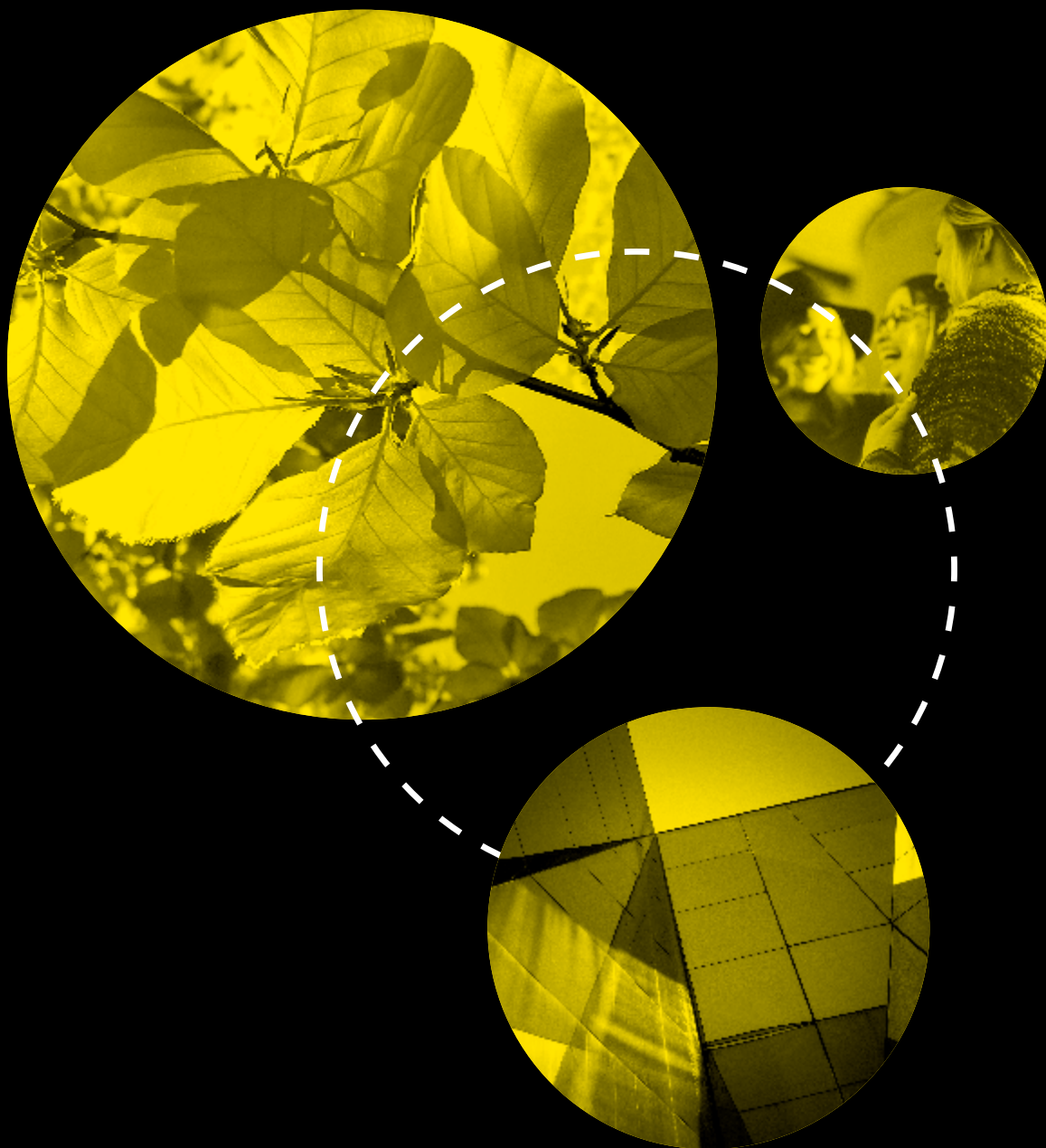


ACT Planning System Review and Reform

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 5 / System Operation



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1. Introduction

1.1 Review of the ACT planning system

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 the 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 desired outcomes
- enable greater flexibility in the assessment of varying development types.

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

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.

Figure 1: Project purpose and objectives

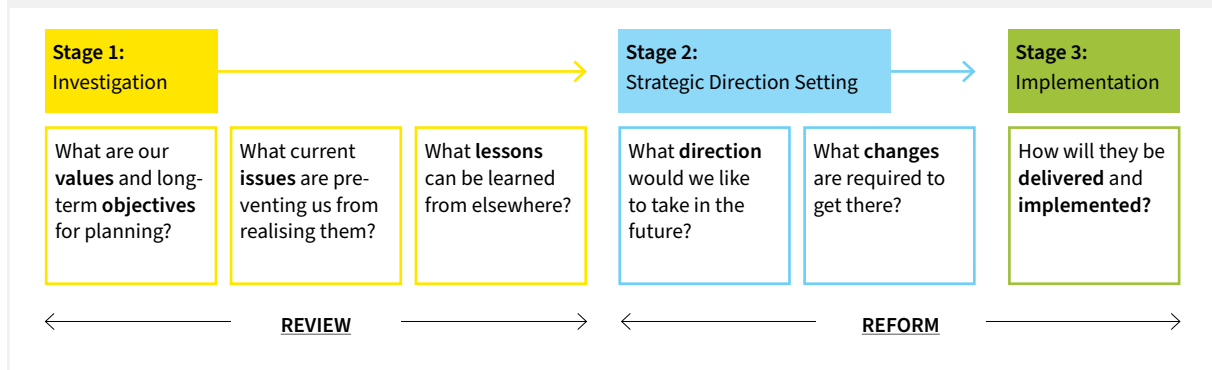
Project purpose

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



This was critical to understanding what the community's values and objectives were, and to identifying 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 dealing with the issues currently faced in the Territory.

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

1.2 Focus areas for reform

As identified within in the ACT Planning System Review and Reform Overview, Stage 1 identified five interrelated focus areas which are to be addressed as part of the reform process. This paper is the last in a series of five and covers proposed directions for reforming the operation of the planning system (see Figure 3).

Planning systems are complex, made up of a web of legislation, regulations, strategies, processes and decision makers. System operation relates to the efficiency of its processes and the ease with which applicants and other stakeholders can understand, navigate and interact with planning.

This paper focuses on the useability of the system and how the presentation of information contributes to the way in and extent to which people participate in planning.




Figure 3: Five papers on the focus areas

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

THIS PAPER

FOCUS AREA 5 / SYSTEM OPERATION

The useability of the system from the perspective of applicants, agencies, and other interested parties

