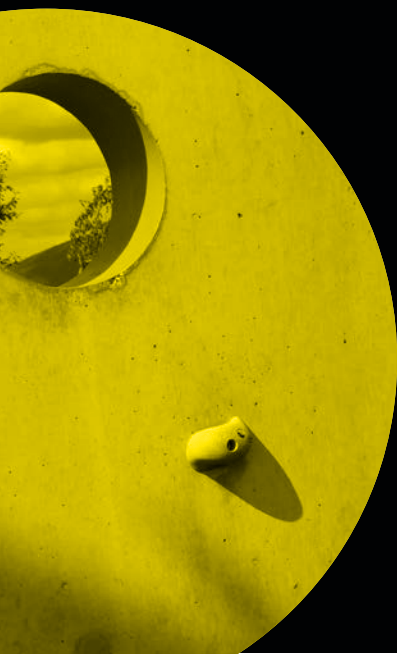


**ACT Planning System
Review and Reform Project**



**Project Update
December 2021**



Acknowledgement of Country

Yuma

Dhawura Nguna Dhawura Ngunnawal

Yanggu ngalawiri dhunimanyin Ngunnawalwari
dhawurawari

Nginggada Dindi yindumaralidjinyin

Dhawura Ngunnawal yindumaralidjinyin

Hello,

This is Ngunnawal Country

Today we are meeting on Ngunnawal country

We always respect Elders, male and female

We always respect Ngunnawal Country

The Environment, Planning and Sustainable Development Directorate acknowledges the Ngunnawal people as Canberra's first inhabitants and Traditional Custodians. We recognise the special relationship and connection that Ngunnawal peoples have with this Country. Prior to the dislocation of Ngunnawal people from their land, they were a thriving people whose life and culture was connected unequivocally to this land in a way that only they understand and know, and is core to their physical and spiritual being. The disconnection of the Ngunnawal people from Culture and Country has had long-lasting, profound and ongoing health and well-being effects on their life, cultural practices, families and continuation of their law/lore.

The Environment, Planning and Sustainable Development Directorate acknowledges the historic dispossession of the Ngunnawal people of Canberra and their surrounding regions. We recognise the significant contribution the Ngunnawal people have played in caring for Country as for time immemorial they have maintained a tangible and intangible cultural, social, environmental, spiritual and economic connection to these lands and waters.

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ACT Planning System Review and Reform Project

Project Update / December 2021



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Introduction

In November 2020, the ACT Government's Environment, Planning and Sustainable Development Directorate (EPSDD) released a series of policy directions papers, which signalled a shift from the predominantly 'review' phase of the ACT planning system to a period of 'review and reform'.

Throughout 2021 EPSDD has continued the review and reform phases of the ACT Planning System Review and Reform Project (the Project).

We have been working to determine what changes are required to give effect to the Project's reform goals. Over the past 12–18 months there has been a focus on the technical work of identifying and developing the changes required to deliver on the policy directions. This technical work has been undertaken within EPSDD, working with other parts of Government and seeking independent technical input on some matters.

A lot of work has been focussed on developing a new Planning Act, which will provide the

framework for the reformed planning system. Work related to strategic and policy reforms has also been ongoing.

In identifying the key features and concepts for a reformed planning system and developing the new Planning Act, EPSDD has also undertaken engagement and tested early policy ideas with key stakeholders through workshops, forums, working groups and online.

The work has included stakeholder workshops on district planning, to help inform key aspects of the district planning approach and to assist EPSDD in preparing draft district strategies for the eight urban districts of the ACT. As the reform journey continues, engagement and consultation will continue to be an important part of the Project.

This paper provides a summary of the technical work and consultation undertaken in 2021 and provides further detail on the reform pathway for 2022 as the Project moves towards developing and implementing the proposed key elements of the reformed planning system.





Project Context

Canberra's population is growing each year and the ACT Government is carefully planning for this growth for the current and future population, with a focus on environment and sustainability. A modern planning system is fundamental to our vision of a liveable and sustainable city. We want a planning system that is efficient, provides some flexibility and is easier to use.

In the 15 years since the last major review of the [Territory Plan](#), the long-term aspirations for Canberra have evolved. The Government has released several other major policies that connect with planning such as the Climate Change Strategy, Infrastructure Plan, Housing Strategy and Transport Strategy. Together with the 2018 [ACT Planning Strategy](#), this has shaped the strategic context in which the planning system operates.



We now have an opportunity to review and reform the planning system in a holistic way.

The broad aims of the Project are noted below and were established as part of the review, which included consideration of feedback over several years on a range of matters:

- 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

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.

Project objectives

- 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

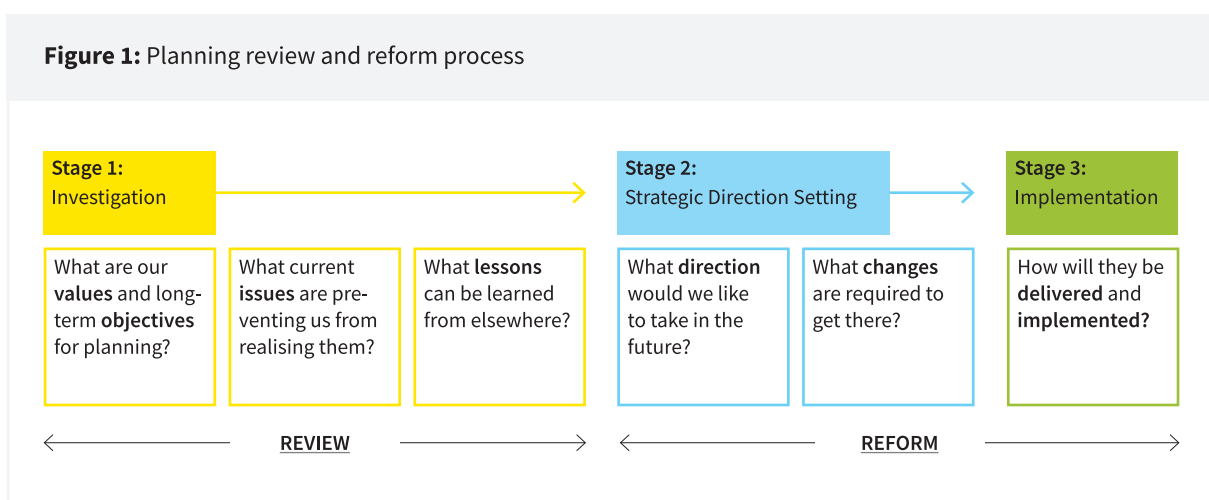


Approach to change

As outlined in the Project papers released in 2020, it was considered that this was an opportunity for significant and integrated reform to the planning system, to create a clear, easier to use planning system that delivers improved spatial and built outcomes across the Territory.

The Project has been structured around a three-stage process that progressively defines and implements the proposed future direction for the ACT planning system (see Figure 1 below).

Figure 1: Planning review and reform process



During 2019 and 2020 the focus was on investigations under **Stage 1**. This included community and industry engagement and benchmarking of the existing system against contemporary examples from states and cities elsewhere in Australia and internationally. This jurisdictional analysis included consideration of key elements of planning systems and their challenges. This provided a basis to investigate a range of approaches to respond to the opportunities and challenges in the ACT.

The Project is currently in **Stage 2**: Strategic Direction Setting. The ‘direction’ phase of Stage 2 was signalled with the release of the policy directions papers in November 2020. The policy directions papers are set around five interconnected focus areas and are available online at <https://www.planning.act.gov.au/planning-our-city/act-planning-system-review-and-reform>. The papers provide directions and actions that set a pathway for the change phase of the reform program.

Figure 2: Policy Directions Papers, released November 2020



The ‘change’ phase of Stage 2 has been ongoing throughout 2021 and will continue into 2022. Key elements and changes to be delivered through the reformed planning system are detailed later in this paper. EPSDD is continuing to undertake the technical work to further refine and develop preferred approaches to support these elements and changes, in line with the proposed directions detailed in the policy directions papers.

Our approach to change so far has considered the [ACT Wellbeing Framework](#) and we will continue to consider the wellbeing of residents as we progress reforms. Our approach also considers how we can plan for climate change and sustainability.

