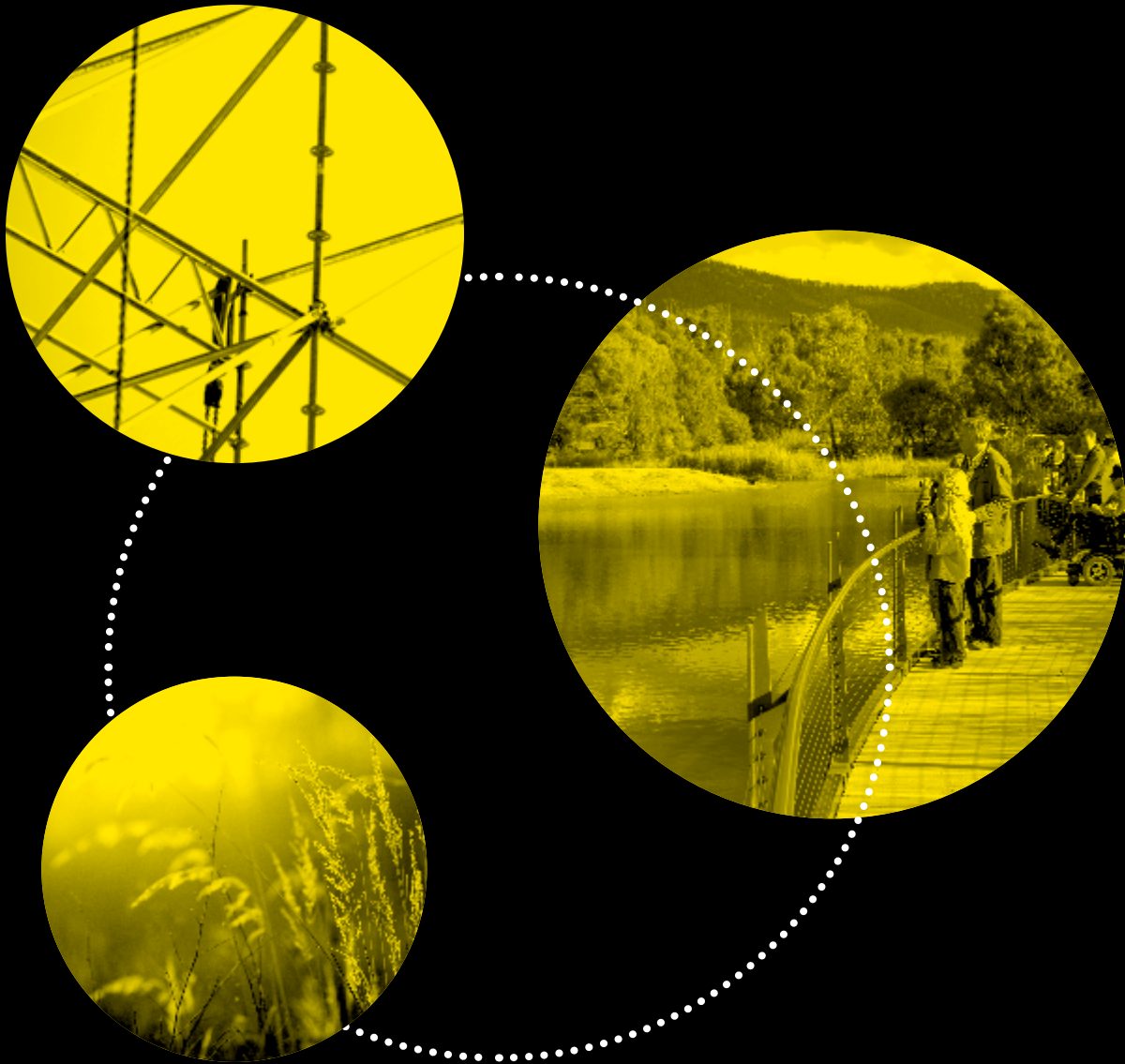


ACT Planning System Review and Reform

November 2020





Acknowledgement of Country

Yuma

Dhawura Nguna Dhawura Ngunnawal
Yanggu ngalawiri dhunimanyin Ngunnawalwari
dhawurawari

Nginggada Dindi yindumaralidjinyin
Dhawura Ngunnawal yindumaralidjinyin

Hello,

This is Ngunnawal Country

Today we are meeting on Ngunnawal country

We always respect Elders, male and female

We always respect Ngunnawal Country

The Environment, Planning and Sustainable Development Directorate acknowledges the Ngunnawal people as Canberra's first inhabitants and Traditional Custodians. We recognise the special relationship and connection that Ngunnawal peoples have with this Country. Prior to the dislocation of Ngunnawal people from their land, they were a thriving people whose life and culture was connected unequivocally to this land in a way that only they understand and know, and is core to their physical and spiritual being. The disconnection of the Ngunnawal people from Culture and Country has had long-lasting, profound and ongoing health and well-being effects on their life, cultural practices, families and continuation of their law/lore. The Environment, Planning and Sustainable Development Directorate acknowledges the historic dispossession of the Ngunnawal people of Canberra and their surrounding regions. We recognise the significant contribution the Ngunnawal people have played in caring for Country as for time immemorial they have maintained a tangible and intangible cultural, social, environmental, spiritual and economic connection to these lands and waters.

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ACT Planning System Review and Reform

Paper 1 / System Structure



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1. Introduction



1.1 The ACT Planning System Review and Reform Project

Over the next 20 years Canberra's population is expected to increase by more than 40 per cent. The city needs a planning system that can facilitate this growth without compromising the characteristics of the city that its residents value. Importantly, it needs a planning system that can deliver on the long-term vision for Canberra to be a city that is liveable, sustainable, resilient and diverse.

Compared to other parts of Australia facing similar challenges, the Australian Capital Territory (the ACT) is uniquely placed to innovate and implement change. It has a single tier of government that spans the entire urban area of Canberra, where many cities have multiple councils and state government. While the current planning system is working, the ACT Planning System Review and Reform project (the Project) presents an opportunity to evolve the system in line with contemporary best practice. The project will deliver a proactive and responsive planning system that further enhances Canberra's strong international reputation.

The Environment Planning and Sustainable Development Directorate (EPSDD) began the three-year process of reviewing and reforming the planning system in January 2019. Beyond the need to effectively manage growth, the Project has been driven by the need to conduct a five-yearly review of the Territory Plan. This includes review of the strategic directions and actions

outlined in the ACT Planning Strategy 2018 and concerns from community, industry and the government with respect to the development outcomes that the current planning system is facilitating.

The desired outcome of the Project is to implement a **clear, easy to use** planning system that delivers **improved spatial and built outcomes** across the Territory. In particular, the reformed system should:

- facilitate development and housing supply while protecting those aspects of the city that make it an attractive place to live
- instill confidence in the community through greater clarity and expression of desired outcomes
- enable greater flexibility in the assessment of varying development types.

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

Figure 1: Project purpose and objectives

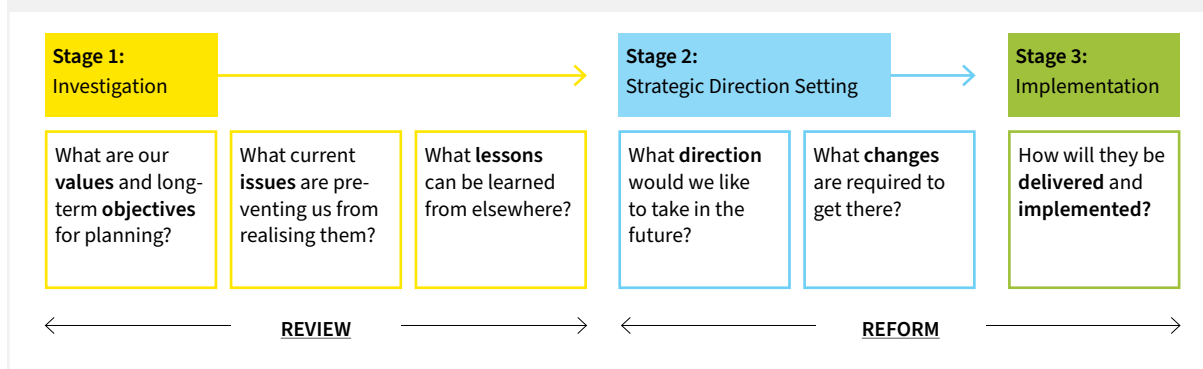
Project purpose

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 2: Project stages



The Project has been structured around a three-stage process that progressively defines and implements the preferred future direction for the ACT planning system (see Figure 2).