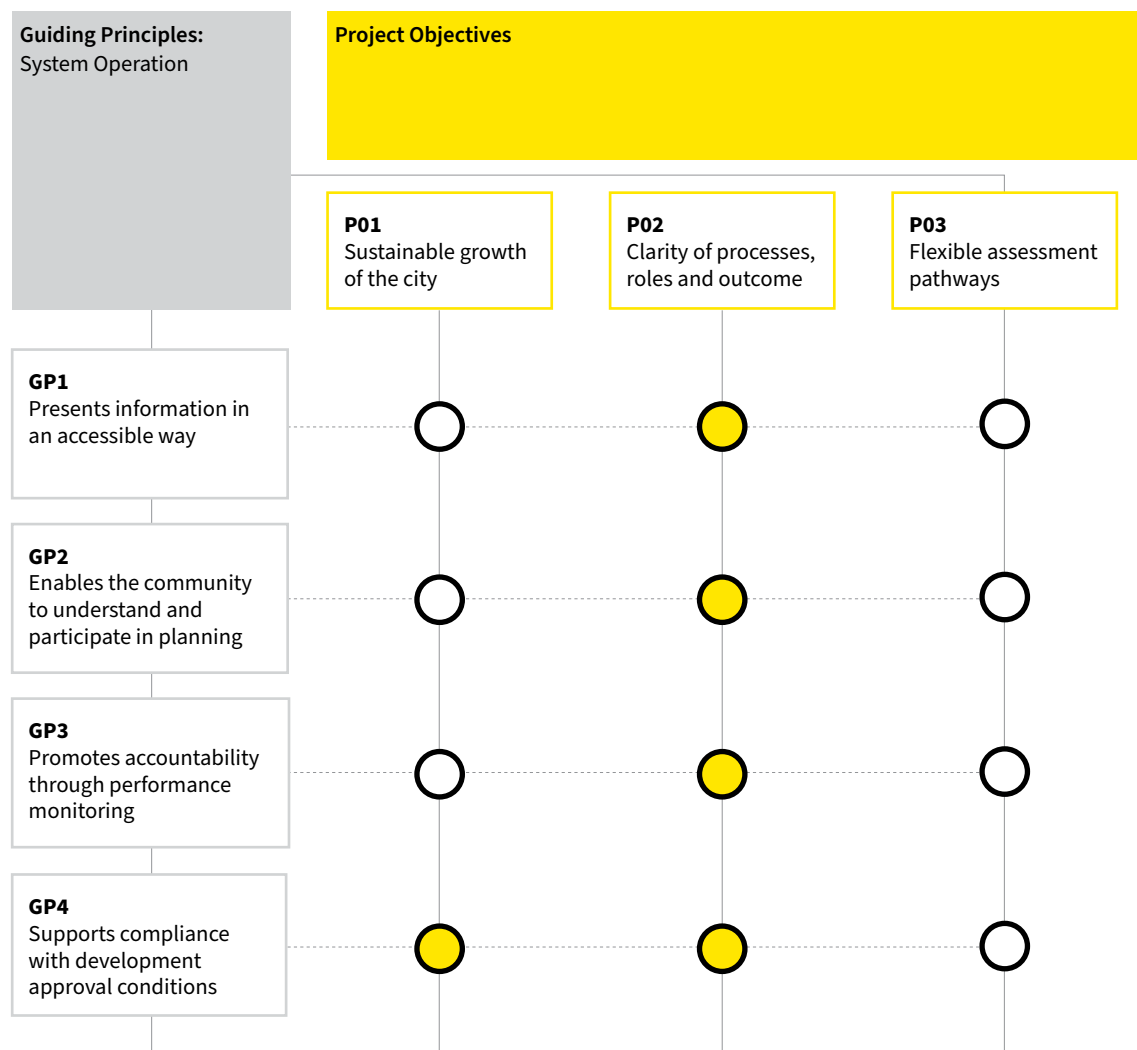
1.3 Guiding principles for system operation

The following guiding principles (GP) support the delivery of the overarching Project objectives. These have been mapped in Figure 4 to demonstrate the relationship between the system operation and the broader objectives for the project.

- GP1.** That the system operation presents information in an accessible way.
- GP2.** That the system operation enables the community to understand and participate in planning.
- GP3.** That the system operation promotes accountability through performance monitoring.
- GP4.** That the system operation supports compliance with development approval conditions.



Figure 4: Relationship between Project context and system operation



2. Review of the existing system operation



2.1 Background

A planning system that is both useable and accessible encourages the public to participate in planning. A planning system that encourages participation can resolve long-term challenges in a more effective way by building consensus around planning and development directions and creating clear expectations related to the development outcomes in different suburbs, neighbourhoods and precincts.

The current ACT planning system is accessible in the sense that: collaborative public engagement routinely occurs through the strategic planning process; there is a clear set of zones and codes against which development applications are assessed; and, both applicants and third parties have clear rights in the development assessment process.

However, the four preceding papers have suggested that the useability of the current planning system could be improved.

2.2 System operation gaps and challenges

Areas where our planning system can be improved

A challenge identified through multiple papers is the limited line-of-sight between planning strategies and development controls. This challenge is one of many created by the limited integration or relationship between the system's various parts. Other challenges and gaps impacting useability of the system include:

- difficulty in navigating the development assessment process
- the complex structure and wording of development controls
- information distributed across multiple portals and platforms.

Ultimately these challenges can impact overall confidence in the planning system.

The rates of compliance with development conditions present an additional risk to confidence, as does the disconnect between the planning and building systems. This disconnect has been identified as one reason why outcomes are sometimes inconsistent with development approvals.

Difficulty navigating the development assessment process

Paper 3—Development Controls and Paper 4—Development Assessment identify the challenges applicants and other planning stakeholders face in understanding the development outcomes the planning system seeks to facilitate and the related considerations that will inform determination of development applications. In addition to limited line-of-sight from the Planning Strategy to development controls, other challenges include the rigid application of assessment tracks and the ambiguity of decision criteria.

The complexity of these processes would not be such a major challenge if the public had access to better explanatory information. For example, prior to 2008, planning practice notes supported consistent interpretation of development assessment processes for decision makers, proponents and other stakeholders. Despite these being repealed, planning officers, sections of the development industry and the ACT Civil and Administrative Tribunal have from time to time referred to these practice notes for guidance (for example, to calculate gross floor area). This demonstrates the value in having guides and tools that support statutory documents.

The need for guidance will only increase as the Territory endeavours to implement more outcomes-focused planning and potentially adopts greater discretion to support high-quality developments and innovation.

Figure 5: Extract from the Industrial Zones Development Code

Rules	Criteria
2.3 Height	
R11 The maximum height of any wall of the building is 12 metres above natural ground level.	C11 Development is of an appropriate scale compatible with an industrial area.

The complex structure and wording of codes

The relevant development controls can be difficult to identify within the Territory Plan. The current structure and layout of development controls does not readily aid the interpretation or use of the system by proponents, the community or planning officers. Controls are structured around rules, which provide acceptable standards for development, and criteria, which apply where discretion may be exercised. As discussed in Paper 3—Development Controls, this layout is counter-intuitive and the reverse of what is seen in other jurisdictions.

Figure 5 is an extract from the **Industrial Zones Development Code** of the Territory Plan. The prescriptive rule (R11) is read first, potentially suggesting that 12 metres is a mandatory control. However, the criteria (C11) means there is some discretion available, and that should a proponent

sufficiently demonstrate that a building is of an ‘appropriate scale’, it would meet control 2.3.

Complex language and concepts only further complicate navigation and understanding of the system. Figure 6 provides an extract from the Territory Plan which seeks to explain how rules and criteria contained within codes should be interpreted, and how they relate to the code, merit and impact tracks of development assessment. These definitions are confusing, even for those familiar with planning. For example, it could be concluded that if a proposal meets all the rules it would be considered under the code track when in fact it is the development tables for the zone that predetermine the track, irrespective of rule compliance. Further, as most development applications are now considered in the merit track, the tracks add a layer of complexity that is no longer considered warranted. This is described further in Paper 4—Development Assessment.

