



**ACT**  
Government


Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2022-337

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	26
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:**   
**To:** [CMTEDD FOI](#)  
**Subject:** FOI 2022-337 to CMTEDD - Information on RRRT response to Controlled Activity Complaint -  
**Date:** Thursday, 27 October 2022 8:26:15 PM  
**Attachments:** [FOI to CMTEDD - 27th October 2022 - Google Docs.pdf](#)  
[Description of Controlled Activity - Google Docs.pdf](#)  
[RRRT Response - Tue, 19 July 2022 - AC-00519634 LynehamB23 S41.pdf](#)  
[Controlled Activity Complaint Form.pdf](#)

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good Evening CMTEDD,

Earlier this year a Controlled Activity Complaint was lodged to TCCS in regards to a car park development on Block 23, Section 41, Lyneham. Please find this attached.

On Tuesday the 19th of July 2022, The TCCS Rapid Regulatory Response Team (RRRT) provided a response that was ambiguous and appears to contradict previous evidence and all ACT Government correspondence regarding the site. Please find this attached.

This FOI is seeking the documents, correspondence or evidence that RRRT relied upon to prepare this response.

I am seeking this information to ensure Government decision making is transparent, accountable and honest. More broadly, I am pursuing this car park development issue to protect public open green spaces in our community, keep our streets safe for all road users, and uphold the ACT Planning and Development Legislation.

  
This FOI is seeking the documents RRRT used to make the following assertions:

1. **The RRRT stated that the car park site is 'public land' and that the car park services visitors to the Lyneham Neighbourhood Oval. The RRRT suggested that historically, spectators and players parked informally on grass or gravel or grass parking within the block. The RRRT implied that this is how the informal gravel car park was created on b23, S41.**

Is this statement an assumption or based on evidence specific to block 23, Section 41 Lyneham?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval. (Ie any actual records or correspondence of visitors to the Lyneham playing fields parking on the grass of the oval).

Aerial photography and correspondence between the school and the ACT Government indicate that the car park was created in 2009 to specifically service the school. There does not appear to be any publicly available evidence to support the notion of sportsground visitors parking informally on the oval.

2.

**The RRRT stated that the car park was sealed (formalised) in late 2016 as 'public works' for or by the Territory, and that formalising the car park was exempt from a development approval as it was maintenance of a car park on public land defined as public works.**

Is this statement an assumption or based on evidence specific to block 23, Section 41 Lyneham?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval. This may include: planning documents prepared in preparation for the infrastructure maintenance works (in late 2016), and/or any contracts or tenders for the works, asset description forms and Works as Executed (WAE) Drawings from 2016, and any ongoing maintenance and handover plans.

3.

**The RRRT stated that the car park within Block 23 Section 41 Lyneham is the property of the ACT Government.**

Is this statement factual or an assumption?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval.

4.

**The RRRT stated that 'many previous complaints relating to this matter and the representations submitted in relation to DA201629628 raising strong concerns about inadequate street parking'.**

Could the RRRT provide the specific representations they are referring to.

On reading all twenty one written representations that were received during the public notification period for DA201629628 (available in a previous FOI). The

community appeared concerned about the increase of traffic in relation to the BCC expansion school itself, either future expansion due to DA201629628 or the capacity for Lyneham street to cope with BCCs recent expansions between 2009-2016. These community members appeared concerned that the school was parking on public land (the Lyneham Oval).

No submission appears to raise concerns about traffic increases outside of the BCC school expansion. It appears to be misleading for the RRRT to state that representations submitted in relation to DA 201629628 raised concerns about general inadequate parking. There are no submissions that indicate the community were concerned about visitors to the playing fields, or parking capacity created by visitors to the playing fields.

Are there any representations or complaints submitted directly to TCCS about a lack of public car parking for player or spectator visitors to the oval, or any complaints that would support or prompt the development of ancillary car parking for the purpose of servicing visitors to the oval?



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2022-337

[REDACTED]  
via email: [REDACTED]

Dear [REDACTED]

## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 27 October 2022, in which you sought access to documents, correspondence or evidence that RRRT relied upon to prepare this their response date 19 July 2022, in response to a Controlled Activity Complaint lodged with Transport Canberra and City Services (TCCS). Specifically, you requested the following points be addressed:

1. *The RRRT stated that the car park site is 'public land' and that the car park services visitors to the Lyneham Neighbourhood Oval. The RRRT suggested that historically, spectators and players parked informally on grass or gravel or grass parking within the block. The RRRT implied that this is how the informal gravel car park was created on b23, S41.*
2. *The RRRT stated that the car park was sealed (formalised) in late 2016 as 'public works' for or by the Territory, and that formalising the car park was exempt from a development approval as it was maintenance of a car park on public land defined as public works.*
3. *The RRRT stated that the car park within Block 23 Section 41 Lyneham is the property of the ACT Government.*
4. *The RRRT stated that 'many previous complaints relating to this matter and the representations submitted in relation to DA201629628 raising strong concerns about inadequate street parking'.*

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

## **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 24 November 2022. On 22 October 2022, you agreed to an extension of time to prepare this decision, making the due date for a decision, 2 December 2022. Thank you for agreeing to this.

## Decision on access

Searches were completed for relevant documents and 5 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents. The 5 documents are relevant to two sections of your 4 part request (parts 2 & 3). Information pertaining to the other two sections of the request (parts 1 & 4), are publicly available, or, no information is available.

Below, I have provided a breakdown of your four part request, and identified which of the documents being released, are relevant to each part of your request:

Section of request	Documents available
1. The RRRT stated that the car park site is 'public land' and that the car park services visitors to the Lyneham Neighbourhood Oval. The RRRT suggested that historically, spectators and players parked informally on grass or gravel or grass parking within the block. The RRRT implied that this is how the informal gravel car park was created on b23, S41.	<i>Historical aerial imageries are publicly available on ACTmapi:</i>  <a href="https://www.actmapi.act.gov.au">https://www.actmapi.act.gov.au</a>
2. The RRRT stated that the car park was sealed (formalised) in late 2016 as 'public works' for or by the Territory, and that formalising the car park was exempt from a development approval as it was maintenance of a car park on public land defined as public works.	<i>Documents 2,3,4 &amp; 5</i>
3. The RRRT stated that the car park within Block 23 Section 41 Lyneham is the property of the ACT Government.	<i>Document 1</i>
4. The RRRT stated that 'many previous complaints relating to this matter and the representations submitted in relation to DA201629628 raising strong concerns about inadequate street parking'.	<i>A search of CMTEDD records has failed to identify any documentation in relation to this portion of your request.</i>  <i>I am satisfied that appropriate searches were completed and that no documents relevant to this portion of your request are held by CMTEDD.</i>

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *contribute to positive and informed debate on important issues or matters of public interest;*
  - (iii) *inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I have put substantial weight on the above factors favouring disclosure. I note that the above material relates to parking arrangements and shared public spaces which are issues that are of interest to the community. The release of this information can reasonably be expected to provide information that will inform the community and increase their understanding of government operations.

I did not identify any factor favouring non-release and have decided to release this information to you in full.

**Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request.

**Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after date of decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

## **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

## **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 02 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Emma Hotham  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

1 December 2022





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<p>This FOI is seeking the documents, correspondence or evidence that RRRT relied upon to prepare this their response date 19 July 2022, in response to a Controlled Activity Complaint lodged with TCCS.</p> <p>The applicant requested the following points be addressed:</p> <ol style="list-style-type: none"><li>1. The RRRT stated that the car park site is 'public land' and that the car park services visitors to the Lyneham Neighbourhood Oval. The RRRT suggested that historically, spectators and players parked informally on grass or gravel or grass parking within the block. The RRRT implied that this is how the informal gravel car park was created on b23, S41.</li><li>2. The RRRT stated that the car park was sealed (formalised) in late 2016 as 'public works' for or by the Territory, and that formalising the car park was exempt from a development approval as it was maintenance of a car park on public land defined as public works.</li><li>3. The RRRT stated that the car park within Block 23 Section 41 Lyneham is the property of the ACT Government.</li><li>4. The RRRT stated that 'many previous complaints relating to this matter and the representations submitted in relation to DA201629628 raising strong concerns about inadequate street parking'. §</li></ol>	CMTEDDFOI 2022-337

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Crown Lease (Lyneham, Section: 41, Block: 23)	N/A	Full	N/A	Yes
2	4-7	PRZ1 Development Table	N/A	Full	N/A	Yes
3	8-47	Territory Plan Definitions	N/A	Full	N/A	Yes
4	48-70	Parks and Recreation Zone Development Code	N/A	Full	N/A	Yes
5	71-119	Parking and Vehicular Access General	N/A	Full	N/A	Yes
Total No of Docs						
5						



Planning and Development Act 2007, s425  
Construction Occupations (Licensing) Act 2004, s128

## Controlled Activity/Construction Occupations Complaint Form

This form is to be used should you believe that there has been a breach by a licensee or former licensee under the *Construction Occupations (Licensing) Act 2004* (COLA), or an operational Act; and/or a person is conducting or has conducted a controlled activity under the *Planning and Development Act 2007* (PDA). Fields marked with an (\*) must be completed.

Before completing this form please read the fact sheet on Development and Construction Occupation Complaints which provides information about breaches of COLA and Controlled Activities. All reasonable steps will be taken to investigate your complaint.

Please note:

- Complaints of a contractual nature will not be taken into consideration
- You may be required to provide further information as part of the investigation process.
- Complaints are prioritised based on the risk to public safety.
- Investigation and action on your complaint may take a significant amount of time to be completed. You will be kept informed of the progress of the investigation.

The completed form can be submitted by email to [csbinvestigations@act.gov.au](mailto:csbinvestigations@act.gov.au) or posted to the Access Canberra Enforcement Unit, PO Box 158 Canberra City ACT 2601.

### Lease/Site Details – Subject of the Complaint

Block	23	Section	41	Suburb	Lyneham	Unit No.	
Street Address	Lyneham Neighbourhood Oval (LNO)						

### Applicant Details Please Print

Surname		First Name	
Postal Address			
Phone Number		Mobile	
Business Hours			
EMAIL ADDRESS			

### Summary of Complaint - please tick

#### UNLAWFUL DEVELOPMENT

- ☒ Development without approval  
☐ Development Not in accordance with an approval

#### BREACH OF LEASE

- ☐ Unclean leasehold  
☒ Unlawful Use

#### CONSTRUCTION WORK

- ☐ Building  
☐ Electrical  
☐ Plumbing  
☐ Gas

#### LICENSEE

- ☐ Unlicensed  
☐ Licence Breach  
☐ Building Certifier  
☐ Works Assessor

Approved form AF2016-70 approved by Dave Peffer Deputy Director General Access Canberra on 28 July 2016 under section 425 of the Planning and Development Act 2007 and revokes AF2014-62

## Details of Complaint

Please provide a full description of your complaint and attach any technical reports or associated material

Please see further details attached.

The BCC are in breach of section 8 of their sub lease. Section 8 and Schedule 1 of BCCs sublease clearly states that the site can only be used for an 'Outdoor Sports Facility and ancillary thereto car parking'. No other development is permitted, especially one that is not permitted by the crown lease.

The BCC were advised in 2012, 2014 and 2016 that a car park development was not permitted, and was NOT exempt from requiring Development Approval. They went ahead with the illegal development at around late 2016 anyway.

## Applicant Acknowledgment

I/we the undersigned acknowledge:

- We have read and understood the details outlined on this form.
- That this complaint, including the personal information provided on this form, may be referred to another ACT Government agency or ACT Policing for the purposes of investigating the complaint or a breach of another law;
- That all the information given on this form and its attachments is true and correct.

Applicant Name(s)

[Redacted]

Applicant Signature (s)

[Redacted]

Date

19/06/22

### Privacy Notice

The personal information on this form is provided to Access Canberra to enable the processing of your application. The collection of personal information is authorised by the *Building Act 2004*. If all or some of the personal information is not collected Access Canberra cannot process your application. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. Access Canberra's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by Access Canberra, and how you may complain about an alleged breach of the Territory Privacy Principles. Access Canberra Information Privacy Policy can be found at [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)

### Contact Details:

Access Canberra  
Customer Coordination  
GPO Box 158, Canberra City 2601  
8 Darling Street Mitchell, ACT 2911  
16 Challis Street Dickson ACT 2602  
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)  
Phone: (02) 6207 1923 TTY: (02) 6207 2622  
Email: [epdcustomerservices@act.gov.au](mailto:epdcustomerservices@act.gov.au) Website: [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)

Name of the person making the complaint: [REDACTED]

Address of the person making the complaint: [REDACTED]

There is strong evidence that the carpark on Block 23, Section 41 was developed illegally, breaching the [Planning and Development Act \(2007\)](#), and going deliberately against advice from ACT Planning and Land Authority (ACTPLA).

I've reported it via a formal '[Development and Crown Lease](#)' complaint to TCCS, and to [ACT Integrity Commission](#). I would like to lodge a controlled activity order.

The development falls within what is defined as a 'Controlled Activity' in the Planning and Development Act (2007).

A Controlled Activity is an activity mentioned in Schedule 2 of the Act. The Controlled Activities are:

- Schedule 2, item 1 (a) failing to comply with a provision of a lease,
- Schedule 2, item 3 (a) undertaking a development for which development approval is required without development approval.

Section 199 (1) of the ACT states that a person commits an offence if— (a) the person undertakes development without development approval; and (b) the development requires development approval; and (c) the person knows that the development requires development approval.

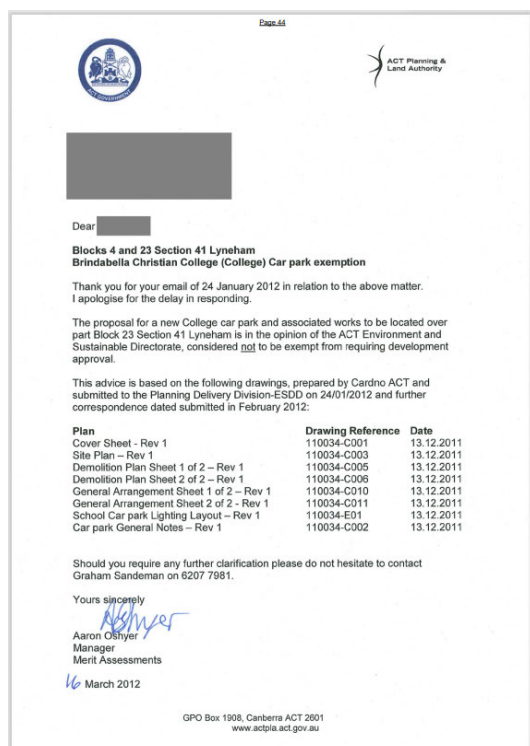
**The breach was deliberate:** An FOI: [reference EPSDD 19/28355](#) (Parts 01 and 10), revealed that the ACT Planning and Land Authority (ACTPLA) recognised that a car park development on Lyneham Neighbourhood Oval (Block 23 Section 41 Lyneham) is in breach of the Planning and Development Act 2007, via a breach of several codes within The Territory Plan (2008). It is also a breach of BCCs sub-lease.

- They were given clear advice from ACTPLA in **2012**, **2014** and in **2016**, that they did NOT qualify for a DA Exemption and that a car park was **NOT** an acceptable development on the site (Block 23 Section 41 Lyneham). Despite this clear advice from ACTPLA in early 2016, the BCC went ahead and built the car park without approval or ACTPLA consent in late 2016 (or early 2017, there are no exact records as it wasn't legal).