Stage 1—Investigation was undertaken throughout 2019. More than 1,000 people’s views were gathered through targeted community engagement, in addition to feedback from a range of consultation undertaken in recent years. This was critical to understand what the community’s values and expectations were, and to identify the issues and challenges with the existing system. Further, Stage 1 involved benchmarking of the existing system against contemporary examples from cities and states elsewhere in Australia and internationally. This enabled the team to investigate a range of approaches to responding to the issues and challenges currently faced in the Territory.

The Project is currently within Stage 2, which involves direction setting and identification of a clear scope for proposed change.

1.2 ACT Planning System Review and Reform Overview

As identified in the ACT Planning Review Overview, Stage 1 identified five inter-related focus areas to be addressed as part of the Project. This paper is the first in a series of five and covers

proposed directions for reforming the structure of the planning system (see Figure 3).

System structure is the foundational focus area. It relates to the components or instruments that make up the planning system, including their individual roles and interrelationship. This includes primary legislation (the *Planning and Development Act 2007*), strategies (such as the ACT Planning Strategy 2018) and interfacing policy and development controls (contained within the Territory Plan). System structure is often shaped or influenced by the stated purpose and/or objectives of planning.

This paper focuses on the planning and development outcomes the current planning system seeks to facilitate. It considers how the resultant structure influences decision making, the realisation of long-term objectives for Canberra set out in the Planning Strategy, and the delivery of other government policy commitments such as those contained in the ACT Climate Change Strategy, the ACT Housing Strategy and the ACT Transport Strategy. Further, this paper considers how the system structure impacts the transparency of decision making and therefore confidence in the planning system.

Figure 3: Five papers on the focus areas

THIS PAPER

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

1.3 Guiding principles for the system structure

The following guiding principles (GP) of a system structure support the delivery of the overarching Project objectives.

- GP1.** That the system structure provides a clear sense of the planning and development outcomes that the planning system seeks to facilitate.
- GP2.** That the system structure practically articulates these outcomes into clear planning policy and development controls.

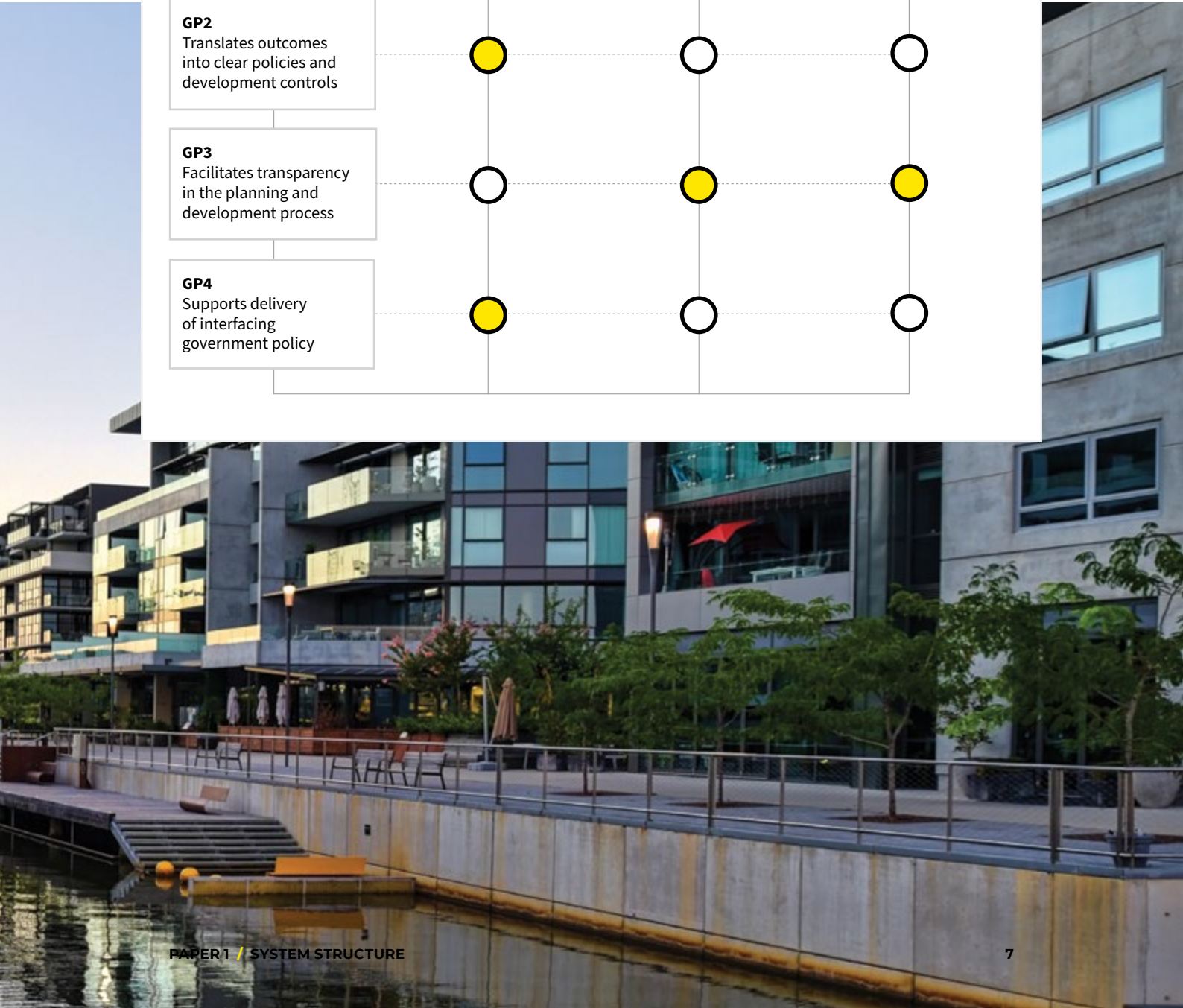
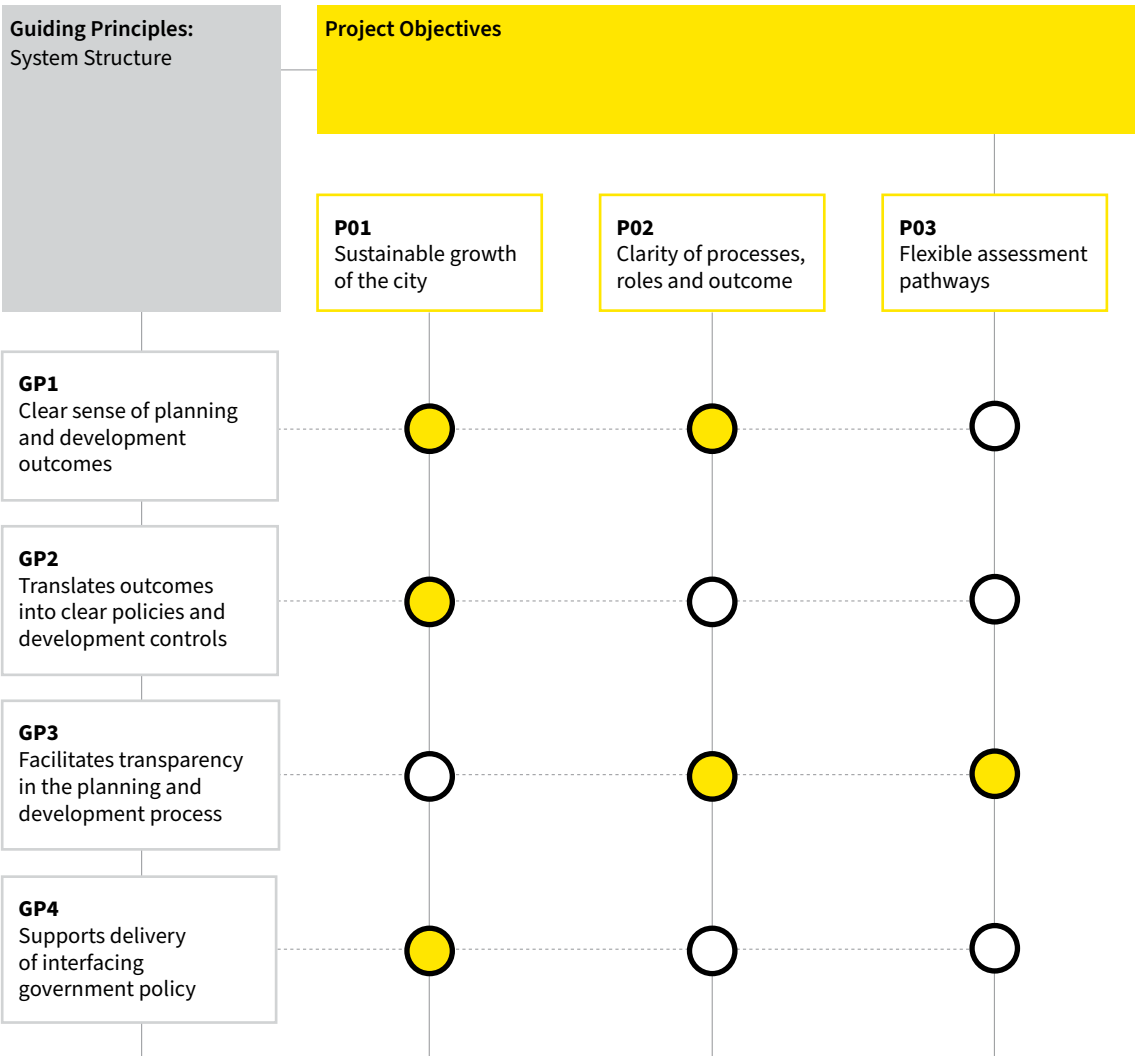
GP3. That the system structure facilitates transparency in the planning and development process.