Stage 3 will involve implementation and delivery of the proposed reforms. As outlined later in this paper, some implementation work will commence in 2022 to be completed in time for the reformed planning system to commence in early 2023. Other reforms will be implemented in 2023 and beyond as part of the operation and performance of the reformed system.



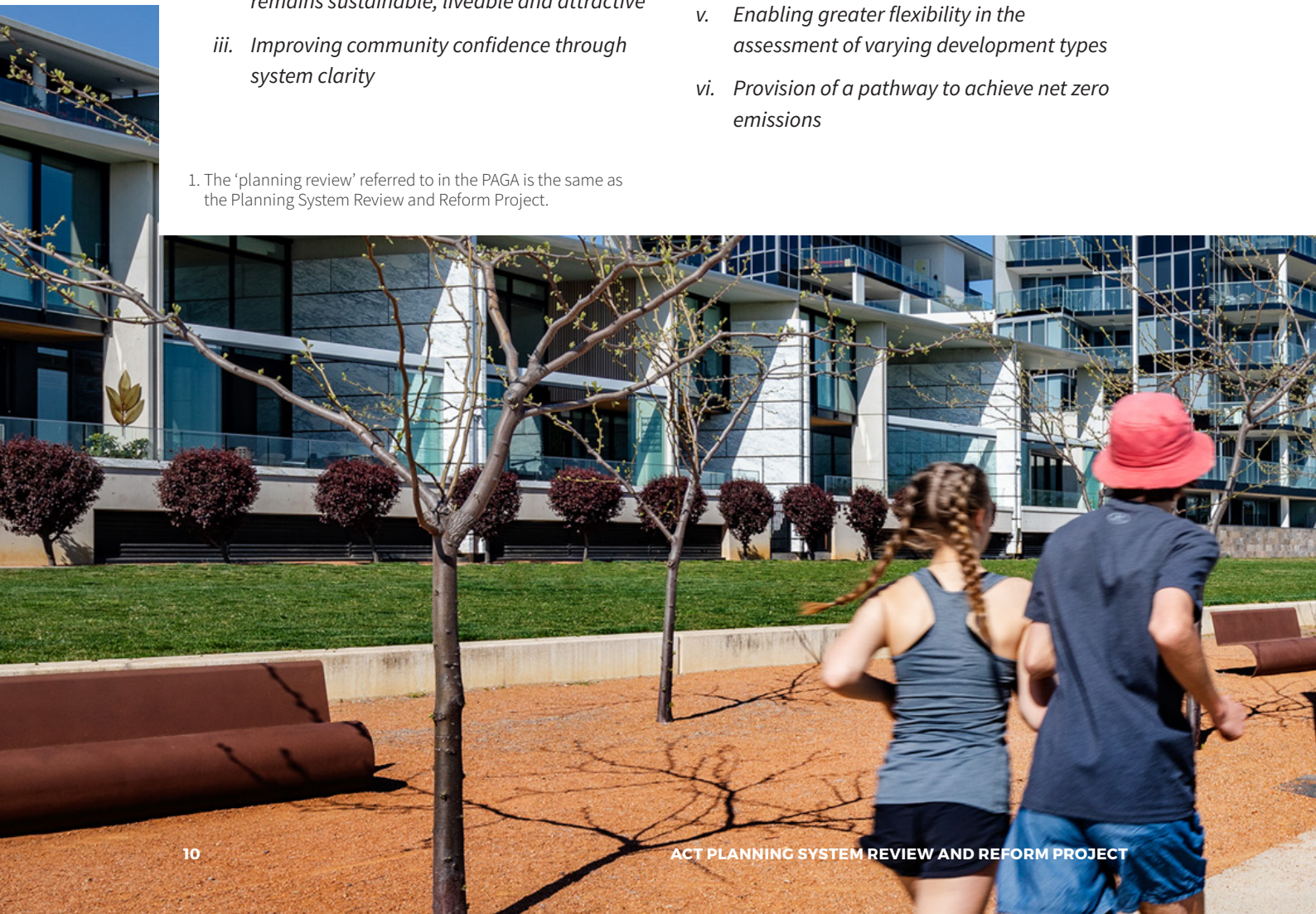
Parliamentary and Governing Agreement

On 2 November 2020 ACT Labor and the ACT Greens entered into a Parliamentary and Governing Agreement for the 10th Assembly (PAGA). The PAGA sets out particular policy and initiatives of interest agreed by the parties. Part C of Appendix 1 of the PAGA outlines the following actions related to improving Canberra's planning system:

The ACT Labor and Greens Government will improve and simplify the ACT's planning system, by taking the following action:

1. *Complete the current planning review¹, in consultation with Canberrans, to deliver a planning system that is clear, easy to use and provides improved spatial and built outcomes across the Territory. The review objectives are:*
 - i. *Simplification of the planning system*
 - ii. *Facilitation of residential development and housing supply while ensuring Canberra remains sustainable, liveable and attractive*
 - iii. *Improving community confidence through system clarity*
 - iv. *Incorporation of character, context and design as key elements of the system*
 - v. *Enabling greater flexibility in the assessment of varying development types*
 - vi. *Provision of a pathway to achieve net zero emissions*

1. The 'planning review' referred to in the PAGA is the same as the Planning System Review and Reform Project.



2. Outcomes that will be delivered through the Planning Review process include:

- i. Substantially lifting the quality and sustainability of the design and construction of new developments
- ii. Improving community consultation and involvement in the development of Canberra
- iii. Helping households and business become climate-change ready
- iv. Delivering a 'community compact' process to find ways to encourage affordable housing while protecting our trees, green space and heritage. The compact will bring together a wide range of different groups in the community, including residents' groups, younger people, government and developers
- v. Ensuring the planning and housing system continues to deliver affordable housing.

Other items in the PAGA relevant to the Project are (Appendix 1, Part A):

3. Reform the ACT's building and planning systems to ensure a transition to best practice climate-ready and environmentally sustainable buildings and planning. This includes:

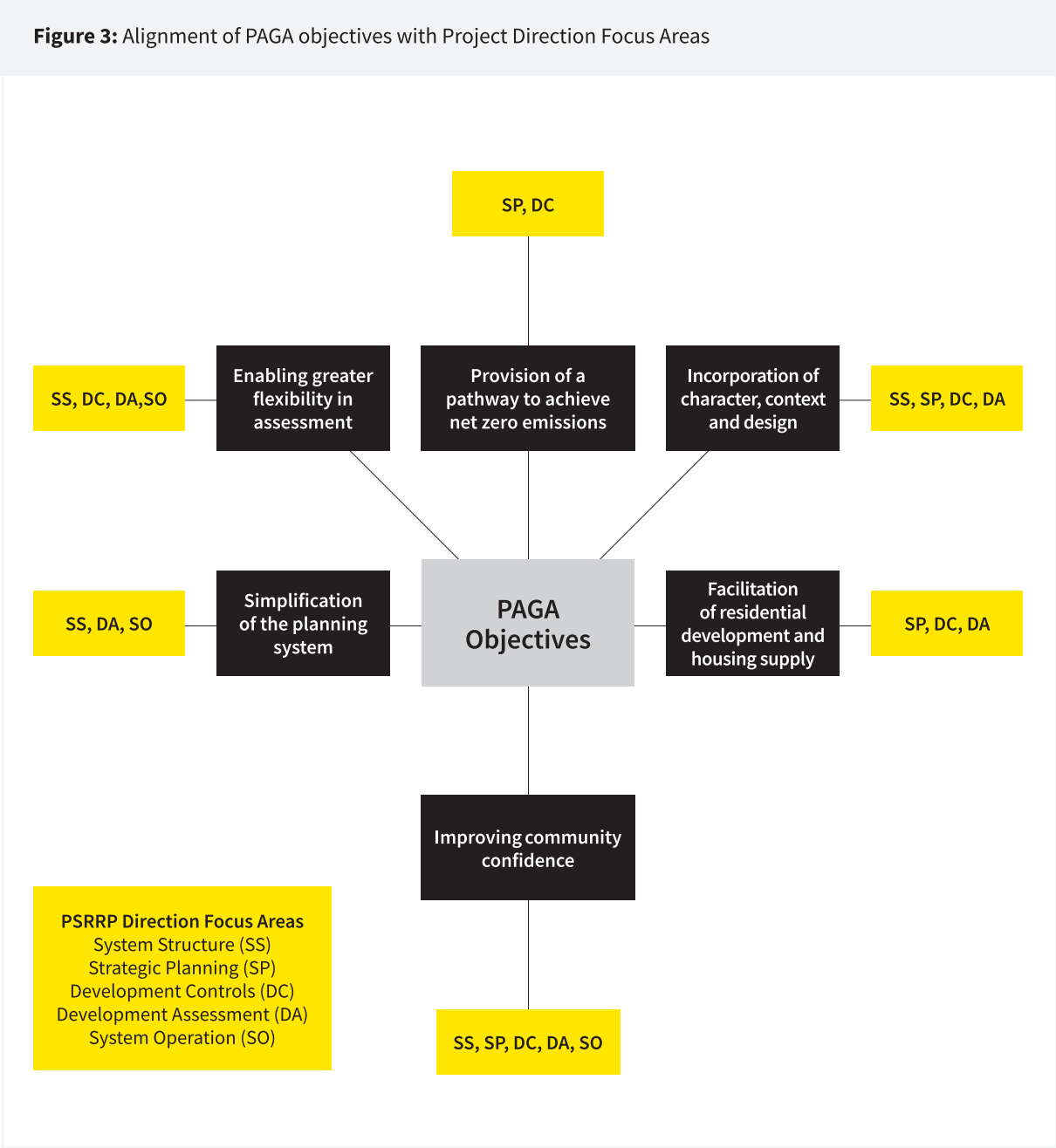
- i. Adopting an ACT Appendix to the Building Code of Australia in conjunction with the Territory Plan Review, which will set out improved sustainability standards that all new buildings must meet (addressing issues such as insulation, glazing, passive design, phasing out gas, and the requirement for electric vehicle charge points).
- ii. Driving sustainable building innovation by piloting land release to include at least one 'showcase' sustainable development each year, such as a 150% living infrastructure plot ratio or a 'Scope 3' zero-emissions development that produces no net greenhouse emissions during construction and operation, and reduced car parking.
- iii. Increase new dwelling site supply to meet increased demand across the housing spectrum.
- iv. Require at least 70% of new housing development to be within Canberra's existing urban footprint, with an ambition to increase this share, in the context of an overall increase to the number of dwelling sites released over the coming decade.