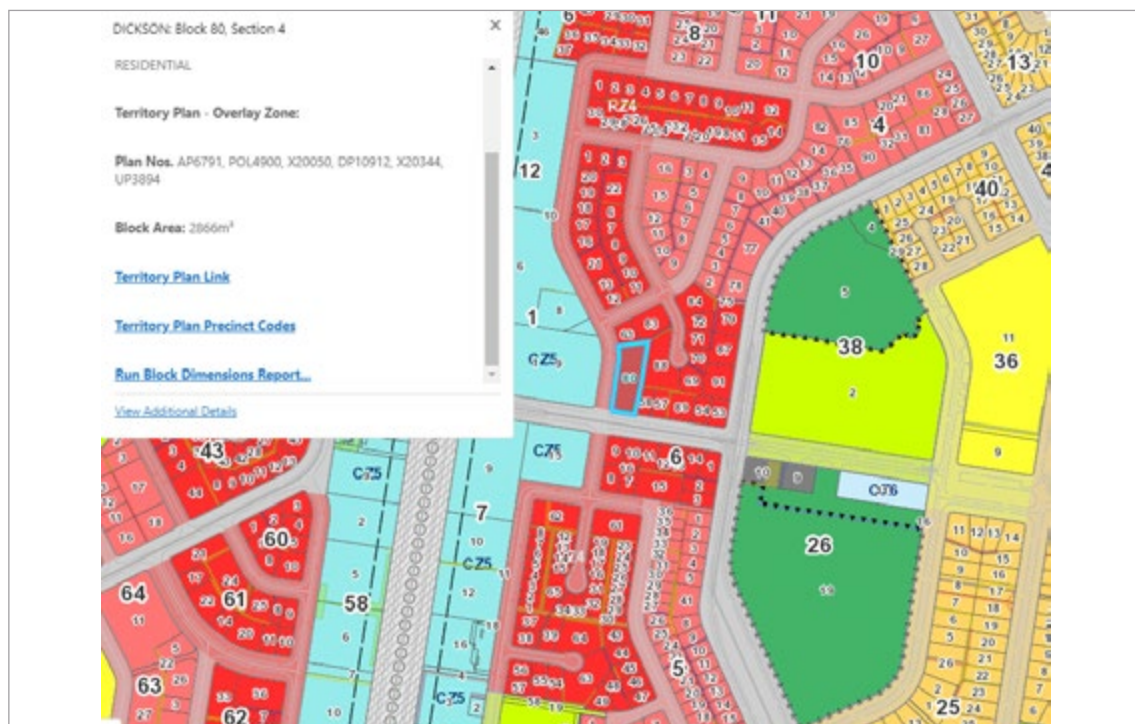
Figure 6: Explanation of how rules and criteria should be interpreted

Each Code’s controls are expressed as either **rules**, which are generally quantitative, or as qualitative **criteria**.

- Proposals in the **code track** must comply with all rules relevant to the development.
- Proposals in the **merit track** and **impact track** have the option to comply with the rules or criteria, unless the rule is mandatory. Where it is proposed to meet the criteria, the onus is on the applicant to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the criteria and therefore the intent of the element.
- Proposals in the **impact track** also have the option to justify any non-compliance with the rules and the criteria, unless the rule is mandatory. Where it is proposed to not meet the rules and the criteria, the onus is on the applicant to justify the non-compliance by demonstrating that the proposed development is consistent with the relevant principles of the Statement of Strategic Directions. Supporting plans and written documentation, providing consideration of the relevant Intents of the Code and the Zone objectives, are to accompany the development application.



Figure 7: Extract from ACTmapi



Information distributed across multiple portals and platforms

The multiple platforms through which planning information and tools are published are disconnected and can be difficult to navigate. One example is the limited integration between ACTmapi and the Territory Plan. The ACTmapi portal provides interactive zoning maps where property-specific information is available (see Figure 7). Links are provided to the Territory Plan but they do not connect to specific codes relevant to that property. Further, ACTmapi does not provide information on other planning constraints on the land (building height and plot ratios, for example).

Another example is the relationship between strategic and statutory planning is not strong, meaning the development outcomes facilitated by the Territory Plan are not necessarily aligned to the directions of the Planning Strategy.

Outcomes that are inconsistent with development approvals

There are instances of non-compliance with approved development plans or conditions of development approval. Changes to building material are one example of this; some proponents, in an effort to reduce construction costs, have amended plans after approvals have been issued. This has resulted in the use of poorer quality materials and replacement of soft landscaping with hard surfaces, directly contributing to concerns around poor design quality and character.

Figure 8 is an extract from a notice of decision made in October 2017 for a large mixed-use development that included design elements considered vital for the quality of the outcome of the development. Greater guidance and enforcement of conditions to maintain approved critical design elements would assist in the facilitation and delivery of quality development outcomes.

Figure 8: Extract from a notice of decision

Future amendments of proposal

This development approval contains design elements, materials and finishes that are considered to be vital to the outcome of the proposed development in its locality. Any future applications to amend this development proposal will require assessment involving greater scrutiny and maybe subjected to further public notifications pursuant to Section 197(7) of the *Planning Development Act 2007*.

A new design report must accompany all amendment applications affecting “**critical design elements**” on the drawings endorsed under Section 162 of the *Planning Development Act 2007*, or the facades of the building, materials and finishes, landscaping, or the development’s interface with the public domain.

Such a design report should be prepared or endorsed by the architect responsible for the initial development application, and should compare the initially approved proposal with the proposed amendments and any subsequent amendments to date, by means of a schedule of changes (amendments) to date, and new perspectives and elevations comparing the initial approval with the amendment(s) applied for.

Part of this issue stems from the disconnect between the planning and building systems. Building certifiers are focused on compliance with the National Construction Code rather than checking conditions in a development approval as part of the building approval process. There is no requirement for the planning and land authority to be informed of changes between construction and approved development plans. This creates a risk and leads to instances of development outcomes that are sometimes inconsistent with development approvals.

2.3 Community and industry feedback

What we’ve heard from planning stakeholders

The review of system operation has been complemented by ongoing community engagement. We conducted an analysis of 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.

As identified in the ACT Planning System Review and Reform Overview, the ACT community generally supports the Planning Strategy. However, the community is also concerned that the Planning Strategy is not being implemented. This is giving rise to additional concerns that development is not in compliance with development controls or that planning strategies and development controls are not being enforced through the application process.

In addition, and related to the above, the community has more general concerns that the current planning system is too complex. This makes the planning process and the development outcomes it facilitates difficult to understand.

These concerns suggest that without change there is a risk that confidence in the planning system will be eroded. Even without change to the structure of the system or its processes, there is the opportunity to improve the way information is presented and to provide guidance that better explains how the system operates.

2.4 System benchmarking

What we've learned from elsewhere in Australia and overseas

Planning systems are notoriously complex to navigate, not least due to the multiple layers of strategies and development controls. However, when compared to other contemporary planning systems across Australia and internationally, the current ACT system appears less user-friendly and there are fewer guides and tools available to assist proponents.

Design guidelines to aid the interpretation of good outcomes

In many jurisdictions, particularly those where the system provides for a greater degree of discretion in decision making, additional guidance (in the form of design guidelines, for example) is available to articulate what constitutes a good outcome that is consistent with development controls. The structure of guideline documents can provide proponents, the community, and decision makers with clearer understanding of the desired outcomes. Such guidelines can help mitigate the risk that discretion creates too much uncertainty within the planning system.