**Note:** The hyperlink for Part-10 doesn't seem to be working on the EPSDD site anymore, but luckily, I'd downloaded it before lodging the complaint with TCCS. I can forward if needed.

**There is no Development Application (DA) for the car park, and it is not exempt from requiring development approval, and the application would require assessment via the Impact Track.**

- On 16<sup>th</sup> March 2012, the Brindabella Christian College were officially informed by the ACT Government and ACT Planning & Land Authority that their request for a development application exemption for their car park development was not accepted. The correspondence states *"The proposal for a new College car park and associated works to be located over part Block 23 Section 41 Lyneham is in the opinion of the ACT Environment and Sustainable Directorate, considered not to be exempt from requiring development approval."* [FOI reference EPSDD 19/28355 Page 43 and 44 of Part-01](#)



- In 2014, Sports and Rec requested a direct sale of Block 21 Section 41 Lyneham, in an attempt to allow Brindabella Christian College (BCC) to use Commonwealth funding to develop the car park and provide a sports pavilion on Block 23, Section 41 Lyneham. This fell through. The BCC then submitted a Development Application [DA201426427](#) to seal the site they were temporarily using as a carpark and build a Sports Pavilion. This received strong opposition from the local Lyneham community and the ACT Government confirmed it would no longer endorse BCC to develop on the Lyneham Oval land (available via [Hansard](#) See Lyneham Neighbourhood Oval petition). The BCC withdrew their development application. When BCC withdrew their DA for a 'Sporting facility and ancillary car park' in 2014, the car park became a standalone development (not ancillary), and like in 2012, not assessable under the merit track nor exempt from a DA. Their plans to seal the carpark development as part of an ancillary carpark were no longer endorsed by the ACT Government.
- They still do not have a DA for the car park. All DAs are publicly accessible as per the legislation. I contacted the Environment, Planning and Sustainable Development Directorate (EPSDD) [Public Register](#), and they confirmed that BCC have zero development applications on block 23, Section 41 Lyneham: The Lyneham Neighbourhood Oval.

### Lack of Transport Impact Assessment

- Previous DAs sourced from the [Public Register](#) confirmed that the developers did NOT submit a Transport Impact Assessment or Traffic Report, or any other transport investigations of the impacts on other road users. This was also confirmed via email on 7th April 2022 from [ACEPDCustomerServices@act.gov.au](mailto:ACEPDCustomerServices@act.gov.au).
- The only thing that comes close is a 'Parking Assessment' by Northrop Consulting Engineers for a previous DA, submitted as supporting documentation for a DA on the adjacent site (Block 4). They submitted a 'Parking Assessment' which discussed parking requirements for the school expansion ([DA: 201629628 see page 5 of FOI reference EPSDD 19/28355 Part-10](#)),

but this is in no way a Transport Impact Assessment. It does not investigate impacts on other road users, or increase in traffic to the local road infrastructure. The parking assessment was later re-titled to a 'Traffic Impact Assessment'. This is alarming considering the amount of car traffic that cross over the footpath to access the car park development when the footpath is busy with vulnerable active travel children heading to school.

- Prior to the car park development being constructed and the school expansion DAs being approved, the Government (eg TAMSD and Education Directorate) had requested a Traffic Impact Assessment be completed at numerous stages (eg [DA: 201629628 page 1, 13, 67 and DA: 201426427 page 40 onwards of FOI reference EPSDD 19/28355 Part-10](#)), and specifically directed BCC to consider 'all road users', as per the definition in section 1.2 of a Traffic Impact Assessment, as per the [ACT Traffic Impact Assessment guidelines](#). This mysteriously was never followed through. The ACT Government had recognised the need to protect 'all road' users, but did not uphold this.
- On page 19 of [the FOI reference EPSDD 19/28355 Part-10](#), The Transport Planning Team, Environment and Planning Directorate (EPD), stated that they did not assess DA: 201629628 for Walking and Cycling, Traffic, Public Transport or Freight. The expansion of BCC college was ONLY ever assessed by EPD for Parking capacity.

#### **The BCC made another attempt for direct sale of part of the oval in early 2016.**

- In early 2016, the BCC made another request the ACT Government to ([see email from Chris Sparke, page 65 FOI reference EPSDD 19/28355 Part-01](#)) to purchase part of Block 23, Section 41 Lyneham. In their application, the BCC stated a need for more land due to student numbers growth and the general need for car parking on the site. BCC proposed to purchase this land from the Territory to upgrade the existing parking area and put in sporting courts at the rear of the car park.
- This proposal is alarming when considering the arguments they made for NOT needing to complete or submit a Traffic Impact Assessment in their response to TAMSD for DA: **201629628**, page 67 of [FOI reference EPSDD 19/28355 Part-10](#). The BCC stated that expansion of enrolments had ceased, and the Lyneham campus was already at capacity. They used this as the rationale for not completing a TIA when requested by the Government. This DA was the exact same year, and was regarding school expansion on their school site (Block 4, Section 41).
- Mr Chris Sparke, a Project Manager, at the Office of the Coordinator-General, Project Facilitation and Direct Sales sought advice from EPD (Territory Planning area) and later a 'whole-of-EPD advice' from ACTPLA. In his email he noted that: ([see pg 65 of FOI reference EPSDD 19/28355 Part-01](#))
  - The school has somehow been developed without any car parking facilities on its own land,
  - The previous (DA: 201426427, withdrawn) did not receive support from the community, and there was a subsequent Government back down from the proposal,
  - The land is currently being used under a sublease agreement as a car park, despite the land is technically zoned as Open Urban Space

ACTPLA provided a coordinated / consolidated response, including:



- That a standalone car park was not endorsed on block 23, Section 41 Lyneham, and that a DA for a carpark on this site would require assessment via the Impact Track ([see pages 75, 77 and 78 of FOI reference EPSDD 19/28355 Part-01](#))
  - The Conservator is unlikely to support the sale and a lease proceed, as development of this area as a private car park and private facilities for the school does not appear to be in accordance with the management objectives ([pg 79 of FOI reference EPSDD 19/28355 Part-01](#))
  - EPD would only be able to support the direct sale if there was a successful Territory Plan Variation to rezone the site from a PRZ1 and Overlay Pe: Urban Open Space to a CFZ Community Facility Zone.

**To legally develop the car park on this site, changes would have needed to be made to the Territory Plan (2008).**

- The Planning and Development Act (2007), requires that any variation to the Territory Plan, including changes to the Zone and Overlay need to be done via a Notifiable Instrument, and involves mandatory consultation with [five agencies](#).
- According to the Legislation and on the [EPSDD website](#), “an area of public land must be managed in accordance with the management objectives applying to the area and any plan of management for the area”. Because of the Pe Overlay, there is a legal [Public Land Management Plan \(Instrument No.143 of 2000\)](#)<sup>1</sup> in place for Lyneham Neighbourhood Oval.
- Section 96A and 89 of the Planning and Development Act (2007) discuss Making technical amendments to the Territory Plan, and rezoning of an Overlay. An Overlay can only be rezoned if the change is consistent with the objective for the zone, and requires a Notifiable Instrument. (refer to [chapter 10](#) of the Act, and [section 12.1 the territory plan](#)). **For Example:** The development of a bus layover facility in Turner provides a relevant example of a public land Overlay being removed, and general codes being varied to allow for a transport facility to be eligible for development. The details are presented in the: [Notifiable Instrument NI2015-450: Planning and Development \(Plan Variation No 309\) Notice 2015](#).
- There have been no changes made to the Territory Plan (2008) to accommodate a carpark to be legally developed on Block 23, Site 41.
- Furthermore, it is VERY unlikely that a Territory Plan Variation could be actioned as, noted in Chapter 5 of the Planning and Development Act (2007), The Territory, the Executive, a Minister or a territory authority must also not do anything that is inconsistent with the territory plan.