The following diagram shows the alignment of the PAGA objectives with the Project directions focus areas. Work within these focus areas will deliver on the Project objectives outlined in the PAGA.

The PAGA also outlines outcomes to be delivered by the Project and other commitments to be achieved through the review process. These commitments are detailed in the table in Appendix A, showing their links to the PAGA review objectives, the project focus areas and the proposed elements of the reformed planning system through which they will be delivered.

Figure 3: Alignment of PAGA objectives with Project Direction Focus Areas





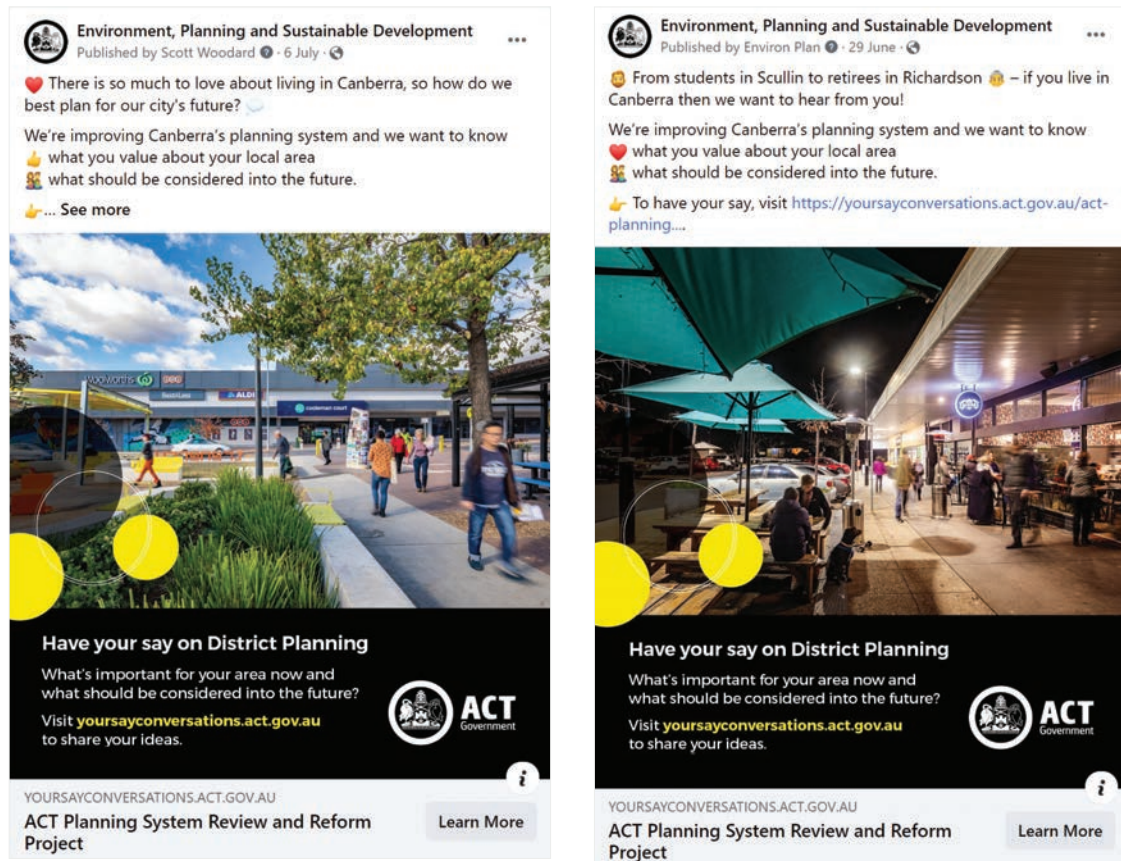
Consultation

Consultation and engagement undertaken in 2019 and 2020 for the Project and that the Project has drawn on, is detailed in the policy directions papers ([Project Overview](#)). Consultation in 2019 and 2020 included surveys, workshops, stakeholder panels and roundtables and initial conversations with Ngunnawal representatives. In addition, feedback and input received across a range of planning related projects was also incorporated to inform the reform approaches.

In 2021, consultation and engagement has continued in consideration of limitations resulting from the COVID-19 Public Health Emergency. This has included district planning workshops and online activities, stakeholder working series sessions and a legislation working group. Updates have also been provided through regular forums including the Environment and Planning Forum, and the Planning and Construction Industry Chief Executive Reference Group.

A significant engagement exercise was undertaken on the early stages of district planning, with workshops held in all eight urban districts through June and July, supported by an online activity delivered via the YourSay website. The listening reports from each of the workshop sessions and a final engagement report have been published on the YourSay website. The reports are available at <https://yoursayconversations.act.gov.au/act-planning-system-review-and-reform>.

Figure 4: EPSDD social media posts promoting the district workshops and online activity



The stakeholder working series has allowed a deeper exploration of some elements proposed for the reformed planning system, with industry, community and interest group representatives discussing ideas and providing feedback for the project team to consider in resolving final policy positions and supporting processes. While the public health directions arising from the COVID-19 health emergency required a change from the in-person workshop format, the working series transitioned to an online approach to allow conversations to continue.

The stakeholder working series is an industry and community forum where the project team can have technical conversations on policy options, test ideas and seek feedback



The Environment and Planning Forum is co-chaired by the Chief Planner and a community representative, with community council and industry association representatives

A legislation working group was established with legal and planning practitioners to discuss the drafting of provisions to give effect to the policy positions informed by discussions held in other forums. The group has met several times in the second half of 2021 to provide feedback and advice for Government on legislative drafting and legal policy matters.

The Environment and Planning Forum has also been used to discuss early policy approaches to legislative changes proposed in drafting a new Planning Act.

Presentations and meetings have also been held with various industry and community organisations throughout the year to provide updates on the Project.

Liaison with Aboriginal and Torres Strait Islander communities has continued, with a focus on engaging with Ngunnawal people on matters relating to management and recognition of Ngunnawal Country, culture, knowledge and traditions in reforming the planning system.

