



ACT
Government

Part A Administration and Governance

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A.1. What is the Territory Plan?

This plan is the *Territory Plan 2023*.

The Territory Plan 2023 (the Plan) is prepared and administered by the Territory Planning Authority as a notifiable instrument as required by Section 45 of the *Planning Act 2023* (the Act) and in accordance with Chapter 5.

The object of the Plan is to ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the Australian Capital Territory (the ACT) provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation (Section 46 of the Act).

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

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

The Territory Plan may also shape public and private infrastructure investment decisions, government and community efforts towards ecological or cultural restoration, and guide the future pattern of urban development in the ACT.

A.2. Land to which the Plan applies

The Plan applies to land within the ACT as shown on the maps in Part B of the Plan.

The Plan does not apply to land identified as Designated Land under the National Capital Plan, or to land declared to be National Land. An area may be declared to be National Land if it is, or is intended to be, used by or on behalf of the Commonwealth.

A.3. Structure of the Territory Plan

3.1. Territory Plan

The Territory Plan consists of seven parts:

Part A – The Territory Plan (Governance)

This part contains key statutory information necessary for the administration and operation of the Territory Plan, including where the Territory Plan applies. This part contains an explanation of the components of the Territory Plan and how they are used in the development assessment process.

Part B – Territory Plan Map

This part contains the maps that form part of the Plan, identifying all land covered by the Plan.

Part C – Planning principles and strategic links

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

Part D – District policies

District policies are an important and distinctive feature of this Plan. The use of district policies is underpinned by strategic planning work undertaken at a district level that builds on detailed analysis and research undertaken for each district (district strategies). Development considerations identified in the district strategies are then implemented through the relevant district policy, making it a required consideration in the development assessment process.

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

There are nine urban districts and one non-urban district, each with its own unique characteristics and themes. District policies contain the considerations and requirements that are specific to a district or part of a district. These considerations and requirements override any relevant requirements in the zone or other policies.

District policies specify uses that are permissible or prohibited on specific blocks in addition to those specified by a zone. The policies outline desired policy outcomes that are important to each district and include assessment outcomes and key assessment requirements relevant to each district. Development applications must demonstrate that they are consistent with all the relevant assessment outcomes and assessment requirements.

Part E – Zone policies

Zone policies allocate land uses and development opportunities to land in the ACT based on the zoning of the land.

There are seven zone policies that incorporate the 23 land use zones to apply zone specific considerations and requirements to land in the ACT.

Zone policies specify uses that are permissible (subject to a development application) or prohibited in specific zones. The policies outline desired policy outcomes that are important in differentiating each zone and include assessment outcomes and key assessment requirements relevant to each zone.

Part F – Other policies

Other policies are necessary to guide the orderly development of land in the ACT.

One such policy is for the subdivision of land, including the development of greenfield land for future estates and smaller block subdivisions to make better use of existing underdeveloped land. This policy also includes the assessment outcomes and key assessment requirements

that apply to future urban areas (as identified in the Territory Plan Map with the future urban area overlay).

Another policy is required for the unique leasehold system found in the ACT, specifically to assess applications that propose new or additional uses in the Crown lease.

These policies apply to relevant development types across all districts and zones.

Part G – Dictionary

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

3.2. Supporting documents

The Territory Plan provides for a more outcomes focused planning system. It is accompanied by supporting documents such as design guides and planning technical specifications that provide important guidance and clarification to deliver a more efficient development assessment process that focuses on developing high-quality built outcomes for Canberra. Other supporting documents can include factsheets, practice notes, templates and training material.

Supporting materials do not form part of the Territory Plan but may be ‘called up’ by policies within the Territory Plan. Design guides are a required consideration in the development assessment process and both design guides and planning technical specifications are notifiable instruments.

Design guides

Though the Territory Plan contains provisions that will deliver the desired planning outcomes for the ACT, there is a need for these to be supported by clear methods and examples for how they can be met.

Under the *Planning Act 2023*, the Minister may prepare design guidance for development proposals (design guides) to support the Territory Plan. A design guide is a notifiable instrument published on the ACT Legislation Register and must also be published on the Territory Planning Authority website.

The guides provide clear and easy to understand qualitative guidance that identify design possibilities and encourage innovation. Design guides also identify where flexibility in design can be considered and matters that must be addressed. Overall, the guides are critical in the design and assessment process, particularly when planning provisions are less prescriptive and leave room for interpretation and innovation.