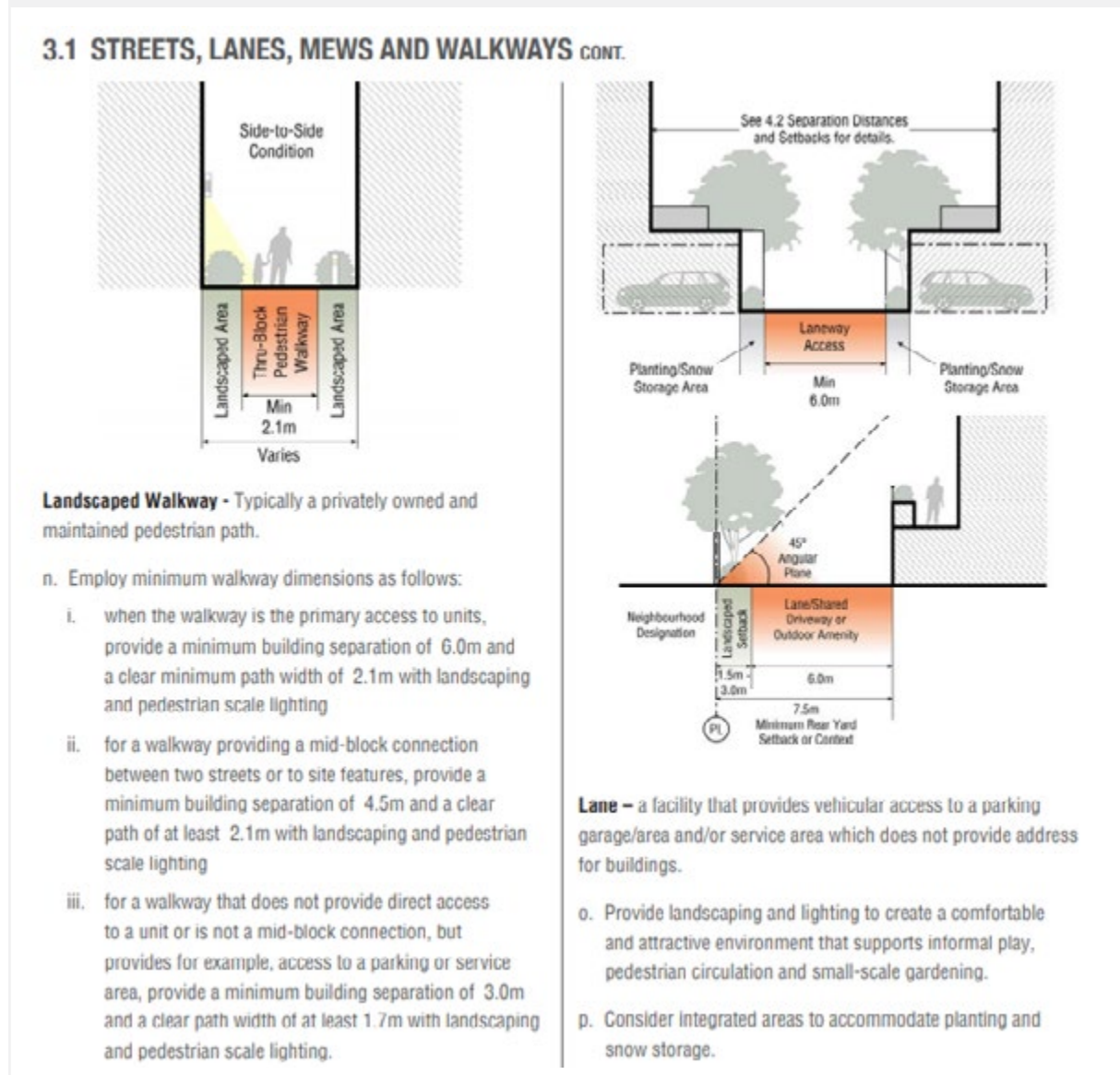
Design guidelines are particularly common in North America and are identified in the recent system reform in South Australia. They are commonly used in other Australian systems but do not always play a formal role in the planning system. They may be part of local policy for instance, but not a formal planning document. Toronto has more than 20 design guidelines in respect to building type, streetscape, public space and public art. The preparation of guidelines is mandated within the long-term planning strategy (The Official Plan) and is intended to better explain the implementation of development controls. Figure 9 provides an extract from a design guideline in Toronto.







Figure 9: Extract from a design guideline in Toronto



User guides and practice notes

Other jurisdictions offer a suite of user guides and explanatory documents to help proponents navigate and understand the planning system. In the UK, a [Plain English Guide to the Planning System](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/391694/Plain_English_guide_to_the_planning_system.pdf)¹ outlines how long-term planning strategies and development controls are prepared, and how national level policies flow through to the preparation and implementation

of these documents. This increases the transparency of the system and enables the community to better understand where they can provide input.

In the Victorian planning system, the [Planning on a page](https://www.planning.vic.gov.au/__data/assets/pdf_file/0029/95249/Planning-on-a-page-2019.pdf)² and [Using Victoria's planning system](https://www.planning.vic.gov.au/__data/assets/pdf_file/0017/95012/Using-Victorias-Planning-System-2015.pdf)³ documents succinctly capture the hierarchy of strategies and development controls, as well as the development assessment process.

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/391694/Plain_English_guide_to_the_planning_system.pdf

2 https://www.planning.vic.gov.au/__data/assets/pdf_file/0029/95249/Planning-on-a-page-2019.pdf

3 https://www.planning.vic.gov.au/__data/assets/pdf_file/0017/95012/Using-Victorias-Planning-System-2015.pdf



Presentation of information

The structure of the existing codes within the Territory Plan makes it difficult for proponents, the community and the decision maker to fully understand the application of a development control. Plain-English, well-structured codes can enhance proponents' understanding of a system and how development controls will be used in the consideration and determination of a development application.

Benchmark jurisdictions provide good examples of the presentation of development controls, with much clearer, easier to understand policies and codes. The recent planning system reform in

South Australia focused on this. As highlighted in Figure 10, the proposed structure presents a hierarchy of decision criteria, with 'performance outcomes' and a series of 'deemed-to-satisfy' criteria that outline an acceptable strategy for addressing those performance criteria. This is further explained in Paper 3—Development Controls.

In Toronto, the rationale for each control is explained and a clear link provided from that control to The Official Plan. This means proponents can better understand how a code directly contributes to the realisation of an intended development outcome. An example from the Official Plan is provided in Figure 11.

Figure 10: Extract from decision criteria in South Australia

Building Height

PO 2.1

Building contributes to a low-medium rise residential character with the taller buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.

DTS/DPF 2.1

Building height (excluding garages, carports and outbuildings) not exceeding:

- (a) 4 building level and 15m where the site:
 - i. Is at least 1200m²
 - ii. Has a frontage of at least 35m
- (b) 3 building levels and 12m in all other circumstances.

Figure 11: Extract from Toronto's Official Plan

Performance Standard #3: Minimum Ground Floor Height

The minimum floor-to-floor height of the ground floor should be 4.5 metres to facilitate retail uses at grade.

- Ground floor heights should be a minimum of 4.5 metres (floor to floor, measured from average grade) to accommodate retail uses and provide sufficient clearance for loading areas. Where residential uses front onto Avenues at grade level, the vertical distance from grade to the top of the second storey floor level should also measure 4.5 metres.

Rationale

Floor heights for commercial uses are generally higher than a typical residential floor. A taller floor-to-floor height at grade will provide for flexibility of grade level uses and increase the marketability of retail spaces. A floor-to-floor height of 4.5 metres has been cited as the desirable height to achieve this. A taller floor-to-floor height at the street level also emphasizes this portion of the building and thereby increases the visibility of any developed retail.

A floor-to-floor height of 4.5 metres provides clearance for loading spaces and trucks into internal spaces of a building (i.e. would not require double height garage door openings), which should be met at the rear of the site.

