ACT Planning System Review and Reform Project

ACT Government







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.

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

Figure 1: Project purpose and objectives

The methodology for the Project is summarised in Figure 2.

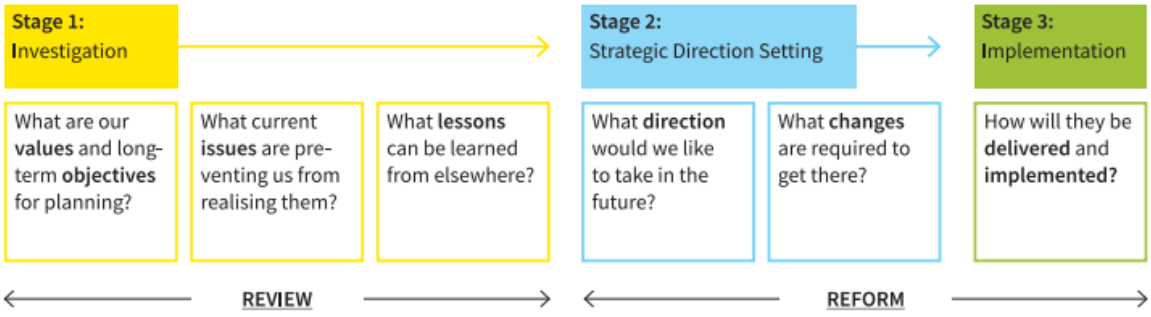


Figure 2: Project stages



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-focussed 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-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.

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.

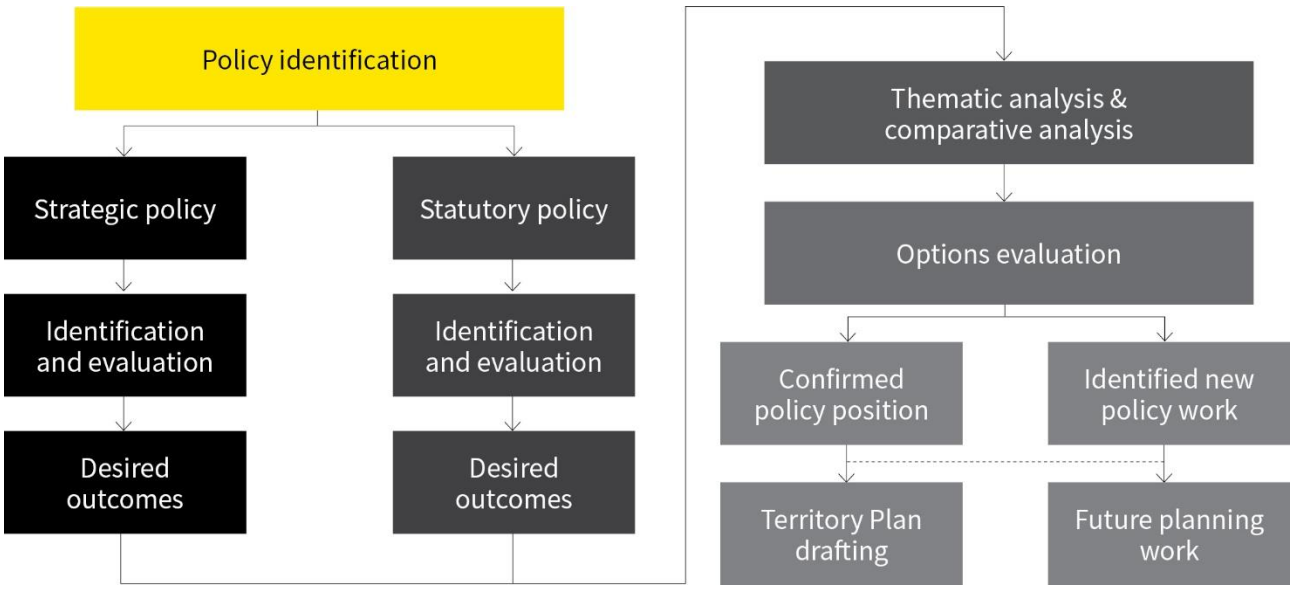


Figure 4: Policy Evaluation Process

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.

