

PART B: THE TERRITORY PLAN

B.1 What is the Territory Plan?

The Territory Plan sets out a statutory framework for the future development of the ACT. In effect, the Territory Plan is a policy about how land can be used and what can be built where.

The Territory Plan is primarily used to decide development applications and to make other planning related decisions, such as decisions about the zoning and the use of land. An outcome-based approach to the assessment of development proposals is a distinctive feature of this Territory Plan.

The Territory Plan may also shape public and private infrastructure investment decisions and guide the future pattern of development in the ACT.

B.2 Structure of the Territory Plan?

The Territory Plan consists of seven parts:

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 – The Territory Plan

This part provides initial user guidance with 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 Planning Strategy and district strategies.

Part D – District policies

District policies are an important and distinctive feature of this 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 that are important 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 follow 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 accepted 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 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.

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

Supporting material

Supporting materials may include background material, guidelines, advisory notes or other supporting material. Supporting materials 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, informing and deciding development proposals.

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

Figure 1 below illustrates the Territory Plan structure and the relationship with the supporting material.

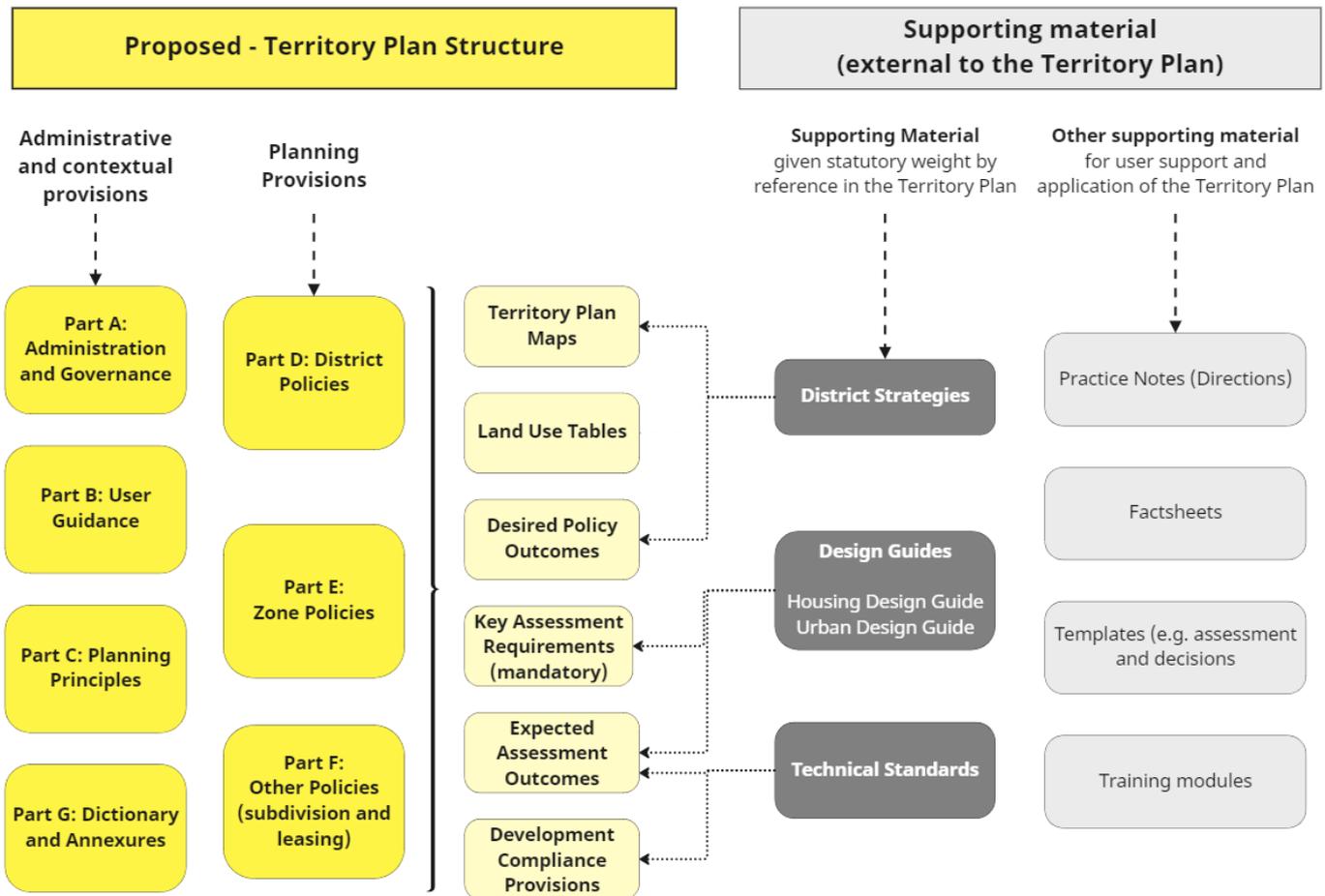


Figure 1: Territory Plan structure and supporting material

B.3 What are design guides?

