i> . It may include a free-standing <i>dwelling</i> in a <i>multi-unit housing</i> .
Fin wall	fin wall means <u>part of an external wall built on the block boundary side of a lateral opening to screen that opening to and from an adjoining block to extend past the façade and typically not required for structural purposes.</u> Fin wall(s) are provided to add architectural interest and/or visual screening.
Floodplain	floodplain means that area of stream or drainage corridor which is inundated <u>during heavy rainfall events, by the 1 in 100 Annual Exceedance Probability (AEP) event</u>
Garage	garage means a <u>roofed car parking space</u> wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.
Lower floor level	lower floor level (LFL) means a <i>finished floor level</i> which is <u>1.5</u> metres or less above <i>datum ground level</i> at any point. (Consultation version defined LFL as 1.0m)
Private open space	private open space means an outdoor area within a block useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas. <u>Up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over.</u>

Screening device	screening device means a permanent structure that comprise one or more of the following a) opaque or translucent glazing b) solid panels c) perforated panels or trellises with a maximum 25% openings d) <u>angled louvres to restrict overlooking.</u>
Secondary residence	secondary residence means a second <i>dwelling</i> on a <i>block</i> <u>which is subordinate to the principal dwelling on the block.</u>
Standard block	standard block means a <i>block</i> with one of the following characteristics: a) originally leased or used for the purpose of one or two dwellings except where the original lease explicitly permits two dwellings b) created by a consolidation or subdivision of blocks, at least one of which is covered by a).
Storey	storey means a space within a <i>building</i> that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an <i>attic</i> or a <i>basement</i> <u>or a space that contains only a lift shaft or stairway.</u>
Structure	structure includes a fence, <u>retaining wall, swimming pool, ornamental pond,</u> mast, antenna, aerial, road, footpath, driveway, carpark, culvert, service conduit, cable, <u>advertising device, notice or sign.</u>
Undercroft parking	undercroft parking means that portion of a <i>building</i> set aside for <u>vehicle parking and does not include basement vehicle parking.</u>
Upper floor level	upper floor level (UFL) means a <i>finished floor level</i> , which is greater than <u>1.5 metres</u> above <i>datum ground level</i> at any point. (Consultation version defined UFL as 1.0m)

Other changes

References to the *Planning and Development Act 2007* have been updated to refer to the *Planning Act 2022* (noting it will have been enacted when the new Territory Plan takes effect). Other terminology has been amended to reflect the new Territory Plan components and structure.

Example uses (called ‘common terminology’ in the current Territory Plan) have been amended to add or delete uses, reflecting changes in common uses over time.

The following redundant definitions (those that are not referenced in the Territory Plan, are defined in other legislation or common definition is appropriate) have been deleted:

Use of land	Terms and concepts	Terms and concepts	Terms and concepts
Chancellery	Application	Environmental values	Section
Hydro-electric power generation	Approval	Environmental assessment	Section master plan
Mental health facility	Aquatic habitat	Fishing	Sediment
Plant and equipment hire establishment	Controlled activity	Groundwater	Sewer vent
Public transport facility	Defined land	Groundwater abstraction	Sewerage storm tank
Special dwelling	Development	Height of wall	Streamflow diversion
Stock water supply	Development condition	Heritage Register	Streamflow regulation
	Defined land	Inquiry	Street façade
	Development	Irrigation water supply	Territory
	Development condition	Land capability	Tunnel
	Discharge – stormwater	Lateral opening	Unscreened deck, balcony or roof terrace
	Discharge – wastewater	Lessee	Water based recreation
	Domestic water supply	Nature conservation area	Water storage
	Domestic water supply – fully treated	Objection	Water uses

– partially treated
– disinfected
Environment

Remnant native
vegetation
Secondary window

Waterscape
Waterway

5.1.2. Zones and Overlays

Overlays

Overlays have been removed from the Territory Plan map, except for the following overlays:

a) Special requirements of the National Capital Plan

S – special requirements apply under the National Capital Plan (i.e. where a development control plan exists)

U – urban area under the National Capital Plan

A – airport land

b) Future urban area (FUA) – noting that remnant FUA overlays have been removed where the parcel of land is too small, is public land that will be retained as public land or for other reasons will not have an estate development plan prepared for it (which is the standard process for removing a FUA overlay on a site).

c) Public Land

Pa – wilderness area

Pb – national park

Pc – nature reserve

Pd – special purpose reserve

Pe – urban open space

Pf – cemetery or burial ground

Pg – protection of water supply

Ph – lake

Pi – sport or recreation reserve.