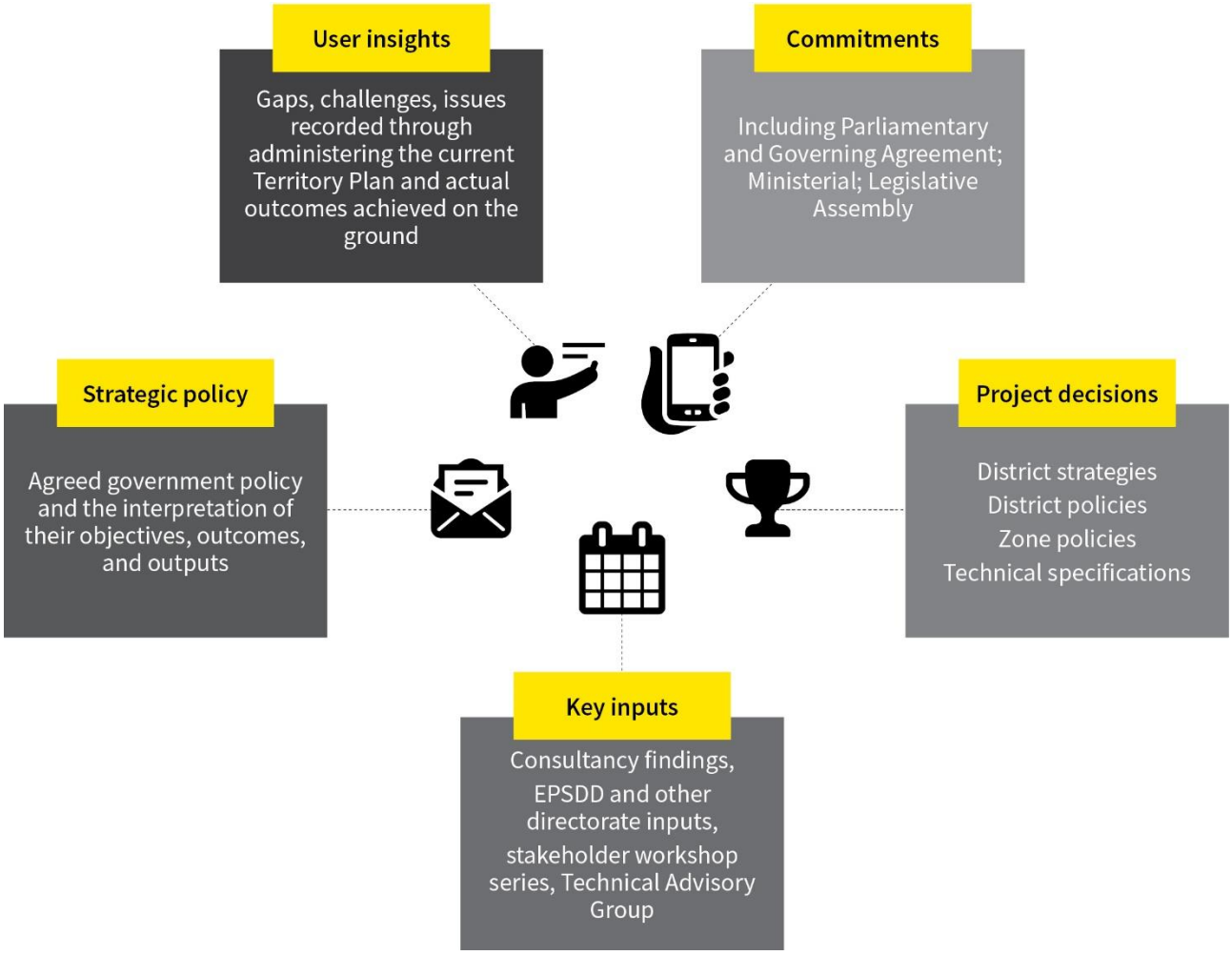


Figure 5: Drivers for change

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 ultilise 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
Proposed changes to zone objectives and land uses	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. 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. 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. 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). 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). CZ6 Leisure and Accommodation Zone – Continuing to facilitate leisure and accommodation-based activities was supported. IZ1 General Industrial Zone – protecting industrial land by limiting uses to heavy and light industries was supported. 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.
Strategic planning	Recommendations are noted regarding: • 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 though 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.