**The car park is not an ancillary to a sporting facility. It services the collage.**

- The car park was designed and constructed with the clear intent to service the Brindabella Christian College. There are bollards that distinguish it as separate from the Lyneham sportsground. There are clearly marked pedestrian routes and walkways directing pedestrians from the car park to the school entrances. The signage at the entrance of the car

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<sup>1</sup> Note that this plan of management was repealed by the Planning and Development Act 2007 A2007-24, s 428 (2). However, under transitional arrangements by the new Act, s 467 it is taken to be a plan of management under that Act (so its still the Plan of Management for Lyneham Neighbourhood Oval)

park that states it is for 136 Brigalow St, and has the clear intent to identify the car park as a Brindabella Christian College car park.

- As part of their Development Application (DA: 201629628) for the expansion of their school on Block 23, Section 41, Lyneham, the BCC stated that they sublease the Lyneham Oval for the purposes of a car park to service the school and is to be 'considered as parking for the BCC' for the purposes of their 2016 expansion (see statements made on **Pages 6 and 10 in FOI reference EPSDD 19/28355 Part-10** as well as image from Northrop Consulting Engineers below, sourced from page 5 of the document).

Image: Parking Assessment from Northrop Consulting Engineers as part of the Development Application: 201629628 to EPD (Environment, Planning and Development, ACT Government)

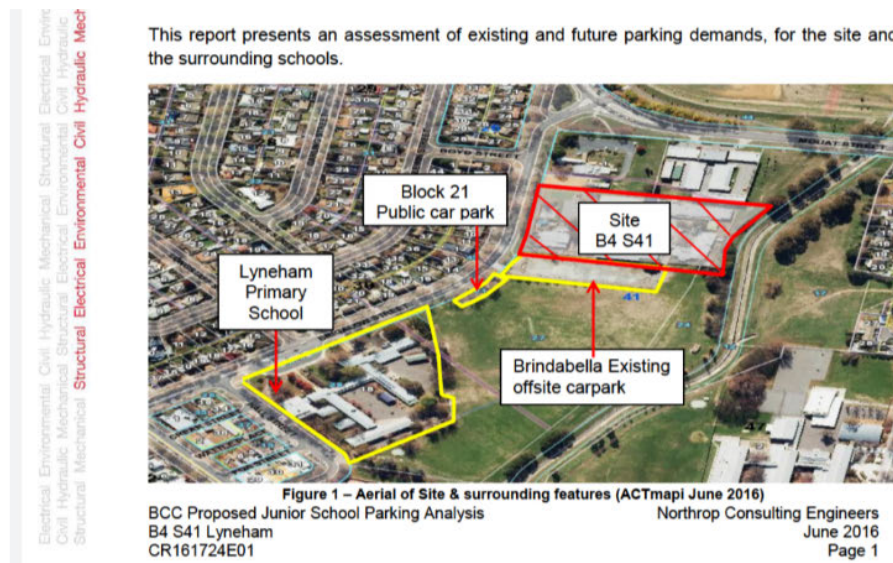


Image: Statement from Northrop Consulting Engineers, BCC developers on Pg 6 of the FOI: EPSDD 19/28355 Part-10

Mechanical S

The BCC has limited parking on its own site, however south of the site on Block 23 there is an existing gravel carpark which is used by the BCC under a sublease agreement with Sport and Recreational Services, as such this parking can be considered as onsite parking for the BCC.

- The Brindabella Christian College and the car park are in separate zones. The college is on CFZ Community Facility Zone, and the car park is on the adjacent PRZ1 Urban Open Space zone. An educational establishment is prohibited in the PRZ1 zone.
- In 2018, representatives from the Lyneham Community Association (LCA) met with the custodians (Sports and Recreation Services) and were told that the car park was actually for public use. The LCA suggested that, if that is the case, signs should be erected to inform the public it is a public car park. This has never been actioned. The signage still says "Brindabella Christin College", 136 Brigalow, and the public remains un-aware that this is a car park on public land. This is deliberate.

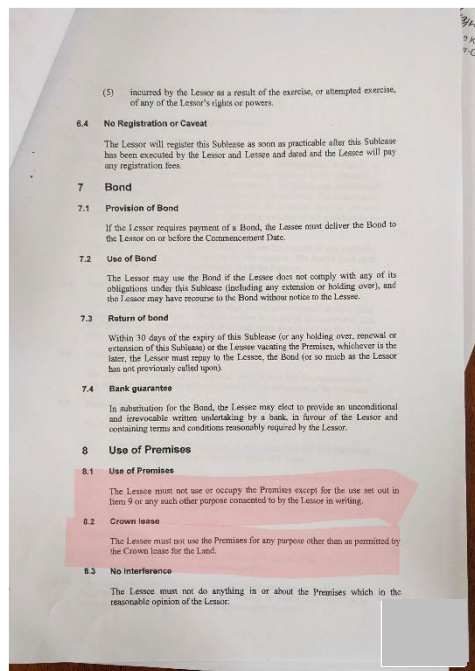


- The car park is exclusively used by Brindabella staff and families. The BCC has no intention of recognising or supporting public use of the car park. The car park has historically been chained off to ensure the public does not have access. It is concerning that the custodians, TCCS (Sports and Recreation Services, ACT Government) mislead the LCA that it was a public car park. More than 5 years later, its still obviously servicing ONLY the BCC.
- There is no question that the car park services the school. It is NOT 'ancillary' to the Lyneham Neighbourhood Oval. There is and already was a sufficient car park that services the playing field on Block 21, Section 41. Visitors who drive to the Lyneham Neighbourhood Oval exclusively park in this existing car park, that is titled 'Lyneham 1 Sportsground Parking' on Google Maps and identified as the ancillary car park for the Lyneham neighbourhood sports ground.
- This is also illustrated in the image from Northrop Consulting Engineers below.
- More evidence of this information is that the parking lot has not been listed on Google Maps, or any ACT maps as a car park. The parking facilities for the Lyneham Neighbourhood Oval are clearly identified on Google and ACT Custodial map.
- If there is an attempt of the lease holder to argue that this car park is ancillary to the Lyneham Neighbourhood Oval (LNO), to align it with an approved land use of the PRZ1 zone in a deliberate attempt to sanction it within the legislation, then this is blatant manipulation and disregard for the ACT community and ACT legislation. The community and the government were strongly opposed to a stand alone car park on the site, as evidenced in the FOI.

#### **Breach of the Sub-lease:**

- Brindabella Christian College sublease a part of the Lyneham Neighbourhood Oval (LNO) from the crown. The sub-lease commenced on the 1 st of May 2009, and the lease goes for 20 years, until 30 April 2029. The purpose of the sub-lease is for: “outdoor sports facility and ancillary thereto car parking” (refer to Item 9, Schedule 1, Sublease).
- The lease is managed by Sports and Recreation Facilities (within Transport Canberra and City Services), who are the Custodians.
- Section 8 and Schedule 1 of BCCs sublease clearly states that the site can only be used for an ‘Outdoor Sports Facility and ancillary thereto car parking’. No other development is permitted, especially one that is not permitted by the crown lease (section 8.1 and 8.2 of the sub lease).
- The development application (DA number 201426427) for ‘a new sealed car park, new two-story community activity centre and sports pavilion, and new outdoor playing courts’ was withdrawn in 2014, and a revised development application was not supported by the custodians of the land (Sports and Recreation Services, TCCS).

