

2007

**RESTRUCTURED TERRITORY
PLAN**

**Government Response
to Public Submissions**

**PART 1
Overview and Key Issues**

CONSULTATION REPORT

The ACT Planning and Land Authority (the Authority) undertook public consultation on the draft restructured Territory Plan from 12 November to 7 December 2007. The consultation focussed on the translation of existing controls within the Territory Plan into a new format that would support the Assessment Track framework contained in the *Planning and Development Act 2007*. The consultation was also in response to issues raised during the first consultation, from 4 April to 1 June 2007.

This consultation was undertaken in accordance with the statutory requirements of the *Planning and Development Act 2007* (section 432 and 433).

Where did comment come from?

The Authority collected information and comment from:

- briefing sessions for community groups, industry and the general public.
- Formal submissions
57 written submissions were received from across industry, government, individuals, community organisations, and environmental groups.

How was comment managed?

Issues from submissions have been collated by submitter. The response to the issues raised, are contained in Part 2 of this Public Consultation Report. Comments which relate primarily to implementation and future policy review are dealt with in this Part of the Government Response.

How was the Territory Plan received?

A large number of submissions, particularly those from key community and industry groups, acknowledged that there had been significant improvements to the new draft Territory Plan. The new structure of the three Volumes was considered easier to use, and a more logical grouping of information. There was also acknowledgement of the improve format and content of footer information.

Submissions from and number of industry community groups referenced the significant work undertaken by the Independent Assessor, Ms Sue Holliday, and the Reference Group, both appointed by the Minister. The general view was that much of the identification and correction of errors and refinement of language in the Codes brought the new draft Territory Plan closer to policy neutral than the previous draft. The comments also recognised that the Reference Group was an effective consultation model that should be considered in the future policy review of the Territory Plan.

Overview

Part 2 of the Public Consultation Report takes account of issues raised in formal submissions that are not covered by this overview.

Key issues

Future Policy Review

The most significant issue raised by a number of submissions was the need for review of the policy and planning controls in the Territory Plan. It was recognised in some submissions that this current translation of the existing controls was not designed to address deficiencies in existing controls. However, there were a number of submissions that strongly argued that certain existing controls should be removed through this process, even if the result was not policy neutral.

The Royal Australian Institute of Architects was one submission that highlighted a number of examples where the existing controls do not reflect best practice, or were ambiguous in wording and intent.

Key areas identified as needing urgent review were subdivision for new residential estates, residential controls, the listing of prohibited developments in the development tables, and definitions.

The ACT Planning and Land Authority will advise the Minister for Planning on a program for review of the policy and controls within the Territory Plan. The overarching principles for the policy review that will guide the development of the review program are:

- Establish a program of priorities that respond to greatest planning and community need;
- Implement and integrate government policy;
- Reflect legislative requirements;
- Incorporate current leading national practice relevant to the ACT;
- Reduce complexity and simplify planning controls
- Integrate planning controls to provide a consistent suite of planning controls
- Create greater certainty in development assessment

Lease and Development Conditions

Under the new *Planning and Development Act 2007*, the approval of Estate Development Plans (EDP) is a development application consistent with the previous approach under the *Land (Planning and Environment) Act 1991*. EDPs are subdivision plans for new estates and are assessed against the requirements of the Territory Plan in both the existing and new system. The new statutory process for future urban areas requires the estate development

plans to be assessed against Concept Plans (Precinct Codes) which are part of the Territory Plan. The development approval issued for an EDP will have detailed plans and conditions identical to those produced as “lease and development conditions”.

In addition to identifying block boundaries and zones within the estate, the new EDP process specifically provides the ability for an EDP to include building envelope plans and infrastructure requirements. This is the same type of information currently provided for through lease and development conditions.

Where an approved EDP contains specific building envelope plans (sometimes necessary for odd shaped or difficult blocks), these details will be transferred into the concept plan for the estate at the time the Future Urban Area Overlay is removed from the Territory Plan map. This is done by technical amendment to the Territory Plan, which is prescribed by the *Planning and Development Act 2007*. The statutory process requires limited consultation (a minimum period of 15 working days), after which the amendment can be finalised. This will ensure that any special controls required from the EDP are considered at the development application stage for individual blocks.

Concerns have been raised that the new statutory processes are less flexible and don't provide adequate pre-sales information. Information on the development requirements will still be readily available, but unlike existing lease and development conditions, the statutory nature of the requirements and their role in the development assessment process will now be beyond doubt. This new process does not prevent the Land Development Agency or private developers from making available in administrative documents, information on the lease conditions that may attach to individual blocks. The format of leases can readily reference relevant development approvals (EDPs) if necessary.

It is important to note that the EDP cannot be approved if it proposed to make changes that would be inconsistent with the principles and policies for the estate that are contained in a structure plan, and further applied through the concept plan for the estate. For such changes to be considered a full plan variation process would need to be undertaken.

The implementation and education program will include information and training on how the new EDP process works.

Transitional Provisions

The *Planning and Development Act 2007* has a transitional provision that allows lease and development conditions approved before the commencement of the Act, to be considered in assessing a development condition where the Territory Plan requires it to be considered. The concern raised was that this would result in a number of EDPs being approved before commencement day without the lease and development conditions being

approved. That is because there is a delay between the approval of the EDP and the preparation and lodgement of the lease and development conditions. This could also result in some stages of an estate having old style lease and development conditions, and other stages operating under the new system. This may lead to unnecessary confusion.

In order to ensure a smooth transition to the new planning approval system, the transitional section in the Act will be amended so provided an EDP is lodged prior to the commencement of the Act, subsequent lease and development conditions can be used in development assessment, even if they are prepared after the commencement date. This change will give the industry a more appropriate timeframe to adjust their business process to the new legislative processes.

Implementation

Concern was raised in a number of submissions about the training and implementation phase of the new planning system. Planning certifiers will play a key role in relation to the exempt single residential development, and it will be important that they are very familiar with the new legislation and the new Territory Plan. There were also questions about the training and implementation program

There will be an extensive training and implementation program undertaken by ACTPLA in the lead up to the commencement of the new system. Training packages will cover the new Territory Plan and the *Planning and Development Act 2007* in particular the new development track assessment process. Checklists and “planning Explained” guides will be available as part of the training program.

Review of translation errors

There were a number of submissions that raised the issue of how any unintended policy and criteria changes arising from the transition to the new Plan will be identified and subject to the statutory planning review including public consultation. There will be a significant program for reviewing the policy framework of the Plan, which will provide one avenue for addressing issues that may arise during the implementation phase. Depending on the nature of those issues, there may also be the option of Technical Amendments under the Act to address rules and criteria where the original intent in translation requires clarification. Technical amendments involve a level of public consultation so that the nature of the proposed changes are clear to the community.

Gungahlin Town Centre

In both consultations, there were a number of submissions from community and industry in relation to the building height restrictions for the Gungahlin Town Centre. The current restrictions reflect the existing controls for the commercial zones, which are a minimum of two storeys and a maximum of

four storeys for the CZ1 Core and CZ2 Business Zones. It is the CZ2 Zone that primarily provides for Office development. There are no height restrictions stipulated for the CZ2 Zone in Belconnen Town Centre, a four storey maximum height for CZ2 in Tuggeranong Town Centre, and a variable height restriction for limited parts of the CZ2 zone in Woden Town Centre.

The new Plan has increased the amount of CZ2 Business zone in the Town Centre, which was in response to previous studies, and supported by the Independent Assessor. However, the restriction on building height is seen as a key barrier to securing Government office space for Gungahlin. In order for the Government to address this issue to provide increased options for Government office locations, the height restrictions in the CZ2 Zone for Gungahlin Town Centre, although the criteria relating to scale, function and compatibility of development would remain.

The Gungahlin Town Centre Planning Study will be completed in mid 2008, which will ensure that issues such as traffic, car parking and building interface can be factored in to any proposed sale of land in CZ2 Zone within the Gungahlin Town Centre.

Public Consultation Report Part 2

Part 2 provides an item-by-item response to issues not covered in this Part.

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PART 2
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01. Alinta Asset Management	Bruce Hansen	Definitions - Major service conduit	The definition relates to a gas main greater than 100mm. This has typically required a Preliminary Assessment even though a 100mm main is business as usual, is not linked to risk level and does not make reference to existing Utility Service Licences or the processes under the Licence. Replace 'gas mains having a diameter greater than 100mm' with 'major gas main'. Define 'major gas main' as 'a gas pipeline forming part of a gas transmission network (as defined in the Utilities Act 2000, Section 10) with a Design Maximum Allowable Operating Pressure greater than 1050kPa.'	Under the new planning system Preliminary Assessments are no longer required. Schedule 4 of the Planning and Development Act (the Act) 2007 provides details on development proposals requiring an Environmental Impact Statement (EIS). A major service conduit is not identified as a development that would need an EIS under Schedule 4.2. It may, however, require an EIS under Schedule 4.3 of the Act if it is proposed in certain areas or involves certain processes.
02. Hindmarsh	Garry Worth	CZ3 assessable uses	Zone does not allow bulky goods retailing.	Bulky goods retailing is a sub-definition of the group definition of 'SHOP'. A shop is an assessable development in the CZ3 zone and as such, bulky goods retailing is also an assessable development.
03. Peter Saville		Location of water tanks	Development approval should not be required for water tanks in front of a dwelling.	Not agreed. The location of water tanks forward of the building line has the potential to impact negatively on the streetscape. It is important that a merit assessment of any proposal is undertaken.
04. GTA	Graeme Trickett	Draft Plan is not policy neutral and imposes new restrictions on residential development in established areas	Single Dwelling Code, Part C(1), 3.1.1 Objects to the restriction on white or off white walls.	Error in translation of Development Control 6.1 from Appendix III.1. The rule has been amended to read: 'Metal roofing and/or metal walling is painted or pre-coloured other than in white or off-white.....'
			Single Dwelling Code, Part C(1), R3.1.2 This development control prohibits solar energy	Noted. Provision translated from Appendix III.1, Control 6.2,

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			devices from being visible from the street.	as a rule and criteria. This is policy neutral.
			Single Dwelling Code, Part C(1), R4.2.3 It is unclear as to whether the restriction on the width of the garage is an internal or external measurement.	Noted. The intent of the control is to ensure that parking facilities do not detract from the streetscape amenity. As such, the restriction is an external measurement. Rule has been amended to clarify the intent.
			Single Dwelling Code, Part C(1), R5.1.1 The control relating to solar access is not considered to be specific enough as it does not state how much sunlight is required.	Noted. The solar access provisions of the current Territory Plan are performance based. To enable exempt development and code track assessment it is necessary for solar access to be quantified. The wording of the rule was an attempt to do so. It is agreed that the wording needs to be more precise to enable meaningful outcomes and should be considered in a future policy review.
			Single Dwelling Code, Part C(2), R2.3.1 The 10m front setback does not enable a proportional reduction for the second street frontage on a corner block.	Noted. The corresponding criterion enables consideration of reduced front setbacks.
			Single Dwelling Code, Part C(2), C3.1.1 This development control, relating to building materials and pitch of roof, is a new control and inappropriate.	Not Agreed. This control is translated from Planning Practice Note No.5, which applies to certain land in Deakin and Forrest.
05. G&G Borny	26 Poynton Street, Hughes	Poynton Street, Hughes - Zoning	The street is zoned part RZ1 and part RZ2. Development in the street is low density and as such, RZ1 should be applied to the whole street.	Not agreed. The proposed zoning reflects the current designation between the A10 Area Specific Policy and the Suburban Area Residential Land Use Policy in Poynton Street, Garran.
06. Turner Residents Association	Section 47 Turner	Turner Section Master Plan	Turner Section Master Plan currently applies a moratorium on redevelopment in Section 47 Turner until 2009. Request that the moratorium on redevelopment be applied in perpetuity and be extended to Sections 46 and 48 and this be achieved by	Not agreed. An extension of the moratorium, or a change in the zoning, would not be policy neutral. This is a matter for consideration in a future policy review.