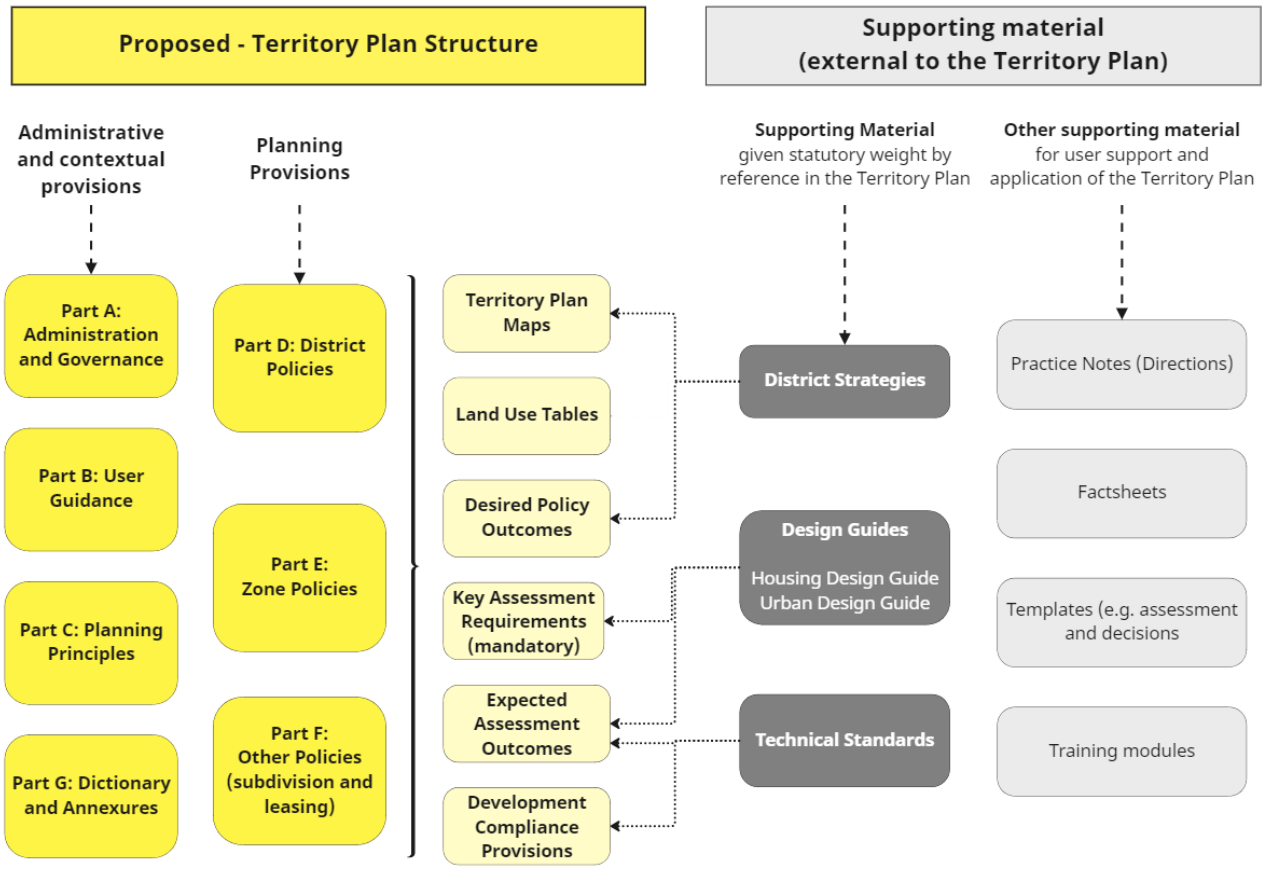


Figure 9: Territory Plan structure and supporting material

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 *store, telecommunications facility* or *light industry*, depending on the particular proposal. It is considered that a separate definition for a *data centre* 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.
Ecotourism	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	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.	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
Early childhood education and care	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.	A definition for early childhood education and care should be added to the Territory Plan to replace the current definition of child care centre.	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
Major electricity storage facility	The definitions currently do not include a use that adequately covers a large battery storage facility for electricity generated by renewable sources.	It is considered necessary to have a standalone definition that responds to the emerging use of land that house large scale battery storage facilities	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.
Transport facility	It is considered unnecessary to have two separate definitions – *public*	The two definitions can be effectively combined into one comprehensive definition that covers the	New definition: ***transport facility*** means the use of land for the assembly, transport or dispersal



	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
Utility hydrogen production facility	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.	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.	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.
Urban Design Development	There is a need to define the scale and characteristics of a development that would trigger the use of the Urban Design Guide (UDG).	This term is used in defining a development threshold trigger for use of the UDG.	New definition: ***urban design development*** is defined as: 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
Veterinary clinic	A veterinary clinic is currently covered under the definition of *health facility* and is permitted in residential zones. Though *health facility* is restricted to day patients only, many vets in residential zones provide care for animals overnight. A *veterinary hospital* provides for the care and treatment of animals at all times	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 *veterinary clinic* (to differentiate it from *health facility)* 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	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.