**Image: Photographs of the sub-lease and crown lease, available via the public register: [ACTLIS](#)**



Schedule 1	
Item 1: Lessee:	BRINDABELLA CHRISTIAN EDUCATION LIMITED ACN 100229649
Item 2: Land:	Block 23 Section 41 Division of Lyneham
Item 3: Premises:	Area 1 in the Subleasing Plan number 6644
Item 4: Term:	20 years
Item 5: Commencement Date:	1 May 2009
Item 6: Expiry Date:	30 April 2029
Item 7: Rent:	\$1,000 per annum (plus GST) for the period from 1 May 2009 to 30 April 2010 and thereafter the rent payable as determined in accordance with clause 4.2
Item 8: (a) Rent Review Dates (b) Method of rent review:	On 1 May each year By CPI
Item 9: Use of Premises:	Outdoor sports facility and ancillary thereto car parking
Item 10: Public Liability Insurance:	\$20 million
Item 11: Option Term:	Not applicable
Item 12: Interest Rate:	Five percent per annum (5% pa)
Item 13: Address for Notices:	Lessee: Brindabella Christian Education Limited 136 Brigalow Street Lyneham ACT 2602 Contact Officer: Rick Rand  Lessor: Department of Territory and Municipal Services Sports and Recreation Services Level 8, Moscovitch House, 12 Wattle Street, Lyneham ACT 2601 PO Box 352 Clive Square ACT 2608 Contact Officer:

Developing a standalone car park on the sub lease of the Lyneham Neighbourhood Oval, would require a lease variation, however, the development does not comply with the [Public Land Management Plan \(Instrument No.143 of 2000\)](#) nor the Lease Variation Code in the Territory Plan.

This is the current sublease on [ACTLIS](#). There are no documents of lease variations or amendments.

### Protected Overly (Pe)

Another alarming consideration is that a Public Land Overlay (Pe) is applied to The Lyneham Neighbourhood Oval (Block 23, Section 41), which means it is highly protected under the Territory Plan (2008). It is also Zoned as an RZ1: Urban Open Space, but this is a bit less legally binding than the Overlay protections. (refer to [chapter 10 of the Act](#), and [section 12.1](#) the territory plan).

Other sites that are protected by Overlays in the Territory Plan include ACT National Parks (Overlay: Pb) and protected Wilderness Areas (overlay: Pa). If this disregard for legislation can occur, then what is to stop the next unscrupulous developer from doing the same thing on another piece of highly protected public land, like a National Park or Wilderness Area? It seems crazy that there have been no repercussions or alarm.

**Another argument could be that there is an exemption loophole via the Planning and Development Regulation 2008. But BCC don't qualify and are not listed on the Notifiable Instrument.**

- A school is able to use 'land adjacent to a primary school that is being developed as part of a staged expansion of the school' as part of this regulation, however, the (new/adjacent) site must meet the criteria of being listed by the Minister as an existing school, by being declared by the Minister to be an existing school which is a notifiable instrument (see section 1,96A (1) (b) (iii)). Schools who can expand using adjacent blocks need to have this area classified as an 'existing school' as per the legislation (for example, the Kambah school site and Harrison school site have done this to expand).
- The Brindabella development on Block 23, Section 41, Lyneham, the adjacent block that they sublease, does not meet the regulation. There is only one Existing Schools Declaration

notifiable instrument to date and Brindabella School is not listed, [Notifiable instrument NI2009–353](#).

**Key Resources:**

- The [Territory Plan \(2008\)](#) or the management of an Urban Open Space, a Territory Plan Variation, and other relevant development rules and regulations outlined in the [Planning and Development Act \(2007\)](#).
- The Notifiable Instruments for Territory Plan Amendments (which would be needed to rezone the site for a carpark to be acceptable, eg the [Turner Bus Layover](#)).
- The Existing Schools Declaration notifiable instrument [Notifiable instrument NI2009–353](#) (via the Planning and Development Regulation 2008). BCC are not listed in the instrument to use *'land adjacent to a primary school that is being developed as part of a staged expansion of the school'*.
- The sub-lease of the site. Section 8 and Schedule 1 of the sub lease states that the site can only be used for an **'Outdoor Sports Facility and ancillary thereto car parking'**. The sublease is available from [ACTLIS](#). An electronic copy is available via payment to the Government.
- The [ACTMAPi](#) tool (Ariel Imagery Maps) is used to identify the Land Use Zone and Overlay Zone.
- The DAs for Block 23, Section 41 (the Lyneham Oval that the car park is on) and the DAs for Block 4, Section 41 (the CFZ Community Facility Zone that the College is built on) are publicly available, from the Environment, Planning and Sustainable Development Directorate (EPSDD) [Public Register](#).
- The [Transport Impact Assessment guidelines](#) (especially Section 5.11).
- Policy documents at the time include:
  - The [ACTs Road Safety Action Plan 2016 – 2020](#)
  - The [Transport for Canberra Policy, Transport for a sustainable city 2012-2013](#)
  - The [ACT Planning Strategy Policy, 2012](#)

## FOI to CMTEDD - 27th October 2022

Earlier this year a Controlled Activity Complaint was lodged to TCCS in regards to a car park development on Block 23, Section 41, Lyneham. Please find this attached.

On Tuesday the 19th of July 2022, The TCCS Rapid Regulatory Response Team (RRRT) provided a response that was ambiguous and appears to contradict previous evidence and all ACT Government correspondence regarding the site. Please find this attached.

This FOI is seeking the documents, correspondence or evidence that RRRT relied upon to prepare this response.

I am seeking this information to ensure Government decision making is transparent, accountable and honest.

More broadly, I am pursuing this car park development issue to protect public open green spaces in our community, keep our streets safe for all road users, and uphold the ACT Planning and Development Legislation.

I would like to please **remain anonymous outside of the CMTEDD FOI team**, as I have been provided advice to be careful in pursuing information regarding the car park development.

This FOI is seeking documents to clarify the following assertions made by RRRT in their response:

- 1. The RRRT stated that the car park site is 'public land' and that the car park services visitors to the Lyneham Neighbourhood Oval. The RRRT suggested that historically, spectators and players parked informally on grass or gravel or grass parking within the block. The RRRT implied that this is how the informal gravel car park was created on b23, S41.**

Is this statement an assumption or based on evidence specific to block 23, Section 41 Lyneham?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval. (Ie any actual records or correspondence of visitors to the Lyneham playing fields parking on the grass of the oval).

Aerial photography and correspondence between the school and the ACT Government indicate that the car park was created in 2009 to specifically service the school. There does not appear to be any publicly available evidence to support the notion of sportsground visitors parking informally on the oval.

- 2. The RRRT stated that the car park was sealed (formalised) in late 2016 as 'public works' for or by the Territory, and that formalising the car park was exempt from a development approval as it was maintenance of a car park on public land defined as public works.**

Is this statement an assumption or based on evidence specific to block 23, Section 41 Lyneham?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval. This may include: planning documents prepared in preparation for the infrastructure maintenance works (in late 2016), and/or any contracts or tenders for the works, asset description forms and Works as Executed (WAE) Drawings from 2016, and any ongoing maintenance and handover plans.

- 3. The RRRT stated that the car park within Block 23 Section 41 Lyneham is the property of the ACT Government.**

Is this statement factual or an assumption?

Please provide the specific evidence, documents or correspondence that RRRT used to make this statement in regards to the car park on the Lyneham Neighbourhood Oval.

- 4. The RRRT stated that 'many previous complaints relating to this matter and the representations submitted in relation to DA201629628 raising strong concerns about inadequate street parking'.**

Could the RRRT provide the specific representations they are referring to.

On reading all twenty one written representations that were received during the public notification period for DA201629628 (available in a previous FOI). The community appeared concerned about the increase of traffic in relation to the BCC expansion school itself, either future expansion due to DA201629628 or the capacity for Lyneham street to cope with BCCs recent expansions between 2009-2016. These

community members appeared concerned that the school was parking on public land (the Lyneham Oval).

No submission appears to raise concerns about traffic increases outside of the BCC school expansion. It appears to be misleading for the RRRT to state that representations submitted in relation to DA 201629628 raised concerns about general inadequate parking. There are no submissions that indicate the community were concerned about visitors to the playing fields, or parking capacity created by visitors to the playing fields.

Are there any representations or complaints submitted directly to TCCS about a lack of public car parking for player or spectator visitors to the oval, or any complaints that would support or prompt the development of ancillary car parking for the purpose of servicing visitors to the oval?