GP4. That the system structure supports efficient delivery of other related government policy objectives.

These have been mapped in Figure 4 to demonstrate the relationship between the system structure and the broader objectives for the Project.



Figure 4: Relationship between Project context and system structure

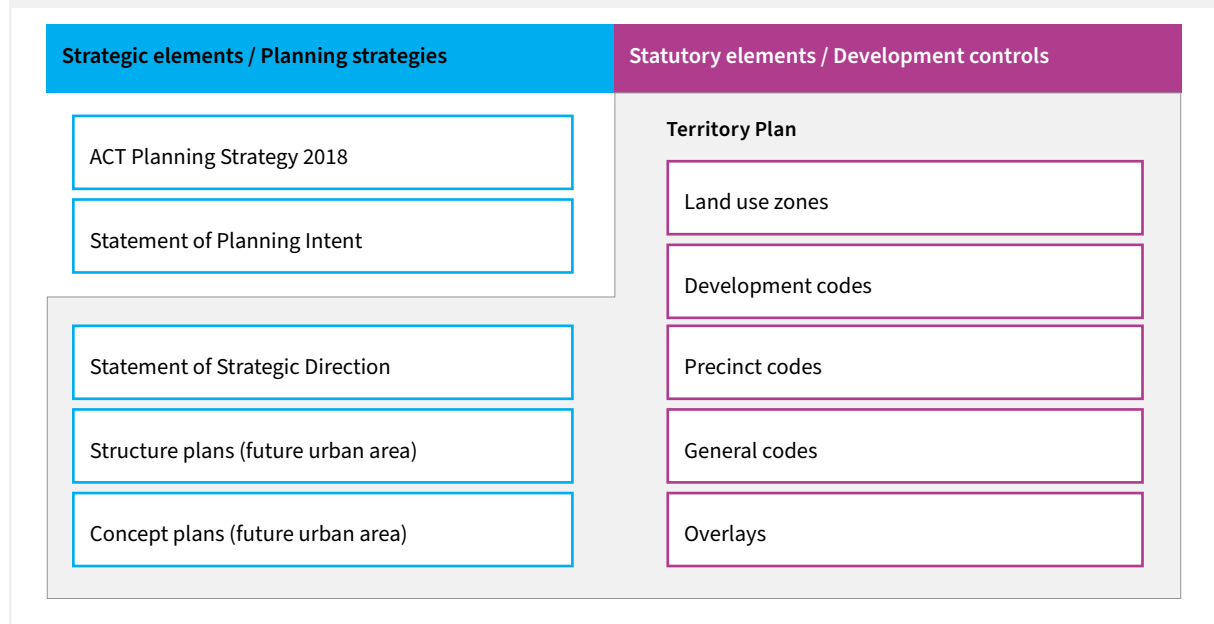


2. Review of the existing system structure

2.1 Background

The planning system provides controls that shape what type of development can occur in different areas across the Territory. The planning system also provides direction on how these areas are expected to change over time as part of managing population growth and other challenges. To fulfil these roles the system includes both strategic and statutory elements (see Figure 5).

Figure 5: Strategic and statutory elements of the ACT planning system



Strategic elements set out long-term policy objectives that describe the future location, form, type, character and extent of land uses and the infrastructure required to support them, including roads, parks, and schools. Strategic elements are forward looking, expressing the desired planning and development directions for the Territory. For consistency of language, throughout these papers the policies, strategies, structure plans and other spatial plans that comprise the strategic elements of the system are collectively referred to as planning strategies.

Statutory elements direct and regulate changes of land use and development including the processes through which these changes are considered and determined. Throughout these papers the instruments, regulations, zones, codes and other controls that comprise statutory elements are collectively referred to as development controls.

The planning strategies and development controls that make up the current planning system are identified in Figure 5.

This paper considers how the current system structure influences the role and content of

planning strategies and development controls, how they are considered, and how they relate and work together to shape planning and development.

The system structure is primarily defined through the *Planning and Development Act 2007* (the Act):

- The object of the Act—and by extension the planning system—is to “provide a planning and land system that contributes to the orderly and sustainable development of the ACT” (s6).
- The Act requires the Executive (the ACT Government) to make a planning strategy that “sets out long-term planning policy and goals to promote the orderly and sustainable development of the ACT” (s105).
- The Act requires the preparation of a Territory Plan for the purpose of ensuring “in a manner not inconsistent with the national capital plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation” (s48).

→ The Act also enables the Minister to provide additional direction through “a written statement (the statement of planning intent) that sets out the main principles that are to govern planning and land development in the ACT” (s16).

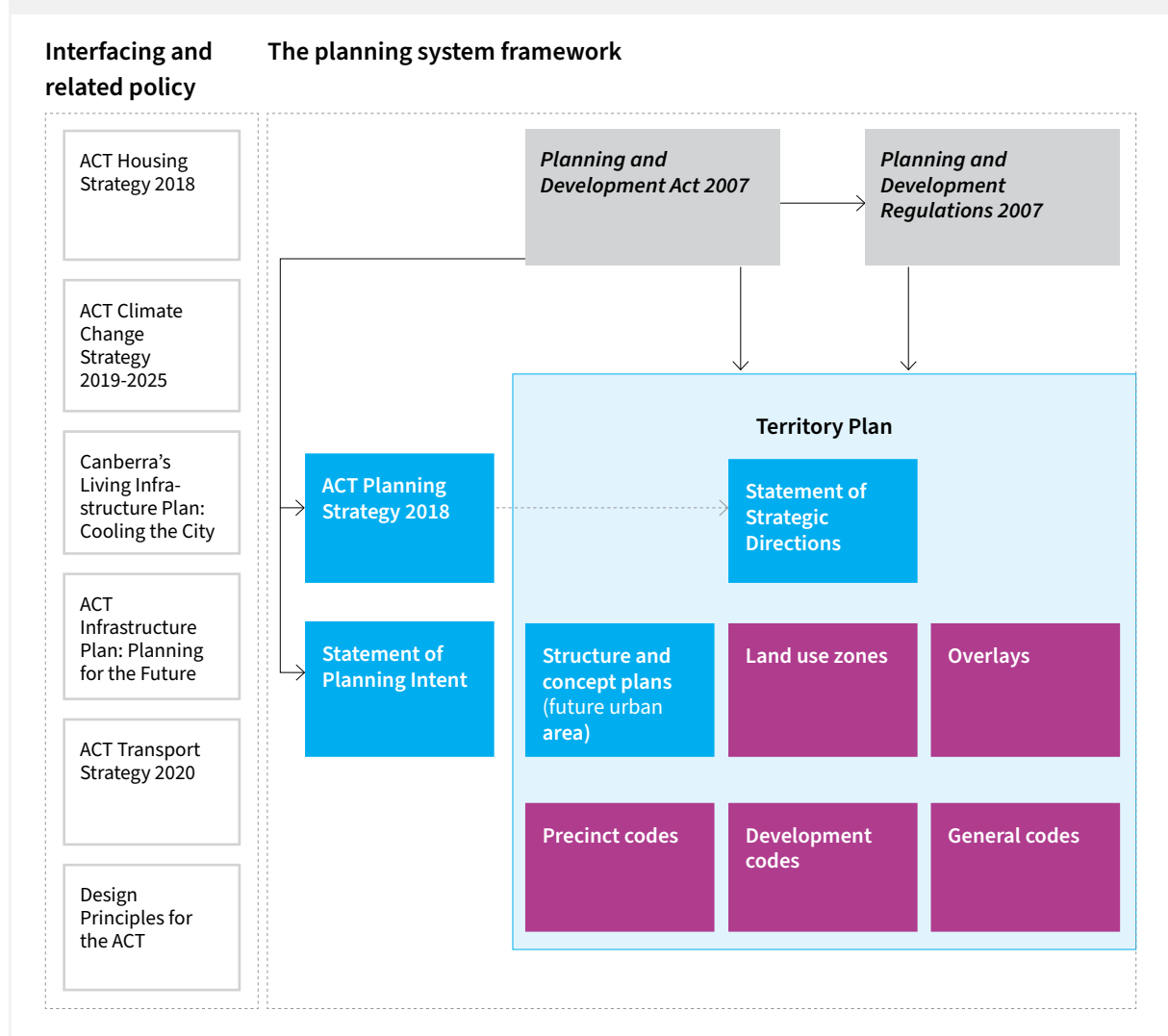
The resulting structure is illustrated in Figure 6.