	(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 *animal husbandry* changed to *intensive animal farming* to reflect corresponding definition change
Ancillary use	Definition should be amended to remove the defined term from the definition	Definition of *ancillary use* 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: a) a large area for handling, storage or display; and/or b) direct vehicular access to the *site* 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 *shop* 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 *car park*	Revised definition: ***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	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 *caretaker's residence*	Revised definition: ***caretaker's residence*** means <u>one</u> *dwelling* used for the residence of a caretaker, in connection with another land use, including *industry* 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: ***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 *dwelling* but not a room or suite of rooms within a *dwelling*. It does not include any associated facility such as a *restaurant*, bar or functions room.
Community housing	Definition not in main dictionary	Definition of *community housing* is currently included in the Dickson Precinct Code	Include current *community housing* 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: ***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	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: ***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</u>



			land for agriculture and authorised by the lease
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 *financial establishment*	Revised definition: ***financial establishment*** means the use of land for the primary purpose of providing finance, investment opportunities and providing services to lenders, borrowers and investors on a direct and regular basis.
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	Revised definition: ***home business*** means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land but does not include a motor vehicle depot
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.	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, fuelling, charging and repair of plant or machinery. Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.
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.	Revised definition: ***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) the bulk storage or wholesale distribution of hydrogen fuel as a liquid or gas, including the production of hydrogen fuel for these purposes.
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 verges and the like, or *easements* within *leases*.
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, fuelling, charging and repair of plant, machinery or vehicles. Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.
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 *plant and equipment hire* is adequately covered by the definition of *industrial trades*	This definition is not necessary as it is covered under the *industrial trades* 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 *transport facility*	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 –



			a) enter into a residence contract with the scheme operator for the retirement village; and b) on payment of an ongoing 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 *serviced apartment* does not need to be separately defined as it is covered by the definition of *multi unit housing* or *commercial accommodation unit*	A separate definition for a *serviced apartment* 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 *commercial accommodation unit*
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, charging and/or servicing of motor vehicles, whether or not the land is also used for any one or more of the following purposes: 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 *ancillary* 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) production and storage of hydrogen for on-site fuelling purposes.
Social enterprise	Definition not in main dictionary	Definition of *social enterprise* is currently	Include current s*ocial enterprise* 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 *supportive housing* or *residential care accommodation*	Special dwelling is rarely used in development proposals as it can be considered to be *supportive housing* or *residential care accommodation*	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 *shop* selling food and other household items where the selection of goods is organised on a self-service basis
Temporary use	Currently *temporary use* 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 *temporary use* 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 *veterinary clinic,* the definition for *veterinary hospital* needs to be amended to distinguish between them.	A *veterinary hospital* 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 *veterinary hospital* is more likely to have an impact on neighbours than a *veterinary clinic*.	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: *adjacent* 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 *attached house* 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: ***attached house*** means any *dwelling*, within a *building* containing two or more *dwellings*, 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 *dwelling*. Attached houses may incorporate communal basement car parking. Attached house includes row house, semi-detached house, terrace house and townhouse.
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: ***attic*** means any habitable space, but not a separate *dwelling*, 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): '*building* is a structure and includes: a) an addition to a *building*; b) a *structure* attached to a *building*; and c) a part of a *building* but does not include: 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	Part of the definition of *building line* states a 'fence, courtyard wall or retaining wall is not deemed to be part of the *building*'. This can lead to it being interpreted that those elements do not constitute a *building.*	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 *building* for the purposes of setting the building line.	Revised definition: ***building line*** means a line drawn parallel to any *front boundary* along the front face of a *building* or through the point on a *building* closest to the *front boundary*. A terrace, landing, porch, *balcony*, deck or verandah that is more than 1.5 metres above *finished ground level* or is covered by a roof is deemed to be part of the *building*. A fence, courtyard wall or retaining wall is not deemed to be part of the *building* <u>for the purpose of setting the building line.</u>
Carport	The current definition of carport does not expressly state that it is a covered (i.e. roofed) car parking space.	It is considered necessary to make it clear in the definition that a carport is to be roofed.	Revised definition: ***carport*** 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.
Commercial accommodation use	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.	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.	New definition **commercial accommodation use** 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.
Communal open space	The current definition of communal open space does not specifically require it to be easily accessible on the subject site.	It is proposed to clarify this requirement by revising the definition	Revised definition: ***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	The current definition does not refer to emerging modes of active travel such as the use of scooters.	The definition has been revised to include scooters to be consistent with the definition of active travel	Revised definition: ***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