Snapshot of what we've heard

Through our conversations and consultation activities in 2021, we have heard from a broad range of stakeholders with an interest in the planning system. Through the stakeholder


working series, Environment and Planning Forum and the legislation working group, some of the important feedback we have heard includes:

- a need to provide certainty in an outcomes-focussed planning system and to provide clear definitions of what good outcomes are
- the need for guidance materials so that decision-makers, applicants and the community are working from a consistent set of information
- a desire to better understand the purpose and goals of district strategies and how the community can continue to participate in the process
- the need for efficient processes
- a desire for more transparency of strategic and statutory planning processes and access to information in the planning system.

In relation to district planning, we have heard about:

- what is important to people in their districts
- the current and changing needs of residents and how this could be addressed
- how residents think change could be guided and managed in their district in the future.

Through all the conversations we have heard of the continued desire for stakeholders to be involved in the reform of the planning system; to understand how all the elements fit together; and to know when future opportunities for engagement will occur. The summary above is a snapshot of the conversations and is by no means exhaustive.



Detailed listening reports and a final consultation report for district workshops are available on the YourSay webpage



How we use this input

These conversations and feedback are valuable inputs that assist us to understand the key areas of community and industry interest in the planning system. This information assists with guidance on how to refine and amend policy approaches, to better understand where to provide further explanation of proposed policy approaches, and processes and reasoning for each.

Technical discussions and feedback have been used to help refine proposed policy approaches and achieve balanced outcomes across the planning system. For example, the proposed objects of the Act have been refined based on consideration of other systems and following

discussions with stakeholders about what the planning system should prioritise. Similarly, we heard the initial approach on district planning was confusing, so that has been refined to identify district strategies and better describe their purpose as a strategic planning element of the system.

This input and feedback has been used to inform future project planning and timelines, to understand the key areas of interest and communicate when engagement opportunities will be provided. Further information on the future consultation activities for the Project is detailed later in this paper.



Reforming the Planning System

As detailed in the policy directions papers, the Project is neither a ‘light-touch’ approach to reform nor a full-scale ‘start from scratch’ approach. It is a holistic review and proposes reforms that will deliver a more ‘spatially-led’ and ‘outcomes-focussed’ 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 to site level of planning. Additionally, improving the physical and built outcomes is a key area of focus.

The following sections detail the principles and elements for the reformed planning system, to be delivered as part of the reform program.

It is important to note that many aspects of the existing planning system remain fit for purpose and effective. This means that not everything is started from scratch; there are many elements of the current system that are working and will be brought across into the reformed system, albeit, in some cases, in a modified form.

Principles

The reformed planning system has several overarching principles that respond to the policy directions of the Project and which have guided the development of policy positions and elements of the reformed system.

Figure 5: Key principles for the reformed planning system



Easy to use:

This principle refers to people’s interaction with the planning system and the customer experience across all elements of the planning system. It includes having: clear and user-friendly processes for applications; clearer linkages between different processes; and digital platforms that support the planning system being focussed on the user experience. Ease of use is about having information that is easy to find about important matters, like how the planning system works, what an area is proposed to look like in the future (strategic planning) and what you can do on a piece of land.

The principle has also guided attempts to reduce the number of layers within the planning system, including within the Act and the Territory Plan, and reduce the complexity of legislative processes and provisions of the Territory Plan.

The principle does not mean a simplification of the planning process or trying to make planning a simple task. Planning is complex and involves the consideration and coordination of competing ideas and expectations, priorities and outcomes.

Overall, the planning system should be able to be used by everyone, not just planning professionals and the planning authority.



Certainty:

The principle of certainty applies to both strategic and statutory processes within the planning system. The principle supports better information on the strategic planning work that is undertaken to provide a greater indication of the desired future for areas. This will benefit both the community and industry in understanding how areas are intended to look, change and be developed, guided by strategic planning to meet the evolving needs of Canberrans.

This also includes certainty of the considerations when deciding an application and what statutory documents need to contain. The principle of certainty also applies to timeframes for the processes within the planning system. It also means certainty of rights and responsibilities.

Certainty does not mean certainty of receiving an outcome or an approval. All proposals will be subject to assessment on their merits against the relevant planning provisions that apply, having regard to the applicable processes.

Flexibility:

Flexibility as a principle means being less prescriptive and more outcomes-focussed, within the reasonable parameters set by the planning system. Flexibility will be achieved through an outcomes-focus; however, flexibility will be limited where it could lead to unacceptable impacts. Flexibility doesn't mean anything goes, but it does refer to there being more than one way of achieving a desired outcome.

At the strategic planning level, this means indicating areas where change can occur and having strategic planning and development controls that can facilitate good planning outcomes—which may be in more than one way.

At the development level, there will be flexibility in how developments can be proposed to be delivered within the parameters of the performance provisions of the Territory Plan.

We want the planning system to encourage innovative and flexible planning and design solutions and an outcomes-focus through the wording of processes and provisions, noting some provisions may include mandatory components. Flexibility will also be considered for the types of uses that can be undertaken in zones, if it is consistent with other uses in the zone and will not negatively impact on the primary uses desired for the zone. For built form development outcomes, flexibility will be informed by design guidance material and examples of how to meet outcomes-focussed provisions.

Certainty and flexibility are concepts that are not in conflict, as they refer to different aspects of the planning system.



Transparency:

Transparency is a necessary feature to build trust and confidence in the planning system. Increased transparency is particularly important in building confidence noting the shift to increased flexibility and an outcomes-focussed system. The development of the new Planning Bill will explore ways to make processes and decision-making more transparent, and considers the use of the planning website in a much greater capacity to provide easier access to information.

Transparency is also achieved through engagement with the community at important stages of planning and communicating in a clear way.

Outcomes-focussed:

An outcomes-focussed planning system means that our primary focus is on the achievement of good planning and development outcomes across the various processes of the planning system. Good planning outcomes can be achieved at the different scales of the planning system. An outcomes-focus goes beyond the built form and considers the broader policy outcomes that can be achieved through the planning system, such as wellbeing, health, recreation, employment, housing, environment and sustainability outcomes.

For strategic planning and spatial planning, this might be expressing the physical, environmental, economic and social outcomes that are desired and what that might mean and look like with regard to public realm, housing, connectivity and a range of other features.

Under our current system, buildings are too often designed with a focus on complying with minimum rules to achieve development approval. Often a design doesn't add to and connect with its context and this can lead to missed opportunities and not the best development or community outcomes.

In the reformed system, the authority will be more descriptive of what good planning outcomes are, and what the desired outcomes are for an area. This will be informed by strategic and spatial planning policy work, with desired planning outcomes set by the strategic planning and given effect through the Territory Plan and controls.

For developments, the focus will be on how the development performs from a range of considerations rather than a limited focus on whether it meets individual prescriptive planning rules. Developments must perform well in their site context. This includes consideration of built form, public spaces and interactions with surrounding blocks, amongst other planning considerations.