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			removing the B12 Area Specific Policy (or RZ4 in the new system).	
07. Lesley Thompson		De Chair and MacGregor Streets, Deakin - Zoning	Blocks 8 and 9, Section 36 should be zoned RZ4 to reflect the density of development on the site.	Not agreed. Block 8, Section 36 is currently designated with the Suburban Area Residential Land Use Policy(LUP), which translates to RZ1 in the new system. Block 9, Section 36 is currently designated with the Residential LUP with a B1 Area Specific Policy, which translates to RZ4.
			7 properties in De Chair Street and 3 in MacGregor Street adjacent the abovementioned blocks should be zoned RZ1.	Noted. The other blocks (presuming Blocks 6-15, Section 34 as no property description provided) are currently in the Suburban Area Residential LUP, which translates to RZ1. This is as suggested by the submittor.
08. CIC	Malcolm Leslie	No Lease and Development Conditions in the new system	It is critical that Precinct Codes can be conveniently amended to enable application of detailed, site specific controls – similar to those that are currently contained within lease and development conditions. This will provide a mechanism to allow for good urban design through site specific controls	See Part 1 for response. Both Concept Plans and Estate Development Plans have the capability to reference site specific controls.
			A longer transition period for lease and development conditions is required to ensure that estates aren't developed under 2 separate systems which may create significant confusion and distress amongst the land buying public. The longer transition period could apply to areas which have a submitted or approved EDP at the time of the cut-off.	Agreed. See Part 1 for response.
09.	12 Holder Street,	Turner Section Master Plan	Supports the inclusion of Section Master Plans into the Inner North Precinct Code.	Not agreed. An extension of the moratorium, or a change in the

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P Gresham	Turner		Turner Section Master Plan currently applies a moratorium on redevelopment in Section 47 Turner until 2009. Request that the moratorium on redevelopment be applied in perpetuity and be extended to Sections 46,48, 49 and 50.	zoning, would not be policy neutral. This would be a matter for future policy review.
10. A Jones	14 Holder Street, Turner	Turner Section Master Plan	Supports the inclusion of Section Master Plans into a Precinct Code. Requests that B12 Area Specific Policy be zoned RZ4.	Noted. RZ4 is a translation of B12.
11. A Owen	7 Forbes Street, Turner	Turner Section Master Plan	Supports the inclusion of Section Master Plans into a Precinct Code. Turner Section Master Plan currently applies a moratorium on redevelopment in Section 47 Turner until 2009. Request that the moratorium on redevelopment be applied in perpetuity and be extended to Sections 46 and 48 and this be achieved by removing the B12 Area Specific Policy (or RZ4 in the new system).	Not agreed. An extension of the moratorium, or a change in zoning would not be policy neutral. This would be a matter for future policy review.
12. B Hunt	15 Condamine Street, Turner	Turner Section Master Plan	Do not agree with the Turner Residents Association in relation to a moratorium on development in Sections 46, 47 and 48.	Noted.
13. F&H Bush	9 Forbes Street, Turner	Turner Section Master Plan	Objects to redevelopment of 11 Forbes Street, Turner.	Noted. Submission referred to officer dealing with development application for 11 Forbes Street,

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			Territory Plan Review Team should consider heritage listing of the site.	Turner. Not agreed. It is the role Heritage Council to list properties on the Heritage Register.
14. J Garvey and K Krippner	20 Greenway Street, Turner	Turner Section Master Plan	B12 areas applying to Section 46, 47 and 48 and part of Section 63 Turner should be reviewed so that the character of the area can be preserved and that B12 be removed from Section 47 and the Hartley Street side of Section 63.	Not agreed. This would be a matter for future policy review.
15. K Archer and N Mayo	16 Greenway Street, Turner	Turner Section Master Plan	B12 Area Specific Policy should be removed from Section 47 Turner.	Not agreed. This would be a matter for future policy review.
16. R & M Jenkins	8 Holder Street, Turner	Turner Section Master Plan	Do not agree with the Turner Residents Association in relation to a moratorium on development and believes that Turner should become a high density area.	Noted.
17. R Hertel	Condamine Street, Turner	Turner Section Master Plan	Do not agree with the TRA Turner Residents Association in relation to a moratorium on development in Turner.	Noted.
18. Molonglo Catchment Group		Water use and Catchment General Code	The Water Use and Catchment General Code still includes AQUA/3 and AQUA/4 as water uses for Molonglo River between Scrivener Dam and LMWQCC.	This is an error and has been removed from the draft Plan.

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19. Eric Martin & Associates	Eric Martin	Access & Mobility General Code	New code has different format and detail to existing guideline. Not policy neutral.	Not agreed. The controls have been transcribed from the guidelines, but there has been some rationalisation of requirements for facilities.
			Support inclusion of an Access & Mobility General Code, rather than retain non-statutory guidelines.	Noted.
			Compliance with BCA and AS1428.1 is not sufficient under the Disability Discrimination Act. This fact is not made clear or articulated within the Code.	Agreed. A note has been added to the Code to draw attention to the Act.
			The item regarding doorways and doors does not include toilet doors	Not agreed. Toilet doors are covered in R1.5.1 for accessible sanitary facilities.
			The 110N force note is contrary to AS1428.2	Noted. The 110 Newton force rule is a current requirement of the guidelines 5.3.6 (p42) and has been translated.
			ATM's are not specifically covered in 1428.2 except for general reach requirements	Not agreed. The translation reflects existing policy.
			Development required to meet the code does not include aged care facility (unless interpreted as part of residential care accommodation) or swimming pools.	Not agreed. These developments are defined as different terms, such as retirement complex, indoor recreation facility.
			1800mm wide walkway appears excessive in many situations of low traffic.	Noted. A corresponding criterion has been included indicating that all medium to high traffic areas have a minimum width of 1200 mm with adequate passing spaces at appropriate intervals.
			The number of adaptable units is less than the current 10%	Not agreed. This rule applies only to shared accommodation. The requirement referred to is a requirement of the Residential Zones Multi Unit Housing Development Code.

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			Entries refer to AS1428.1 which is less than that required by AS4299. There is a potential for confusion and conflict.	Agreed. This has been amended to only refer to AS4299.
			AS1428.3 is not the best or most suitable guide to adopt for schools or early learning centres.	Not agreed. This is a translation from existing policy, and has been written as a criteria to allow discretion.
			Adaptable housing car parking control refers to AS1482.2. Should it be 1428.2?	Agreed. This is an error and the Code has been amended.
			The Additional Controls for Fixed Seating Venues refers to ticket offices to AS1428.1, but they are not adequately detailed in AS1428.1.	Agreed. This requirement has been deleted.
			There should be a reference to making houses visitable.	Not agreed. This would not be policy neutral.
20. Collins Caddaye Architects	Peter Collins	Residential Zones – Single Dwelling Housing Development Code	PART A (a) R24 Item 2.2.1, PART A (5) R25 Item 2.2.1 These envelopes are too restrictive for medium density, they are for the lowest of low density suburban development.	Noted. The Residential Zones – Single Dwelling Housing Development Code only applies to single dwelling housing. It does not apply to multi unit housing.
			PART B Element 2 Intent (a) PART C Element 3 Intent (a) Questions why development is to be “compatible with” surrounding properties and of an “appropriate residential character”. This is considered to be anti change and anti innovation.	Not agreed. The terms are consistent with existing policy. Further, these terms still enable change and innovation to occur, but in a fashion that is harmonious with the area in which it is located.
			PART B Element 6 Item 6.3, 6.4, 6.5, 6.6 These are inappropriate and unnecessary for a Development Application. These should clearly be handled, if required, at Building Application.	Not agreed. These are matters that have always been dealt with at the Development Application stage as it is important that the impact of development is adequately assessed at this stage.
			PART C Element 2 Table 2 The 6m is unnecessary, proscriptive and should be a merit assessment. It is too restrictive.	Noted. The 6m is a translation of existing policy and is applied as a rule. There is corresponding criterion that enables merit consideration of reduced setbacks.

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			<p>PART C Element 3.1 The proscriptive banning of the use of white or metallic roof and wall finishes is restrictive and anti architectural.</p>	<p>Not agreed. Development Control 6.1 from Appendix III.1 of the existing Territory Plan provides that metal roofing or walling is to be painted in a colour other than white or off white. The rule has been amended to reflect that the colour restriction applies only to metal walling. '</p>
			<p>PART C Element 4 R4.1.2(g) The rule needs a corresponding criterion.</p>	<p>Agreed. It is appropriate that where a development proposal does not meet the rule that it be referred to TaMS for comment under the provisions of the <i>Planning and Development Act 2007</i>. A corresponding criterion has been added to the Code</p>
			<p>PART C Element 4 R4.2.2 The rule unnecessarily exceeds AS2890.1. The code should be universal and adequate on its own.</p>	<p>The intent of the comment is not clear. The rule provides direction on a number of matters relating to car parking, one of which is compliance with an Australian Standard. It is appropriate that the code includes a provision relating to the Australian Standard as it references sightlines, which is an important consideration in the assessment of a development proposal.</p>
			<p>PART C (2) R2.2.1 The rule is unnecessarily restrictive and it is unclear why it only applies to Forrest.</p>	<p>Noted. The rule is translated from Planning Practice Note 5 – Forrest/Deakin/Griffith.</p>
			<p>PART C (2) R2.3.1 The rule is considered to be absurd, arbitrary and unnecessarily restrictive as broad nature strips are unusable and large front yards are counter sustainable.</p>	<p>Noted. The rule is translated from Planning Practice Note 5 – Forrest/Deakin/Griffith.</p>
			<p>PART C Element 3 R3.3.1 The rule is arbitrary, anti-intellectual and anti-architectural.</p>	<p>Noted. The rule is translated from Planning Practice Note 5 – Forrest/Deakin/Griffith.</p>

Submitter		Summary of Issue	Detail of Issue	Response
		Residential Zones – Multi - Unit Housing Development Code	Part A (1) R2.4.1 and R2.4.2 The formula used in the rule gives a very low plot ratio that is not economic, viable or sustainable.	Noted. This rule is translated from clause 3.6(d) of the Territory Plan.
			Part A (3), A(4) & A(5) & Part B Element 2 Intent (b) (iv) It is not considered necessary to maintain the streetscape character in existing areas as cities are not static entities.	Agreed. Intent amended to omit the words “maintain or”.
			Part A (5) R2.2.1 The building envelope controls are a detached dwelling derivative and have no relevance to multi unit housing.	Agreed. This rule was inadvertently applied to RZ5 zones. It has been omitted from Part A(5).
			Part B R2.2 The issue of NCA is poorly handled and not reflected in zoning maps and the drafting of the criteria is incomprehensible.	Noted. It is necessary to draw an applicant’s/designer’s attention to the special requirements of the National Capital Plan. This is done via an overlay on the maps and via a criterion in each relevant code.
			Part B Element 3 No rule in complying, must comply in merit.	The intent of the comment is not clear. The criteria require that the provisions of the general codes are met. It is not possible to express this as a rule as many of the elements in these general codes are merit considerations.
			Part B Element 6 Items 6.3, 6.4, 6.5, 6.6 & 6.9 These requirements are all silly and should be dealt with at B.A.	Not agreed. These are matters that have always been dealt with at the Development Application stage as it is important that the impact of development is adequately assessed at this stage.

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			<p>Part C(1) R3.2.1 Why is development to be “compatible with” surrounding properties and of an “appropriate residential character”. This is considered to be anti change and anti innovation.</p>	<p>This comment does not match with the referenced rule. It is presumed that it relates to Element 2 Intent (a) as per previous comments on the Residential Development – Single Dwelling Development Code. As such, the terms are consistent with existing policy. Further, these terms still enable change and innovation to occur, but in a fashion that is harmonious with the area in which it is located.</p>
			<p>Part C R3.2.2 Questions the requirement that external materials are “respectful of the surrounding built form” as the built form may be mediocre.</p>	<p>Noted. The criterion is translated from Element 6, P6.4, of Appendix III.2 of the Territory Plan.</p>
			<p>Part C R3.3.4(a) The provision relating to indents in courtyard walls is arbitrary.</p>	<p>Noted. This rule is translated from Element 2, D2.5, of Appendix III.2 of the Territory Plan.</p>
			<p>Part C R3.4.1 The drafting is sloppy and it is unclear what building code is being referred to.</p>	<p>Agreed. The wording of the provision has been refined.</p>
			<p>PART C Element 4 R4.1.7 The rule unnecessarily exceeds AS2890.1. The code should be universal and adequate on its own.</p>	<p>The intent of the comment is not clear. The rule provides direction on a number of matters relating to car parking, one of which is compliance with an Australian Standard. It is appropriate that the code includes a provision relating to the Australian Standard as it references sightlines, which is an important consideration in the assessment of a development proposal.</p>
			<p>Part C R4.1.8 Why is this provision contained in the code.</p>	<p>Noted. This rule is translated from Element 5, D5.12, of Appendix III.2 of the Territory Plan.</p>
			<p>Part C R5.3.3 Multi unit housing must be allowed in the complying and merit stream</p>	<p>Not agreed. It is not possible to quantify all elements associated with multi unit housing and therefore it is not possible to include it in the code track.</p>

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			Private open space should always be allowed forward of the building line.	Not agreed. It is considered appropriate that a merit assessment of private open is undertaken where a proponent proposes it forward of the building line. This will ensure full consideration of all associated impacts.
			Reference to passive surveillance in C5.3.3(b) should be deleted as it is a superficial additive.	Not agreed. Where private open space is to be provided forward of the building line its provision should not restrict opportunities for passive surveillance of public areas.
			Part C R5.3.4 The requirement for 50% of private open space to be provided as planting area is too high.	Not agreed. This rule is translated from Element 4, D4.4 of Appendix III.2 of the Territory Plan.
			Part C R7.1.2 Error in applying square metre as a measurement of dimensions.	Agreed. Rule has been amended.
			Part C R7.1.3 Clothes drying area should only be 2-3m ² /dwelling.	Not agreed. This rule is translated from Element 8, D8.4 of Appendix III.2 of the Territory Plan.
			Part C(2) R2.2.1 The rule is unnecessarily restrictive and it is unclear why it only applies to Forrest.	Noted. The rule is translated from Planning Practice Note 5 – Forrest/Deakin/Griffith.
			Part C(2) R2.3.1 The rule is considered to be absurd, arbitrary and unnecessarily restrictive as broad nature strips are unusable and large front yards are counter sustainable.	Noted. The rule is translated from Planning Practice Note 5 – Forrest/Deakin/Griffith.
			Part C(3) R7.2 Errors m ² , m ³	Not agreed. It is assumed that this comment is indicating that the measurement should be in cubic metres, however, the measurement relates to a surface area and not a volume of storage.
			Part C(4) R2.5.1 The side setbacks are excessive.	Noted. The rule is translated from Planning Practice Note 4 Griffith/Kingston.