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	Revised definition: ***datum ground level*** means the surface ground level as determined in a field survey authorised by a registered surveyor: 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; whichever is the earliest. 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. This definition includes natural ground level.
Detached house	It is proposed to make the definition of *detached house* clearer.	A revised definition will make it clearer and easier to determine what constitutes a *detached house* for the purposes of application	Revised definition: ***detached house*** means a *building* comprising a single *dwelling* which is not attached to any other *dwelling* and where the *dwelling* has within its curtilage separate private access to the *dwelling* and open space at ground level for the exclusive use of the occupants of the *dwelling*. It may include a free-standing *dwelling* in a *multi-unit development*.
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 *fin wall* in a development.	Revised definition: ***fin wall*** means part of an external wall built to extend past the façade and typically not required for structural purposes. Fin wall(s) are provided to add architectural interest and/or visual screening.
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.	Revised definition: ***floodplain*** means that area of stream or drainage corridor which is inundated during heavy rainfall events



	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: ***garage*** means a roofed car parking space 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: ***lower floor level*** (LFL) means a *finished floor level* which is 1.0 metres or less above *datum ground level* 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: ***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.
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 *screening device* in a development	Revised definition: ***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) angled louvres to restrict overlooking.



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 *dwelling* on a *block* which is subordinate to the principal *dwelling* on the *block.*
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 *block* 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 *storey*.	Revised definition: ***storey*** means a space within a *building* 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 *attic* or a *basement* <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 *structure*	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 *undercroft parking*	Revised definition: ***undercroft parking*** means that portion of a *building* 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: ***upper floor level*** (UFL) means a *finished floor level*, which is greater than 1.0 metres above *datum ground level* 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
	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
IZ2 Mixed Use Industrial 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 *standard block* 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 address 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 500m^2
- 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, Forrest

Changes proposed for Forrest 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



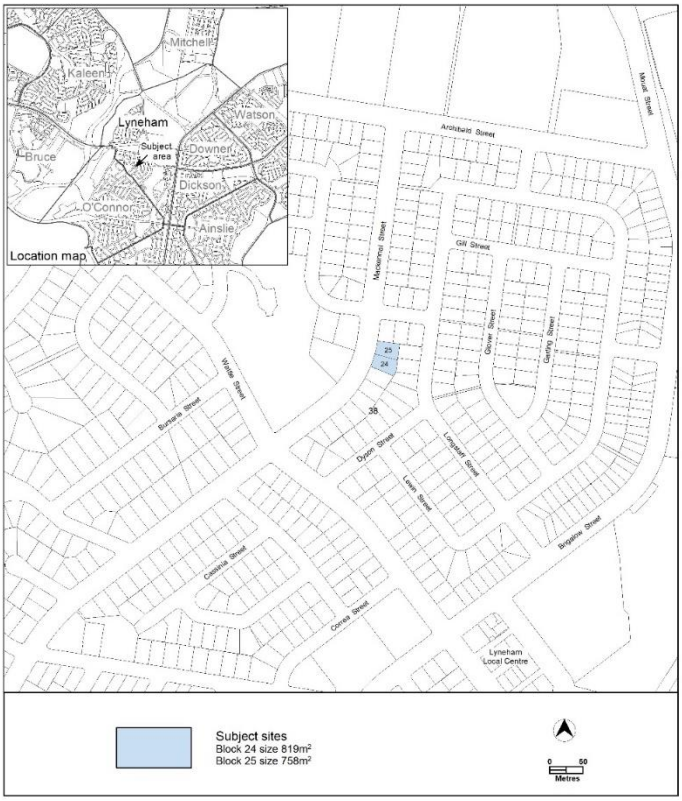
- allows for testing and evaluation of the concept, which may influence future policy about housing choice