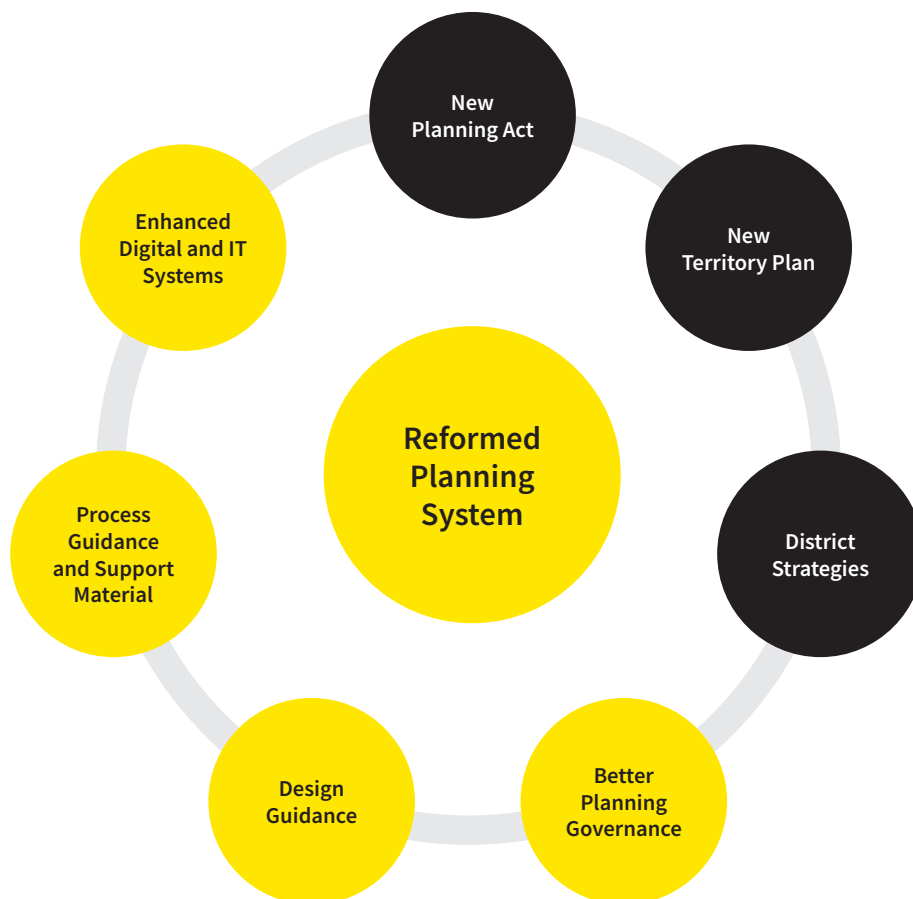
With the outcomes-focussed planning system, a hybrid approach is proposed for the new Territory Plan which will allow for many provisions to be written with an outcomes-focus. However this doesn't preclude mandatory provisions, which will be included where it is considered relevant, for example to limit impacts on neighbours and public spaces and control unsuitable development. For example, this could mean mandatory requirements for maximum height limit, site coverage or setbacks in residential zones.

Elements of the reformed system

The policy directions papers released in November 2020 mapped a project pathway for each of the proposed policy directions. Throughout 2021, and into 2022, the project team is undertaking the technical work to further explore and develop the policy directions and develop the key elements of the reformed planning system to give effect to them.

The key elements of the reformed planning system, and an update on the technical work we have been undertaking, are outlined below. Some of these elements are tangible and defined, such as a new Planning Act, while others refer to more general operational elements where there are proposed improvements across several processes, such as the element of better planning governance. The new Planning Act, a new Territory Plan and district strategies are highlighted as the key elements to deliver the reformed planning system and will be subject to public consultation processes in 2022. Feedback received from stakeholder conversations has helped inform the priorities for reform and the proposed policy approaches for each element.

Figure 6: Key elements of the reformed planning system



New Planning Act

A new Planning Act will set the key elements and intent of the reformed planning system. A new Act provides the opportunity to build an improved system that promotes good planning, design and development across Canberra, while working toward zero net emissions and a healthy community.

The current legislation has grown complex and cumbersome as changes have been added in a piecemeal way.

Other jurisdictions, including South Australia and Queensland, have also recently reformed their planning systems and legislation. The creation of a new Planning Act gives us the opportunity to reflect on the features of other modern planning systems and adapt these ideas to the ACT context where appropriate.

A Planning Bill is being prepared to give effect to the detailed change required to deliver the features of the reformed planning system and give effect to the policy directions. While the current planning system is not broken, there are many reform opportunities that can enable the best planning system for the future of the ACT and Canberrans. This means there would be some fundamental changes contained in the Bill, whilst many existing processes and features would be retained where they remain effective and fit-for-purpose.

The Planning Bill would establish the framework of the reformed planning system and enable drafting of, and detailed consideration on, the new Territory Plan.

The Minister for Planning and Land Management, Mick Gentleman MLA, announced in June 2021 that the ACT Government is drafting a new Planning Act

Key elements of the proposed Planning Bill may include:

- an expanded object of the Act
- new 'principles of good planning'
- expanded functions of the Territory Planning Authority
- expanded strategic planning provisions, including the introduction of district planning through district strategies
- provisions establishing a new, outcomes-focussed Territory Plan
- efficient and transparent Territory Plan amendments for government policy (where consultation has previously occurred)
- a clear process for proponents to propose amendments to the Territory Plan
- retention of design review
- an efficient and transparent development assessment system

- simplified Environmental Impact Statement (EIS) process, with removal of EIS exemptions
- introduction of processes for 'Territory Priority Projects'
- introduction of pre-decision advice on development applications
- broadened decision-making considerations
- splitting the existing regulation into a standalone exempt development regulation and a general regulation
- greater use of the planning website to provide improved transparency and access to information on planning processes and decisions.

Update on technical work

As announced by the Minister for Planning and Land Management in June 2021, the Project team has been developing a consultation draft of a Planning Bill. This has involved the legal policy work to deliver the reform goals of the Project and reviewing the policy positions within the current Act to see what should be carried over to the new system. The Project team has been instructing Parliamentary Counsel's Office on the drafting of the Planning Bill to develop the detailed legislative provisions to give effect to the key elements outlined above.

Consultation and engagement

The Project team has been working with a legislation working group of legal and planning practitioners to discuss the drafting of provisions and policy approaches. The group has met

several times in the second half of 2021 to provide feedback and advice to the Project team.

The existing Environment and Planning Forum and the stakeholder working series have also been used to discuss early policy approaches to features and changes proposed in drafting a new Planning Bill.

A consultation draft of the Planning Bill is proposed to be released in early 2022 for public consultation, for a period of three months. In the lead up to that time, the EPSDD Project team will continue to work with key stakeholders to finalise policy positions and prepare the final drafting of the Planning Bill. The EPSDD Project team are continuing to work to get the legislation right so that everyone, including the planning and development industry, environmental groups and the community, can have trust and confidence in the new system.

Following the public consultation process, Government will consider the feedback received, finalise the Bill and commence the legislative process through the Legislative Assembly.

District Strategies

District planning is a new strategic planning element proposed for the planning system that would provide more strategic and spatial planning guidance at a district area level and allow for the distinctive character of each district to be reflected in the planning system. Through our review of other jurisdictions and listening to feedback from the ACT community,



we found there was an opportunity to add a district planning layer between the ACT Planning Strategy and the Territory Plan.

The EPSDD Project team want Canberra's future planning to reflect what's important to the community. District planning would be undertaken through the development of a district strategy for each of the eight urban districts in the Territory. District planning would provide direction for growth and change across each district. As an example, this planning is likely to be more similar to that of the Planning Strategy (e.g. policy map and directions) in terms of articulating valued and important attributes at a district-scale as well as proposed directions for potential improvements and changes.

Key policies in district strategies may be given statutory effect through the corresponding district code of the Territory Plan, where appropriate. This would require those elements to be considered during development application preparation and assessment.

Update on technical work

Throughout 2021 we have been progressing the technical work to support district planning. This has included compiling existing policy plans and maps for each of the eight urban districts. These policy plans and maps were used to support the district planning workshops held in each district, and documented the current policy and planning that applies in each of the districts. The EPSDD Project team has been identifying and reviewing ACT Government strategies to capture other existing policy relevant to the district planning work and where there might be gaps or opportunities. This is allowing us to get a full picture of the existing policy and identify where further work is required to plan for the changing needs of residents in each district.

We have also been reviewing the approach to spatial planning that occurs in other jurisdictions to settle the best approach to district planning in the ACT, including the way spatial strategies are presented. This has helped us consider the

hierarchy of our spatial plans and how they apply in new and existing areas. We have been establishing a base of what information should be included and how it is presented, which will help us better describe the desired future in districts and the role of district strategies within the broader strategic planning framework.

We are continuing to progress other pieces of work that will be key inputs to district strategies, such as work around our local centres, planning and urban design in the city centre, commercial and industrial zones and land use analysis, major corridor investigations (such as stage 2 light rail), and land strategy to support the land release program.

Consultation and engagement

Several engagement activities have been held to seek community views on a range of matters relating to districts and what elements of each area are valued by residents. We have heard from members of the YourSay Community Panel about the unique features of their local areas and what they liked and disliked about the buildings and streetscapes around them. This information was expanded on through a series of focus group workshops and an online activity delivered in June 2021 with community members representing each of Canberra's eight urban districts.

A lot of feedback was at a very local level (Fig. 6), and this has been scanned to identify consistent matters relevant at a district level.

In addition to the summary listening reports from these workshops already released, a final engagement report for the district planning consultation held in June 2021 was published in December on the YourSay website. The final engagement report outlines participants' views and perspectives through 16 distinct themes, categorised into four main areas, shown in the figure on the next page.