Zoning

No changes to zoning have occurred with the new Territory Plan except in the following circumstances:

a) Sites where the zone or boundary to the zone are being amended to better reflect the shape and form of a block and the use on the site. These include:

- Aranda section 1 blocks 30-32 (Aranda emergency services facility) fire station
- Campbell section 38 block 4 (to reflect National Capital Plan)
- Griffith section 43 blocks 30 and 31
- Pialligo section 12 block 7
- Phillip section 23 blocks 19 and 20.

- b) Areas with a future urban area overlay that is no longer required (often parts of roads and public land) will have the redundant overlay removed.
- c) Garran Primary School site – rezoning of part of neighbouring block to enable the expansion of the school grounds.

Permitted uses

A key aspect of the new Territory Plan and planning system is the focus on improving the outcomes of development once they are built and being used by the community. This means that instead of focussing on strict prohibition of uses and compliance with prescriptive rules, the assessment of a development focuses on the impacts and outcomes of a development and how it meets the desired policy outcomes relevant to the zone. The uses permitted in a zone have therefore been considered to see what uses can be added, particularly where the impacts of any future development can be managed through appropriate planning and development provisions.

The following provides a summary of changes to permitted uses under each zone:

Zone	Changes Proposed
RZ1 Suburban Zone RZ2 Suburban Core Zone RZ3 Urban Residential Zone RZ4 Medium Density Residential Zone	community housing, early childhood education and care, veterinary clinic
RZ5 High Density Residential Zone	community housing, early childhood education and care, social enterprise, veterinary clinic
CZ1 Core Zone CZ2 Business Zone	café, community housing, complementary use, early childhood education and care, transport facility, veterinary clinic
CZ3 Services Zone	Animal care facility, café, community housing, complementary use, data centre, drone facility, early childhood education and care, transport facility, veterinary clinic
CZ4 Local Centres Zone	Animal care facility, café, club, communications facility, community housing, complementary use, craft workshop, drink establishment, early childhood education and care, municipal depot, produce market, veterinary clinic
CZ5 Mixed Use Zone	café, community housing, complementary use, early childhood education and care, indoor recreation facility, transport facility, veterinary clinic
CZ6 Leisure and Accommodation Zone	café, caretakers residence, complementary use, early childhood education and care, transport facility, veterinary clinic
IZ1 General Industrial Zone IZ2 Mixed Use Industrial Zone	complementary use, data centre, drone facility, major electrical storage facility, transport facility, utility hydrogen production (Remove childcare centre)
CFZ Community Facility Zone	community housing, early childhood education and care, social enterprise, veterinary clinic
PRZ1 Urban Open Space Zone PRZ2 Restricted Access Recreation Zone	complementary use, utility hydrogen production facility (Remove childcare centre in PRZ2)
TSZ1 Transport Zone	complementary use, drone facility, emergency services facility, railway use, service station
TSZ2 Services Zone	complementary use, data centre, drone facility, major electricity storage facility, service station

NUZ1 Broadacre	major electricity storage facility
NUZ2 Rural	
NUZ3 Hills, Ridges and Buffer	
NUZ4 River Corridor	
NUZ5 Mountains and Bushland	

5.1.3. Policy

Policy changes being made with the new Territory Plan in response to Government policies and commitments include:

- Living infrastructure and urban heat provisions for commercial and community facility zoned land, as well as subdivision applications.
- Enhancing the provisions related to bushfire and flood risk mitigation in response to a changing climate.
- Amended vehicle parking requirements to encourage and support active travel, while requiring provision of infrastructure for EV charging facilities.
- Assisting to achieve net zero emissions by prohibiting gas connections in new residential subdivisions and introducing large battery storage and hydrogen production as permitted uses in the Territory.
- Providing for a greater range of housing such as community housing (affordable rental) development will assist in addressing housing affordability. Other changes to address affordability and assist with 70% of new growth being accommodated within the existing urban areas (a target of the ACT Planning Strategy 2018) include:
 - Allowing a block in RZ2 to RZ5 zones to be subdivided without being required to construct the new dwellings first
 - Multi-unit housing in the RZ2 zone being able to have more dwellings as part of the development
 - Allowing apartments (of no more than two storeys) in the RZ2 zone to provide more single level dwellings (that are easier for the resident to age in place), rather than only townhouses.
- Addressing concerns regarding mixed use development by introducing a requirement to provide a 'buffer' use within a building between residential dwellings and 'noisy' uses.

Site specific changes

The new Territory Plan includes amendments to the requirements for the Phillip Swimming and Ice Skating Centre to reduce the size of pool required (from 50m to 25m) but to also require additional aquatic facilities. Changes are also proposed to facilitate the delivery of four demonstration housing projects at the following locations:

- Forrest Section 44 Block 5 – Multi-Unit Housing
- Lyneham Section 38 Blocks 24 and 25 – Community Housing
- O'Connor Section 66 Block 1 – Multi-unit Housing
- Weston Section 50 Block 2 – Multi-unit Housing.

District policies and specifications

The structure plans, concept plans and precinct codes in the current Territory Plan contain numerous site or area specific controls, for example building height requirements, active frontages, floor area limits, restrictions on uses and measures to minimise adverse impacts on the subject block and neighbouring blocks. In preparing the new district policies, the provisions in the precinct codes were reviewed and the following changes made:

- Site specific provisions that relate to a development that is complete have not been included in the new district policies as they are no longer required.
- Provisions that apply to specific sites but are common/repeated across precinct codes (for example active frontage requirements) are included more generally (i.e. applied to the zone or district as a whole, rather than specific sites).

The policies and requirements in the current plans and codes that are still relevant have been incorporated into the new district policies without change, except for adjustments to the wording to assist clarity and consistency with the style of the new Territory Plan.

The more numerical or quantifiable requirements (often rules in the current precinct codes) are now located in the district planning specifications and are clearly only one way to achieve the desired outcomes.

Zone policies

A key difference between the current development codes and the new zone policies is the level of detail contained in each one. Unlike the development codes, the zone policies take a broader approach and focus on the policy outcomes and assessment outcomes – the higher level considerations that development must meet. In addition, the assessment requirements specify the ‘mandatory’ considerations – matters that must be met for a development application to be approved. While this is not dissimilar to the concept in the current development codes of criteria and mandatory rules, the key difference is that the assessment outcomes and requirements must be met, irrespective of their compliance with the design guides and planning specifications (as discussed in section 4.1.3 above).

Additional structural changes in the policy documents are that the Residential Zones Policy combines the considerations from the current Residential Zones Development Code, the Single Dwelling Housing Development Code and the Multi Unit Housing Development Code. The Subdivision Policy combines the considerations from the Estate Development Code and the subdivision provisions from the various zone development codes.

The table below provides a summary of the policy changes included in the Zone Policies, with further detail included in the Supporting Report.

Item	Change proposed
Residential subdivision	Subdivision in RZ2 to RZ5 before the new dwellings are constructed is permitted. New blocks to demonstrate ability for compliant dwellings to be located on the new blocks but will not need to have a constructed dwelling on site to be approved.
Site coverage	Site coverage provisions to become a mandatory assessment requirement in the Residential Zones Policy. As they will become mandatory, the site coverage limit has been increased slightly.
Plot ratio	Plot ratio change to be a set 50% for multi-unit in RZ1 and RZ2 (though removed as a provision following consultation).

Number of dwellings	Maximum number of dwellings on a RZ2 block amended to one per 250m ² above the minimum block size, as well applying to all blocks in the zone (not just <i>standard blocks</i>).
Dwelling replacement requirement	Dwelling replacement requirement deleted.
Apartments in RZ2	Restriction on apartments in RZ2 deleted.
Storeys	Restriction on a basement under or attic above two storeys in RZ1 removed Removal of building height limit of one storey for dual occupancies applicable to the rear dwelling or both dwellings on a surrendered block (if one behind the other).
Continuous street frontage	Requirement for a continuous street frontage removed and added provision to prevent vehicular access through the section from one street to the other if blocks are consolidated.
Community housing	In the CFZ zone, community housing only permitted where associated with a place of worship or supportive housing. Community housing cannot be separately titled.
Residential in commercial zones	Amended provision so that residential is not permitted at the ground level in all CZ1 areas.