## AC-00519634 [case:\_00519634:case] Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

ACT Digital Feedback <digital.feedback@act.gov.au>

25 July 2022 at 15:33

To: [REDACTED]



### ACT Government Feedback Response

**Subject:** Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

Dear [REDACTED]

Thank you for your response to RRRT investigation outcome requesting further information from RRRT.

In regards to further issues raised, please find below responses.

The investigation outcome sent to you is as a result of your complaint to Access Canberra (AC) considering the complaint as a controlled activity complaint which is not subject to a fee payment.

This decision is not subject to appeal rights at the Tribunal.

The investigation outcome is final unless you provide new evidence to substantiate your claim/s.

If you wish AC to consider your application as an application for a Controlled Activity Order (CAO) then the application will be considered upon payment of an application fee of \$443.35.

If you wish to proceed with the CAO application, please pay the fees by calling AC Customer Services Mitchell Building Counter (No. 8 Darling Street Mitchell) via telephone 02 6205 5353.

A decision from AC subject to a paid application for CAO is appealable at the Tribunal.

In regards to whether the carpark on B23 S41 Lyneham is a public carpark, there is no definition in the Territory Plan (TP) for the term "public carpark".

However, I have requested advice from the Environment Planning and Sustainable Development Directorate (EPSDD) whether B23 is identified as "public land".

I will provide you with EPSDD advice once received from EPSDD.

EPSDD advised in general that the TP definition for "public land" is only to identify that a land identified as "public land" is subject to the Conservator of Flora and Fauna's management. It doesn't impose a right of public use of the land.

Also, EPSDD advised that the Crown lease over B23 S41 Lyneham is an Executive Lease and the Crown leases is a private lease. There are no restrictions in the Crown lease to subleasing the land.

Carpark is on B23 S41 Lyneham. During RRRT inspection, inspectors did not observe any measures placed at the carpark restricting public access to the carpark.

Investigation of RRRT was only focused on whether the car park on B23 (which is subject to a lease granted to Transport Canberra and City Services Directorate – TCCS) is allowable in its current form.

Sublease agreement between TCCS and Brindabella Christian College is not subject to the investigation by RRRT of your complaint because as mentioned in the earlier response, RRRT has no authority to investigate matters relating sub-leases.

You may wish to submit your concerns about management of the carpark to TCCS for a response.

In response to your query whether the advice from RRRT can be shared publicly, the advice from RRRT is not subject to privacy requirements.

In regards to your query “has advice been sought from ACTPLA to prepare this response? and does ACTPLA align with the position of RRRT?”, Access Canberra is responsible for assessing and investigating complaints about breaches of the *Planning and Development Act 2007*. Determining the outcome of an investigation is at the discretion of Access Canberra; in accordance with investigative principles and the Access Canberra Accountability Commitment. There is no statutory requirement to validate investigative outcomes relating to alleged controlled activities with the Environment, Planning and Sustainable Development Directorate (EPSDD), although Access Canberra will consult with EPSDD regarding policy intent from time to time, as appropriate.

Thank you and hope the above information is of assistance.

Regards

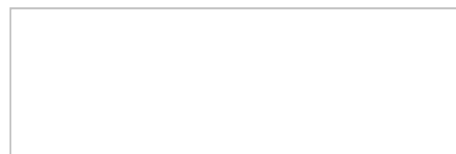
**Ajith Buddhadasa**

**Assistant Director – Manager - Rapid Regulatory Response Team | Building and Planning Compliance  
Construction Utilities and Environment Protection**

**Access Canberra | ACT Government**

TP – 02 6205 8359

8 Darling Street, Mitchell | GPO Box 158 Canberra City ACT 2601 | <http://www.act.gov.au/accesscbr>



----- Original Message -----

From: [REDACTED] [REDACTED]

Sent: 25/07/2022 11:02 AM

To: [digital.feedback@act.gov.au](mailto:digital.feedback@act.gov.au)

Subject: Re: AC-00519634 [case:\_00519634:case] Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important<<http://www.act.gov.au/emailsecurity>>

Hi Ajith,

Thank you for your phone call on Friday.



In the phone call you mentioned that this was the final decision of the ACT Government.

You also mentioned that there is possibility to pay a fee for a Controlled Activity Order, and that the decision would stay the same, but it would be eligible for review via ACAT.

When i asked for the instructions for the fee and submitting the Controlled Activity Order process, you said you would have to double check with your EBM before putting it in writing.

Have you had a chance to talk with your EBM?

I am also wondering:

- Is the car park public, and is it legal for the general public (ie visitors to the playing feild, or non Brindabella Christian Collage visitors to park here)?
- Is this response from the RRRT team able to be shared publically?
- Has advice been sought from ACTPLA to prepare this response? and does ACTPLA align with the position of RRRT?

Thank you for your advice,

Please let me know how to lodge a Controlled Activity Order.

Thank you.

On Tue, 19 July 2022, 11:06 am ACT Digital Feedback, <[digital.feedback@act.gov.au](mailto:digital.feedback@act.gov.au)<mailto:[digital.feedback@act](mailto:digital.feedback@act.gov.au).gov.au>> wrote:

[Access Canberra Header]

ACT Government Feedback Response

Subject: Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

Dear [REDACTED]

Thank you for contacting Access Canberra (AC) in regards to your concerns about the carpark located on Block 23 Section 41 Lyneham (Lyneham Playing field) and adjacent to the Brindabella Christian College (BCC). Your concern relates to the legality of the car park being used by BCC.

Your complaint was referred to AC's Rapid Regulatory Response Team (RRRT), which carried out a preliminary investigation which included a review of previous development approvals in relation to BCC developments, applicable legislative provisions and broader planning perspectives. Also included in the investigation was a site inspection of the carpark conducted by RRRT inspectors on 13 July 2022.

The car park of concern is located on the Lyneham Playing Field and is ACT Government property, with a Crown lease (CL) granted to Transport Canberra and City Services Directorate (TCCS) on 30 April 2009, which permits the use of the block for any purpose permitted pursuant to the Territory Plan. Block 23 is zoned as PRZ1 Urban Open Space Zone in the Territory Plan (TP). The current use of Block 23 is as a playing field. The playing field is listed as a permissible use in PRZ1 zone as outlined in the PRZ1 Development Table contained in the TP, therefore on Block 23 Section 41 Lyneham (Lyneham Playing Field).

Territory Plan definition for playing field:

Playing field means the use of land for the conduct of sports, athletics and games and includes facilities with such land for the enjoyment or convenience of the public such as kiosks, car parks, changing facilities, pavilions and the like. It has unrestricted public access.

During the site inspection, it was observed that the car park was not restricted for public access. There was no evidence

of the car park being gated, nor any sign posted restricting public access. Therefore, RRRT were satisfied that the carpark is within Block 23 Section 41 Lyneham (Lyneham Playing Field) and available for public use and remains the property of the ACT Government.

In regards to your concern about the current sublease agreement over the carpark between TCCS and BCC, RRRT received previous advice from the Government Solicitor's Office (GSO) that the administering of subleases is not subject to the Planning and Development Act 2007 (P&D Act) because the definition of "lease" in the P&D Act excludes 'sublease'.

### 235 Meaning of lease—Act

In this Act:

lease means a lease (other than a sublease) of territory land—

(a) granted under this Act; or

(b) granted or arising under the Unit Titles Act 2001<<http://www.legislation.act.gov.au/a/2001-16>>.

Note Some leases are taken to have been granted under this Act and so come within this definition of lease (see s 456).

As the sublease cannot be subject to a controlled activity under the P&D Act, AC's RRRT has no jurisdiction to investigate the issue.

In addition, RRRT investigated whether the concerned carpark could exist on Block 23 and whether a development approval was required to establish a carpark on that block.

As mentioned above, a playing field is a permissible use on the block and the TP definition for playing field includes associated carparks. It is noted that a carpark as a stand-alone development is a prohibited development on blocks within PRZ1 zone (see PRZ1 Development Table in the TP). However, a carpark is a permissible use in PRZ1 if it is an ancillary use to the main use of the block i.e. carpark is ancillary to the playing field use.