Submitter		Summary of Issue	Detail of Issue	Response
			Part C Element 3 Intent (b) It is considered that the word 'harmonise' in the intent is a potential inhibitor.	Noted. This is a translation of the existing intent in Element 2 of Appendix III.3 of the Territory Plan, which requires development to be visually compatible with surrounding development.
			Part C R4.1 The 18m diameter turning circle requirement is arbitrary.	Noted. This is translated from Planning Practice Note 4 Griffith/Kingston.
			Part C(5) Why are the diagrams only for Belconnen and Bruce.	Noted. Part C(5) of the Code applies to that land to which the Residential Land Use Policy B1 Area Specific Policy (ASP) currently applies and to development greater than 3 storeys in height. The RZ4 and RZ5 zones in Belconnen and Bruce are B1 areas under the provisions of the current Territory Plan.
21. Collins Caddaye Architects	Lim Caddaye	Residential Zones – Single Dwelling Housing Development Code Part C(2)	C3.1.1 The requirement for masonry walls and pitched roofs is unacceptable and unnecessary. These controls will stifle opportunity for contemporary design.	Noted. This criterion was translated from Planning Practice Note 5 Forrest/Red Hill.
			C3.2.1 The requirement that walls can't be white or off-white is unacceptable and unnecessary.	Noted. There is no C3.2.1 in Part C(2) fo the Code. R3.1.1 in Part C(1) makes reference to walls, however, this has been amended to only apply to metal walls.
			R3.2.4 The rule is too proscriptive and will stifle opportunity for contemporary design.	Noted. There is no C3.2.4 in Part C(2) of the Code. R3.1.3 in Part C(1) makes reference to the materials of carports and structures and this is translated from Element 2, D2.4, of Appendix III.1 of the Territory Plan.

Submitter		Summary of Issue	Detail of Issue	Response
22. Collins Caddaye Architects	Steven Cetrtek	Residential Zones – Single Dwelling Development Code	C3.1.1 The requirement for masonry walls and pitched roofs is unacceptable and unnecessary as it will stifle opportunity for contemporary design.	Noted. This criterion was translated from Planning Practice Note 5 Forrest/Red Hill.
			C3.2.1 The requirement that walls can't be white or off-white is unacceptable and unnecessary.	Noted. There is no C3.2.1 in Part C(2) of the Code. R3.1.1 in Part C(1) makes reference to walls, however, this has been amended to only apply to metal walls.
24. Old Narrabundah Community Council Inc	John Keeley	Community Facility land	The restructured plan should contain more specific controls for residential proposals on Community Facility land.	Noted. The controls have been translated from the existing Territory Plan. In addition to this, residential proposals in the Community Facility Zone will need to comply with the relevant residential development codes. These codes include Development Type Controls and General Development Controls.
		Caravan park sites	The restructured Plan does not address the issue of tenure for caravan park sites in the ACT.	Noted. Recommended final Territory Plan Variation No. 285 aims, among other things, to secure the tenure for residents of the Narrabundah Long Stay Caravan Park.
		Policy neutrality	This process should not be a re-hash of the current Territory Plan without addressing the flaws that exist.	Not agreed. This is a translation and restructure process only.
		A11 and A3 Suburban Areas	There is a lack of specific controls for non standard blocks in the A11 and A3 Suburban Areas.	Noted. The controls reflect existing requirements of the Territory Plan.
		Definition of Attic	Do not agree with the current Territory Plan definition for "Attic".	Noted.

Submitter		Summary of Issue	Detail of Issue	Response
		Concessional leases	The Guidelines relating to the payout of concessional leases are not on the Guideline register, have not been included in the translated document, and have been inconsistently applied.	Noted. This is not a matter for the Territory Plan but rather a leasing issue.
25. PIA	Alastair Crombie	General Controls	<p>All general controls should be combined into one general code, referenced by the individual codes.</p> <p>The draft Plan does not contain a clear coherent strategic plan for the ACT. It is unclear how the documents that are referenced are related, how they are implemented through the draft Plan and how they relate to the National Capital Plan</p> <p>The Solar access 'rules' are imprecisely worded, difficult to understand and apply and are probably ineffective. They do not appear to be taken from any existing code in the Territory Plan. A much simpler and more effective approach is required.</p>	<p>Not agreed.</p> <p>It has been the intention of the restructure process to ensure that Development Codes are as self-contained as possible. Hence it has been necessary to duplicate some controls across the codes. In addition, whilst many of the provisions contained in Part B of each Code are common across codes, there are instances where additional controls apply to individual codes.</p> <p>Further, given the hierarchy of codes it is considered important that these provisions are contained in a development code as opposed to a general code. There will be further opportunities for refinements to the codes as part of the future policy review and feedback from users once the system has been operational for a period of time.</p> <p>This would be a matter for future policy review.</p> <p>The statutory relationship between the Territory Plan and the National Capital Plan has not changed.</p> <p>Noted. The solar access provisions of the current Territory Plan are performance based. To enable exempt development and code track assessment it is necessary for solar access to be quantified. The wording of the rule was an attempt to do so. It is</p>

Submitter		Summary of Issue	Detail of Issue	Response
				agreed that the wording needs to be more precise to enable meaningful outcomes and should be considered in a future policy review.
			The Non Urban Zone Development tables and embedded use restrictions in development codes raise a number of changes that are clearly new policy either by restricting previously broad use definitions or introduction of new uses, e.g. “ Farm Tourism”, “demolition”, “sign” etc.	<p>Noted.</p> <p>The development listed in the development Table is a translation from the existing Territory Plan. Given use is now considered to be development it has been necessary to include some additional uses into the development table, including demolition, sign, subdivision etc to enable a comprehensive assessment of these developments to be undertaken.</p> <p>Farm tourism has been added as a development in the Territory Plan and included in the Development tables for all non-urban zones. The definition in relation to the scope of uses reflects the existing definition in the Land (planning and Environment) Regulation 13. The requirement for development assessment is consistent with current requirements.</p>
			The categorisation of temporary, minor, ancillary and adjunct uses as requiring merit assessment in their own right is confusing and more onerous than the existing Plan, eg. a temporary use does not currently require development approval.	<p>Not Agreed.</p> <p>The wording of the various Schedules 1 of the current Territory Plan, as it relates to temporary, minor or ancillary uses, does not negate the need for a development application to be lodged for the uses and a comprehensive merit based assessment of the proposal be undertaken. Rather, it clarifies that land may be used for a development that is not listed in the Schedule provided that it is temporary, minor or ancillary in nature.</p> <p>The translation is considered to be policy neutral.</p>
			The location of the Definitions at the end of Volume 2 is obscure and undesirable. The use of ‘umbrella’ terms to simplify the zone tables is	<p>Noted.</p> <p>Use of Umbrella terms reflects existing definitions. A review of definitions is a matter for future policy</p>

Submitter		Summary of Issue	Detail of Issue	Response
			sensible, but there should be a footnote on the tables referring to the Definitions, particularly for the umbrella terms. These terms have embedded or disguised uses that do not appear independently in development tables and may be said to reduce the transparency of the tables.	review.
			The proviso that development authorised by a lease can still be assessed even if shown as 'prohibited' appears to be missing. If Item 1 under the 'impact' heading is supposed to cover this issue, the wording is not clear.	Noted. Item 1 under the 'Impact' heading provides for an impact assessment of a use that is allowed by a lease but not listed as an assessable use in the development table.
			The RZ tables do not make much use of generic or 'umbrella' terms [see definitions], unlike some of the other zones, to reduce the size of the tables.	Noted. Not all the uses listed in any umbrella term are assessable in the residential zones and as such, individual uses need to be listed.
			RZ2 – RZ5 zones do not appear to have a plot ratio limit for single houses. This seems anomalous compared to the tight controls for other forms of housing.	Agreed. There is no plot ratio control within these zones. Plot ratio is determined by a range of other controls, including setbacks and provision of private open space. This is consistent with the current planning controls. This is a matter for future policy review.
			The building envelope controls are repeated for each zone in part A of the code, except that the diagrams are omitted for RZ4 & RZ5 and single houses up to 3 storeys and 12m high are permitted in those zones. One set of provisions could be included in Part C1 to avoid this repetition. If necessary the variations for RZ4 & RZ5 could be specified in Part C2, but it's difficult to why such large houses should be permitted in these zones.	Not agreed. The building envelope controls are the same for RZ1-RZ3, however they differ for RZ4 and RZ5. Given the structure of the Code, and that these controls are zone specific it is considered appropriate for them to be provided in Part A of the Code.
			The Solar access 'rule' is imprecisely worded, would require complex solar diagrams and may	Noted. The solar access provisions of the current Territory

Submitter		Summary of Issue	Detail of Issue	Response
			<p>be able to be satisfied by a moving, narrow shaft of sunlight. A much simpler and more effective approach is required. The draft provision does not come from any of the existing codes.</p>	<p>Plan are performance based. To enable exempt development and code track assessment it is necessary for solar access to be quantified. The wording of the rule was an attempt to do so. It is agreed that the wording needs to be more precise to enable meaningful outcomes and should be considered in a future policy review.</p>
			<p>“Commercial Zones – Overview” should be located in front of the zoning tables rather than repeated in each Commercial code as it isn’t relevant to the single zone codes.</p>	<p>Not agreed. It is considered appropriate for the overview the commercial zones and the commercial hierarchy to be contained within the Commercial code as this is where the controls for development in these areas are provided.</p>
		City Centre Precinct Code	<p>R2.7.5 Rule does not seem to reflect Figures A4 and A5 in terms of parapet height controls. Top diagram in Fig. A5 inconsistent with Fig. A4 [ie. parapet height Sec. 14]</p>	<p>Noted. This is a translation of existing policies in the Territory Plan at B2A 4.1d ii and g ii) and Figures 4 and 5.</p>
			<p>The Rules under 5.2 Solar Access are very complex and would be difficult to administer. They appear to be based on the Apartment Guidelines, but require sunlight to be measured on “the floor or an internal wall of the main daytime living area” rather than on “the main windows of the [living] rooms”. R5.2.1 is actually a “Daylight Standard”, not a solar access control and is probably covered by the Building Code.</p>	<p>Noted. This is a translation of the existing Apartment Guidelines.</p>
		Inner North Precinct Code	<p>The Inner North Precinct Code could sensibly be grouped with the other Residential codes.</p>	<p>Agreed. The Inner North Precinct Code is now located in Volume 1 with the other Residential Codes</p>

Submitter		Summary of Issue	Detail of Issue	Response
		Northbourne Avenue Precinct Code	Northbourne Avenue Precinct Code could be grouped with the Commercial Codes. About 30 pages of General Controls and Residential controls are repeated.	Noted. Whilst there is some merit in grouping the Northbourne Precinct Code with the Commercial Codes, it is considered appropriate to include it alongside other Precinct Codes in Section 10 of the draft Plan because the Code also covers a residential zone. The residential controls have been omitted from the Precinct Code and an additional criterion included referencing the requirements of the Residential Zones – Multi Unit Development Code.
			There are a number of Non-Urban zone map conflicts with the NCP maps.	Noted. ACTPLA have requested the National Capital Authority initiate an amendment to the National Capital Plan to align the zone boundaries for both Plans.
		Non Urban Zones - Farm Tourism and Tourist Facility	The introduction of the farm tourism as a use and definition, and contraction of the existing Tourist facility use, are new to the Plan and cannot be described as a translation when no such definition previously existed for one use and the other use was a broad collective definition. The lineage of the definition is at question not the intent.	Noted. The definition of tourist facility has not changed. Farm tourism has been added as a development in the Territory Plan and included in the Development tables for all non-urban zones. The definition in relation to the scope of uses reflects the existing definition in the Land (planning and Environment) Regulation 13. The requirement for development assessment is consistent with current requirements.
			The definition of Farm Tourism is problematic as it introduces the lease as the primary planning approval in a manner at odds with all other definitions currently in the Plan.	Noted. The definition in relation to the scope of uses reflects the existing definition in the Land (planning and Environment) Regulation 13.
			Tourist facility is now constrained by locations when the previously defined use did not have location criteria as a prohibition on the use.	Not agreed. The rule reflects existing provisions in the Territory Plan.