5.1.4. Design guides

The Explanation of Intended Effects (EIE) for the design guides released with the consultation draft of the Territory Plan provided the intent, scope and likely application of the design guides supporting the Territory Plan. It was through this document that the design guides were introduced, and function communicated, as part of the public consultation process. Aligned with the EIE, the completed Urban Design Guide and Housing Design Guide now accompany the Territory Plan with details provided below. Information and detail of policy changes that have been made and developed from the EIE from consultation are outlined in section 3.2.3.

The design guides are intended for developers, design industry professionals, government officials, institutions, community advocates and generally anyone involved or interested in the planning, design and delivery of built environment projects in Canberra. It is a key tool for developers when briefing design consultants, assessing proposals, making decisions, advocating for change and targeting investment. The requirement and development thresholds for their use has been identified section 4.1.1 of this report.

As identified in the EIE, the Urban Design Guide and the Housing Design Guide work in parallel. They have the same structure for clarity and ease of reference, by six key themes that directly flow through to the Territory Plan and associated technical planning specifications. It is intended the design guides work seamlessly with the statutory mechanisms to make it easier for proponents to understand the desired outcomes.

5.1.5. Planning technical specifications

Similar to the Zone Policies, the majority of the considerations in the planning technical specifications will remain relatively the same, though will be applied and considered in a different manner.

A number of provisions have been reworded or regrouped to assist with clarity and ease of use. Provisions have also been added to address matters such as:

- Living infrastructure
- Urban heat
- Flood risk
- Bushfire risk mitigation
- Parking and active travel
- Electric vehicle charging.

The provisions noted below are either new or have had a more significant change from the current Territory Plan.

Item	Change proposed
Solar building envelope	For simplification and clarification purposes, the angle of the solar fence is nominated as 31° (rather than a varying angle).
Number of dwellings in a building	Remove requirement limiting a building to containing four dwellings.
Noise impacts	Includes a requirement for mitigation measures where residential <u>and other sensitive</u> uses are located directly adjacent to club, indoor recreation, restaurant or other noisy uses.
Living infrastructure and permeability	Provisions added to commercial and community facility zone specifications, as well as subdivision specifications regarding living infrastructure, cool surfaces and permeability.
Parking requirements	Changes to parking requirements focused on making them easier to use by removing redundant text and consolidating parking rate tables. Key changes include the introduction of requirements for electric vehicle charging and specifying that residential rates in the city and town centres are the maximum permitted.
Ongoing requirements in new suburbs	Add a consideration to the Subdivision Policy to restrict the number of ongoing provisions that can apply to a block.

5.2. Changes made following consultation

This section outlines the changes that have been made to the Territory Plan, design guides and planning technical specifications since the consultation version of the documents. Some changes have been made in response to community comments or submissions, while other changes have been made following further internal policy work.

Amendments have been made to district policies and specifications to transfer provisions that are still required in current structure plans, concept plans and precinct codes that were inadvertently not included in the consultation draft. In addition, a new Non-Urban Districts Policy and corresponding district specification have been added to include existing area specific provisions in the non-urban zones (i.e. areas not covered by district strategies).

Changes have also been made to include provisions from recent Territory Plan variations into the relevant district and zone policies (and specifications), including end-of-trip facilities provisions.

Section 4.2 outlines the changes to the Territory Plan structure that have occurred since consultation while this section covers the policy changes made. The sections below outline specific changes made. In addition

to these, changes were made related to grammar, correcting errors or rewording to improve clarity across the documents.

5.2.1. Uses and definitions

Uses that were proposed to be added to the non-urban zones have been removed from the draft Territory Plan as they are not consistent with the non-urban land uses under the National Capital Plan. If the National Capital Plan is amended in the future to add the following uses, the Territory Plan can be amended accordingly.