Figure 7: Feedback themes arising from the district planning workshops

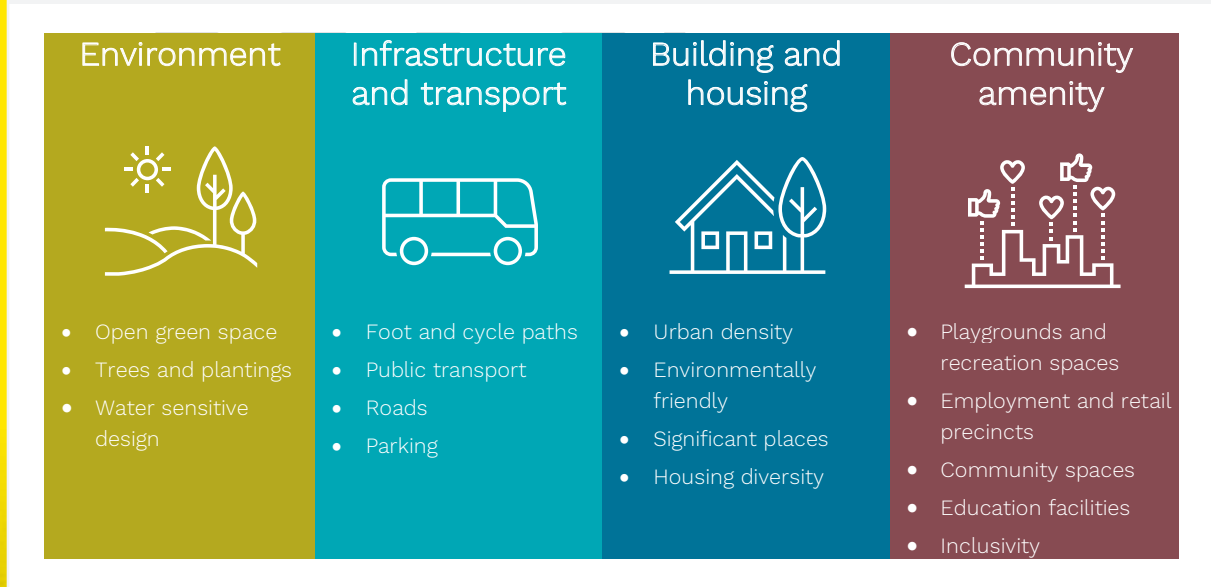
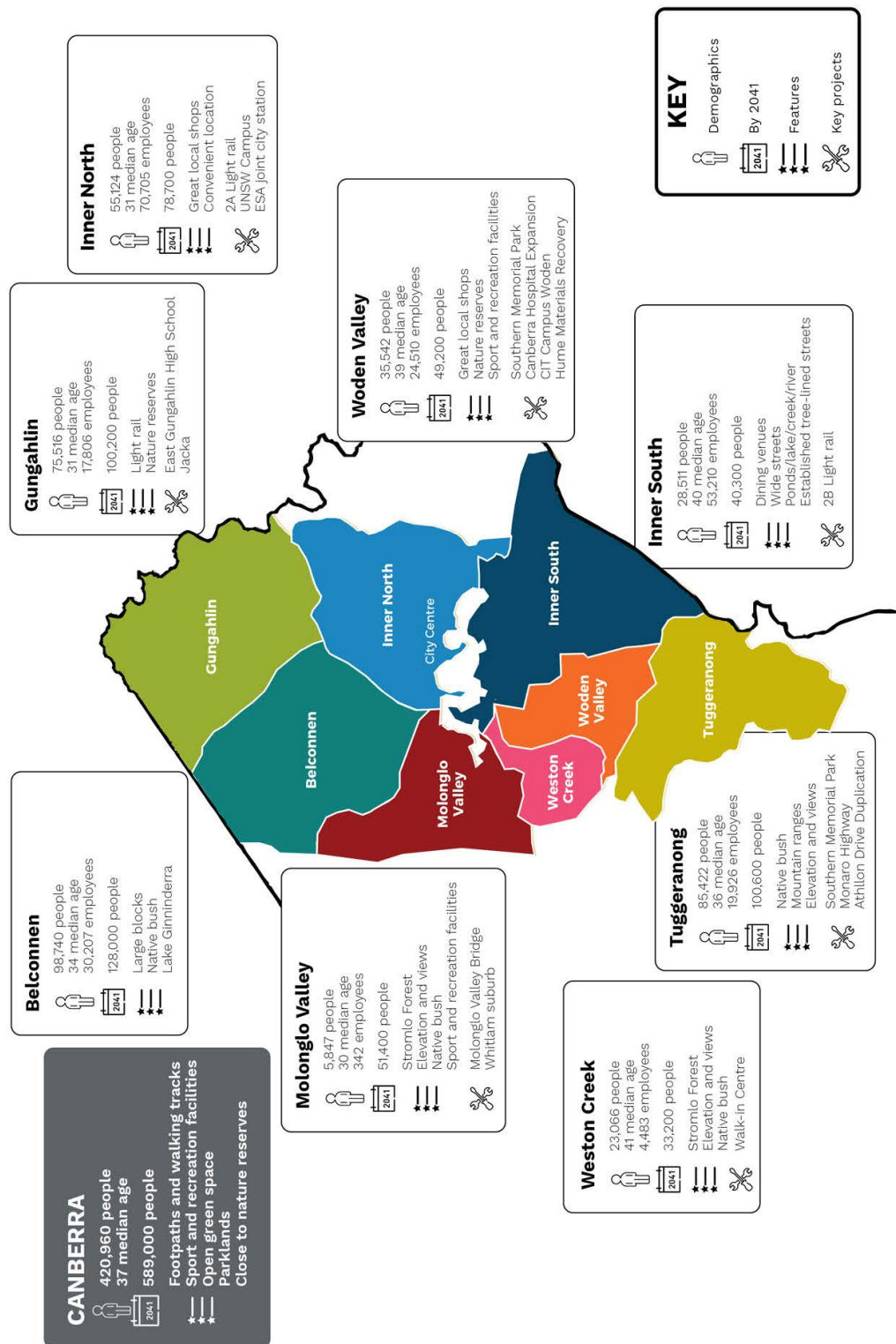


Figure 8: Snapshot of each of our districts, including what we heard through our [Places and Spaces engagement](#) in 2020.



EPSDD will use the outcomes from the engagement as a relevant input into the work on district strategies. Some of the existing policy and programs that apply at a district scale were provided at the workshops and online, and this will be combined with the feedback and consideration of the growth of Canberra into the future to identify directions for change—where, how, what it might look like, at a district scale. This technical work on district planning is underway and is required to deliver the next stages of work and engagement.

There will be further opportunities for comment and input on draft district strategies in 2022.

New Territory Plan

While a new Planning Act would provide the framework for the reformed planning system, the proposed new Territory Plan would be the main mechanism for achieving an outcomes-focussed approach and delivering on strategic and spatial planning directions.

The Project provides the opportunity to reset and realign statutory planning policies in the ACT. The Project aims to deliver a new outcomes-focussed Territory Plan that is clear, easy to use and seeks to effectively deliver planning-related strategic outcomes like the ACT Planning Strategy. Rather than focus on a prescriptive rules and criteria system, the new proposed Territory Plan would encourage innovation and high-quality design.

While the broad structure of the Territory Plan is proposed to remain familiar and retain some existing features, the proposed changes relate to the provisions within the plan which would be re-written to have an outcomes/performance focus. At a high-level, the Territory Plan map and zoning would remain, with codes providing planning provisions tailored to deliver the desired zone outcomes.

The existing 13 general codes are proposed to be consolidated into theme-based general codes, with a greater emphasis on their role in managing development outcomes.

We propose to consolidate district codes from the existing 116 suburb precinct codes and the urban

aspects of the 20 existing district and area codes. These new district codes would incorporate the existing precinct code policies, aligning them to reflect the planning outcomes arising from the district strategies.