Submitter		Summary of Issue	Detail of Issue	Response
		Non Urban Zones - Subdivision	Subdivision is restricted to "...consolidation to optimise the approved use of rural land". The current Territory Plan contains no rule requiring block amalgamation of rural land.	Agreed. This control has been removed.
		Broadacre	Zone Objective (e) is an expansion of existing policy in that it specifies the concept that future urban investigation will occur only in the Broadacre zone.	Agreed. Objective (e) has been omitted.
26. Molonglo Group	Claire Middleton (Parsons Brinkerhoff)	IZ2 boundaries in Epicentre Estate.	The restructured Territory Plan maps show that the Epicentre site in Fyshwick will be changed from a Broadacre land use policy to an IZ2 Mixed Use Industrial Zone, leading to an enhancement of potential development and value assigned to the ACT Government's land.	Noted. As agreed by the Independent Assessor, this adjustment to the map has been made to reflect boundary realignment related to infrastructure works and extension of industrial development from the original Section 48 estate.
27. North Canberra Community Council		Format	The Plan now has a more logical format and greater clarity around the hierarchy of the various parts of the plan.	Noted.
		Review	A process should be in place so that the community, through a proper planning review process, can comment on inadvertent policy changes or matters that have been clearly identified as changing policy.	Noted. The <i>Planning and Development Act 2007</i> has provisions that cater for the correction of formal errors as technical amendments.
			After two years of operation, there should be an independent review of the new provisions to see if the flexible or no rules approach is actually delivering better planning outcomes. This review should check if an adequate and consistent enforcement regime has been implemented by ACTPLA and that code track developments actually meet planning requirements. This review should be undertaken by an independent planning expert in conjunction with a reference panel.	Noted. The <i>Planning and Development Act 2007</i> requires that the Planning and Land Authority to consider whether a review of the Territory Plan is necessary.

Submitter		Summary of Issue	Detail of Issue	Response
			The North Canberra Community Council looks forward to working with ACTPLA in developing precinct plans for section of R4, R3 and R2 zones currently not covered by precinct codes. A schedule for this work should be established to ensure a positive outcome for the community through the review of the Territory Plan.	Noted.
		Mandatory requirements	Consideration should be given to introducing more certainty in the planning process with more “mandatory requirements without criteria” for aspects such as height, setbacks, and building envelopes. This would be consistent with the development industries’ desire for planning certainty.	Noted. This suggestion would be more appropriately considered in the context of a future policy review.
		Master Plans	Agree with the inclusion of the existing Section Master Plans for Braddon, Dickson, Lyneham, O’Connor and Turner into the Inner North Precinct Code.	Noted.
		Neighbourhood Plans	The reference to neighbourhood plans will ensure they still have some status as relevant planning documents. Neighbourhood Plans must continue to influence planning decisions.	Noted.
		Community Facility Zone objectives	Acknowledge and agree with the changed to the Community Facility Zone objectives.	Noted.
		Residential uses in the community facility zone	Residential uses in the community facility zone should have more specific provisions. The sites should have the closest residential zone applied for these proposals and the relevant height and building envelope provision would be clearer.	Noted. Both residential development codes have Development Type Controls and General Development Controls that apply to residential proposals in the Community Facility Zone.
		Correction of errors	Many of the errors from the previous version of the document have been removed	Noted.
		Code track development	The North Canberra Community Council support confining the code track development to single dwelling houses.	Noted.

Submitter		Summary of Issue	Detail of Issue	Response
		Prohibited development	The North Canberra Community Council support listing prohibited development by implication of these activities not being permissible in the existing plan. This gives a greater level of certainty to the community.	Noted.
		Number of Codes	The plan requires a numbering system that gives each section a unique descriptor. It is noted that the Independent Assessor has recommended such a system be ready for the final draft to the Minister in early 2008. This change is seen as essential to the usability of the plan for the general public.	Agreed. A new sequential numbering system has been introduced for the codes.
		E-design	The document should be designed as an e-document. This would make it more accessible and would allow for ease of moving through the document.	Noted. The Territory Plan will be available on the electronic legislation register. Each of the development codes will be in pdf format and book marked down to the element level.
		Future identification of errors	A policy should be put in place where any additional unintended minor changes in policy and errors that come to light are rectified quickly in some sort of housekeeping review within 12 months. This is standard practice in other jurisdictions for major reviews to the principal planning documents.	Noted. The <i>Planning and Development Act 2007</i> has provisions that cater for the correction of formal errors as technical amendments.
		Inner North and Northbourne Avenue Precinct Code	A further check of the Inner North and Northbourne Avenue Precinct Code should occur so that more qualitative, non-numerical controls are not lost where they were protecting the residential amenity of the area. Many of the detailed diagrams and descriptions should be kept in some sort of supporting documentation or added to the neighbourhood plan so they are not lost completely.	Noted. It is considered that all relevant development controls from the Territory Plan and Section Master Plans have been translated.

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		Neighbourhood Plans	The reference to Neighbourhood Plans should be amended to “strategies and actions” and not just refer to “key strategies”. This will ensure the intent of the existing plan is not lost.	Agreed. The Codes have been amended as suggested.
		Multi Unit Development Code	Part C3 of the Multi Unit Development Code applies to multi unit housing development in the RZ3 – Urban and RZ4 – Medium Density Zones in Inner North Canberra. This seems to be at odds with a number of controls in the Inner North Precinct Plan. An example of this is the rear setback control in the development control when compared with the Inner North Precinct Code.	Not agreed. There is a hierarchy of codes (as described in the introduction of each code). Where there is a conflict between a precinct code and a development code, the precinct code takes precedence.
		Setbacks	Why was the 6m rear setback for single dwelling applications in the Code Track abandoned? This control encourages deep plantings and would not have been too restrictive as non-compliant proposal could apply under the merit track.	This rule was not policy neutral. On the advice of the Independent Assessor and the Reference Group, this rule was removed from the draft Plan.
		B13 areas	Changing the existing B13 areas to commercial C5 mixed use zones has a serious impact on the existing residential dwellings in this area. Limited controls have been included to protect the amenity of the existing residents in this zone and should be rectified, particularly those where a precinct plan does not apply.	Noted. This is a translation of the existing Area Specific Policy.
		Rezoning	The rezoning changes to the map appear to have been done inconsistently. One example of this is the Downer Community Centre, courtyard, and Downer Oval verge where there appears to be a situation where it will have two zoned local centres given other planning processes in train.	Noted. The zoning changes were undertaken on the advice of the Independent Assessor. The Independent Assessor also had regard to submissions, including those that objected to zoning changes in Downer Local Centre. The zoning for the Downer Local Centre is consistent with the existing Territory Plan.

Submitter		Summary of Issue	Detail of Issue	Response
		Antill Street roundabout	The extension of Antill Street to make a four lane roundabout with Northbourne Avenue is strongly opposed. This should be the subject of a separate exhibition and detailed environmental assessment process. This change will significantly impact on the quality of life of Hackett, Watson, and Downer residents.	These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
			The additional population in East Gungahlin will bring Antill Street to a stand still and will mean that Hackett and Watson residents will not be able to leave their suburbs.	These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
			The existing traffic demands on Antill Street are creating rat runs along Madigan and Maitland Streets in Hackett. The changes at Antill Street will further exacerbate this problem.	These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
			East Gungahlin development should not be initiated until available traffic networks are improved substantially.	These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
28. Westfield Development and Asset Management	Chris Mills	Industrial zones undermining commercial hierarchy.	Puts focus from primarily industrial towards retail development Fyshwick should be restricted to bona fide industrial purposes.	Not agreed. This is a translation of existing policy.
			New objectives inconsistent with current objectives and detrimental to the planned hierarchy.	Not agreed. The objectives are a translation of existing policy.
			New wording regarding "shop" redefines clause 3.1 of Part B3 of the current Territory Plan allowing an unlimited amount of shops on any given lease.	Not agreed. The clarification that the Gross Floor Area restrictions apply "per shop" is consistent with ACTPLA's interpretation of the existing provision, and responds to the Auditor-General's recommendations

Submitter		Summary of Issue	Detail of Issue	Response
			This is the subject of Supreme Court proceedings and it would be appropriate to await the outcome before any changes are made.	
			Analysis of retail market required.	Noted. This is a matter for future policy review.
29. Konstantinou Group	John Konstantinou	Block 7 Section 3 Bruce	Supports zoning of site to CZ2. Concern is raised that Aquatic Recreation Facility is a prohibited development on the site as one currently exists.	Noted. An Aquatic Recreation Facility does not include a swimming pool, which is the use that is referred to on the site. A swimming pool is more appropriately defined as either an indoor or outdoor recreation facility. Both of these uses are assessable development within the CZ2 Zone.
30. Forde Developments Pty Ltd	Arabella Rohde	Lease and Development Conditions	It is unclear what transitional arrangements will be in place once the Territory Plan commences in relation to existing Lease and Development conditions.	See Part 1 for response.
			It is suggested that the transitional provisions be extended to apply where Lease and Development Conditions have been submitted, but not approved, or where an EDP has been approved by 31 March 2008.	See Part 1 for response
			The abolition of lease and development conditions in the new system means that 'deemed to comply' alternate and additional controls can't be applied to development. It is not desirable that the residential code apply to development. Amending Precinct Codes via a technical amendment would provide an opportunity to provide additional site specific controls. There would need to be a specific section in the Precinct Codes for these controls and	See Part 1 for response.

Submitter		Summary of Issue	Detail of Issue	Response
			amendment should not require further consultation outside of ACTPLA.	
31. Queanbeyan City Council	David Carswell	Strategic Directions and cross border issues	The Statement of Strategic Directions does not specifically refer to the ACT and NSW Cross Border Region Settlement Memorandum of Understanding or the ACT and NSW Cross Border Water Resources Memorandum of Understanding.	Noted. The preamble to the Statement of Strategic Directions has been amended to reference documents such as Memorandums of Understanding. General Principle 1.1 already refers to “regional strategies and agreements>
			It is important for any transport planning, as covered by the Statement of Strategic Directions, to also look at integration across the border, in particular to Queanbeyan considering the cross border commuter traffic.	Noted. This is a matter for consideration in a future policy review.
			The draft territory plan maps do not provide a full picture of the zonings that adjoin the border between ACT and Queanbeyan Local Government Area.	Noted. The zoning maps are part of the Territory Plan and illustrate the land use zones of the Territory Plan. To obtain a full picture of zonings across the sub region it would be necessary to view the Territory Plan in association with any relevant Local Environmental Plans of adjoining local government areas.
			No information is provided as to what is proposed for Griffin Green.	Noted. This is outside the scope of this process.
			Any changes in zone in proximity to the Queanbeyan border need to consider the impact on services and infrastructure of Queanbeyan, particularly where residential development is facilitated	Noted. It is not proposed, as part of this process, to rezone land in the vicinity of the NSW border.
			Any changes to allow commercial and/or employment land uses in proximity to Queanbeyan need to consider the impact on Queanbeyan’s commercial and employment centres and their hierarchy in the region as well	Noted. It is not proposed, as part of this process, to rezone land in the vicinity of the NSW border.

Submitter		Summary of Issue	Detail of Issue	Response
			as their traffic implications for Queanbeyan roads.	
			On a technical note the Canberra Central Map and Oaks Estate Map does not show the relationship between the main map and the Inset showing the Oaks Estate.	Noted. The maps have been amended to show the relationship with the inset.
32. Stuart McMahon		Antill street roundabout	<p>The changes to the Antill and Northbourne intersection will have significant impacts on the Downer, Hackett, and Watson residents and should not be buried in the restructure of the Territory Plan.</p> <p>Further suburbs should not be approved if Northbourne Ave is at capacity and the alternate route will cause major disruption for a number of inner north suburbs.</p> <p>Please send documentation of the detailed assessment that was conducted that recommends the proposed extension of Antill Street.</p>	Noted. These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.