An outcome-based approach to the assessment of development proposals is a distinctive feature of this Territory Plan. Design guides are fundamental instruments to support the design and assessment tasks. Design guides provide important guidance in preparing, assessing and deciding development proposals.

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.

There are two important design guides:

The **Housing Design Guide** articulates desired design outcomes to guide and assess the design quality of housing across a range of housing typologies and densities. The Housing Design Guide deals with residential components of proposed developments and provides important guidance that supports the amenity and wellbeing of occupants.

- 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

The **Urban Design Guide** provides important guidance for developments that are defined as being at precinct scale or urban design developments; exceeding one hectare; compromising more than 1,000m² of public or common space; or developments that required advice from the Design Review Panel. The Urban Design Guide also provides guidance to deliver high quality and consistent public realm outcomes, with clarity on the preferred design outcomes for both public and private delivery.

B.4 What are technical specifications?

The *Planning Act 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, waste management, 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, 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, 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 provided by design guides.

B.5 How to use the Territory Plan

When using the Territory Plan to prepare a development proposal, the user should ask five key questions before and during preparation of the development proposal.

Is the proposed development permissible?

Determine if a proposed development or use is permissible by reference to the map to determine the applicable zone and then by reference to the land use table. At this point the Crown lease should also be considered.

What are the desired policy outcomes?

Determine the desired policy outcomes by referring to the relevant part in the district and zone policy. This is important to understand and respond to any distinctive or unique characteristics and opportunities associated with the locality, and to respond to fundamental and important policy outcomes relevant to the district and zone.

What are the assessment requirements?

Determine if there are any assessment requirements that need to be met for the development by referring to the relevant part in the district and zone policy.

Assessment requirements are typically of a mandatory nature. Non-compliance with assessment requirements is likely to result in refusal of a development proposal.

What are the assessment outcomes?

Consider and respond to the relevant assessment outcomes by referring to the relevant part in the district and zone policy. This is important as the assessment outcomes are at the heart of an outcomes-based planning system.

Assessment outcomes contain the key matters that any development proposal will be assessed against and allow flexibility, creativity and innovation.

Design guides provide important guidance in preparing, assessing and deciding development proposals. The consideration of and response to the relevant design guides are fundamental in demonstrating the suitability of a proposed development in its locality.

Are there any pre-determined solutions in the technical specifications?

Consider if there are any relevant development compliance provisions. Most development compliance provisions are contained in the technical specifications. Technical specifications can be used to provide possible solutions 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 development application and associated documentation submitted to support a development proposal should demonstrate that these matters were considered.

Further guidance, factsheets and practice notes will be published on the Territory Planning Authority's website.

B.6 Assessing and deciding development proposals

The Territory Planning Authority will assess and decide all applications against the considerations listed under Section 183 of the *Planning Act 2022*.

- (a) any applicable desired outcomes in the territory plan;
- (b) if the territory planning authority gave pre-decision advice in relation to the application—the pre-decision advice and any response by the applicant to that advice;
- (c) if the site of the proposed development adjoins another zone— whether the development proposal achieves an appropriate transition between the zones;
- (d) the suitability of the proposed development in the context of the site and the site surrounds, including the permissible uses for those areas;
- (e) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts;
- (f) the interaction of the proposed development with any other adjoining or adjacent development proposals for which a development application has been submitted or development approval given;
- (g) any representation about the development application received by the territory planning authority and not withdrawn;
- (h) any advice given by an entity;
- (i) any environmental significance opinion or conditional environmental significance opinion in relation to the development proposal;
- (j) if the proposed development relates to land that is public land— the public land management plan for the land;
- (k) if the design review panel gave advice on the development proposal—the panel’s advice and the applicant’s response to the panel’s advice.

The Territory Planning Authority is also required to refer a development application to an entity for advice. Such entities include other entities within the ACT Government, such as Transport Canberra and City Services Directorate and the Environment Protection Authority, but also utility service providers. The Territory Planning Authority may refer any proposal to a government entity for advice under Section 168 of the *Planning Act 2022*.