Under the existing provisions, development controls are set out in the Territory Plan. Those controls are notionally influenced by the ACT Planning Strategy 2018, which sets out the desired long-term directions for planning and development. By contrast, the Territory

Plan must be consistent with the National Capital Plan, which is an additional set of development controls for Commonwealth land (not shown in Figure 6 it is an Australian Government instrument).

The planning strategies are also typically the vehicle through which broader objectives of government may be given prominence within the planning system. For example, planning strategies may describe how the planning system will promote environmentally sustainable development, therefore giving rise to the objectives expressed through the Climate Change Strategy.

Figure 6: The planning system structure and interfacing and related policy





2.2 System structure gaps and challenges

Areas where our planning system can be improved

This current planning system structure is generally facilitating the outcomes initially intended. This includes the policy direction for a compact and efficient city, moving toward 70 per cent of new housing being within the existing urban footprint. This target has been achieved over the past three years. However, over time and with policy changes the desired outcomes have evolved and there are now gaps, challenges and opportunities for improving the system structure.

These include:

- The objects of the Act are narrow, limiting the extent and strength of policy in relation to planning's role in effectively managing growth, promoting high-quality design and protecting cultural heritage.
- The relationship between strategic and statutory planning is not strong, meaning the development outcomes facilitated by the Territory Plan are not clearly aligned with the directions of the Planning Strategy.
- Interfacing government policy plays no formal role within the system, limiting the extent to which broader government policy is reflected through development controls.
- The disconnect between planning strategies and development controls impacts how the community participates and can influence the system.



The narrow purpose and objectives of the planning system

The objects of the Act describe the purpose and set the overarching policy context for the planning system. Those objects currently recognise the role of planning in promoting sustainability—particularly environmental sustainability—but fail to capture the role of planning:

- in managing the growth and evolution of the Territory
- in promoting the economic development of the Territory
- in promoting high-quality design outcomes
- in protecting the character and Aboriginal heritage of the Territory.

The objects set the direction for the creation of policy and regulations. They dictate what both planning strategies and development controls must address and facilitate. Because the objects are narrow, the policy platform for these other issues remains limited. So, despite issues such as character and cultural heritage being of high importance to the community, they are not strongly reflected within the planning system and the Territory Plan in particular. As a consequence, they are currently given only limited weight in decision making.

The limited relationship between strategic and statutory planning

Related to the above, the Act does not establish a strong relationship between the planning strategies and development controls within the system. The Act defines the purpose of the Planning Strategy as setting out long-term planning policy and goals to promote the orderly and sustainable development of the ACT. However, it also restricts how it can be used and considered, significantly limiting its influence on the content of development controls and the shaping of development applications.

Similarly, the Minister for Planning’s Statement of Planning Intent—a statement that is intended

to “set out the main principles that are to govern planning and land development” (s16)—has no defined relationship with the Planning Strategy or the Territory Plan beyond a requirement for the planning and land authority to exercise its functions “*taking into consideration the Statement of Planning Intent*” (s12).

Establishing a relationship between planning strategies and development controls ensures that short-term development outcomes are complementary to long-term development directions and objectives. Limiting this relationship creates the possibility that planning strategies and development controls could be in conflict and promoting divergent directions for the planning and development of the Territory.

The limited recognition of interfacing government policies

The limited relationship, by extension, also limits consideration of interfacing government policies in planning decisions. Interfacing and related policies (see Figure 6) are not a required consideration in preparing development controls or assessing development applications, meaning they have no formal role within the planning system. Yet interfacing policies are reliant, to varying degrees, on planning and development to inform and realise some, or all, of their directions. This includes the Climate Change Strategy, which includes objectives that address building energy performance, and the Housing Strategy, which targets increased supply of affordable housing.

As noted above, planning strategies seek to align planning policy directions with those of other relevant policy. However, due to the limited relationship between planning strategies and development controls, many of the directions and actions set out in these policies are not reflected in the Territory Plan.

The impacts on community's ability to participate in and influence the planning system

The disconnect between planning strategies and development controls has broader ramifications as well. It can impact the community's ability to participate in and influence the planning system.

As depicted in Figure 7, engagement during strategic planning canvasses the views of community and industry on the long-term planning and development of Canberra. This is the point where stakeholder influence is greatest, providing community with an opportunity to have a say on the types of planning and development directions the Territory takes regarding how Canberra's spatial and physical form evolves.

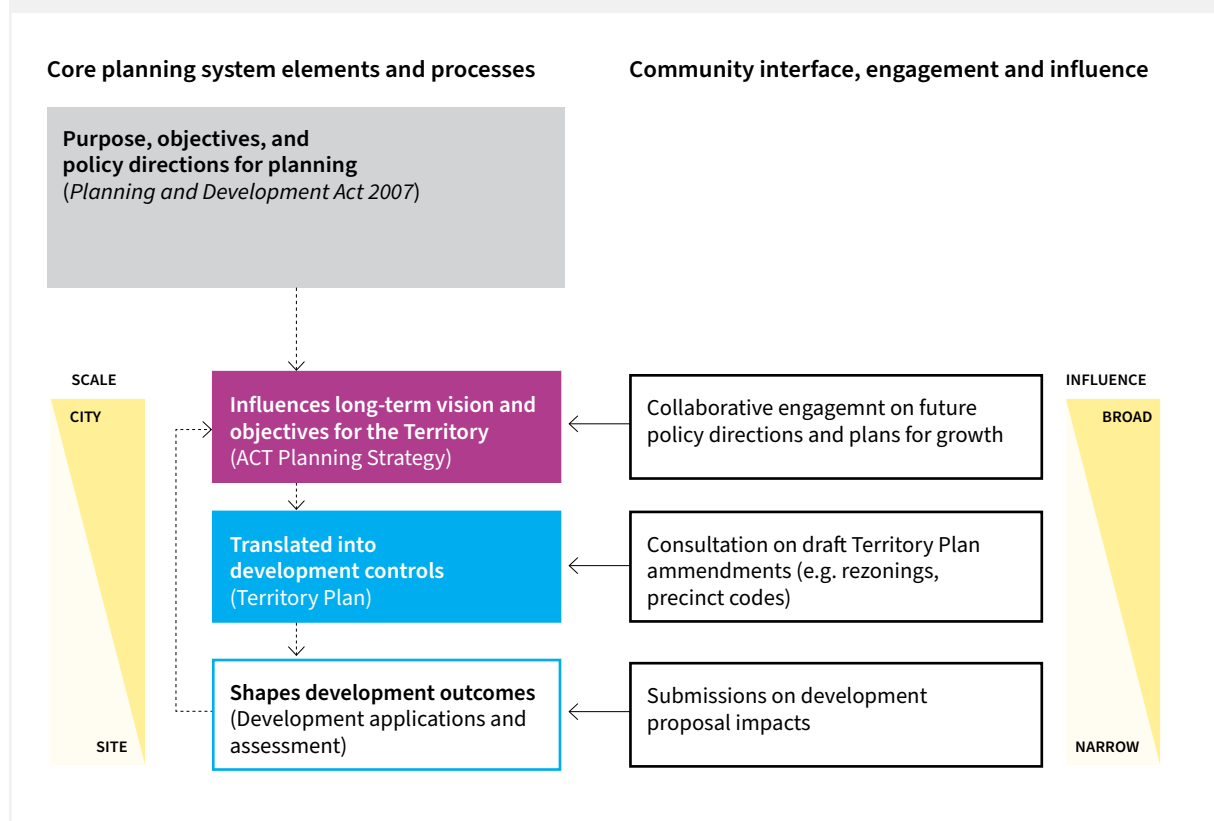
By contrast, consultation on Territory Plan amendments and individual development applications is necessarily narrower in focus. The former largely covers the specifics of

proposed amendments and the latter is related to a proposal on a single property.