Submitter		Summary of Issue	Detail of Issue	Response
33. Michael Saxon			<p>The construction of new suburbs in East Gungahlin will further exacerbate traffic issues on Antill Street and surrounding inner north suburbs given the increased population and proposed road arrangements.</p> <p>None of the documentation provided to support the Territory Plan appears to give any consideration to the road transport system and impacts upon existing roads. Such material needs to be considered before further decisions on the development in east Gungahlin can be made. This should include a detailed traffic study examining the impacts upon the natural environment or existing residential suburbs. If this material has already prepared and considered, could you please advise me of its location or provide me with a copy?</p>	
34. Shopping Centre Council of Australia	Milton Cockburn	Industrial zones undermining commercial hierarchy.	<p>The Authority intends to change the maximum limit on general retailing in Fyshwick from 3000m2 'per lease' to 'per shop', but the 'policy neutral' response is not to increase the general retail floor space limit in Fyshwick</p> <p>The matter regarding the 'per lease' or 'per shop' floor area restriction should be deferred pending the outcome of court proceedings.</p> <p>Permitting general retailing in Fyshwick undermines the policy approach that retail should be concentrated in hubs linked by efficient transport.</p> <p>Permitting general retailing in Fyshwick undermines the certainty in the ACT planning system.</p>	<p>Not agreed. The clarification that the Gross Floor Area restrictions apply "per shop" is consistent with ACTPLA's interpretation of the existing provision, and responds to the Auditor-General's recommendations.</p> <p>Not agreed. This is a translation of existing policy.</p>

Submitter		Summary of Issue	Detail of Issue	Response
35. Tess Horwitz and Tony Steel			The extension of Antill Street to service East Gungahlin will have negative impacts on Hackett and surrounding suburbs and further exacerbate rat runs that have developed in the area.	These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
36. RAIA		Useability	The footnotes need to be more detailed to include a descriptor of the Part and element.	Noted. The footnotes for each Code include a reference to the Part of the Code. It is impractical to include additional references to the element in the footnote due to the structure of the Codes.
			Change of use is not listed as an assessable development and it is unclear what criteria would be used to assess a change of use.	Noted. It is not necessary to list 'change of use' as a development type. Where a proponent is proposing a change of use they will be required to detail what use they are changing to, eg bulky goods retail, personal services and these are covered in the development table and relevant controls contained in the Codes.
			The reference to general codes in the development table does not provide adequate guidance on the application of the codes and duplicates information in the development codes. This should be deleted from the development tables.	Not agreed. It is a requirement of the <i>Planning and Development Act 2007</i> that the general codes are referenced in the development table.
			Some rules can be met without achieving the intent. The rule should be worded to ensure it meets the intent.	Noted. The rules and criteria are a translation of the existing controls from the Territory Plan. If there is any inconsistencies between the rules and the intents then this is an inherent flaw in the existing system and would need to be the subject of future policy review.
			Some criteria do not provide clear decision making guidelines.	Noted. The rules and criteria are a translation of the existing controls from the Territory Plan.

Submitter		Summary of Issue	Detail of Issue	Response
			<p>A direct translation of Part A3, Section 11.3 of the Territory Plan would result in only the following items being mandatory rules:</p> <ul style="list-style-type: none"> • Limits on gross floor area permitted by a lease • Plot ratio or site coverage of buildings • Height of buildings in areas covered by Residential Land Use Policies <p>Should seek to ensure that all rules have corresponding criteria.</p>	<p>Noted.</p> <p>Rules have only been included where there are comparable quantitative controls in the existing Territory Plan. The introduction of new rules may not maintain existing policy intent and should be subject to further detail policy review.</p>
			Delete all duplicate material.	<p>Noted.</p> <p>It is considered that the duplication of some controls will assist in the useability of the Plan.</p> <p>The multi unit housing provisions have been removed from the various commercial codes and instead a cross reference to Part C(5) of the Residential Zones – Multi Unit Housing Development Code provided.</p>
		Controls	<p>Residential Zones Multi Unit Housing Development Code Part B Item 2.4 Note This Note should be included as a criterion to be policy neutral</p>	<p>Not agreed.</p> <p>The note is explanatory information and can not be expressed as a criterion.</p>
			<p>Residential Zones Multi Unit Housing Development Code Part D Heading and Intent The use of the term “other forms of residential activity” is not clearly defined and implies active discrimination against people from demographic minorities.</p>	<p>Noted.</p> <p>According to the Macquarie dictionary ‘other’ is defined as ‘being the remaining ones of a number’.</p> <p>As such, its use in this circumstance is warranted and no discrimination is implied.</p>
			<p>Residential Zones Multi Unit Housing Development Code Part D Intent (b) It can't be assumed that the area is 'predominantly detached housing' as this</p>	Agreed.

Submitter		Summary of Issue	Detail of Issue	Response
			<p>section of the Plan applies to all residential zones</p> <p>Residential Zones Multi Unit Housing Development Code Part D R1.6.2 This restriction only applies to supportive housing in Suburban Areas in the current Territory Plan but applies to all residential zones in this rule. It should only apply to RZ1.</p>	<p>Agreed.</p>
		Subdivision	<p>Future Urban Areas Residential Subdivision Development Code Element 2 Include TaMS requirement for street trees.</p> <p>There are outdated references in Appendix 1.</p>	<p>Noted. The Code has been amended.</p> <p>Noted.</p>
		Future Policy Review	<p>Areas suggested for Policy Review include:</p> <ul style="list-style-type: none"> • DAF – effective policy development; objective rules and tests; single point of authority • Usability of Plan – simplify General Codes; review of rules to give greater certainty of outcomes; referral agencies requirements • General – controls reflect developed land use, reduce over regulation, reduce repetition, future desired character, development tables and range of assessable uses • Subdivision Code – comprehensive rules and criteria; energy guidelines • Commercial Code – historic, outdated controls; contradictory controls; • Community Facilities Code – height controls • Industrial Code – controls relating to materials and finish, circulation and noise 	<p>See Part 1 for response</p>

Submitter		Summary of Issue	Detail of Issue	Response
37. Stan Bevanda		Sustainable Development	The Statement of Strategic Directions fails to clearly reiterate and reinforce the policy objectives in the existing Territory Plan for Sustainable Development. The Statement should be revised to articulate a coherent and unambiguous strategic objective of promoting and facilitating high quality sustainable development.	Noted. This is a matter for consideration in a future policy review.
		Energy efficient passive solar design	Existing Residential Codes include side and rear boundaries objectives and performance measures for energy efficiency and access to sunshine (O3.2 and P3.2 also PPN5 Clause 6). These requirements have not been carried across.	Agreed Intent (a) in Part C(1) and C(3) Element 5 amended to include the words 'promote energy efficiency'. P3.2 from Appendix III.1 of the Territory Plan has been quantified as R5.1.1 to enable exempt development and code track to operate for single dwelling housing.
		Private Open Space	Existing Territory Plan Code D4.3 and D4.2 in relation to location and size of Private Open Space have not been translated.	Not Agreed. These development controls have been translated as in the Residential Zones – Single Dwelling Housing Development Code, Part C(1), Element 5, R5.2.2 and R5.2.3.
		White or off-white colours	Single Dwelling Code, Part C(1), 3.1.1 No white or off white walls The existing restriction should be removed altogether.	Not agreed. Development Control 6.1 from Appendix III.1 of the existing Territory Plan provides that metal roofing or walling is to be painted in a colour other than white or off white. The rule has been amended to reflect that the colour restriction applies only to metal walling.
		Definition of Attic	The definition of Attic should be reviewed to support the controls for RZ2 and 3, so that the attic space cannot be used as a separate attic level apartment	Noted. Proposed amendments to the Territory Plan, as a consequence of the Garden City Evaluation have been exhibited in parallel with the exhibition of the restructured Territory Plan. These amendments propose that any private open space associated with a dwelling is directly accessible from the dwelling. This will in effect restrict the development of attic

Submitter		Summary of Issue	Detail of Issue	Response
		Ground Floor Side Boundary Setbacks	How will zero side setbacks be provided for where there are no Lease and Development Conditions? (i.e established blocks greater than 500m ²).	space as a separate dwelling. Side setbacks are provided for in Element 2 of each Residential Development Code. See also Part 1.
			Zero side setbacks for blocks greater than 800m ² have been removed.	Noted. The existing Territory Plan does not provide for zero side setbacks. D2.1 of Appendix III.1 does, however, provide as an exception to the provisions relating to side setbacks, those setbacks specified in lease and development conditions. A criterion referencing approved lease and development conditions has been added to the Code.
			The option of blank walls for carports and garages being built hard to a side boundary should be included for all blocks.	Noted. The criteria for side setbacks enables reduced setbacks where a proponent demonstrates they meet the requirements of the criteria.
		Pitched Roofs in Forrest/Deakin	The restriction on pitched roofs should be removed.	Noted. This criterion was translated from Planning Practice Note 5 Forrest/Red Hill.
		Solar Panel and Water Tanks	Solar panels and water tanks should be allowed to be visible if orientation or siting is sensible.	Noted. The corresponding criterion enables consideration of such structures.
		Utility Clearances by proponent	The requirement for the proponent to prepare a Demolition and Disconnection Plan and obtain clearances from each utility supply agency prior to submitting a DA is unduly onerous and not policy neutral.	Noted. To enable the consideration of single dwelling housing as exempt development or in the code track it is necessary to quantify all matters that would ordinarily be considered in a development application. Where a development proposal for a single dwelling house involves the demolition of existing structures or buildings it is important that it is carried out in a safe and appropriate manner. As such, a new rule has been introduced to ensure this matter is adequately addressed.

Submitter		Summary of Issue	Detail of Issue	Response
38. Downer Community Association	Miles Boak	Translation	The translation of existing policies is large enough without trying to change policy at the same time.	Noted.
		Neighbourhood Plans	The reference to "Neighbourhood Plans" should be amended to include "strategies and actions" to ensure the intent of the existing plan is not lost.	Agreed. The Codes have been amended as suggested.
		Rezoning	The rezoning changes to the map seem to have been recommended on an inconsistent basis. There are no objections to portions of the zoning proposed in the vicinity of Downer Community Centre.	Noted. These changes were undertaken on the advice of the Independent Assessor. The Independent Assessor also had regard to submissions, including those that objected to zoning changes in the Downer Local Centre. The zoning for the Downer Local Centre is consistent with the existing Territory Plan.
		Antill St roundabout	The connection of the East Gungahlin suburbs via Sandford Street will bring substantially more traffic along Antill Street into Hackett, Watson, and Downer	Noted. These arrangements reflect changes enacted through Defined Land Variation 231. Further detailed studies and consultation will form part of the process at the Concept Plan stage.
		Future identification of errors	A process should be in place so that the community, through a proper planning review process, can comment on inadvertent policy changes or matters that have been clearly identified as changing policy.	Noted. The <i>Planning and Development Act 2007</i> has provisions that cater for the correction of formal errors as technical amendments.
			A policy needs to be put in place where any additional unintended changes in policy and errors that come to light are rectified quickly in some sort of housekeeping review within 12 months.	Noted. The <i>Planning and Development Act 2007</i> has provisions that cater for the correction of formal errors as technical amendments.

Submitter		Summary of Issue	Detail of Issue	Response
		Review	A two year review of the provisions if the new plan approach is not delivering better outcomes. A review should consider introducing more certainty in the planning process with more 'mandatory requirements without criteria" such as for height, setbacks and building envelopes.	Noted. The <i>Planning and Development Act 2007</i> requires that the Planning and Land Authority to consider whether a review of the Territory Plan is necessary.
			Downer Community Association would like to work with ACTPLA to add RZ3 and RZ2 zoned parts of Downer into the Inner North Precinct Code as part of the future review process.	Noted.
		Residential uses in the community facility zone	Residential uses in the community facility zone should have more specific provisions. The sites should have the closest residential zone applied for these proposals and the relevant height and building envelope provision would be clearer.	Noted. Both residential development codes have Development Type Controls and General Development Controls that apply to residential proposals in the Community Facility Zone.
39. Canberra International Airport	Tom Snow	Industrial zones undermining commercial hierarchy.	The new draft Territory Plan involves a major change to the retail hierarchy by changing the restriction on 'shop' in IZ2 Fyshwick from a <i>per lease</i> to a <i>per shop</i> restriction.	Not agreed. The clarification that the Gross Floor Area restrictions apply "per shop" is consistent with ACTPLA's interpretation of the existing provision, and responds to the Auditor-General's recommendation.
			The matter regarding the ' <i>per lease</i> ' or ' <i>per shop</i> ' floor area restriction should be deferred pending the outcome of court proceedings.	
			Will impact retailers in town centres and surrounding areas (including Brand Depot).	Noted This is a translation of existing policy.
			There are significant inconsistencies with the National Capital Plan	Noted. Without details of the inconsistencies it is not possible to address this issue. This is a translation of existing policy..

Submitter		Summary of Issue	Detail of Issue	Response
			Undermines retail hierarchy	
			Inconsistent with Spatial Plan	
			Displaces industrial uses	
			A retail impact assessment should be carried out.	Noted This would be a matter for policy review.
40. ACT Greens	Deb Foskey MLA	Compact Block Housing for new Estates	Solar orientation will be important to ensure lifetime affordability of the house.	Noted.
			Compact blocks should be placed near public open space to ensure amenity of houses with limited yard space.	Agreed. The Future Urban Areas Residential Subdivision Development Code provides controls for the location of compact blocks near open space
			Shared walls and other synergies should be maximised to reduce the need for heating and cooling appliances.	Noted.
41. Gerlinde Sullivan		Plot ratio definition	The plot ratio definition in the new Territory Plan does not accurately reflect those items described in Clause 3.8 of Part B1 of the current Territory Plan.	Noted. The parentheses have been incorrectly placed. This has been amended and the parentheses have been closed after 'car parking'.
		Section Master Plan Controls	There are items missing from the Inner North Precinct Code that should have been carried over from the current Section Master Plans (eg setbacks, no vehicular access markings, visually important trees).	Not agreed. Those items that have not been included are covered in other codes/legislation. For example, the Residential Development Codes include a rule with a 4m setback to open space (including parks) and pathways. It is not necessary to duplicate these provisions.