A 4.5 metre floor-to-floor height is also required for at-grade residential uses fronting onto an Avenue. For residential uses, the 4.5 metres height would be taken from exterior grade to the top of the second storey floor level. See Performance Standard 10 for a description of design measures for residential at grade.

As the Avenues mature, residential uses at grade may be converted to retail uses. The 4.5 metre height considered with a horizontal setback required for residential uses (see Performance Standard 10), provides an infill zone that can accommodate this transition.

Official Plan Reference

2.2 Structuring Growth in the City: Integrating Land Use and Transportation
Policies: 2 c)

3.5.2 The Future of Retailing

Information available through online portals

The current functionality of the ACTmapi portal is limited, which directly contributes to the usability of the system. Other jurisdictions offer a more advanced online portal that enables a proponent to quickly identify the development controls that apply to a specific site. An example from the Singapore–URA Space is provided in Figure 12.

Development approvals linked to other government approvals

Generally, all benchmark jurisdictions reviewed include some linkage between the issuing of subsequent government consents and the satisfaction of development approval conditions.

This provides a passive method of enforcement whereby plans must be consistent with those approved by the planning authority and any conditions placed on those plans must be discharged before other authorities issue their own consents.

As demonstrated in Figure 13, development controls in Minneapolis are clear about this relationship. They state that the city council will withhold building approvals, utility connections and other consents if the proposed plan “*is inconsistent with the final plan approved by the zoning administrator*”.

Figure 12: Example from Singapore’s online portal

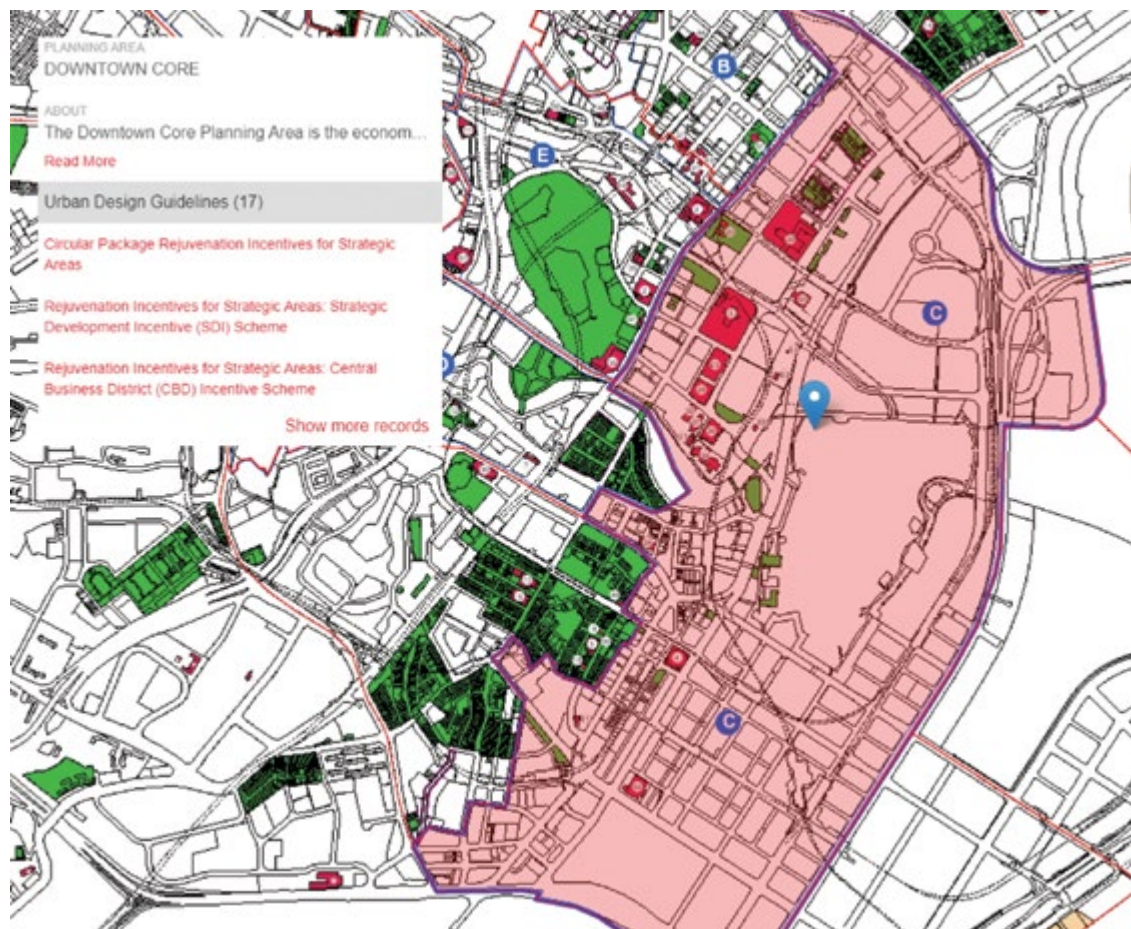


Figure 13: Example of development controls from the Minneapolis Municipal Code

Minneapolis Municipal Code of Ordinances, Title 20 Zoning Code 525.50L: Plan consistency

The city shall withhold any building permit, demolition permit, grading permit, utility connection, license or other approval required for a use if the proposed plan is inconsistent with the final plan approved by the zoning administrator, planning director, board of

In Singapore, it is the responsibility of the proponent to ensure consistency between development approvals and building applications. This reduces the administrative burden on the planning authority. The *Singapore Planning Act 1998* (extract in Figure 14) enables the authority to place additional requirements on the proponent to provide

assurances that, through the building process, plans remain compliant with the conditions of development approval. In such circumstances a proponent would be required to have a qualified person (an architect, for example) sign a declaration stating that revised drawings are “in accordance with the plans approved by the competent authority”.

Figure 14: Example of development controls from the Singapore Planning Act 1998

Singapore Planning Act 1998, Section 15: Conditions for planning permission or conservation permission

(3) The following conditions may also be imposed on the grant of any conservation permission under section 14(4):

(C) where the approval of the Commissioner of Building Control under the Building Control ACT (Cap. 29) is required to be obtained for the plans of the building works with regard to any works within a conservation area, requirements for the submission to the competent authority, within 7 days of the application for approval made to the Commissioner of Building Control, of a declaration by the qualified person who submitted the plans of the building works to the Commissioner of Building Control for the application that those plans are in accordance with the plans approved by the

3. Proposed directions for reform



3.1 Opportunity areas

Even without changes to the planning system itself, tools, explanatory guides and improved availability of information can improve understanding and operation of the system. This could be through handbooks or interactive guides. Further, additional benefit can be gained by translating existing development controls into a format that is more intuitive and easier to follow.

There is also opportunity to review legislation and set requirements for controls to be written in plain English and for the planning and land authority to prepare guidance notes along with the Territory Plan. This could have the effect of ensuring guidelines are prepared in a consistent manner.

Other opportunities, like streamlining the system structure or development assessment process are explored in other papers.

3.2 Proposed changes to the system operation

Table 1 identifies the proposed directions for change within the context of the system operation (SO).

Table 1: Proposed directions and changes to the system operation

System Operation Direction No.	Proposed Directions	Potential changes	Rationale
SO1	Aid the interpretation of reformed development controls	Prepare design and other guidelines that aid a proponent's understanding of a development control and support the achievement of design quality.	Can help mitigate the risk that discretion creates too much uncertainty within the planning system.
SO2	Provide a greater line of sight between controls and policies	Enhance the presentation of development controls to demonstrate how individual codes contribute to the outcomes identified within planning strategies.	Enables the community and proponents to better understand the structure of the planning system.
SO3	Provide stronger guidance regarding the development assessment process	Support navigation of the system using simple guides that explain when development approval is required and how the development assessment process works.	Provides plain English advice to users of the planning system.
SO4	Provide greater transparency of development assessment applications	Review and update the interactive development assessment tool that proponents can use to track progress.	Simplifies use of the system for both applicants and the community and enables applicants and interested parties to track development applications and participate in the process as appropriate.