Those who participate in the strategic planning process rightly expect endorsed policy directions to be reflected in development controls and development outcomes. By limiting the relationship between planning strategies and development controls, the community's influence on how the Territory evolves also becomes limited. This may affect confidence in the system.

Challenges with the current structure of the planning system impact its effectiveness in achieving policy directions. This means the system is not well equipped to manage the Territory's long-term growth and deliver the directions of the planning strategy. Without change there is a risk the planning system will increasingly facilitate decisions and development outcomes that are contrary to the goals of policy and the direction of the Planning Strategy and interfacing government policy.

Figure 7: Community involvement in the planning process







2.3 Community and industry feedback

What we've heard from planning stakeholders

The review of system performance was complemented by ongoing community engagement and analysis. We started by analysing feedback from stakeholders on a range of policies, Territory Plan variations, master plans, development proposals and planning projects over the past few years. We then conducted targeted engagement with stakeholders and community on their experience in using or interacting with the planning system and their views on the types of development outcomes it is facilitating.

Three broad issues identified through the consultation process relate, to varying degrees, to system structure:

- The community is broadly supportive of the Planning Strategy but is concerned that its directions will not be implemented.
- The community is concerned by the scale and density of new development and its impact on the character of Canberra.
- The community feels that the current planning system is too complex, which makes the planning process and long-term development directions for the Territory difficult to understand.



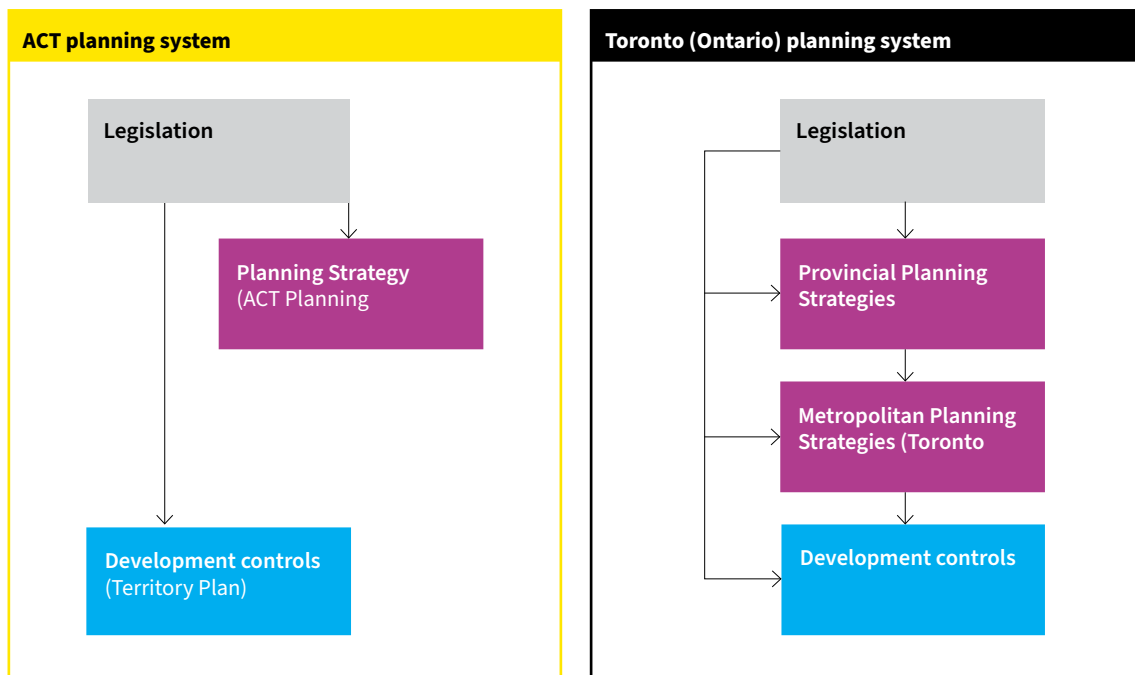
One challenge in addressing the first and second issues is the time that elapses between changes in policy and changes in development outcomes. Under the current planning system, it could conceivably be 10 years before the directions of the Planning Strategy have influence. This is due to the lag created by the need for subsequent amendments to the Territory Plan, consideration of development approvals, and the eventual construction and occupation processes. While the time translating the directions of planning strategies into development controls could be condensed, this lag is ultimately a reality of the planning and development process.

Notwithstanding this fact, changes to the system structure can still significantly address these concerns:

- Addressing the disconnect between strategic and statutory planning can formalise and streamline implementation processes for the Planning Strategy's strategic directions.
- Broadening the purpose and objectives of planning can place greater emphasis on addressing concerns around character and design quality.
- Adopting a clearer hierarchy that distinguishes the role of core planning system elements can help the interpretability of the planning system.

Overall it is likely that the system structure gaps and challenges identified contribute to the concerns raised by the community.

Figure 8: Comparison between the ACT and Toronto (Ontario) planning systems



2.4 System benchmarking

What we've learned from elsewhere

The ACT planning system is structurally similar to other systems in Australia and internationally that were investigated as part of a benchmarking exercise in Stage 1. However, when compared to other contemporary planning systems, the current ACT planning system isn't as progressive and is more regulatory and out of step with the growing trend toward 'outcomes-focused' planning. Put simply, other jurisdictions are increasingly structuring their planning systems around a set of clear objectives identified through long-term strategies or spatial plans.

Within the jurisdictions investigated through the benchmarking exercise, there was more than one approach to outcomes-focused planning. For example, in the United Kingdom, planning system reforms since 2010 have seen traditional rule-based development controls such as land

use zones largely replaced by performance-based spatial policies. Alternatively, the approach in North America retains traditional development controls but links their outcomes to spatial plans that identify preferred long-term land use, where new housing will be located and the desired scale and character of buildings, among other considerations. This is possible because relevant legislation creates a much stronger relationship between legislation, strategic planning instruments and development controls.

This approach, demonstrated by the system in Toronto (Ontario, Canada) is contrasted against that of the ACT in Figure 8.

Figure 8 illustrates how strategic planning is at the centre of Toronto's planning system, with the legislation defining a hierarchy of planning strategies that subsequently inform development controls. Controls created in response to strategy is a demonstration of an outcomes-focused system.

Figure 9: Comparison between the Planning Acts in the ACT and South Australia

ACT planning system

Planning and Development Act 2007

The object of the *ACT Planning and Development Act 2007* is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT—

- a. consistent with the social, environmental and economic aspirations of the people of the ACT; and
- b. in accordance with sound financial principles.

South Australia planning system

Planning and Infrastructure Act 2016

The Objects of the South Australian *Planning and Development and Infrastructure Act 2016* are to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system, linked with other laws, that—

- a. promotes and facilitates development, and the integrated delivery and management of infrastructure and public spaces and facilities, consistent with planning principles and policies; and
- b. provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.

In association with the above object the scheme established by the Act is intended to—

- c. be based on policies, processes and practices that are designed to be simple and easily understood and that provide consistency in interpretation and application; and
- d. enable people who use or interact with the planning system to access planning information, and to undertake processes and transactions, by digital means; and promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and
- e. promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities; and
- f. promote safe and efficient construction through cost-effective technical requirements that form part of a national scheme of construction rules and product accreditation; and
- g. provide financial mechanisms, incentives and value-capture schemes that support development and that can be used to capitalise on investment opportunities; and
- h. promote cooperation, collaboration and policy integration between and among State government agencies and local government bodies.

Figure 10: Comparison between the Planning Acts in the ACT and New South Wales

ACT planning system <i>Planning and Development Act 2007</i>	NSW Planning system <i>Environment Planning and Assessment Act 1979</i>
<p>108 Relationship with territory plan</p> <p>(1) The planning strategy may be used to develop the statement of strategic directions in the territory plan</p> <p>(2) The planning strategy is not part of, and does not affect, the territory plan.</p>	<p>3.8 Implementation of strategic plans</p> <p>...(3) As soon as practicable after a district strategic plan is made, the council for each local government area in the district to which the plan applies must review the local environment plans for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.</p>

By contrast, the ACT planning system is centred on development controls. The focus is on constraining ‘bad’ development more than it is promoting ‘good’ development.