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

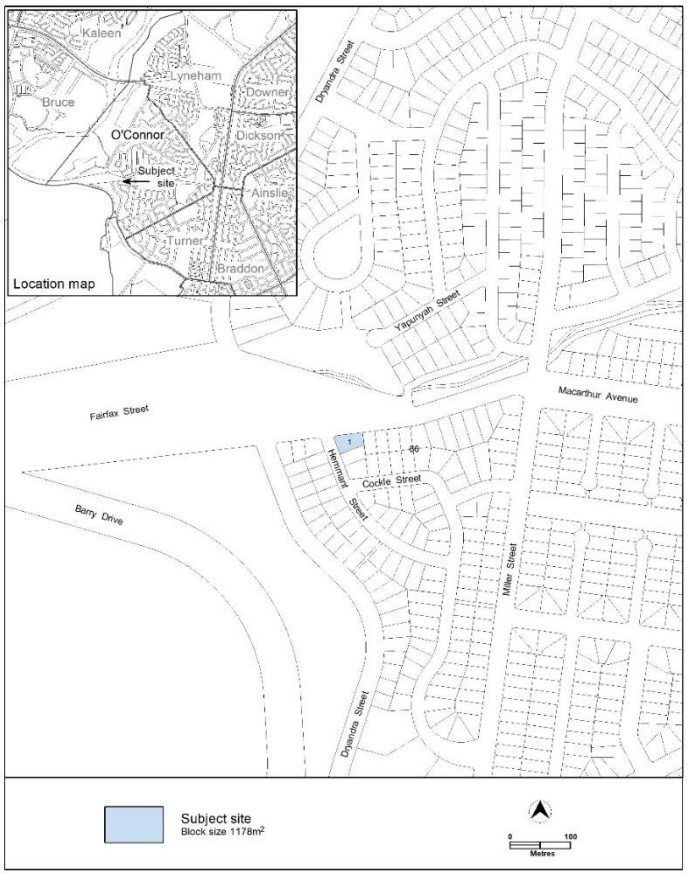
- increases housing choice by allowing greater dwelling density – allowing 9 dwellings where currently only 4 are permitted
- the development allows for ageing in place through addressing liveability requirements
- the development has been designed to fit in with the character of the surrounding area, 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

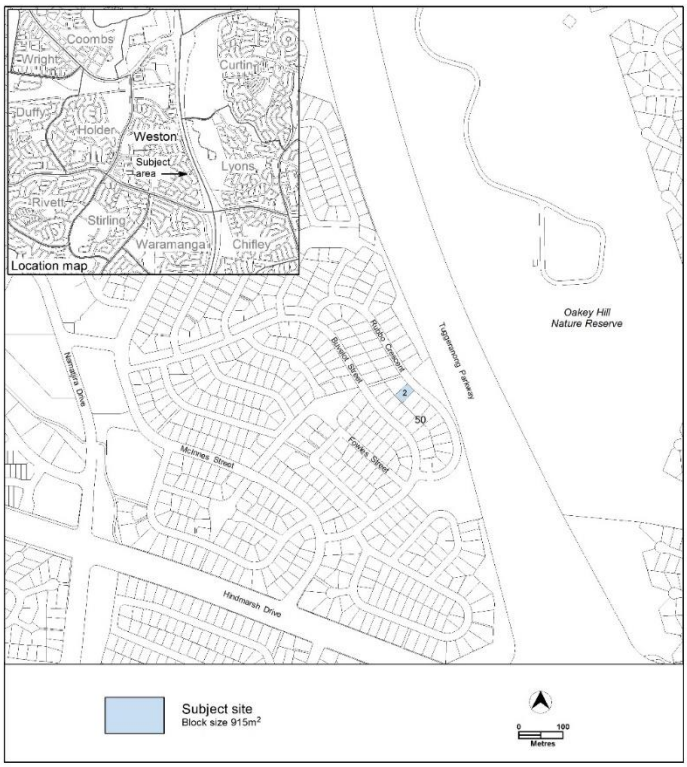
Further details on the proposal are located in Attachment E10iv

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