System Operation Direction No.	Proposed Directions	Potential changes	Rationale
S05	Improve the accessibility of information	Integrate all online planning tools within an electronic platform so all zoning, strategy and development application or approval information can be tracked for individual properties.	Enables proponents to easily identify major controls, such as height and floor space ratio.
S06	Improve levels of compliance	Establish stronger linkages between the building and planning processes with stronger oversight of approved developments. This may include the requirement for an authorised person to check work against approved development plans at specific points throughout the project or the ability to require the satisfaction of conditions of development approval prior to relevant government consents being issued.	Disconnect between the building and planning systems creates a risk that, as detailed designs progress, inconsistencies emerge between actual outcomes and the development plans that were originally approved. Creating a link between both systems mitigates this risk by ensuring that construction drawings are consistent with development approvals without relying on resource intensive enforcement activities.
S07	Improve reporting mechanisms to track achievement of strategic policies	Introduce a tracking system to record outcomes of the development assessment process, such as the number of residential dwellings and bedrooms.	Supports the implementation of development controls and broader policies.

Figure 15 summarises how the proposed directions address the current planning system’s operational gaps and challenges and responds to the guiding principles (GP).

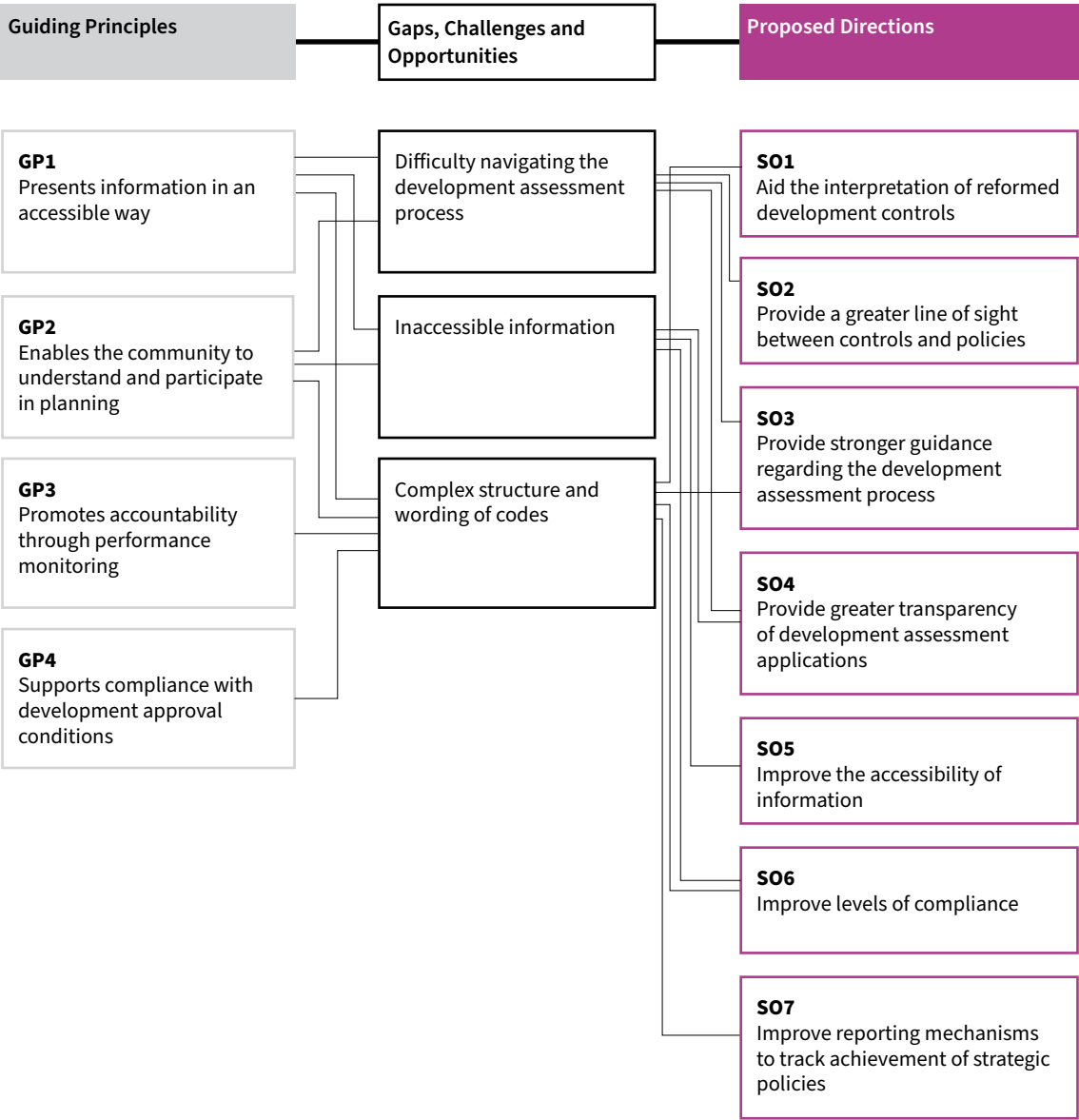
3.3 Potential effect of these changes

The proposed changes should provide an easier, clearer system for proponents to navigate and use. While aimed to increase the consistency of