The contrast in approaches is also evidenced within the provisions of legislation, particularly those related to the purpose and objectives of planning. As highlighted in Figure 9, the *South Australian Planning, Development and Infrastructure Act 2016* provides a useful contrast to the ACT and clearly articulates the desire for the system to be simple to use and to deliver high-quality built outcomes.

The New South Wales *Environment Planning and Assessment Act 1979* underlines the role of planning strategies in the hierarchy of plans, requiring development controls to be updated to reflect directions of strategic plans ‘as soon as practicable’ (see Figure 10).

In summary, the important conclusions drawn from the benchmark exercise were that other jurisdictions:

- offer greater clarity in terms of the purpose of planning in shaping a city’s character and the types of development outcomes the system seeks to facilitate
- place long-term planning strategies at the centre of the system, informing the shape and content of development controls and providing greater certainty in terms of where land use change is acceptable
- offer much clearer line-of-site between the different tools that make up the planning system, their individual roles and their interrelationship.

3. Proposed directions for reform

3.1 Opportunity areas

Strengthening the purpose and objectives of the planning system is a relatively straightforward change that can be achieved through minor amendments to the Act. However, strengthening the role of strategic planning and interfacing government policy in decision making is more complex. It necessitates changes to the Act but also leads to changes in both planning strategies and development controls.

One approach could be to give weight to the Planning Strategy in decision making, requiring amendments to the Territory Plan or determinations on planning applications to be consistent with any relevant directions within the Planning Strategy. Under such an approach, the Planning Strategy could evolve into a broader Territory strategy that provides an umbrella for other related policy. This would be similar to the approach adopted in North America.

Another approach would be to require development controls to be updated as necessary within a certain timeframe of adopting a new or revised planning strategy (or statement of planning intent, as appropriate). This would be similar to the NSW example cited above.

The former approach would mark a significant shift from the structure of the system today.

It is not clear that the benefits of the approach would justify the extent of disruption. The second approach is therefore currently favoured and, in many ways, would formalise the way the system operates today.

Any change in the relationship between the Planning Strategy and the Territory Plan needs to be balanced with the requirement for the Territory Plan to be consistent with the Australian Government's National Capital Plan.

3.2 Proposed changes to the system structure

Table 1 identifies the proposed directions for change within the context of the system structure (SS).

Table 1: Proposed directions and changes to the system structure

System Structure Direction No.	Proposed Directions	Potential changes	Rationale
SS1	Introduce statement on the purpose of planning that recognises planning's interface with other policy and its role in promoting the prosperity of the ACT community.	Introduction of purpose statement into the Act that references concepts such as design quality, urban character, and sensitive management of population growth.	Defines context in which planning operates, the policy areas it should address. Offers weight to the consideration of areas of community concern.
SS2	Expand objectives of planning to reference revised purpose and spatial vision as well as the desire to promote high-quality built form outcomes.	Introduction of additional objects into the Act in relation to concepts such as landscape character, character of individual districts, high-quality design outcomes, acknowledgement of Aboriginal culture and values and promotion of interfacing government policy.	Adds to purpose by providing high-level direction to preparation of policy that is required to support system operation and delivery of desired outcomes.

System Structure Direction No.	Proposed Directions	Potential changes	Rationale
SS3	Clearly define the hierarchy of elements , their respective role and purpose as well as interrelationships.	Introduce stronger direction into the Act on the intended purpose and content of each element (the Planning Strategy, Territory Plan and Statement of Planning Intent), the relationship between each, and their individual roles in delivering objectives.	Reduces duplication or risk of conflict between components and enables community to better understand how directions in strategy may be reflected in development controls.
SS4	Differentiate the role of the Planning Strategy from the Statement of Planning Intent to provide greater clarity on the purpose of each.	Related to the above, the Planning Strategy and Statement of Planning Intent could be clearly differentiated by the timeframe addressed by each document. For instance, the Planning Strategy could be required to cover a 30-year horizon and the Statement of Planning Intent could be required to address the actions the planning and land authority should take over a five-year period to address the relevant directions of the Planning Strategy.	As above.
SS5	Introduce requirement for consistency between development controls and planning strategies to mitigate risk of decisions contrary to spatial vision and objectives.	Introduction of requirement in the Act for Territory Plan amendments to be consistent with the relevant directions of the planning strategy.	Supports transparency of decision making and addresses community concerns that policy directions are not being reflected in development outcomes.



Figure 11 summarises how the proposed directions address the current planning system's structural gaps and challenges and responds to the guiding principles.

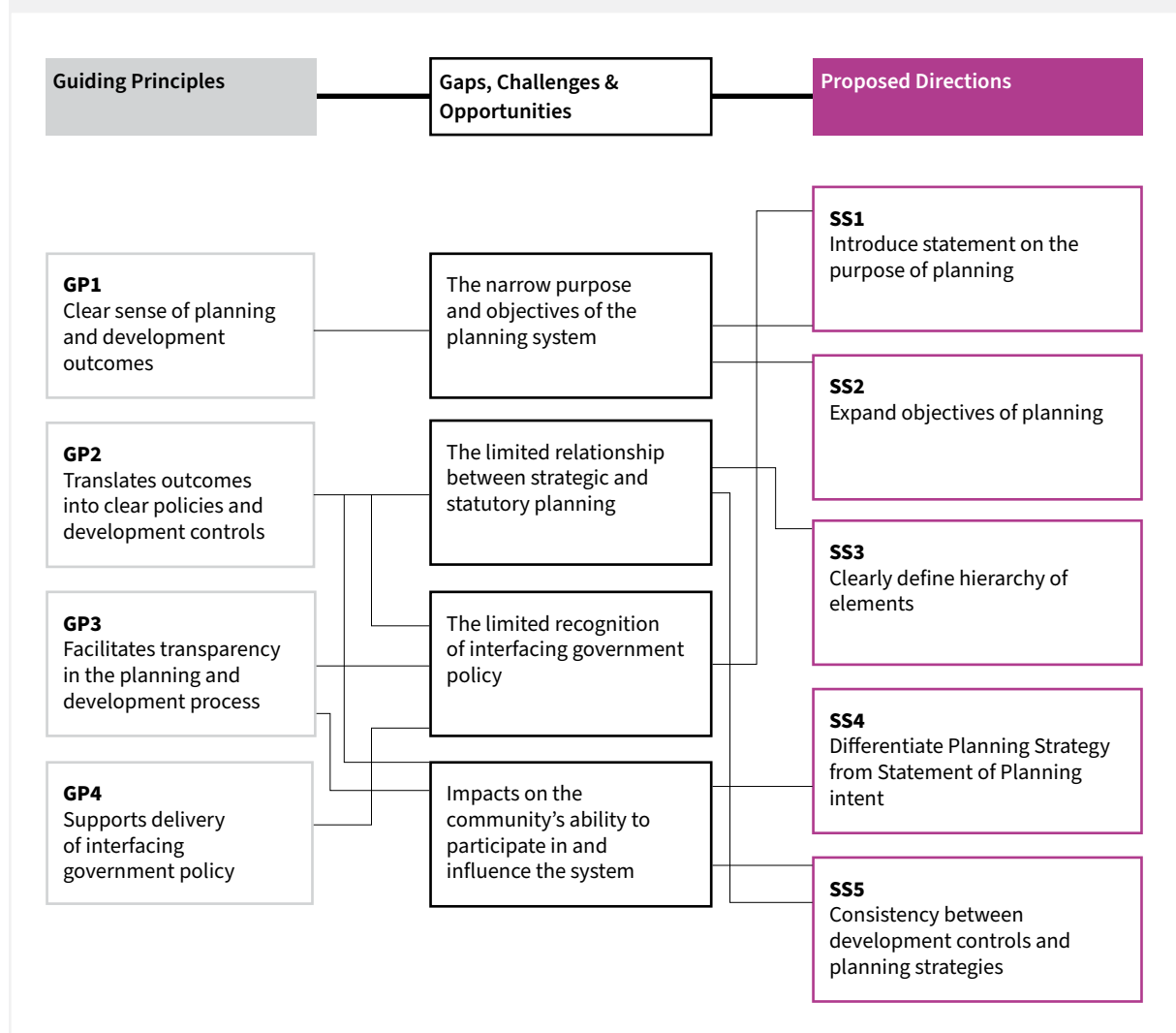
3.3 Potential effect of these changes

The proposed changes to system structure would result in changes to the way the planning system operates in terms of the creation of planning strategies and development controls. It would have flow on effects for processes to consider

