



*LAND (PLANNING AND ENVIRONMENT) ACT 1991*

TERRITORY PLAN

INSTRUMENT NO. 200 OF 1999

I revoke the notice of determination No. S165 published in the ACT Gazette on Friday 30 June 1995.

Under Clause 2.6 of Part B1 (Residential Land Use Policies) of the Territory Plan (hereinafter referred to as “Clause 2.6”) I determine as follows:

**A. Methods for calculating energy efficiency ratings**

The methods to be used in calculating the energy efficiency ratings under Clause 2.6 of the Territory Plan shall either be:

1. the ACTHERS Computer Software as provided by *Energy Efficiency Victoria*; or
2. the computer based simulation model identified by the National Building Energy Efficiency Coordinating Committee (NBEECC) as the Nationwide House Energy Rating Scheme (NatHERS) accreditation model.

**B. Special circumstances**

The special circumstances for the purposes of Clause 2.6 of the Territory Plan are as follows:

1. Block Geometry
  - The orientation or shape of block is such as to preclude the northerly orientation of the house, defined as 340 degrees to 30 degrees.

1. Block Overshadowing

- Due to adverse slope of block, existing obstruction or planned or existing development resulting in overshadowing of northerly windows.

1. Block Topography and Geology

- The slope, drainage or geo-technical constraints are such as to preclude the adoption of slab on ground type construction.

1. Novel Construction

- Where the prescribed assessment techniques do not reliably assess the thermal performance of the construction being adopted and there are *prima facie* grounds for believing that the prescribed techniques significantly underestimate the constructions performance.

1. Conflicting Guidelines

- The lease and development conditions, Territory Plan guidelines or any other imposed restriction eg. heritage requirements, which preclude the attainment of the minimum rating requirement.

1. Uneconomic Requirements

- Where it can be demonstrated that the attainment of a 4 star rating would require additional expenditure which is not cost-effective.

This Determination shall take effect from the date of its gazettal.

Dated this 9 day of August 1999

**Brendan Smyth**  
Minister for Urban Services