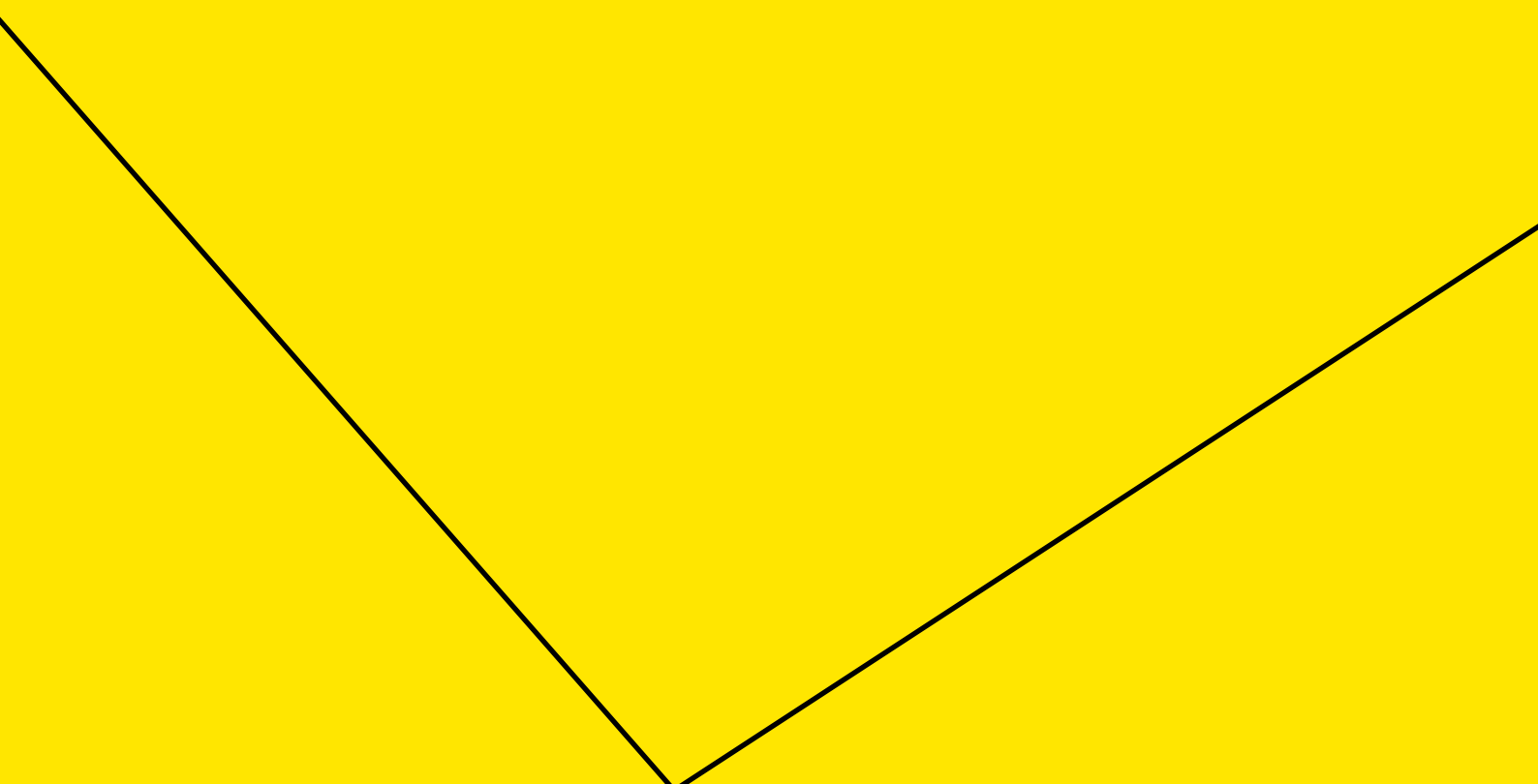
decision making, guidelines could change the way development applications are considered or determined. Therefore, the preparation of guidelines should be undertaken in consultation with industry and the community.

Overall, as information becomes more accessible and easier to understand, proponents and the community will have a stronger understanding of how development controls directly contribute to broader strategic objectives for the Territory and increase confidence in the system.

Figure 15: Reform summary for system operation



4. Next Steps



Improving presentation of content, increasing the availability of information, developing additional guidance, and integrating online platforms can all occur outside of the wider reform process. However, given the proposed direction of changes in other papers, improvements to system operation should wait until there is greater clarity around the future structure of the system and development application processes.

Figure 16 identifies a Project pathway for the next stage of work and how the proposed system operation relate to the proposed directions identified for the other four areas. As noted, five of the seven directions are most appropriately implemented once the wider reforms have been delivered. The exceptions are improving levels of compliance (SO6) and enhancing the presentation of development controls (SO2).

SO6 is shown as being dependent on the confirmation of changes to the development assessment process. While this is true to the extent that SO6 is reliant on clarity around approval conditions and other associated

considerations, it is also more likely to rely on changes to legislation and therefore should form part of the main body of reform.

SO2 logically fits as part of the development control reforms. It will ensure that plain language and clear presentation are incorporated into the reworking of the controls as they move from being compliance to outcomes focused, thus improving accessibility.

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.