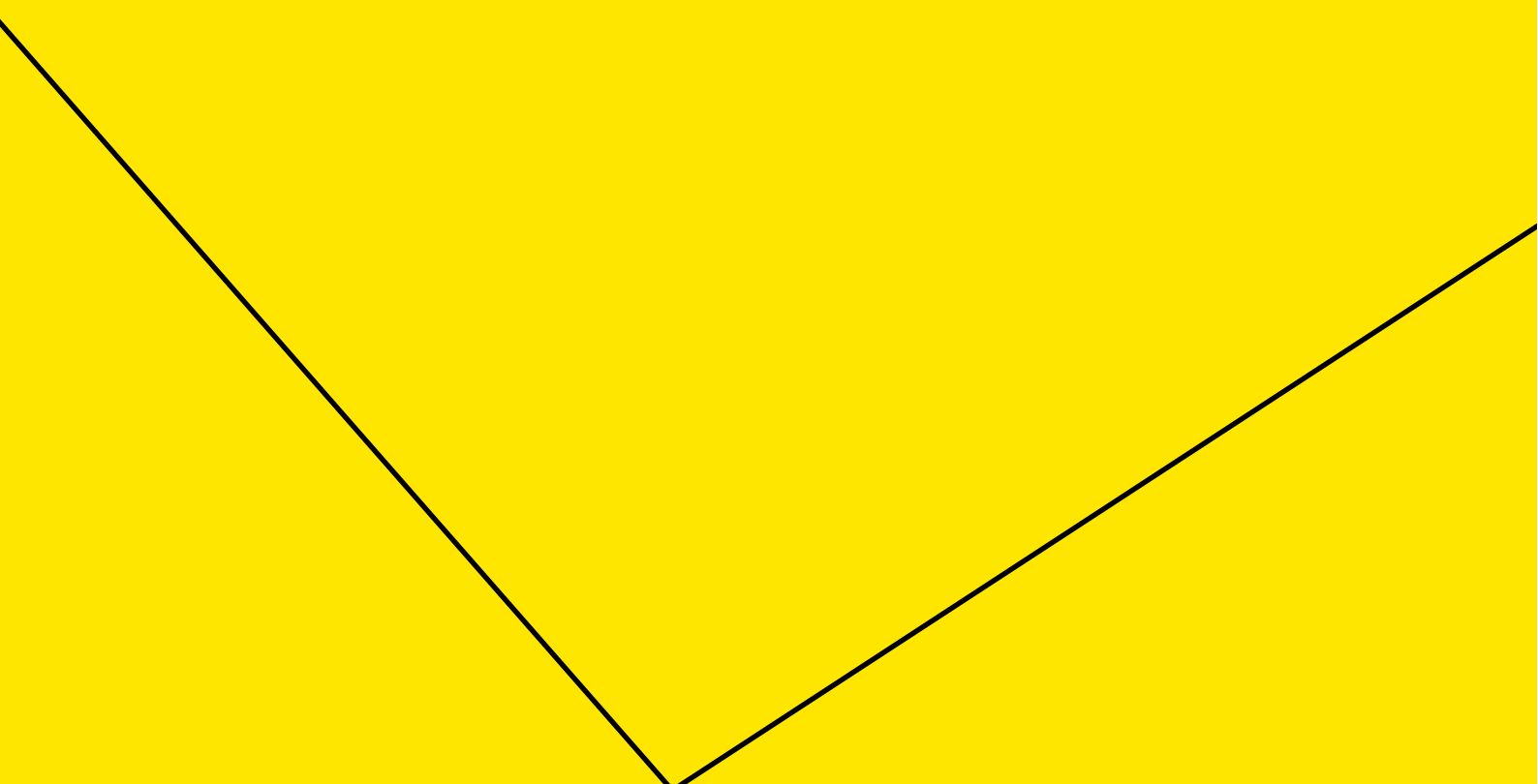
and determine development applications but not materially impact how people can use their land or how they can participate in planning.

It is anticipated that these changes will allow stakeholders to better understand and have clearer line-of-sight to how planning and development are contributing to the realisation of policy objectives. As a result, it is likely to improve the transparency of decision making as well as offering deeper insight into system performance. In doing so, it is anticipated that the reform of system structure will also increase confidence in the planning system more broadly.

Figure 11: Reform summary for system structure



4. Next steps



Adopting a reformed system structure is arguably the most important enabling change for wider reform. The system structure provides direction to all other areas of the project; it defines what supporting policy development is required and how development controls or processes for development assessment may need to be evolved. While these other corresponding changes may be developed in parallel, to ensure that reforms are cohesive it is critical they are undertaken within the context of an agreed concept for how the system structure will change.



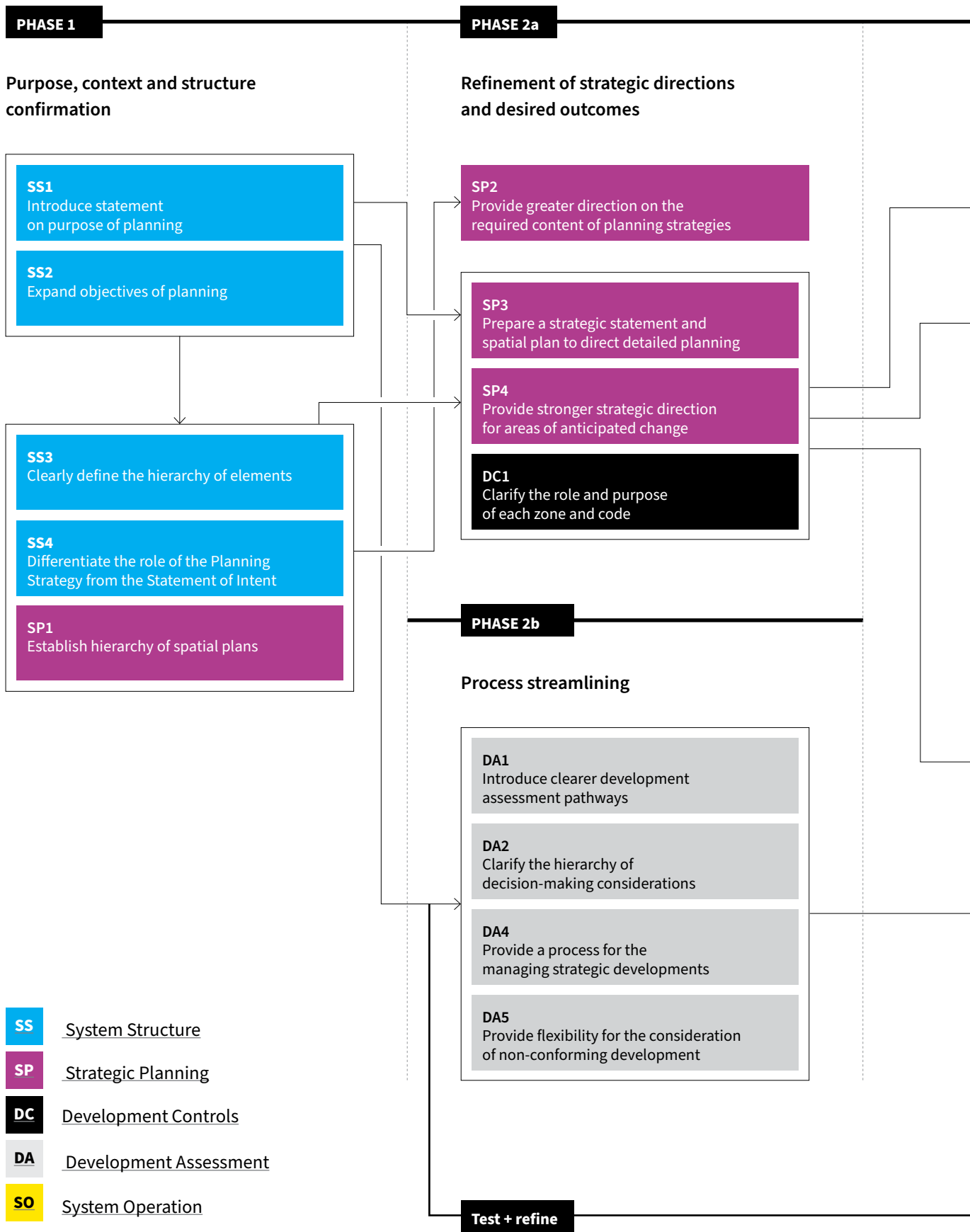
Changing the system structure in isolation won't address the challenges identified. Success of changes to the system structure will be driven by the extent to which the individual components are currently suitable to fulfil their proposed role and purpose. For instance, do existing planning strategies and policies offer sufficient direction to enable the development of 'outcomes-focused' development controls?