Submitter		Summary of Issue	Detail of Issue	Response
42. ACT Rural Land Holders' Association		Non-urban zones	Policy change with merit track assessment is now required for ancillary, minor, and temporary uses in non-urban areas.	Not agreed. These uses, where not exempted by the Regulation, have always required merit assessment.
			The differentiation between the definitions minor and ancillary uses is not readily apparent.	Noted. The definitions reflect definitions in the Territory Plan.
			Adjunct use is in the development tables but is not a defined use in the Plan.	Not agreed. 'Adjunct' does not appear as its own assessable use, but is defined in Part 13b, and the relevant controls on uses that are adjunct are in the Non-Urban Zones Development Code.
			A consistent use of terminology in the matter of primary, predominant, secondary, incidental and ancillary would clarify without changing policy.	Noted. The use of terms reflects the wording in existing policy.
			Time should be a code element to resolve the need for temporary use to be a separately identified use in development tables.	Noted. This would be a matter for future policy review.
			There is unnecessary duplication in the definitions	Noted. This would be a matter for future policy review.
			"Other rural business" has been removed from the Plan and should be replaced.	Agreed. The Code has been amended accordingly to include "other rural business".
			Farm tourism should be secondary to the primary use of the land rather than to the lease.	Not agreed. This wording reflects the existing wording in the Land (Planning and Environment) Regulation.

Submitter		Summary of Issue	Detail of Issue	Response
			The definition of Home Business has been changed to be on a residential lease rather than residential land	Noted. Residential lease is the intent of the existing Regulation m and the term used in the new Planning and Development Regulation. Irrespective of the terminology, home businesses can, and only ever have been, permissible in residential land use policy areas/zones, and where it is a lease for residential purposes.
			Subdivision is restricted in that it must be demonstrated that the residual block can accommodate another assessable use.	Noted. It is considered important that it is demonstrated that land is not alienated from future development as a consequence of a subdivision.
			Subdivision has been prohibited in some Non-urban Zones, but should not be.	Agreed. Subdivision has been included as an assessable use in all non-urban zones.
			In the Rural Zone subdivision has been incorrectly restricted to consolidation.	Agreed. This control has been removed.
			It is discriminatory to prohibit relocatable structures on non-urban land.	Not agreed. Relocatable unit, as a defined use, is assessable only in Residential zones, and is therefore prohibited in all other zones. This does not, however, prohibit structures that are relocatable.
			There are mapping inconsistencies between the Territory Plan and the National Capital Plan.	Noted. ACTPLA have requested the National Capital Authority initiate an amendment to the National Capital Plan to align the zone boundaries for both Plans.
43. Freshford Station and Equestrian Centre	Janice Firth	Non-urban zones	There are mapping inconsistencies between the Territory Plan and the National Capital Plan.	Noted. ACTPLA have requested the National Capital Authority to initiate an amendment to the National Capital Plan to align the zone boundaries for both Plans.

Submitter		Summary of Issue	Detail of Issue	Response
			Land Management Plans should be included as part of the Territory Plan in the form of codes.	Not agreed. Land Management Agreements are block specific agreements relating to the management of the rural lease. It is not a planning control documents.
			Merit track assessment is now required for ancillary, minor, and temporary uses in non-urban areas.	Not agreed. These uses, where not exempted by the Regulation, have always required merit assessment.
			Adjunct use has been removed from the Plan	Not agreed. 'Adjunct' does not appear as its own assessable use, but is defined in Part 13b, and the relevant controls on uses that are adjunct are in the Non-urban Zones Development Code.
			"Other rural business" has been removed from the Plan and should be replaced.	Agreed. The code has been amended to include "other rural business"..
			The definition of Home Business has been changed to be on a residential lease rather than residential land.	Noted. Irrespective of the terminology, home businesses can, and only ever have been, permissible in residential land use policy areas/zones.
			Subdivision has been prohibited in some Non-urban Zones, but should not be.	Agreed. Subdivision has been included as an assessable use in all non-urban zones.
			In the Rural Zone subdivision has been incorrectly restricted to consolidation.	Agreed. This control has been removed.

Submitter		Summary of Issue	Detail of Issue	Response
44. AMP Capital Shopping Centres	Steve Hubbard	Industrial zones undermining commercial hierarchy.	Support revised objectives in industrial zones.	Noted.
			Support 200m ² floor area for supermarket.	Noted.
45. William Lubbock		Yarralumla Sections 90 and 91	Remove from the RZ1 zone.	Not Agreed. The zoning reflects the existing Land Use Policy.
			There should be no plot ratio restrictions for single residential, only a requirement to satisfy envelope and setback rules.	Not Agreed. The controls in the Code reflect the existing controls.
46. Woden Valley Community Council	William O'Brien	Assessment against criteria	Random independent performance audits should be undertaken say every six months at least for the first two years of the operation of the Plan. The results of these audits should be compared to identify any trends.	Noted. This would be a matter for implementation and monitoring of the Plan.
		Evaluation	Evaluate (as opposed to review) the effect of the new plan two years after it has been introduced.	Noted. This would be a matter for monitoring of the Plan and findings incorporated into any future policy review.
		Social Plan	There needs to be a strengthening on social impact and needs assessment, Some performance strategies for the assessment and the social needs assessment needs to be established somewhere in the documentation.	Noted. This would be a matter for future policy review.
		Woden Town Centre Master Plan	All elements of the Master Plan should be included in the new Territory Plan and used to assess Development Applications against criteria where they are not incompatible with the Zone requirements of the Plan.	Not agreed. Relevant aspects of the Woden Town Centre Master Plan were incorporated into the Territory Plan via Variation 259.

Submitter		Summary of Issue	Detail of Issue	Response
		Residential	Why doesn't the Single Dwelling Housing Development Code have criteria to consider a Neighbourhood Plan. At a minimum all approved Neighbourhood Plans should be assessed to see what elements could be incorporated into the Plan. An audit chart of this assessment should be provided.	Single dwelling housing is able to be code track assessed in the established areas. All aspects of the assessment must be quantifiable and expressed as rules. It is not possible to quantify the provisions of the Neighbourhood Plans and therefore a rule isn't able to be applied. It would not be appropriate to include a criterion requiring a development proposal in the merit track to address the Neighbourhood Plans as this would be a more onerous requirement than if the proponent complied with the rules in the code track.
		Compact blocks	When will the controls for residential blocks less than 250m ² be included	The controls are already in the Residential Zones - Single Dwelling Development Code.
		Governance	Section 1.4(d) use of land Should indicate that under the exemption in Section 134 of the Act, there will be no need to get development approval for lease authorised use or switching between uses if no building work involved.	Noted. The application of section 134 is already referenced in the Administrative Provisions.
			Within the Governance Section there needs to be an explanation of the leasehold system and the function it plays in relation to the Plan.	The Planning and Development Act 2007 provides the statutory framework for both the leasehold system and the Plan. There will be "Planning Explained" guides that will assist in explaining the relationship between the lease and the Plan.
			Relevant considerations for assessment – Merit and Impact – not only should the probable impact for environmental issues be assessed but also the social issues should be assessed.	Noted.
		Statement of Strategic Directions	Point 1.18 states " In major centres and developing areas, sites will be safeguarded where necessary for particular community needs" How will this be achieved?	The zoning and lease protect land for designated purposes.

Submitter		Summary of Issue	Detail of Issue	Response
		RZ1	Subdivision of blocks – Rule C – is there a definition for a standard block?	The term ‘standard block’ is defined in Part 13b Definition of Terminology
			3.1 Materials and finishes While it may be existing policy, there appears to be no need, nor is it appropriate, to apply this rule to walls. Canberra has many off white or white walls.	Noted. The rule has been amended to state that metal walls can not be white or off white, consistent with the provisions of the existing Territory Plan.
			R3 1.2 Plant, etc on the roof not visible from the street. While this may be existing policy, it is inappropriate for photovoltaic cells – with many residences having north facing rooves facing the street. This rule will inhibit the roll out of solar energy generation.	Noted. There is a corresponding criterion that enables assessment of the merits of a development proposals that does not meet the rule.
		City Centre Precinct Code	Objectives. There should be a similar objective to the environment one “enhance social amenity”. This concept needs strengthening throughout the Plan. While some objectives have elements of this, it needs to be stated clearly	Not agreed. Zone and code objectives reflect existing objectives in the Plan. In particular objective h) for the C1 Zone seeks to ‘promote a cultural and community identity that is representative of and appropriate to the place. Part B of the code protects existing community and recreation facilities at element 1. In addition all development is required to meet the Crime Prevention through Environmental Design General code and the Access and Mobility General Code.
		Town Centre Precinct Code	2.4 Woden (Phillip north of Launceston St. Criterion c – “Buildings up to 12 storeys may be permitted to create marker buildings and provide architectural emphasis on corner sites and other appropriate locations”. How will “other appropriate locations” be assessed? The criterion is somewhat inconsistent with the current Territory Plan	Noted. The control reflects Variation 259 which allows for buildings up to 12 storeys provided the Matters for Consideration under Part A3 Section 9.3 of the Territory Plan are addressed. These matters have been incorporated throughout the code. Appropriate locations would be determined on a merit assessment basis against all the relevant criteria on the code.

Submitter		Summary of Issue	Detail of Issue	Response
			Part B General Development Controls 1.2 Existing Car Parks. While the rules are satisfactory, the criteria under C1.2.1 are insufficient to ensure that there is no reduction in car parking from the development.	The criteria are a translation of Variation 259 for the Woden Town Centre. The words are included in the existing Territory Plan at B2B clause 2.12.
				Noted. The element reflects existing requirements in the Plan to protect existing community and recreation facilities in commercial centres (eg B2C 3.1 a). While existing car parks are currently identified through 'precinct d' areas, existing community and recreation facilities are not indicated in the existing Plan. This is a matter for consideration in a future policy review.
			Figure B3 entitled "Woden Town Centre Existing Car parks" is inconsistent with the area shown in figure A4 "Woden Town Centre Zones". It is important to show the car parks in the town centre to the North of Launceston Street. If not then there is a need to amend the descriptor to reflect the different areas presented.	Noted. Figure A4 reflects the 'precinct d' areas that were identified prior to Variation 259. This is a matter for consideration in a future policy review.
			Element 5 Amenity. There must be other significant Rules or criteria relating to amenity in a Town Centre other than landscape, lighting and signs. Element 5.3 Signs – is it required to specify somewhere, either in the code or the criterion, that signs must comply with the provisions of the National Capital Plan (eg size)?	Noted. This is a direct function of existing controls and how the elements are categorised. In the new Plan the amenity element covers items relating to Solar Access, Private and Communal Open Space, Landscape, Noise, Natural Ventilation, Lighting and Signs. General solar access and ventilation requirements are addressed via height and setback elements in the building and site controls element. Where items relate more specifically to residential development in commercial areas, they are covered in Part C of the code.

Submitter		Summary of Issue	Detail of Issue	Response
				There is a general requirement at element 2.3 in Part B of the code requiring development to be not inconsistent with the NCP. This is also picked up at element 4.1 in Part A of the Signs General Code.
		Group Centres Precinct Code	Figure B16 Mawson Group Centre does not include the car park to the south of Mawson Drive.	Noted. Figure B16 shows all the precinct 'd' areas that were identified prior to Variation 255 and that are currently included in the Commercial C land use policy.
47. Master Builders Association (ACT)	Jerry Howard	Lease and Development Conditions	The replacement of the L&Ds by a new zoning and development assessment system will not provide the certainty and security for leaseholders that were provided for in the L&Ds. If the proposed EDP and Precinct Codes address issues that are currently covered by L&Ds then this should create certainty	See Part 1 for response.
		Future Policy Review	Support further policy reform.	See Part 1 for response.
		Transitional Provisions	Transitional provisions should be similar to those that ACTPLA put in place with the implementation of Variation 200 in 2001. There should be an education and media campaign now to educate and inform all member of the construction industry regarding the new Transitional Provisions.	See Part 1 for response.
		Residential Zones Single Dwelling Development Code	On blocks greater than 500sqm can the 3m side setback be on either side of the block	Yes.