Zone	Proposed uses that have been removed
NUZ1 Broadacre Zone	bulk landscape supplies, complementary use, data centre, drone facility, ecotourism, group or organised camp, major electrical storage facility, produce market, restaurant, utility hydrogen production facility, veterinary clinic
NUZ2 Rural Zone	intensive farming, bulk landscape supplies, caretakers residence, commercial accommodation use, complementary use, ecotourism, emergency services facility, utility hydrogen production facility
NUZ3 Hills, Ridges and Buffer Zone	complementary use, ecotourism, emergency services facility, group or organised camp, utility hydrogen production facility
NUZ4 River Corridor Zone	aquatic recreation facility, complementary use, ecotourism, utility hydrogen production facility
NUZ5 Mountains and Bushland Zone	caretakers residence, complementary use, ecotourism, group or organised camp, outdoor education establishment, utility hydrogen production facility

In addition, educational establishment has been removed as a permitted use from the IZ1 General Industrial Zone and the IZ2 Mixed Use Industrial Zone in response to concerns for schools to be located in industrial areas.

The following changes have been made to definitions since the consultation version.

Definition	Change made
Build-to-rent	Proposed new definition has been removed and the term added as an example use under the 'multi-unit housing' definition.
Bulky goods retailing	Definition changes will no longer be progressed in response to public consultation.
Community use	Definition added to clarify what Territory Plan uses are considered to be 'community use'.
Residential use	Definition added to clarify what Territory Plan uses are considered to be 'residential use'.
Store	Use amended to 'storage facility' to avoid confusion with 'shop'.
Supportive housing	Community housing has been removed as an example use (as it is now separately defined).
Commercial building	Term added to clarify what is considered to be a commercial building.
Community path system	Reference to non-motorised vehicles removed to cater for electric bicycles, scooters etc.
Lower floor level and upper floor level	Height of floor has been reduced from 1.8m to 1.5m in response to comments received.
Primary building zone	Corrected to refer to 12m from front zone rather than front boundary.
Signage	Definitions for primary, secondary and third party signage have been added, reflecting the definitions contained in the previous Signs General Code

Site	Corrected to include ', but excludes the area of any access driveway or right-of-way' at the end of the sentence.
Site coverage	Wording amended to clarify what structures are included or not. For example rewording clarifies that basements and roofed decks are counted in site coverage but not unroofed decks.
Storey	Wording amended to clarify that a mezzanine is included as a storey.
Urban design development	New definition deleted as not longer referenced in Territory Plan or associated documents.

5.2.2. Policy

The following policy changes have been made in district, zone or subdivision policies.

Item	Change made
All district policies	Policy outcomes in each urban district policy has been updated to reflect the key directions set in the corresponding district strategy (as finalised post public consultation).
Belconnen District Policy – building heights	Building heights for the Belconnen Town Centre have been amended to reflect heights in the current Territory Plan. The height limit for the shopping centre site has been increased to 12 storeys will the possibility of some tower elements if they deliver a high quality urban design outcome for the area. This height change is consistent with height investigations during the master planning process and subsequent planning investigations, recognising the role of the site as the centre of the commercial precinct.
Gungahlin District Policy	For plantation forestry in non urban areas, wording amended to clarify that it is commercial plantations.
Inner North and City District Policy – entertainment precincts	Provisions have been added to the policy to identify entertainment precincts and specify provisions applicable to development in that area to encourage and protect entertainment uses.
Inner North and City District Policy	Requirements for block consolidation amended with Variation 368 in the Inner North Precinct Code have been transferred into the district policy (and specifications).
Inner South District Policy	Veterinary hospital has been added as a permitted use to Block 3 Section 34 Narrabundah to reflect the current use and lease clauses.
Non-Urban District Policy	Service station has been added as a permitted use to Block 1405 Tuggeranong to reflect the current crown lease on the site.
Woden District Policy	Uses permitted in the CZ3 services zone in Phillip have been amended to remove residential as a permitted use. This is to protect the service trade uses in the area from being impacted by residential development.
Woden District Policy	Light rail has been added as a permitted use to the PR22 land north of the Woden town centre, consistent with the location of the intertown public transport route in the current Territory Plan.
Community facility zone Policy – community housing	Provision added to the Community Facility Policy to confirm that community housing is to be in conjunction with a place of worship, religious associated use or supportive housing.
Subdivision Policy – assessment outcomes	Assessment outcomes have been amended to better reflect the desired outcomes from subdivision/estate development. This includes consideration of block configuration and street/shared path layout. It also states that a subdivision is designed in a way to minimise the need for ongoing site-specific provisions to apply to blocks (i.e. the blocks are not designed in a way that the standard provisions that would apply to a block (particularly for exempt single dwellings) need to be

'switched off' through ongoing provisions in the zone policies or specifications, or the exemption regulation).