Any development on Block 23 must be subject to the requirements of Parks and Recreation Zone Development Code (PRZDC). Developments also must address the requirements of Parking and Vehicular Access General Code (PVAGC) which stipulate car parking requirements for developments on the block.

Section 3.9.5 in Chapter 3.9 of PVAGC outlines parking requirements for playing fields. Section 3.9.4 of PVAGC states that short stay, operational and visitor parking to be on-site, and long stay parking to be provided on-site or within 200 metres from the block. Section 3.9.5 of PVAGC also states playing field parking numbers to be determined subject to individual assessment.

The investigation noted that many previous complaints relating to this matter and the representations submitted in relation to DA 201629628 (development approval for construction of various school buildings in BCC premise) raised strong concerns about inadequate street parking and anticipated increase in traffic congestion on Brigalow Street, Lyneham.

AC Records have identified no development approvals for a playing field on Block 23. However, it is AC's understanding that all similar playing fields including Block 23 in ACT had been established by the then National Capital Development Commission (NCDC). It is also AC's understanding that at that time, the parking required for playing fields although appearing informal, had been provided for on either gravel or lawn areas, outside of the actual playing field areas within the playing field blocks. Traditionally, when playing events were carried out, it was normal practice to permit spectators and players to park their vehicles on these gravel or lawn areas outside of the actual playing field areas within the block. Therefore, as required by PVAGC, it is not possible for the existence of a playing field without providing for car parking for that playing field.

Whether car parking outside Block 23 is available to accommodate carparking for the playing field on Block 23?

As mentioned above, Brigalow Street on-street parking is not a viable option to provide the required car parking for Block 23. This is further supported by previous complaints and community concerns around the width of Brigalow Street, types of other developments along Brigalow Street also requiring car parking, traffic congestion experienced during peak hours etc.

The other carparking area currently available near Block 23 is located on Block 21 Section 41 Lyneham. Block 21 is un-leased Territory land (Land custodian is TCCS) located within PRZ1 zone. Block 21 in its entirety, is a stand-alone use for car parking. As per PRZ1 development table in the Territory Plan, car parking as a stand-alone development is a prohibited use on Block 21. Therefore, it would be reasonable to accept that at least a portion of the carparking numbers required for Block 23 although achieved in an informal manner, had been accommodated within Block 23.

Whether the informal car parking on Block 23 can be formalised without a development approval?

Block 23 is public land. Section 1.90, Schedule 1 of Planning and Development Regulation 2008 (P&D Regulation) stipulates criteria for public work exempt from a development approval. In Section 1.90, maintenance of a car park on public land is defined as public works. Section 1.90 (1) states that a designated development for public works carried out for the Territory is exempt from a development approval under this Section. Therefore, it is determined that the formalising

of the informal carpark on Block 23 Section 41 Lyneham (Lyneham Playing Field) is exempt from a development approval.

Also, the TP definition for "structure" is:

Structure includes a fence, mast, antenna, aerial road, footpath, driveway, carpark, culvert or service conduit or cable. Therefore, car park is a structure whether it is a formalised car park or gravel or grass car park etc.

Section 1.22 of the P&D Regulation (Schedule 1) covers exterior refinishing of buildings and structures and states: s1.22(2):

(2) A designated development for altering the exterior material or finish of a building or structure if—

1. the alteration involves—

(i) painting the exterior of the building or structure to change its appearance, other than—

(A) painting a design or sign on the exterior of the building or structure; or

(B) painting the building for maintenance; or

Note For maintenance, see s 1.23.

(ii) replacing or covering an exterior item (other than an excluded item) of the building or structure with the same or a different material; and

Examples

1 changing a house roof from metal sheet to tile

2 changing weatherboard cladding to brick-veneer

3 rendering exterior brickwork with cement render

RRRT accepts that there is a car park ancillary to the playing field, although in an informal manner. Otherwise, it would not be possible to have a playing field of this nature without that associated car parking. Therefore, it is possible to formalise the informal car park by way of maintenance and exterior refinishing of a structure which is what has occurred.

Previous advice received from the Environment, Planning and Sustainable Development Directorate (EPSDD) was focused on school exemptions as covered in the P&D Regulation. The advice provided by EPSDD may have been limited by the scopes of those requests and may not have been required to consider the above.

It is evident that EPSDD did recognise this car park as an existing car park when approving development application (DA) 201629628 for the Brindabella school development (see below). This DA could not have been approved without the existence of this carpark. Development under this DA had already been completed.

DA 201629628 relates to Block 4 Section 41 Lyneham (BCC premises) and was approved for:

- \* the construction of a school building comprising 15 classrooms and an assembly area;
- \* removal of regulated Trees 75, 78 and 81; and
- \* associated works.

During EPSDD's assessment of the DA, it was required to consider carparking requirements for the proposed development as required by PVAGC.

Block 4 Section 41 Lyneham is located within the CF Community Facility Zone within TP zoning. On 9 June 2016, a Parking Assessment prepared and submitted by Northrop Consultants in support of the DA, outlining car parking numbers required for the development and their locations. As per PVAGC, parking locations are as follows (Clause 3.6.4 of PVAGC):

- \* For long stay parking, on site or within 200m;
- \* For short stay parking, on site or within 100m;
- \* For operational parking, on-site; and
- \* For visitor parking, on site or within 100m, from the block.

In order to provide car parking for the proposed development on Block 4, the report recommended mainly to consider existing car parking on Block 23 (Lyneham playing field) and on Block 21, adjacent to the playing field. The DA was referred to then EPSDD Transport Planning and Major Projects Section for consideration in relation to car parking provisions which supported the proposal with carparking located on Blocks 21 and 23.

Following Transport Planning advice amongst other entity advice, the DA was referred to EPSDD's Major Projects Review Group (MPRG) for advice. MPRG referred the matter to EPSDD Decision Assurance Panel (DAP) (MPRG sits within DAP) which advised that the development proposed can be approved with conditions. DAP/MPRG also noted the existence of a sublease agreement between TCCS and BCC, for BCC to use a portion of land within Block 23 for car parking ancillary to the outdoor sports facility. Accordingly, on 2 September 2009, DA 201629628 was approved with conditions. Without considering the existence of car parking on Block 23, it would not have been possible to approve the DA.

Based on the above investigation outcomes, RRRT considered that the concerned car park is a public carpark on Block 23, and the formalisation of carparking from previous informal carparking was possible within the provisions of Schedule 1 of P&D Regulation. Therefore, RRRT have determined that the concerns you have raised, were unable to be substantiated and no further regulatory action warranted at this time.

Thank you for contacting Access Canberra and we hope the above information is of assistance.

Ajith Buddhadasa

Assistant Director – Manager - Rapid Regulatory Response Team | Building and Planning Compliance  
Construction Utilities and Environment Protection

Access Canberra | ACT Government

TP – 02 6205 8359

8 Darling Street, Mitchell| GPO Box 158 Canberra City ACT 2601 | <http://www.act.gov.au/accesscbr>

[X]

----- Original Message -----

From: ACT Digital Feedback [[digital.feedback@act.gov.au](mailto:digital.feedback@act.gov.au)<<mailto:digital.feedback@act.gov.au>>]

Sent: 30/06/2022 12:13 PM

To: [REDACTED] <[mailto:\[REDACTED\]](mailto:[REDACTED])>

Subject: AC-00519634 [case:\_00519634:case] Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

ACT Government Feedback Response

Subject: Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

Dear [REDACTED],

Thank you for contacting Access Canberra to raise your concerns about the car park on B23 S41 Lyneham.

In regards to your complaint, Access Canberra is in the process of seeking legal advice in relation to your concerns therefore a response will be sent to you once the receipt of legal advice by Access Canberra.