Submitter		Summary of Issue	Detail of Issue	Response
			Table 3 Part C – Figure C1, C2 and C3 are confusing	Noted. Figures C1 – C3 are provided to illustrate the numerical values specified in R2.1.1 and R2.2.1. They are only one configuration of the rules and applied to a symmetrical shaped block.
			R3.1.3 The rule should say “facade should be constructed with the same material as the corresponding elements of the dwelling”.	Not agreed. This is a translation of D2.4 of Appendix III.1 of the existing Territory Plan.
			R4.2.3 For blocks greater than 15m, the maximum garage size can only be 5.75m. On blocks between 15-15.2m maximum garages can only be 5.25m wide, which does not comply with the Plan. For blocks less than 15m tandem garages, although allowed, will be merit track assessable.	Noted. It is assumed that these comments relate to blocks that are also <500m2. The rule is to ensure that the frontage of garages do not dominate the streetscape. There is corresponding criterion that enables merit consideration of wider garages.
			R6.1.1 Without a tank, most houses will not comply with the 40% target. 6.1.2 will require the installation of a pump with an automatic shut off switch, which adds cost to the building. Gravity fed tanks are not feasible on residential properties.	Noted. There are various options available to achieve the required water use reductions.
		Subdivision	R6.1.2 Tank size requirements for blocks greater than 500sqm is not realistic.	Noted.
		Gungahlin Town Centre	Support energy rating for subdivisions.	Noted.
48.	Director,	Block 5 Section 68	Support increase in building heights to eight storeys.	See Part 1 for response.
			Requests that “scientific research	Agreed.

Submitter		Summary of Issue	Detail of Issue	Response
ANU	Facilities And Services Warwick Williams	City Blocks 2 (in part) and 4 Section 68 City	establishment” be removed as a prohibited use and instead regarded as an assessable use.	<p>Same range of assessable uses that apply to the site under the current Territory Plan. The Draft Variation for the precinct did not add “scientific research establishment” as an additional permissible use for the area, assuming that most of the research to be undertaken would be covered by other permissible uses.</p> <p>To ensure clarification of the intent for the precinct, “scientific research establishment” has been added as an impact assessable development. This is appropriate minimum assessment track when considering the nature of activities covered by the definition.</p>
49. Property Council of Australia	Catherine Carter	Gross Floor Area – IZ2	Object to the inclusion of gross floor area in IZ2 in relation to shop as it impacts on the retail hierarchy.	Noted. The clarification that the Gross Floor Area restrictions apply “per shop” is consistent with ACTPLA’s interpretation of the existing provision, and responds to the Auditor-General’s recommendation.
		Prohibited Uses	Listing uses as either ‘assessable’ or ‘prohibited’ reduces the scope of listed assessable uses compared to their current meaning under the current Territory Plan. The list of prohibited development should only relate to development that are noxious, noisome or incompatible with adjacent uses.	Noted. This is a matter for consideration in a future policy review.
		Policy Neutrality	Work should continue to ensure that all current permitted land uses are retained in all zones.	Noted.
		Improvements	Applauds work conducted to ensure that the draft Plan reflects the position under the existing Territory Plan	Noted.
			Applauds the appointment of the Independent Assessor and Review Group.	Noted.

Submitter		Summary of Issue	Detail of Issue	Response
		Timing	Commencement of the Plan should be postponed until 31 June 2008 to allow for additional time to resolve outstanding issues.	Not agreed.
		Terminology	The dual use of the term 'code' is confusing and the Act needs to be amended to remove the confusion.	Noted. The use of the term code is in accordance with the <i>Planning and Development Act 2007</i> . this matter could be reconsidered after the Plan has been in operation.
			With the new commercial codes it is unclear what the distinction is between "precinct" and "development" codes. The Plan should be reorganised to reflect the higher status of these documents. However if these codes are to remain part of the commercial development code then they should be renamed accordingly (e.g. City Centre Development Code)	Noted. The commercial codes are individual codes, not part of a single commercial code. The terms "Precinct" and "Development" Code are used consistent with the hierarchy of codes established by the <i>Planning and Development Act 2007</i> .
		Rule and criteria numbering	Numbering of rules and criteria should be continuous throughout an entire development code and should not restart after each subheading	Agreed. Codes containing Rules and Criteria have been renumbered so that there is only one numbering sequence in a Code
		Development Tables	To avoid confusion, it should be made clear that common terminology listing is a guide only and does not affect assessable land use.	Noted.
			Minor amendments are required to ensure consistency in the use of umbrella terms.	Not agreed. This would be a matter for future policy review.
		Criteria without Rules in Codes	There should be a clear explanation of this arrangement either in the Administrative provisions, or preferably as a brief note in each development code.	Agreed. Each Code has an explanation about how the Rules and Criteria are used in the development assessment process.
		Design innovation	The ability to use rules in the merit track will stifle innovation. The new Territory Plan should provide incentives for cutting-edge and innovative design, for example a change of use	Noted. The option of developing incentives as proposed would be a matter for future policy review.

Submitter		Summary of Issue	Detail of Issue	Response
		Master Plans, Neighbourhood Plans and Structure plans	charge concession. Documents previously on the Register of Planning Guidelines should not form part of the Territory Plan. Alternatively the revised draft should be amended to refer to these documents “as varied from time to time”. A further option is to amend the <i>Planning and Development Act 2007</i> to provide that variations to these documents constitute a technical amendment and are not subject to the more onerous Territory Plan variation procedures.	Noted. There are many documents on the Register of Planning Guidelines that are essential to a comprehensive assessment of a development application. As such, they have been translated into the Restructured Plan. In particular, it was the recommendation of the Independent Assessor that Neighbourhood Plans still be a matter for consideration in the assessment of development applications. The <i>Planning and Development Act 2007</i> will be amended to clarify that documents referenced by, but not part of the Plan, are documents “as varied from time to time”.
		One Assessment Track Only	Development should only fall within one assessment track. The current drafting suggests that merit track is a mixture of code and merit track requirements	Agreed. The <i>Planning and Development Act 2007</i> stipulates that an application can only be in one track. Not Agreed. Rules and Criteria do not “belong” to a track. The <i>Planning and Development Act 2007</i> specifies how rules and criteria can be used, depending on what track the application is in.
		Future Policy Review	A framework should be implemented to allow transparent and readily implemented continuous review such as code updating and new code writing. When will the details of review be available?	See Part 1 for response
		Definition of Affordability	What are the details on the content of this definition or an estimate of when the definition will be developed and made available? Will industry and stakeholders be consulted?	The ACT is part of national consideration and policy development on the issue of housing affordability. The outcomes of that work will influence any change to the Territory Plan or the Act in relation to this issue.

Submitter		Summary of Issue	Detail of Issue	Response
		User Guide	The name “user guide” should be adopted for the Administrative Provisions.	Noted.
		Assessable or Prohibited Use	Including area specific assessable or prohibited development in the development tables could lead to confusion. It should be made clear in the development tables that an additional assessable or prohibited development takes priority over the general assessable or prohibited developments.	Noted. The additional assessable or prohibited development listing is a translation of existing policy The headings preceding the listing are clear in detailing that the additional uses are assessable or prohibited.
		Northbourne Avenue Precinct Code	C3.2.2 limitations on continuous glass facades is not an existing restriction. Access and Car Parking provisions do not reflect existing controls.	Not agreed. The criterion specifically reflects existing controls at B1 Area B13 Control i) and at B2E control 2.3 I the Territory Plan. Not agreed. Rules and criteria at 4.2.1, 4.2.2 and 4.3.3 are translated from B1 Area B13h and B2E 4.1g. C4.2.5, C4.3.1 and C4.3.2 reflect current requirements to comply with the existing Guidelines identified under the Territory Plan. C4.2.3, C4.2.4 and R4.2.4 relating to the location of driveways, pedestrian entrances, loading docks and vehicular entries support the existing prohibition on car parking within front setbacks and requirements for high quality landscaping. They also reflect current matters for consideration at Part A3 9.3 and have been included in all the Codes where relevant.

Submitter		Summary of Issue	Detail of Issue	Response
			C5.1.3 the provision of landscape design concepts is not mandatory under the existing Plan and should not be mandatory in the new Plan.	Not agreed. Landscaping is a current matter for consideration at Part A3 9.3. In addition the Canberra Landscape Guidelines apply as guidelines adopted under the Territory Plan and include the requirement for a concept plan. The requirement for a landscape design concept reflects the existing assessment process for commercial and multi unit development and has been added to all codes where relevant. (refer also to the existing Development Assessment Form Checklist 3 which stipulates a landscape plan as a required attachment .)
		Planning and Development Act 2007	Regulation 1.57 in relation to Designated land is a duplication of requirements and should be amended so that development approval is only required in relation to the lease variation.	Noted. This is outside the scope of the Territory Plan review.
		Re-use of ageing building stock	There should not be an outright prohibition on the subletting of vacant land.	Noted. This is outside the scope of the Territory Plan review.
50. Chamber of Commerce	Christopher Peters	Policy Neutrality	There should be flexibility in building heights to better allow and encourage existing use refurbishment and adaptive re-use refurbishment and extension.	Noted. This is a matter for consideration in a future policy review.
51. Vivianne Browne	Section 46 Turner	Turner Section Master Plan	The entire draft Plan is not policy neutral. The biggest change is the provision to allow extensive retail within Fyshwick.	Noted.
			The complexity of the draft Plan was raised in the previous exhibition. The draft Plan is still more complicated than the current Territory Plan.	Noted.
			Request that the B12 Area Specific Policy (or RZ4 in the new system) be removed from Sections 46 – 50.	An extension of the moratorium, or a change in the zoning, would not be policy neutral.

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52. Vinta Group	Philip Wallis	Block 1 Section 9 Block 2-5 and 24-26 Section 14 Block 1 Section 4 Gungahlin	The Plan should identify a process for the release and development of commercial land in future urban areas. This Code could be similar in structure to the Future Urban Areas Residential Subdivision Development Code.	Not agreed. It is not the role of the Territory Plan to outline a land release program.
		Shops in Industrial Areas	Concerned that the provisions relating to shops in industrial areas will undermine the retail hierarchy. Provisions should be amended to ensure that industrial areas are developed consistent with the original intent.	Not agreed. The clarification that the Gross Floor Area restrictions apply “per shop” is consistent with ACTPLA’s interpretation of the existing provision, and responds to the Auditor-General’s recommendation.
53. National Capital Authority		Administrative Provisions	The Administrative Provision should clearly identify the purpose of Overlays and their relationship to the provisions of the Plan.	Agreed. The Administrative Provisions already explain the role of Overlays.
			The Administrative Provisions should highlight section 11(2) of the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> , which highlights that ACTPLA shall not do anything inconsistent with the Plan; and any other matter relevant to the implementation of the RRTP such as the special requirements of the Plan.	Noted. The Administrative Provisions adequately describe the statutory relationship between the two Plans.
		Format and Language	ACTPLA should ensure that: <ul style="list-style-type: none"> • the statutory drafting is consistent; • rules are quantifiable and measurable; and grammar and spelling is correct. 	Noted.
		Map inconsistencies	Of the original 81 map inconsistencies, 21 remain. ACTPLA should amend the Plan for consistency with the National Capital Plan or formally request that the NCA to consider an	Agreed. ACTPLA have requested the National Capital Authority initiate an amendment to the National Capital Plan to align the zone boundaries for both

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			amendment(s) to the Plan.	Plans.
		Definitions	Largely, the definitions described in the National Capital Plan and Territory Plan are capable of operating concurrently. Acknowledge that both the NCA and ACTPLA have agreed to work together to ensure a consistent set of definitions are used in the ACT that ACTPLA must be satisfied that the application of the definitions do not create an inconsistency with the National Capital Plan.	Noted.
		Development Tables and Codes	<p>The requirement for the need to obtain a statement of compliance from the NCA has been retained. It is noted that where Special Requirements apply to a development, this has been written into the Development Codes as a 'criteria', and therefore puts the obligation on the developer and ACTPLA to assess any development subject to Special Requirements to ensure compliance.</p> <p>It is recommended that this provision be removed from the codes and included in the administrative provisions.</p>	<p>Noted.</p> <p>As part of ensuring transparent and comprehensive documentation for development assessment, it is important that the Territory Plan continues to recognise that there may be circumstances where a development application is subject to special requirements in the National Capital Plan. All Codes were amended prior to the last consultation to remove the rule referring to a statement of compliance and include a criteria requiring development to be not inconsistent with the National Capital Plan where special requirements apply. This is consistent with the way in which other agency requirements are referenced.</p> <p>ACTPLA will continue to work with the NCA to ensure appropriate administrative arrangements are in place where NCP special requirements impact on a development application.</p>
		Commercial hierarchy	The overarching goals of the commercial hierarchy need to be described and appropriate provisions included to ensure that the achievement of the hierarchy does in fact	<p>Noted.</p> <p>Objectives for zones and the subsequent controls reflect the existing Territory Plan. This is a matter for future policy review.</p>

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			become an outcome.	
		Industrial	The Industrial Mixed Use facilitates development which does not accommodate industrial uses as the primary uses. This appears be inconsistent with the National Capital Plan	Noted. Objectives for zones and the subsequent controls reflect the existing Territory Plan. This is a matter for future policy review.
		Track Assessment	It is also noted, that only a small percentage of development is within the code assessment track of the development table.	Noted. However single residential development makes up more than two-thirds of annual development applications. Single residential is potentially exempt for new residential land, and is minimum code track in all other circumstances.
54. Julia Trainer	2 Hill Corner Yarralumla		Supports the rezoning of the Hill Corner park (Yarralumla Section 62, Block 3) from Community Facility to Urban Open Space.	Noted.
55. Eldon and Marilyn Ball			Support the Turner Residents Association submission.	Noted.
			Urge the removal of the B12 zoning (or its revised equivalent) from sections 46, 47 and 48 in Turner	Not agreed. Not policy neutral. This would be a matter for future policy review.
56. Emil Bulum	18 Holder Street, Turner	Turner Section Master Plans	Advises that he does not agree with the Turner Residents Association in relation to a moratorium on development in Sections 46, 47 and 48. Believes this area needs regeneration and expanded housing stock and that redevelopment of the area will not affect the streetscape as its merits lie in the wide, leafy streets which can be retained in any future development.	Noted.
57.		Policy neutrality	HIA is pleased that the revised draft now	Noted.