Design guides made by the Minister include:

- Urban Design Guide - provides guidance for larger developments to support the delivery of high quality public realm and built form outcomes.
- Housing Design Guide – provides guidance for housing to support the amenity and wellbeing of the residents and their visitors.

- Biodiversity Sensitive Urban Design Guide – provides guidance on protecting natural values, including biodiversity and ecological connectivity.
- Other place-specific or theme-based design guides may be prepared and made by the Minister.

Planning technical specifications

Under the *Planning Act 2023*, the Chief Planner may make technical specifications to support design guides and the Territory Plan. Technical specifications are a notifiable instrument published on the ACT Legislation Register and must also be published on the Territory Planning Authority website.

Planning technical specifications are used as a possible solution or to provide guidance for identified aspects of a development proposal. The specifications may also be used as a reference or benchmark in the preparation and assessment of development proposals to demonstrate compliance with the assessment outcomes, and the Territory Plan.

The Territory Plan makes reference to district specifications (providing possible solutions to district policies), zone specifications (providing possible solutions to zone policies) and other specifications (providing possible solutions to other policies).

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

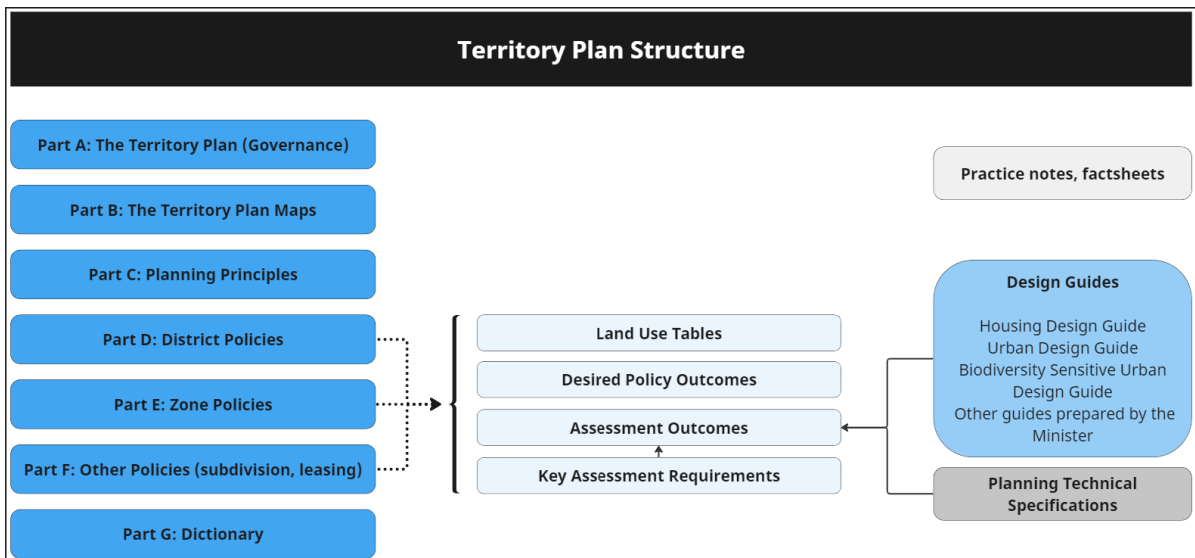


Figure 1: Territory Plan structure and supporting material

A.4. How to use the Territory Plan

Uses

After identifying the zoning of a parcel of land, the relevant Zone Policy indicates uses that are permissible (marked as a 'Y' in the land use table) or prohibited. The relevant district policy may specify that other uses are permissible on a nominated site, or that a use normally permitted in a zone is prohibited on a site.

Policy outcomes

The policy outcomes within the district, zone and other policies describe the desired development outcome to be achieved in a specific district or zone, or to be achieved through a subdivision or lease variation. For zones and districts, these outcomes identify how one zone is different to another or features that are of particular importance in a district (or part of a district). The policy outcomes inform the assessment outcomes for a zone or district and are used in the assessment process to guide compliance with the assessment outcomes to deliver the desired development outcomes for an area.

Assessment outcomes

The primary assessment consideration for a development application is the assessment outcomes in the district, zone and other policies. Assessment outcomes are consistent with the policy outcomes in the Territory Plan policies and specify the desired outcomes to be achieved by a development proposal.

Recognising the importance when planning a development of first considering the broader urban context and then moving to the detailed design considerations, the assessment outcomes in the zone and other policies are grouped into the following themes:

- Country and Place
- Urban Structure and Natural Systems
- Site and Land Use
- Access and Movement
- Public Space and Amenity
- Built Form and Building Design
- Sustainability and Environment
- Parking, Services and Utilities

Not all themes are relevant in each policy therefore all eight themes may not be included in a policy document.