Subdivision Policy – unit titling	Clarifies that community housing (in RZ1 and CFZ) cannot be unit titled.
Subdivision Policy – RZ1 – unit titling	In response to concerns regarding housing supply, the ACT Government is permitting a dual occupancy on a RZ1 block to be unit titled (and therefore able to be individually sold) if it meets the following requirements: a) It is located on a block that is at least 800m ² ; and b) One dwelling is no more than 120m ² (excluding the area of the garage).
Subdivision Policy – residential blocks except in RZ1	Where subdivision or consolidation is proposed, a new requirement has been added to clarify that each resultant block must first be serviced with utilities infrastructure.

5.2.3. Design guides

The intent, scope and broad application of the design guides as outlined in the EIE remain relatively the same. The following summarises the policy changes made to the design guides since the EIE.

Application and use

The developed design guides have refined their intended scale and area of influence. The Urban Design Guide will directly influence precinct planning, planning proposals and subdivision development applications. It may also help inform updates to the district strategies and changes to the Territory Plan. The Housing Design Guide will directly influence residential development and the residential component of mixed-use developments. It may also inform broader strategies on residential building design best practice and building feasibility studies. Further detail on the Urban Design Guide and Housing Design Guide is available in the introductory sections of the guide documents. Figure 2 below illustrates the scales of development where the Urban Design Guide and Housing Design Guide apply.



Figure 2: Scales of development where guides apply

In addition to the Urban Design Guide and Housing Design Guide, a Biodiversity Sensitive Urban Design Guide has also been developed. It forms part of the initial suite of design guides, along with the Urban Design Guide and Housing Design Guide. The Biodiversity Sensitive Urban Design Guide will address biodiversity and ecological design matters. Due to its highly specialised nature, the Biodiversity Sensitive Urban Design Guide will work in parallel with the two other guides and not be inconsistent with them.

Structuring themes

- As a refinement from the EIE, the Urban Design Guide and Housing Design Guides are structured around the same themes as the Territory Plan’s assessment outcomes to provide a clear link between the documents.

Following on from the EIE, the Urban Design Guide contains design guidance for the themes, which relate to different spatial scales (suburb, precinct, section and block). The Housing Design Guide contains detailed design guidance for the themes that relate to residential development at a block and building scale.

While the Urban Design Guide focuses more on the broader spatial and public space outcomes and the Housing Design Guide focuses primarily on the built form and housing components, it is the interface between the built and public realm that is the most critical for success in any city, neighbourhood or street. Therefore, the Housing Design Guide will reference the Urban Design Guide in areas of significant cross-over to ensure the successful integration between the two scales.

As above, the Biodiversity Sensitive Urban Design Guide will contain discreet information and will contain a greater amount of detail than the principles for these biodiversity and ecological design elements provided in the Urban Design Guide.

5.2.4. Planning specifications

The following policy changes have been made in district, zone or subdivision specifications.

Item	Change made
Inner North and City – Parking Rates	Visitor car parking rates for the Northbourne Avenue Corridor have been amended to include maximum and minimum parking rates. This amendment was made to better reflect the original policy intent of the City and Gateway Urban Design Framework
General – bushfire and stormwater	Requirements refined to better reflect current policy.
General – early education and care services	Added requirement that early education and care services cannot be located above the ground floor level (i.e. at first floor or above) in response to agency comments.
General – signs and home business	Requirements for signs and home business included to simplify and reflect current considerations.
General – tree planting	Clarification that tree planting is to be in accordance with utility requirements.
Residential – Plot ratio	Removed from specs (though still a consideration for exempt development). Mandatory site coverage and height requirements, as well as guidance for setbacks and building envelope are considered sufficient to address building bulk and scale.
Residential – limits per section	Added limit per section for development that is multi unit and single dwelling housing in residential zones to reflect provisions in current Territory Plan.
Residential – applicable provisions	Specifications amended to clarify that developments that contain dwellings (such as supportive housing and community housing) need to consider the same requirements as multi unit housing (or single dwelling housing if the development only consists of one dwelling).
Residential – Boarding house and secondary residence	Added boarding house considerations and secondary residence size requirements to reflect provisions in current Territory Plan.