The structure of each of the codes is intended to change from a focus on rule compliance to a performance-based approach focussed on the achievement of a good development outcomes for the site. The planning provisions (i.e. development controls) within the codes are proposed to include three main components:

- Desired outcomes statements—describe the intent of planning provisions and policy outcomes intended to be achieved. They would aid the interpretation of performance outcomes by describing the overarching policy objective.
- Provisions—the development controls against which a development is assessed. Provisions would comprise performance outcomes and acceptable measures.
- Performance outcomes—predominantly qualitative measures that describe how a proposed development should perform in relation to a particular planning element (such as built form or setbacks). Performance outcomes would be aimed at achieving the intent of applicable desired outcomes. For a development to obtain development approval, it must meet all performance outcomes.
- Acceptable measures—provides a quantitative or definitive path to achieve a performance outcome. An acceptable measure provides certainty by detailing one non-exclusive way to achieve compliance with a performance outcome. It is not the only way a performance outcome may be achieved, and it is not necessarily a minimum outcome to satisfy the provision.

Together, this root and branch approach to the proposed new Territory Plan is expected to deliver a modern statutory planning framework that is clear, easy to use and is reflective of the long-term strategic aspirations of development of Canberra and the protection of its valued character.

Update on technical work

As outlined above, EPSDD has been investigating and planning how a new Territory Plan can be structured to deliver on the principles of an outcomes-focussed system that is easy to use.

We have been doing the technical work to develop a structure for a new Territory Plan, including considering how to incorporate district-level codes and minimise the number of layers within the Territory Plan. We are doing the legal policy work on developing processes to amend the plan to provide a better alignment with our strategic planning outcomes and the Territory Plan.

We are undertaking policy research, review, and analysis in several key areas such as:

- best-practice planning and design outcomes for estate developments in both greenfield and infill estates and identifying how we can amend our planning provisions to achieve better outcomes.
- best-practice urban design principles for built form and the public realm and exploring the options to deliver improved design-led policy and to achieve better outcomes through the Territory Plan. We have also been considering how to support statutory provisions with design guidance material and practice manuals, to provide clear direction to practitioners on improving design outcomes.
- for commercial and industrial zones and mixed-use development, looking at options for better management of the compatibility of uses and delivering employment outcomes in these zones.
- supporting the move to zero-emissions vehicles by reviewing parking requirements and planning for the need to provide for electric vehicle charging in multi-unit residential and commercial developments
- known issues with the current Territory Plan to be addressed in the new Plan.

We have been engaging within EPSDD and with agencies across the ACT Government to understand the planning-related policy that is relevant to be given effect through the planning

system. This work is considering the broader role of the planning system in being able to achieve ACT Government policy outcomes, such as climate change, transport, housing, and schools planning etc.

Work has also been progressing on the strategic environmental assessment (SEA) process required by the [Planning and Development Act 2007](#) when reviewing the Territory Plan. The SEA process is being used to support the full Project review process (not limited to the Territory Plan). The technical work completed so far includes developing the scope and objectives of the assessment, how the assessment will be integrated and delivered through the Project review processes, and consideration of what assessment, evaluation and monitoring processes for policy changes might be relevant going forward.

Consultation and engagement

We are reviewing the planning policy positions contained within the Territory Plan as the basis of drafting a new Territory Plan and this drafting will continue in 2022. We are also drawing on feedback from stakeholders in recent years related to the Territory Plan. Further information on the structure of the Territory Plan, proposed policy changes and the consultation approach will be provided in 2022.

Better planning governance guidance

Any reform of a system needs to take account of governance and implementation. Better planning governance is needed to realise the full potential of the reformed system in a manner that promotes transparency, accountability and builds public trust and confidence in the system, its administration, operation and the outcomes which it supports.

Better planning governance in the ACT will result in better coordination, implementation and administration of initiatives that seek to elevate the quality of planning and design outcomes across the city. This includes describing the purpose of planning in the ACT, what our strategies are, how planning is undertaken, and how our

planning is connected and integrated at different scales, layers and stages. It will detail our strategic planning processes and decision-making.

Good planning governance can be achieved through strategic and spatial planning that provides a hierarchy and line-of-sight between policies, is evidence-based and has been developed through genuine consultation. It provides a basis for decision-making in a strategic context rather than on an ad-hoc basis. It will communicate the purpose of planning and build trust with the community in the planning system.

Research into other national and international jurisdictions has demonstrated the benefits of such an approach.

Update on technical work

In 2021, we have been progressing this work by identifying and analysing known issues and gaps in our strategic and spatial planning work program and considering decision-making frameworks. We have reviewed other jurisdictions' approach to strategic and spatial planning at different scales, and how they integrate and consider various factors at scale and through time.

We have been developing a framework to improve our planning governance across the board, including better alignment and connections with our work and improving our planning policy development processes. We have also been exploring different options for communicating about the many elements of the planning system, to make the planning system easier to use, with more certainty as to the processes that apply and the outcomes we want to achieve. More information will be provided in relation to this as we move toward implementation focus.

Design guidance

To support an outcomes-focussed and performance-based planning system, it is necessary to be descriptive of the outcomes desired and provide guidance on how these outcomes can be achieved.

The proposed new Territory Plan would set out the desired planning outcomes to be achieved in zones and districts across the Territory, as well as providing performance outcomes for planning elements, such as building height, plot ratio, setback, materials and finishes and interface with the public realm.

To support the achievement of desired built form outcomes, EPSDD proposes to prepare a suite of design guidance materials to support statutory provisions and provide further description of what good design outcomes are and how these can be designed and achieved.

EPSDD has looked to other places and systems and sought independent technical advice to inform how the ACT planning system can be set up to achieve high-quality, contemporary best-practice built form, place design and public realm design outcomes. Design guidance will consider how we can regulate for and describe good design outcomes, whilst still providing support for design flexibility and innovation.

This work will inform district strategies and the drafting of the new Territory Plan in 2022.

Update on technical work

In 2021, the project team have been researching and analysing best-practice approaches to urban design to achieve better built form and public realm design outcomes in the reformed planning system. This work has involved an assessment of current design guidance with the ACT planning system, assessment of other jurisdictions and identification of best-practice approaches. We are continuing to explore and identify the opportunities and options to improve design guidance across our system. We have been undertaking technical work on the development of statutory policy to improve design outcomes, through performance outcomes and metrics that could be included in a new Territory Plan, and the development of explanatory and guidance material to support practitioners and development assessment officers.

We have been considering related work which will be useful in informing future design guidance, including an assessment of known design issues in the city centre and the development of an urban design framework for the city centre. This work adds to our knowledge base and will inform our future directions for delivering better design guidance in the reformed planning system.

Process Guidance and Support Materials

Improving the user experience through process guidance and support materials is an important feature of the proposed planning system. Several of the project policy directions related to making improvements to the system operation, including providing stronger guidance on processes and improving the accessibility of information.

To support the implementation of a reformed planning system, EPSDD proposes to prepare guidance and support materials to clearly explain planning and administrative processes.

This work will include education and training opportunities for users of the planning system, including industry professionals.

Update on technical work

In doing the technical work to develop the many elements of the reformed planning system, we have also been preparing process guidance and support materials. This work is aimed at delivering the principles of a planning system that is easy to use and where there is certainty as to what the future direction is and what the processes are to be followed. We are developing a range of materials to provide better information on all aspects of the planning system, including (but not limited to) guides explaining:

- our strategic and spatial planning processes, including district strategies
- the Territory Plan and amendment processes
- the development assessment process
- exempt development
- review rights and appeals.

Material is being prepared to support the public consultation on the Planning Bill and other consultation processes in 2022 and will continue to be added to and updated as we continue along the reform path. We are looking at clear, simple ways to provide information and where possible enable people to interact and understand; this will likely result in a stronger reliance on visual material.

Digital and IT systems

Improving supporting digital and technology systems is potential avenue that the proposed reform program would seek to enhance the user experience by making more information, more easily available online.

This could mean an improved planning website, with access to development application (DA) information online at any time including DA documents, drawings, plans and decisions. The planning website would also have guidance and support materials to assist users of the planning system to understand the reforms and explain new features and processes.

Improving the user experience may be achieved by adding functionality to the DA lodgement software, allowing for real-time tracking of progress of applications.

Access to the online Territory Plan can benefit from improvements, such as increased functionality to search by address or blocks details provided with the planning codes that apply to a site.