In demonstrating compliance with the assessment outcomes, consideration is to be given to the relevant design guides and may be given to planning technical specifications which may serve as a benchmark. While all assessment outcomes are to be met, not all outcomes are covered by design guidance and/or planning technical specification. Assessment of a zone assessment outcome can take into consideration the relevant zone specification or an applicable district specification, noting that the district specification takes precedence over the zone specification. However, a district assessment outcome only takes into consideration a corresponding district specification.

Where a proposed development complies with a relevant provision in the design guide and/or planning technical specification and the development *comprehensively* addresses the assessment outcome, further assessment regarding those assessment outcomes will not be required.

Where a design guide applies to a development, the proposal must demonstrate that it is consistent with the guidance provided for assessment outcomes in relation to the design elements listed below. Given the nature of the design guides, different design responses are possible to meet the same assessment outcomes.

The Territory Planning Authority may consider endorsement or written support from an entity or utility service provider to demonstrate compliance with an outcome that relates to a relevant assessment outcome.

Assessment requirements

Assessment requirements set the mandatory development controls within specific zones or for specific development types.

District policies also contain assessment requirements. Assessment requirements in district policies will prevail where inconsistencies occur.

Applicability of design guides

The developments specified below are required to respond to the design guides.

Urban Design Guide

Development is required to consider and provide a design response to the Urban Design Guide where:

- a) it is precinct scale with a site area greater than one hectare;
- b) the combined development gross floor area exceeds 10,000m²;
- c) comprises more than 1,000m² of public or common space; or
- d) required to seek advice from the Design Review Panel.

In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Urban Design Guide for the following themes:

- a) Country and place;
- b) Urban structure and natural systems
- c) Site and Land Use
- d) Access and Movement
- e) Public Space and Amenity
- f) Built Form and Building Design
- g) Sustainability and Environment

Housing Design Guide

Residential development, excluding single dwelling housing and secondary residence, is required to consider and provide a design response to the Housing Design Guide. In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Housing Design Guide for each of the themes. This includes consistency with the assessment outcomes, noting the following design elements have an elevated weighting:

- a) visual privacy and building separation;
- b) solar and daylight access;
- c) common circulation and spaces;
- d) apartment size and layout;
- e) ceiling heights;
- f) private open space and balconies; and
- g) natural ventilation.

Biodiversity Sensitive Urban Design Guide

The Biodiversity Sensitive Urban Design Guide applies to the planning, design, and approval processes for the development and redevelopment of sites:

- a) in future urban areas;
- b) in non-urban zones (NUZ1-5);
- c) in PRZ1 Urban Open Space; and
- d) with an area greater than one hectare in all zones.

The Biodiversity Sensitive Urban Design Guide does not apply to single dwelling housing, secondary residences, or development where the increase in impermeable surfaces is 500m² or less.

In demonstrating consistency with the assessment outcomes, proposed development must demonstrate consideration of the design guidance provided in the Biodiversity Sensitive Design Guide for the following themes:

- a) maintain and enhance nature;
- b) connect and extend nature;
- c) minimise threats to protect nature; and
- d) connect people to nature.

Place-specific or theme-based Design Guides

Additional Design Guides may be made from time to time under the *Planning Act 2023*. These design guides will set out their application to particular development types.

All design guides are published on the ACT Legislation Register and the Territory Planning Authority website.

Hierarchy of Territory Plan components

In the event of any inconsistency between Territory Plan considerations, the order of precedence is as follows:

- a) District Policy;
- b) Zone Policy;
- c) Other Policy;
- d) Design Guides;
- e) District Specifications;
- f) Zone Specifications; and
- g) Other Specifications.

Other development requirements

Though the Territory Plan specifies the requirements to be met by a development proposal, other legislation and development requirements must be complied with where they apply (for example the *Heritage Act 2004*, *ACT Nature Conservation Act 2014* and *Environment Protection and Biodiversity Conservation Act 1999* or relevant Municipal Infrastructure Standards). At detailed design or construction phase, development is also required to comply with relevant requirements of other government agencies and utility providers.

Where a development is subject to special requirements under the National Capital Plan, or any relevant development control plan prepared under the National Capital Plan, the development must not be inconsistent with the special requirements or development control plan. Where any provision of the Territory Plan is inconsistent with the National Capital Plan, that provision has no effect.