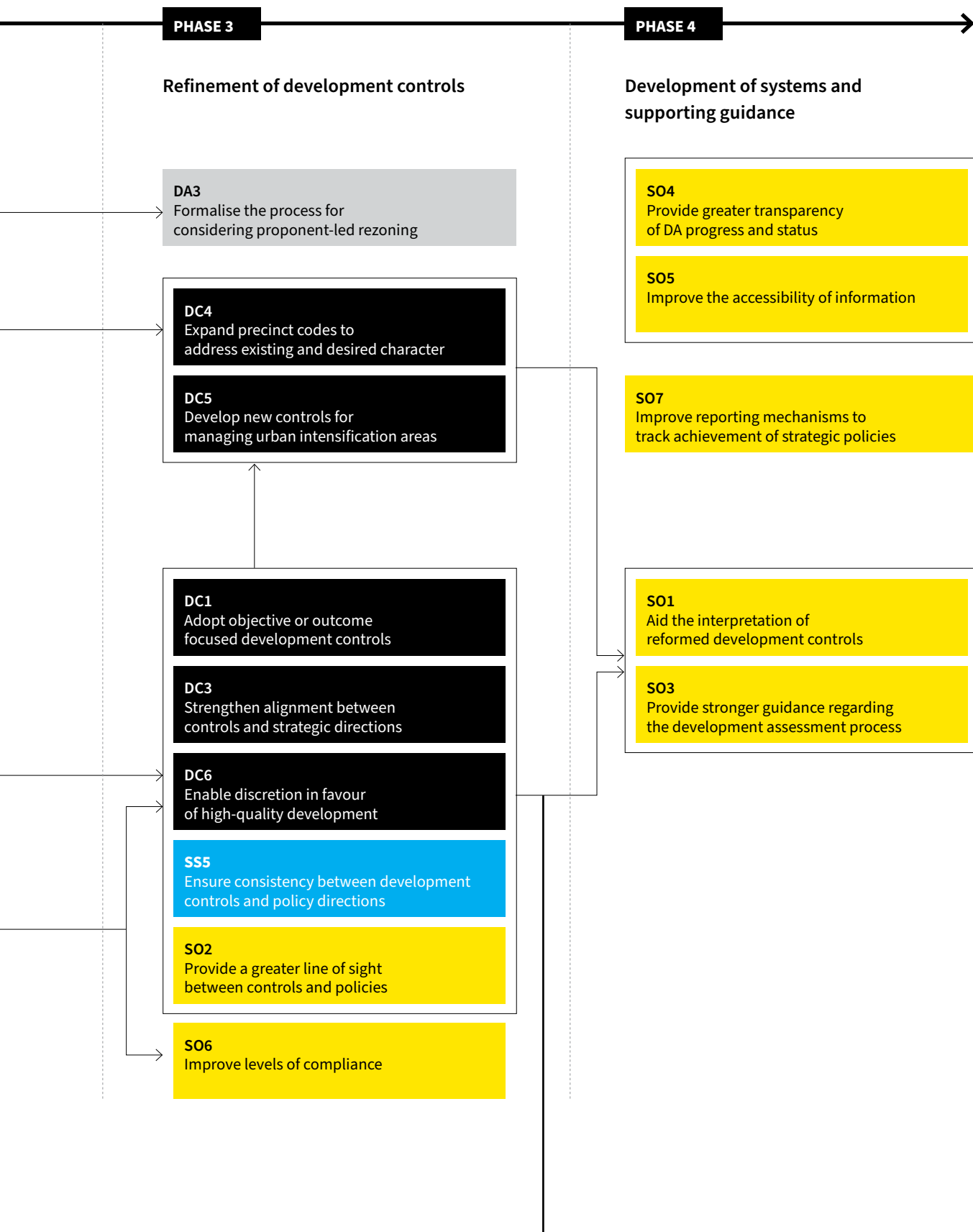
Figure 12 identifies a Project pathway for the next stage of work and how the proposed system structure directions relate to the proposed directions identified for the other four focus areas.

Figure 12 illustrates that confirming the purpose and objectives of planning (directions SS1 and SS2) are the most critical enabling decisions of the project. Confirming the hierarchy and structure of the system (directions SS3 and SS4) is the other enabling decision. Implementation will largely occur through changes to the *Planning and Development Act 2007*.

Work has commenced on a range of technical task, and will continue through 2021. Outcomes of this technical work will be used to develop implementation proposals in 2021.

Figure 12: Project pathway for the system structure





Glossary of terms

ACT planning and land authority: The Chief Planning Executive of the Environment, Planning and Sustainable Development Directorate is the ACT planning and land authority.

ACT Planning Strategy: The strategy produced by the Environment, Planning and Sustainable Development Directorate titled ACT Planning Strategy 2018¹.

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

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

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

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

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

Concept plan: A precinct code under the Territory Plan that guides the preparation and assessment of development in future urban areas.

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

Development application: The information package lodged with the planning and land authority to enable an assessment of a given proposed development to be conducted.

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

Development code: A set of detailed rules and criteria which applies to a set of developments as outlined in the Territory Plan².

Development controls: Are documented in the Territory Plan² in the various codes and development tables. They are the policies that are used to control or manage development in line with planning objectives.

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

General code: Planning provisions that address particular planning and design issues which may relate to any kind of development across any of the zones within the Territory Plan².

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

1 https://www.planning.act.gov.au/__data/assets/pdf_file/0007/1285972/2018-ACT-Planning-Strategy.pdf

2 <https://www.legislation.act.gov.au/nj/2008-27>

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

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

Leasehold: System of land ownership that applies to all land in the ACT, other than National land.

Living infrastructure: Refers to all the interconnected ecosystems within an urban catchment, including trees, gardens, green walls and roofs, parks, reserves, lakes, wetlands and open spaces.

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

National Capital Plan: The metropolitan plan for Canberra and the Territory that requires 'Canberra and the Territory are planned and developed in accordance with their national significance'. It is prepared and administered by the [National Capital Authority](https://www.nca.gov.au)³.

Outcomes-focused planning: A system that focuses on the substantive matters to be addressed without specifying in detail how that will be achieved. It is one that is centred on the quality, results and performance of planning system outcomes, rather than rule compliance.

Overlays: Territory Plan overlays are a set of planning instructions that apply to areas which have special controls in place; e.g. Public Land Reserves, Future Urban Areas.

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

Planning and Development Act 2007 (the Act): The legislation which provides the framework for the ACT planning system⁴.

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

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

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

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

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

Statement of Planning Intent: A statement prepared by the Minister for Planning which sets out the main principles that are to govern planning and land development in the ACT.⁵

³ <https://www.nca.gov.au>

⁴ <https://www.legislation.act.gov.au/a/2007-24/>

⁵ http://www.cmd.act.gov.au/__data/assets/pdf_file/0006/865482/Canberra-A-Statement-of-Ambition.pdf

Statement of Strategic Directions: A series of broad strategic principles to guide long term planning for the ACT in the Territory Plan².

Statutory planning: The part of the planning process that is concerned with the regulation and management of changes to land use and development which includes act of controlling land uses within an area covered by a land use plan.

Strategic planning: The long-term strategic or policy objectives that describe the purpose and direction of the planning system.

Structure plan: A document which sets out the principles and policies for development of future urban areas.

Territory Plan: The key statutory planning document in the ACT².

Urban Footprint: The geographic extent of the existing urban area.

Urban infill: Development of unused or underutilised land in existing urban areas. It involves increasing the capacity of our existing urban area to support growth.

Urban intensification areas: Targeted areas where development and redevelopment is directed and is aligned with supporting infrastructure and provides the opportunity for renewal and investment.

Urban renewal: The process of improving the economic, social and environmental sustainability of a particular urban area through redevelopment of underutilised urban areas.

Zones: Areas defined within the Territory Plan² which determine the appropriate land uses for an area.