Update on technical work

In 2021, we have been identifying and scoping the options for improvements to the digital and IT systems which are needed to support the reformed planning system and deliver an improved user experience across the various touch points. This includes the planning website, a development application lodgement portal, and improved functionality for an online Territory Plan. These proposed system upgrades will be subject to future budget funding.



Next Steps

The technical work on the reforms and preparation and implementation of reforms to the planning system will continue over the course of 2022, with the reformed planning system proposed to commence in 2023. The delivery and timing of some elements is subject to future budget funding being provided.

Future engagement for the Project is proposed to focus on three main elements and in phases to provide input and support the development of the Planning Bill, the new Territory Plan and district strategies.

The proposed Planning Bill is a fundamental step of the reform program and is proposed for public release of a consultation draft in early 2022. The proposed steps that follow the public consultation process are for Government to consider the feedback received, finalise the Bill and commence the legislative process through the Legislative Assembly.

Throughout 2022, EPSDD will continue the technical work to develop and finalise the other key elements of the reformed planning system as outlined in this paper. This will include consultation processes for draft district strategies and the new Territory Plan. Engagement will continue with the Ngunnawal community, and representatives of the broader Aboriginal and Torres Strait Islander community, on relevant reforms.

Further information will be provided throughout 2022, in advance of these processes commencing.





Glossary of terms

Acceptable measure: Part of a planning provision against which a development is assessed and provides a quantitative or definitive path to achieve compliance with a performance outcome.

ACT planning and land authority: The Chief Planning Executive (also currently the Director-General of the Environment, Planning and Sustainable Development Directorate) is the ACT planning and land authority.

ACT Planning Strategy: The strategy produced by the ACT Government titled [ACT Planning Strategy 2018](#).

ACT planning system: Legislation, policies, rules, plans and strategies that control and inform planning and development in the ACT.

Built environment: The structures and places in which we live, work and play, all of which are integral to improving the health, wellbeing and quality of life of our community as a whole.

Character: Character makes an area distinctive and contributes to the identity of the place.

Codes: A series of policies and instructions relating to planning. Three types of planning codes in the Territory Plan are: precinct, development and general codes.

Design principles: A set of design ideas that enable the consistent consideration of a range of design related issues including at a broader city, neighbourhood or site-specific scale.

Desired outcome: A statement describing the intent of planning provisions and the planning policy outcomes intended to be achieved.

Development application: A formal application including supporting documents lodged with the planning and land authority to enable an assessment of a proposed development against the requirements of the Territory Plan and the Planning and Development Act.

Development assessment: The processes through which development applications are assessed and considered. They are either approved, refused or required to resubmit with further detail.

Development code: A set of detailed rules and criteria which applies to a set of developments as outlined in the [Territory Plan](#).

Development controls: Are documented in the [Territory Plan](#) in the various codes and development tables. They are the policies that are used to control or manage development in line with planning objectives objectives and against which a development application is assessed.

District planning: Planning at a district level to bridge the gap between ACT-wide and local area planning to provide an opportunity to build on existing and emerging government policies, plans and strategies.

Exempt development: The development proposed is exempt from requiring development approval under a development table or by regulation.

General code: Planning provisions that address particular planning and design issues which may relate to any kind of development across any of the zones within the [Territory Plan](#).

Greenfield: Greenfield areas are undeveloped land often located on the edge of existing urban areas and usually identified by a future urban area overlay in the Territory Plan.

Guidelines: Documents that provide guidance on how to implement official advice but do not include specific development controls.

Land use: The way in which a piece of land is used which includes the activities that are undertaken on it such as residential, industrial, community facility, recreational and commercial.

Master plan: Non-statutory document that outlines a vision to guide growth and development of a centre over the next 20–30 years.

Outcomes-focussed planning: 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.

Performance outcome: A planning provision against which a development is assessed. For a development to obtain development approval, it must meet all performance outcomes.

Planning: Also called urban or regional planning, is the process of making decisions to guide future action and is specifically concerned with shaping cities, towns and regions by managing development, infrastructure and services to improve social, economic and environmental outcomes.

Planning and Development Act 2007 (the Act): The legislation which provides the framework for the ACT planning system

Precinct code: A set of planning instructions which sets out the requirements that apply to individual suburbs or geographical areas (precincts).

Rules: A series of provisions which provide definitive controls for development. In relation to a code, means the rules set out in the code.

Spatial plan: A document which provides the direction for a specific area within the planning system and is used to inform the outcomes of development applications.

Spatially-led planning: Planning that places a greater emphasis on strategic spatial planning and physical direction of the Territory at different scales, from the city level to the local-area and site levels of planning, as well as improved planning and built form outcomes.

Stakeholder: Any person, institution, organisation, agency, department, authority, club, association or the like which is directly involved in the planning process.

Statement of Planning Intent: A statement prepared by the Minister for Planning which sets out the main principles that are to govern planning and land development in the ACT.

Appendix A

The following table details the commitments in the PAGA related to the Project, showing their links to the PAGA review objectives, the Project Focus areas and the proposed elements of the reformed planning system.

PAGA commitments	Project alignment		
	PAGA review objectives (Appendix 1, Part C, 1)	Project Direction Focus Area	Delivered through Project elements
PAGA reference: Appendix 1, Part A, 3:			
Reform the ACT's building and planning systems to ensure a transition to best practice climate-ready and environmentally sustainable buildings and planning. This includes:			
i. Adopting an ACT Appendix to the Building Code of Australia in conjunction with the Territory Plan Review, which will set out improved sustainability standards that all new buildings must meet (addressing issues such as insulation, glazing, passive design, phasing out gas, and the requirement for electric vehicle charge points).	(ii)	SP, DC, DA	New Territory Plan
	(iv)	SS, SP, DC	Design Guidance
	(v)	SS, DC, DA, SO	(ACT Appendix to the Building Code of Australia)
ii. Driving sustainable building innovation by piloting land release to include at least one 'showcase' sustainable development each year, such as a 150% living infrastructure plot ratio or a 'Scope 3' zero-emissions development that produces no net greenhouse emissions during construction and operation, and reduced car parking.	(iv)	SS, SP, DC	New Territory Plan
	(v)	SS, DC, DA, SO	District strategies
	(vi)	SP, DC	Better Planning Governance
iii. Increase new dwelling site supply to meet increased demand across the housing spectrum.	(ii)	SS, SP, DC	New Territory Plan
			District strategies
			Better Planning Governance
iv. Require at least 70% of new housing development to be within Canberra's existing urban footprint, with an ambition to increase this share, in the context of an overall increase to the number of dwelling sites released over the coming decade.	(ii)	SP, DC, DA	New Territory Plan
	(v)	SS, DC, DA, SO	District strategies
	(vi)	SP, DC	Better Planning Governance

PAGA commitments	Project alignment		
	PAGA review objectives (Appendix 1, Part C, 1)	Project Direction Focus Area	Delivered through Project elements

PAGA reference: Appendix 1, Part C, 2:

Outcomes that will be delivered through the Planning Review process include:

i. Substantially lifting the quality and sustainability of the design and construction of new developments	(ii)	SP, DC, DA	New Planning Act
	(iv)	SS, SP, DC	New Territory Plan
	(v)	SS, DC, DA, SO	Better Planning Governance
	(vi)	SP, DC	Design Guidance
ii. Improving community consultation and involvement in the development of Canberra	(i)	SS, DA, SO	New Planning Act
	(iii)	SS, SP, DC, DA, SO	New Territory Plan
			Better Planning Governance
			Process Guidance and Support Materials
iii. Helping households and business become climate-change ready	(ii)	SP, DC, DA	New Territory Plan
	(vi)	SP, DC	Design Guidance
iv. Delivering a “community compact” process to find ways to encourage affordable housing while protecting our trees, green space and heritage. The compact will bring together a wide range of different groups in the community, including residents’ groups, younger people, government and developers	(iii)	SS, SP, DC, DA, SO	New Planning Act
			New Territory Plan
			District strategies
			Better Planning Governance
			Process Guidance and Support Materials
			Digital and IT systems
v. Ensuring the planning and housing system continues to deliver affordable housing	(ii)	SP, DC, DA	New Planning Act
			New Territory Plan
			District strategies
			Better Planning Governance

Project Direction Focus Areas: System Structure (SS), Strategic Planning (SP), Development Controls (DC), Development Assessment (DA), System Operation (SO)

