



Standing Committee on Planning, Transport and City Services

Inquiry into Planning Bill 2022 **ANSWER TO QUESTION ON NOTICE**

Asked by Jo Clay MLA:

Reference: Hearing on 7 December 2022

In relation to: Design Guide

- (1) Evidence was given in the hearings that Variation 369 will remain mandatory under the new planning system. Which sections and instruments will make this mandatory?
- (2) Where are the design guides on the website?
- (3) Which design guides are mandatory?
- (4) Which sections of the Planning Bill set out that design guides are mandatory?

Mick Gentleman MLA: The answer to the Member's question is as follows:–

- 1) The Territory Plan is established under Section 45 of the Planning Bill 2022 (the Bill) as a notifiable instrument. Under Section 50 of the Bill the Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the Territory Plan. The provisions enacted through Variation 369 forms part of the current Territory Plan and will appear at various points within the provisions of the new Territory Plan and supporting material.
- 2) The Design Guides are still being developed. An Explanation of Intended Effects for a future *ACT Urban Design Guide* and *ACT Housing Design Guide* is available on the YourSay page at: [Attach D1 - Design Guides Explanation of Intended Effects.pdf \(amazonaws.com\)](https://www.yoursay.act.gov.au/attach/D1-Design-Guides-Explanation-of-Intended-Effects.pdf).
- 3) The new Territory Plan includes stated assessment outcomes that requires proponents to demonstrate consistency with the design guides, effectively making consistency with design guides a mandatory outcome. Examples of stated assessment outcomes include, but are not limited to, matters such as solar and daylight access, sustainability and environment, apartment size and layout.
- 4) The Bill does not include provisions that set out that design guides are mandatory, however the new Territory Plan includes stated assessment outcomes that require proponents to demonstrate consistency with the design guides. This effectively makes consistency with design guides a mandatory outcome. Design guides are intended to provide guidance for proponents and decision makers about acceptable and appropriate development outcomes.

Approved for circulation to the Standing Committee on Planning, Transport and City Services

Signature: 

Date: 19/12/2022

By the Minister for Planning and Land Management, Mick Gentleman MLA