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HIA			<p>appears to be policy neutral following industry's significant concerns about the level of change to policy without appropriate consultation. Policy neutrality will allow the planning reform to proceed more smoothly, with the introduction of the new <i>Planning and Development Act</i> and the revised restructured Territory Plan early next year.</p>	
	Exempt development		<p>As noted in our previous submissions, one of the primary concerns for HIA members is the efficient delivery of the process for exempt development applications. Such a system will assist in streamlining the approval process, encouraging new single homes in greenfield areas, and leaving ACTPLA to focus its resources on more complex application assessments.</p>	Noted.
	Structure		<p>The current draft requires a considerable amount of cross referencing by readers who wish to gain a full understanding of the codes. A plain language approach may help to simplify the approval process and avoid much of this cross referencing. This will be particularly important for users applying for an exempt DA, and for frequent users of the codes who are engaged in time critical businesses.</p>	<p>Noted. It may be possible, as part of any future policy review, to streamline the provisions of the Plan and make it more useable. It is the intention to develop a checklist of the rules for exempt development that certifiers will be able to reference.</p>
	Numbering		<p>A unique numbering system for each rule and criteria in each code and would assist in alleviating user confusion.</p>	<p>Agreed. A new sequential numbering system has been used in the codes.</p>

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		Residential Zones – Single Residential Dwelling Development Code	<p>An intent in the single dwelling code has been slightly modified resulting in a slight policy change. The proposed intent calls for the maintaining and enhancing of the streetscape character. HIA has concerns that the effect of this change, although most likely unintended, will be to require future applications to demonstrate the preservation of the existing character in the street, essentially requiring the duplication of existing housing types, and restricting innovative housing design and neighbourhood development. Such a restriction would have the effect of limiting improvements in quality, design, and construction.</p>	<p>Agreed. The words ‘maintain’ have been omitted.</p>
			<p>HIA would prefer to see all intents expressed consistent with clause (b) on page 26 of 43, which encourages high quality architectural design with flexible use of colours and materials to provide harmonious and attractive streetscape. Although not necessarily consistent with the intent in the current Territory Plan, we consider that this approach is preferable in order to recognise the inevitable innovative changes to house types, materials, and styles.</p>	<p>Not agreed. Part C(1) of the Code is the only place where there is a control relating to materials and finishes (the criteria to which the intent applies) and so it is not appropriate to include it in any other elements in the Code.</p>
			<p>The note to Item 2.3 (p3 of 43): HIA welcomes the clarified definition of GFA, particularly in its application to multi-unit projects. HIA considers that the definition should also apply to PBZ, FZ and RZ, in preference to the current proposed approach which requires readers to find a cross referenced definition.</p>	<p>Noted</p>

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			R4.1.1 (p6 of 43): "Ramp" should be defined for use as a rule. The issue is the clarifying of the difference between a sloping driveway with a garden wall retaining the cut or fill, and a ramp.	Not agreed. This is a translation of the terminology used in the existing Territory Plan.
			C2.1.1.1(b) (p20 of 43): This requirement on elements in the FZ is highly restrictive and appears to deny the current practice of a negotiated design process with ACTPLA using a design response report. Such a consultative process allows for consideration of problematic sites and specific home owner requirements. The current drafting of this clause could be interpreted to prohibit underground water tanks, or well designed screens or courtyard walls. An encouragement of innovative design would also recognise that an FZ located water tank can be an architectural feature which demonstrates the home owner's commitment to sustainability.	Agreed. Sub clause (b) has been omitted from the code.
			Table 2 (p20 of 43): The dimensional relationship of a garage and house appears to allow no flexibility or compromise which may be necessary on difficult sites. This flexibility is currently available through a design response report. Resolution of excessive cost impacts and innovative design approaches should be encouraged.	Noted. The criteria enables a merit assessment of a development proposal that does not meet the rules of the Code.
			R3.2.2 and C3.2.2 (p27 of 43): The return of the allowance of courtyard walls to this draft, after being deleted in the previous draft, is welcome.	Noted.

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			<p>Figures C1, C2, C3 (p23 of 43): Although the primary building zone, front zone and rear zone are set out in definitions, the abbreviations PBZ, FZ and RZ do not appear to be defined. This should be explained as a note to the tables and figures.</p> <p>The use of RZ is confusing as it is used to indicate “Residential Zone” as well as “Rear Zone”. HIA suggests the introduction of BZ for “Back Zone” as an alternative.</p>	<p>Agreed. Code has been amended so that the first reference to the terms primary building zone, front zone and rear zone and followed by their acronyms in parentheses.</p>
			<p>Part C(1) Tables 1, 2, 3 and 5, Figures C1, C2, and C3 (p 23 to 25 of 43): Currently, the PBZ for the upper floor level commences at 7.5 m or 6m, which are the minimums for the upper floor level FZ. It is not policy neutral to now set out the upper floor level PBZ from the ground floor level. 1.5 meters have been removed from the allowable upper floor level.</p> <p>PBZ also needs its current length of 12 metres to be clearly confirmed.</p>	<p>Noted. This is an amendment that was agreed to by the Independent Assessor and the Reference Group.</p>
			<p>A detail of drafting in the figures makes the 3 metre side boundary minimum setback for the upper floor level in the PBZ unclear. The dotted line should be immediately beside the solid line of the lower floor level to make the dimension clear.</p>	<p>Noted. It is considered that the diagrams already reflect the request.</p>
			<p>A definition of which boundary on a corner block can have the lesser or greater setbacks is also required.</p>	<p>There is a translation of provisions from the existing Territory Plan. There is no stipulation as to which side boundary each setback applies to in the current Plan.</p>

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			R4.1.3 (p30 of 43): Paved pathway priority over driveway appears as a new requirement. This arrangement could be the opposite of what occurs in many existing suburbs, especially heritage areas.	Noted. This is a requirement of Territory and Municipal Services and has been incorporated to ensure the operation of exempt development and code track assessment.
			R4.2.3 (p31 of 43): This maximum width for garages is a policy change from the current code (Appendix 111.1, D2.4). Currently, the 6m width requirement does not exist, while the 50 per cent width relates to the block, not the dwelling. This proposed change will have a substantially adverse impact on many standard project house designs, impacting on their level of affordability. HIA suggests that it be deleted.	Not agreed. This is an amendment that was agreed to by the Independent Assessor and Reference Group.
			R6.1.2(b)(iii) (p34 of 43): For the amenity of house occupants, an outdoor potable water tap should be available for safe drinking. Any non potable water taps should be identified with colour code or similar.	Noted. This rule does not preclude the provision of an outdoor potable water tap. It just requires that the water tank is connected to all external taps to ensure that non potable water can be used for outdoor purposes.
			Definitions and terminology: The remote location of these important tools in another volume is cumbersome. HIA suggests that definitions and terminology be included within the residential section.	Noted. Such an approach was evaluated and was considered to be unworkable and impractical. This approach would result in significant duplication in defining terms resulting in a larger document and would result in significant consequential amendments if a definition changed.
			Part C2 - Special controls for part of Forrest and Deakin: These requirements exist separately to any Heritage listings and have no reference to the role of National Capital Authority. In the proposed draft, they sit in isolation to other residential controls and will only add to confusion.	Noted. These are controls that currently exist in Planning Practice Note 5 – Forrest/Deakin and apply in addition, or instead of, the provisions in Part C(1) of the Code.

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			The compact lot part of the code is a welcome inclusion to assist in easing serious housing affordability problems in the ACT region.	Noted.
			The Authority may consider compact lot dwelling types to also be exempt from the formal DA process to further assist in addressing this crucial social issue, encouraging accelerated provision of a housing type to suit first home buyers.	Single dwelling housing on compact blocks are exempt where the development proposal meets all of the stated rules.
			It is with some concern that we note that HIA's suggestion for a graduated transition for blocks over 250 square metres to blocks with areas of at least 300 square metres, has not been implemented. The application of standard Code requirements for blocks less than 500 square metres but greater than 250 square meters will disadvantage the purchasers of those blocks who will not have available to them the same diversity of affordable housing options.	Noted. The setback provisions that apply to blocks between 250m ² and 500m ² have been extracted from an analysis of existing Lease and Development Conditions.
			The establishment of a separate transitional code for these blocks that removes the extreme contrast of the two codes could be a justifiable exemption to policy neutrality. This would be particularly appropriate given that the compact lot code has been introduced during the preparation of this draft.	
		Residential Zones – Multi- Unit Dwelling Housing Development Code	R1.2.1 (p1 of 87) of the Residential Zones – Multi- Unit Dwelling Housing Development Code refers to supportive housing, but no description of their requirements appears to be provided. Currently supportive housing is permitted to deliver larger scale developments on standard residential blocks.	The requirements for supportive housing are provided in Part D of the Code at Item 1.6.

Submitter		Summary of Issue	Detail of Issue	Response
		Implementation and training.	The proposed Code packages introduce new terminology and methodology that may not be readily understood by applicants and regulators. This could lead to some initial confusion and delays upon its introduction. HIA understands the Authority's intention to provide significant information and training to the industry in an effort to alleviate some of this confusion, and we have indicated our intention to assist in this process.	Noted. The Authority plans to continue liaising with key stakeholders to ensure users of the Territory Plan are aware of the reformed planning system and its inner workings. There will be a significant implementation program for all Territory Plan users in the lead up to the commencement of the new system.
			One of the most important improvements from the planning reform will be the DA exemption for single houses in greenfield areas. The success of this particular reform will depend upon the capacity of private Building Certifiers to assume their new responsibilities.	Noted.
			In order to ensure success of DA exempt houses in greenfield areas, the instruction and communication from the Authority to the private Building Certifiers will be critical. As noted above, HIA members reviewing the proposed draft have found the set out of the new Single Dwelling Housing Development Code to be complicated. In its current form, HIA does not believe that the proposed draft will readily support the simplified processing required for exempt DA proposals.	Noted. It is intended to develop a checklist of the rules for single dwelling houses that designers and certifiers can reference.
			HIA recommends the preparation of a checklist, clearly setting out the rules which apply to a single house on greenfield block, as well as to those on compact lots.	Noted. It is intended to develop a checklist of the rules for single dwelling houses that designers and certifiers can reference.

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		Lease and development conditions	<p>HIA remains significantly concerned by the blanket removal of Lease and Development Conditions (L&Ds). L&Ds are an acceptable response to the unique leasehold system in ACT. While the Development Assessment Forum reform may not recognise leasehold systems, HIA believes that there is still significant merit in L&Ds, and suggests that the Authority consider the full benefits to the industry, and the planning process before dismissing their merit.</p> <p>L&Ds are also an easy and convenient way to amend conditions on specific blocks during the period of the development of an estate.</p> <p>L&Ds provide a level of flexibility which can readily meet these unforeseen changes in the market. HIA has concerns that the new system will not facilitate fast tracked changes, and that changes will be delayed in lengthy, non-technical Territory Plan variations.</p> <p>If the draft proposal is implemented in its current form the resulting changes to the land development approval process in the ACT will be dramatic. HIA is concerned that the changeover process will create uncertainty and delays in the land release program which is already well behind its required turnoffs. A more expedient land development approval process should be aspired to in keeping with the goals of the ACT Government's Housing Affordability Action Plan.</p>	See Part 1 for response.

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			HIA suggests that a working forum be convened as soon as possible to resolve the critical issues set out above. Land developers, referral agencies, the Land Development Agency, ACTPLA and industry associations should be represented.	Noted.
		Future policy review	HIA acknowledges the Authority's advice that the current proposed draft of the Restructured Territory Plan is now intended to be policy neutral in accordance with industry's submissions. However, once the new Plan is launched in 2008, HIA will be keen to consult further with ACTPLA with a view to reviewing a range of planning policies.	Noted.
			HIA recommends that the policies associated with estate developments be the first priority for a detail review.	Noted.
			The initial policy review could then be followed by analysis of those codes whose intentions restrict innovation and change. Codes need to recognise the impact of the market, and should encourage the improvement of design quality and sustainable building within the bounds of acceptable affordability.	Noted.
			<p>More specific items for detailed review could include the following:</p> <ul style="list-style-type: none"> • Residential character in existing areas; • Site coverage instead of plot ratio; • Attics and basements; • Courtyard walls; • Garage location; • Ramps; and • Materials and finishes for roofs and walls. 	Noted.