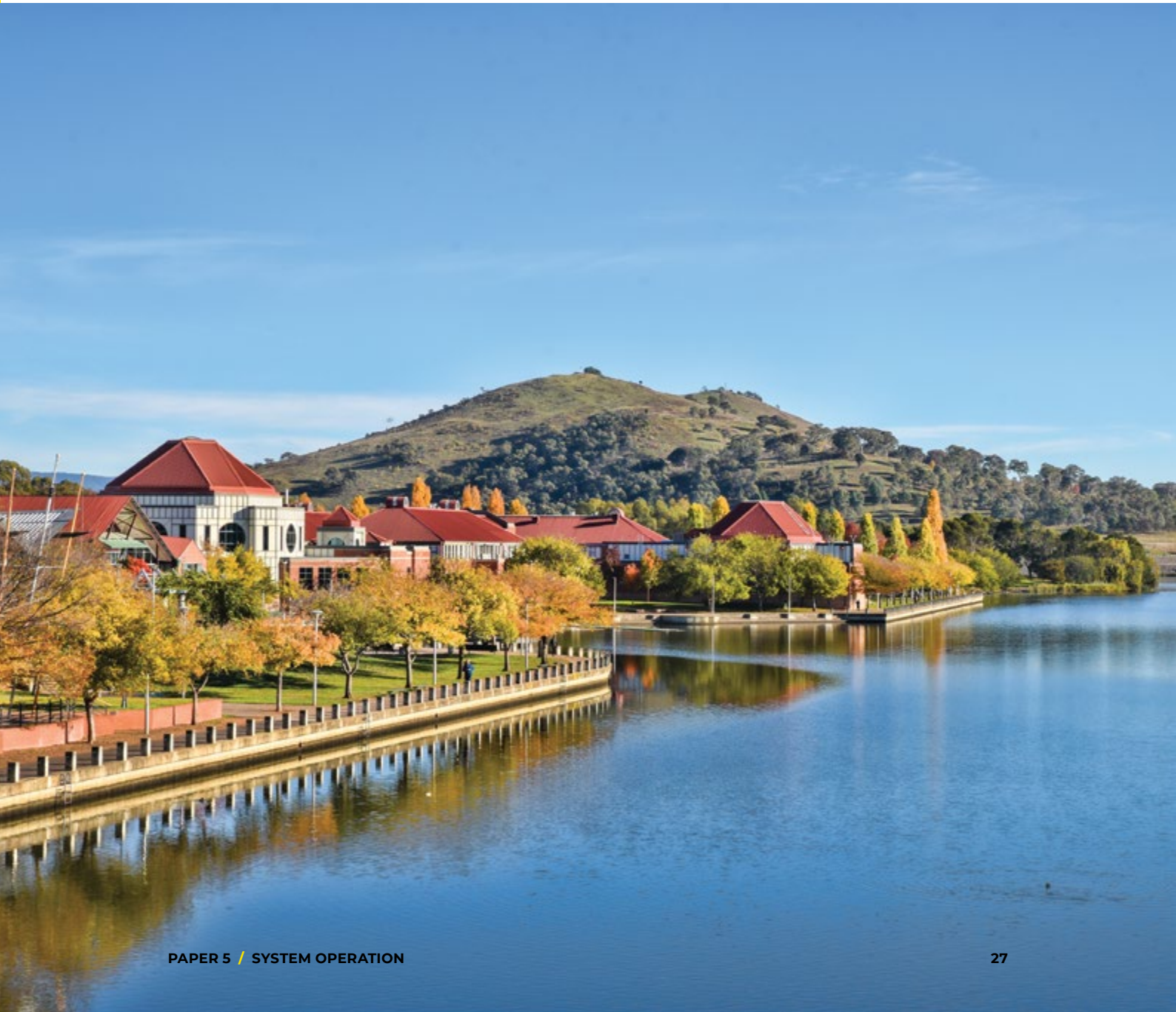
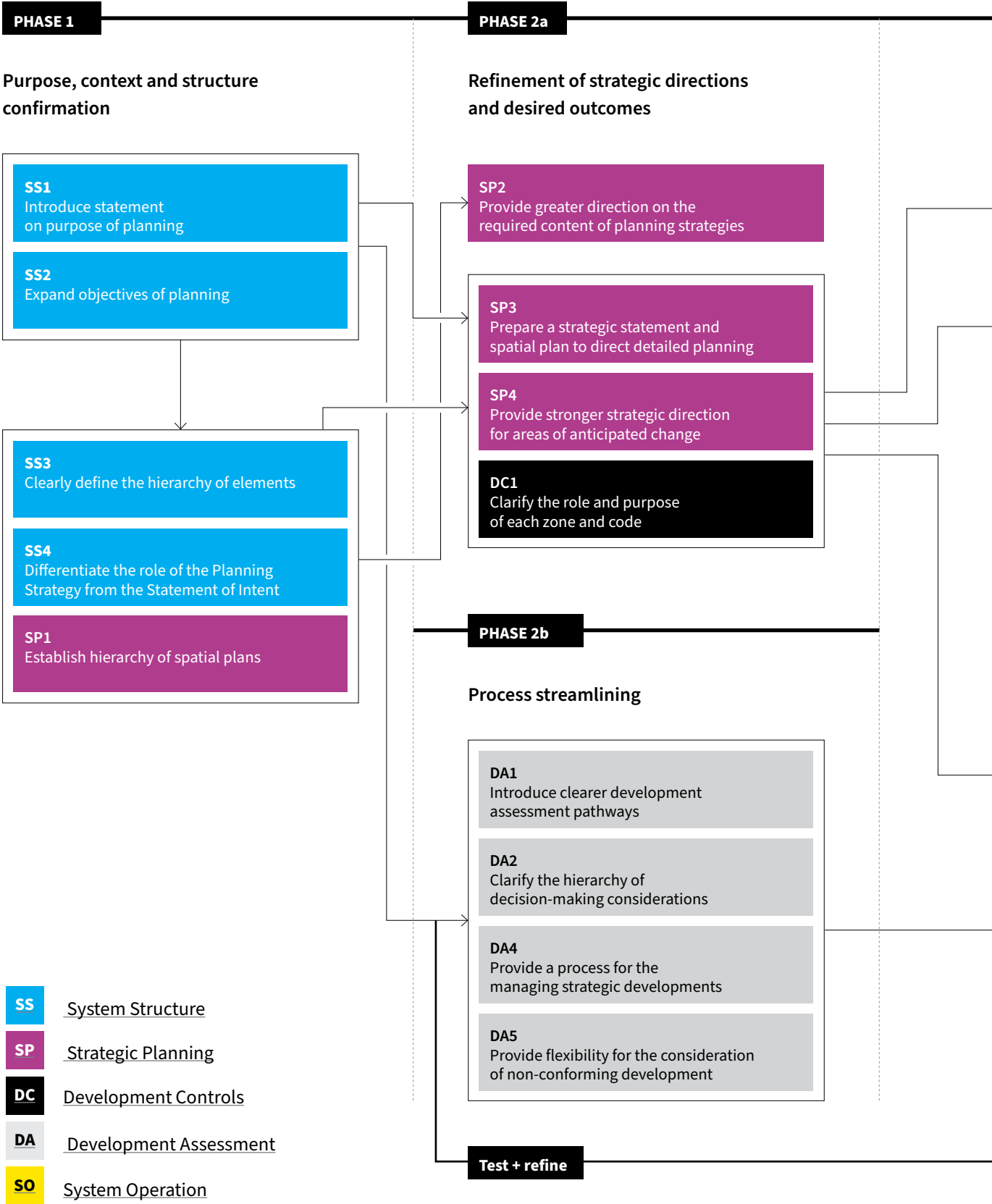
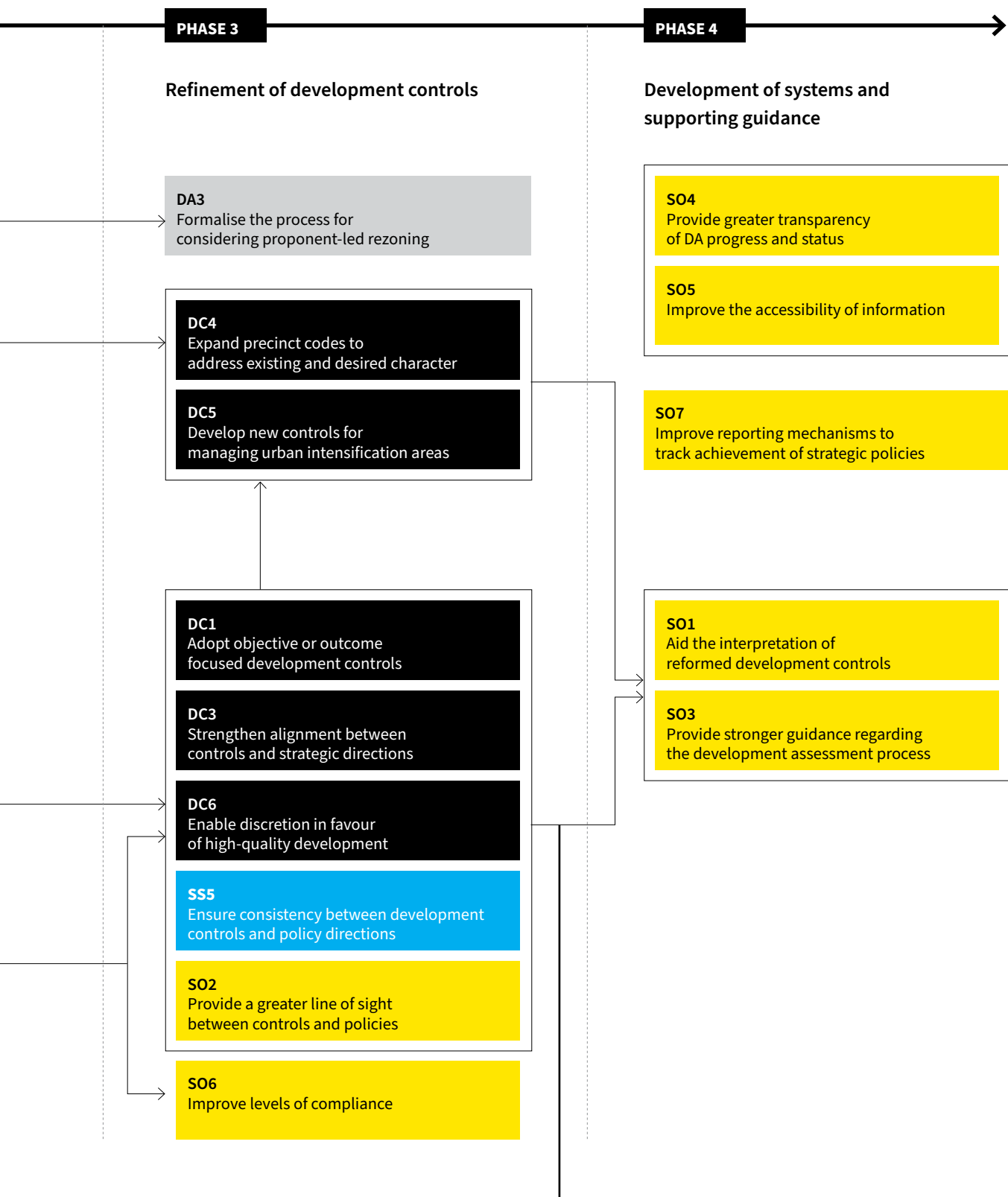


Figure 16: Project pathway for system operation





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 Plan⁵.

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
<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

⁶ <https://www.nca.gov.au>

⁷ <https://www.legislation.act.gov.au/a/2007-24/>

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 Plan](#)².

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 Plan](#)² which determine the appropriate land uses for an area.