Residential – secondary residences and some multi-unit dwellings	Removed requirement for secondary residences to be adaptable in response to community concerns that the requirement can make a secondary residence unfeasible. Changes to the National Construction Code commencing on 1 October 2023 will require all new buildings to be built to minimum accessibility standards that are based on the Liveable Housing Design Guidelines (LHDG) silver standards.
Residential – solar envelope	Solar envelopes have been simplified so one envelope applies to all applicable blocks, but with different heights. This means large blocks approved before July 2013 will continue to have the same height as the current Territory Plan.
Residential – boundary setbacks	Boundary setback provisions amended to simplify and better reflect current policy, including allowing a zero side setback to mid-sized blocks.
Residential – windows near boundaries	Consideration for no windows to be in any wall within 900mm of a side or rear boundary expanded to apply to all blocks (irrespective of size).
Residential – internal dwelling layout	Specific provisions for the internal layout of multi unit dwellings have been added to reflect the considerations in the Housing Design Guide. This includes proportion of different sized units, minimum room widths, ceiling heights and natural ventilation.
Residential – Planting area, tree canopy cover and principal private open space	Planting area, tree canopy cover and principal private open space provisions amended to reflect current Territory Plan policy.
Residential – Front fences and courtyard walls	Front fence and courtyard wall requirements simplified and amended to reflect current Territory Plan policy.
Residential – Parking and vehicular access	Parking and vehicular access provisions amended to simplify and better reflect current policy.
Residential – basement ramps	Ramp to basement carparking in RZ1 and RZ2 amended to allow ramp to start from 50% of the minimum front setback (rather than from behind the building line) in response to submissions received.
Residential – Communal open space	New specification related to the minimum dimension of communal open space where provided in a multi-unit development, as well as minimum sunlight to the area to improve the shared environment for residents.
Residential – tower floorplate	New specification limiting the floorplate of a residential apartment tower to improve impacts on surrounding area.
Residential – Separation between buildings	New specification related to the separation between external walls and unscreened elements in multi-unit housing in the RZ3, RZ4 and RZ5 zones. This specification aims to improve both the impacts on the surrounding area and the environment for the residents.
Residential – Building design	The specification related to the articulation of walls in multi-unit development has been deleted as the requirements of the Housing Design Guide more appropriately address the issue of building design.
Residential – Building depth	New specification for the maximum depth of an apartment building to assist in achieving appropriate natural ventilation .
Residential – natural cross ventilation	Revised cross ventilation specification (for 60% of apartments in the first 9 storeys of a building achieve natural cross ventilation) to improve the living environment for residents of apartments.
Residential – internal storage	New specification requiring a minimum area for storage within a multi-unit dwelling (depending on the size of the dwelling) to improve the living area for residents.
Residential – windows in common areas	New specification requiring a minimum glazed area of 10% of the common circulation floor is served by 2 or more sources of natural ventilation and daylight where the floorplate has more than 6 apartments per floorplate. This specification aims to improve the living environment for residents of apartments.

Residential – dwellings per floor	Revised specification for apartments that they have no more than 6 apartments per shared circulation space (previously 9 apartments per lift or stair lobby) to improve the living environment for residents of apartments.
Commercial – multi-unit housing	Considerations for multi-unit housing amended to reflect changes made in the Residential Zones Specifications.
Commercial – multi-unit housing	Revised floor to floor heights for the ground and first floors of residential development in commercial zones to promote flexibility in the space.
Commercial – Living infrastructure/ urban heat	Tree canopy cover, permeability, cool roof, cool façade and cool paving provisions amended to better reflect proposed policy.