Regards

Ajith Buddhadasa

Assistant Director – Manager - Rapid Regulatory Response Team | Building and Planning Compliance  
Construction Utilities and Environment Protection

Access Canberra | ACT Government

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----- Original Message -----

From: ACT Digital Feedback [[digital.feedback@act.gov.au](mailto:digital.feedback@act.gov.au)<<mailto:digital.feedback@act.gov.au>>]

Sent: 22/06/2022 11:23 AM

To: [REDACTED] [mailto:\[REDACTED\]](mailto:[REDACTED]) >

Subject: AC-00519634 [case:\_00519634:case] Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

ACT Government Feedback Response

Subject: Planning - Lease Compliance - Un approved structure - Lyneham Neighbourhood Oval (LNO), LynehamB23 S41

Hello [REDACTED]

Thank you for contacting Access Canberra.

This matter has been forwarded to the appropriate business unit for further review. They may contact you directly if they require further information.

Kind regards,

Complaints Management Team

Phone 13 22 81

Access Canberra | ACT Government

ref:\_00D281dej1.\_5004a8Ye2d:ref[<https://actgov.my.salesforce.com/servlet/servlet.ImageServer?oid=00D28000001dej1&esid=0184a000004n2Hv&from=ext>]

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Entered in Register Book Vol 1873 Folio 68

**This is not a concessional  
lease - s238(2) Planning  
and Development Act 2007**



Danielle Krajina  
Registrar-General



30 APR 2009

**AUSTRALIAN CAPITAL TERRITORY****PLANNING AND DEVELOPMENT ACT 2007****Australian Capital Territory (Planning and  
Land Management) Act 1988 (C'th) (ss 29, 30 & 31)**

LESSEE

LAND

TERM

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the Regulations made under that Act on the *Twentieth* day of *March* Two thousand and nine WHEREBY THE PLANNING AND LAND AUTHORITY ("the Authority") ON BEHALF OF THE COMMONWEALTH OF AUSTRALIA ("the Commonwealth") in exercising its functions grants to the **AUSTRALIAN CAPITAL TERRITORY** whose registered address is care of the Department of Territory and Municipal Services of 12 Wattle Street Lyneham in the Australian Capital Territory ("the Lessee") ALL THAT piece or parcel of land situated in the Australian Capital Territory containing an area of **5.133 hectares** or thereabouts and being **Block 23 Section 41 Division of Lyneham** as delineated on **Deposited Plan Number 10550** in the Registrar General's Office at Canberra in the said Territory ("the land") RESERVING unto the Territory all minerals and the right to the use, flow and control of ground water under the surface of the land TO HOLD unto the Lessee for the term of ninety nine years commencing on the *Twentieth day of March* **Two thousand and nine** ("the date of the commencement of the lease") to be used by the Lessee for any purpose permitted pursuant to the Territory Plan YIELDING AND PAYING THEREFOR rent at the rate of five cents per annum if and when demanded and UPON AND SUBJECT TO the covenants conditions and agreements contained in this lease.

**INTERPRETATION 1. THIS LEASE unless the contrary intention appears:**

- (a) "Authority" means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) "premises" means the land building and all other improvements on the land;
- (c) "Territory" means:
  - (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C'th);
- (d) "Territory Plan" means the Territory Plan as in effect from time to time under the Planning and Development Act 2007;
- (e) words in the singular include the plural and vice versa;
- (f) words importing one gender include the other genders;
- (g) a reference in this lease to any statute or statutory provision shall include reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

**2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:**

- |                              |   |
|------------------------------|---|
| TRANSFER                     | (a) That the Lessee shall not transfer the premises or any part of the premises;  |
| BUILDING SUBJECT TO APPROVAL | (b) That the Lessee shall not without the previous approval in writing of the Authority erect any building, or make any structural alterations to any building, on the land;  |
| PRESERVATION OF TREES        | (c) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree: <ul style="list-style-type: none"><li>(i) that has been identified in a development approval for retention during the period allowed for construction of the building; or</li><li>(ii) to which the <u>Tree Protection Act 2005</u>, applies;</li></ul> |

COMPLY WITH  
LEGISLATION

- (d) That the Lessee shall manage that part of the land identified as public land under the Territory Plan in accordance with the management objectives under the Planning and Development Act 2007 and comply with a Plan of Management (if any) prepared under that Act.

**3. IT IS MUTUALLY COVENANTED AND AGREED as follows:**

EXERCISE OF  
POWERS

- (a) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:
- (i) the Authority;
  - (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
  - (iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

IN WITNESS whereof the Authority on behalf of the Commonwealth and the Lessee have executed this lease.

Signed by **DULCE LANDER** )  
a delegate authorised to execute this lease )  
on behalf of the Commonwealth in the )  
presence of: **BRONWYN PODMORE** )

.....  
Delegate

.....  
Witness

SIGNED SEALED AND DELIVERED )  
by )  
for and on behalf of the Australian Capital )  
Territory in the presence of: )

.....  
Lessee  
**SUSAN JANE MARRIAGE**  
.....  
Witness  
**RICHARD RAO**  
.....  
**RICHARD RAO**

SPORTS & RECREATION  
SERVICES TO  
TAMS.  
DIRECTOR.



## **PRZ1 - Urban Open Space Zone**

### **Zone Objectives**

- a) Provide an appropriate quality, quantity and distribution of parks and open spaces that will contribute to the recreational and social needs of the community
- b) Establish a variety of settings that will support a range of recreational and leisure activities as well as protect flora and fauna habitats and corridors, natural and cultural features and landscape character
- c) Allow for stormwater drainage and the protection of water quality, stream flows and stream environs in a sustainable, environmentally responsible manner and which provides opportunities for the community to interact with and interpret the natural environment
- d) Allow for ancillary uses that support the care, management and enjoyment of these open spaces including park maintenance depots, small-scale community activity centres
- e) Ensure that development does not unacceptably affect the landscape or scenic quality of the area, adequacy of open space for other purposes, or users, access to open space, or amenity of adjoining residents
- f) Provide for integrated land and water planning and management
- g) Provide safe pedestrian and cycling access to urban open space to promote active living.

## PRZ1 – Urban Open Space Zone Development Table

<b>EXEMPT DEVELOPMENT</b>	
Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease.	
Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008)	
<b>ASSESSABLE DEVELOPMENT</b>	
Development application required. On leased land, development must be authorised by a lease.	
<b>MINIMUM ASSESSMENT TRACK CODE</b>	
Development listed below requires a development application and is assessed in the code track	
<b>Development</b>	
No development identified.	
<b>MINIMUM ASSESSMENT TRACK MERIT</b>	
Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map.	
<b>Development</b>	
ancillary use	minor use
aquatic recreation facility	municipal depot
communications facility	outdoor recreation facility
community activity centre	parkland
consolidation	playing field
demolition	sign
development in a location and of a type identified in a precinct map as additional merit track development	subdivision
major road	temporary use
MAJOR UTILITY INSTALLATION	varying a lease (where not prohibited, code track or impact track assessable)
minor road	
<b>MINIMUM ASSESSMENT TRACK IMPACT</b>	
Development listed below requires a development application and is assessed in the impact track	
1. Development that is not: <ul style="list-style-type: none"> <li>a. Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); or</li> <li>b. Prohibited development, other than development that is permitted under s137 of the Planning and Development Act 2007.</li> </ul>	
2. Development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.	
3. Development that is authorised by a lease and listed as a prohibited use in this table.	
4. Development declared under section 124 or section 125 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.	
5. Varying a lease to add a use assessable under the impact track.	

PROHIBITED DEVELOPMENT	
Development listed below is prohibited development unless the development is identified elsewhere in this development table as assessable under the code, merit or impact track.	
agriculture	liquid fuel depot
airport	mining industry
animal care facility	mobile home park
animal husbandry	nature conservation area
boarding house	NON-RETAIL COMMERCIAL USE
bulk landscape supplies	offensive industry
car park	overnight camping area
caravan park/camping ground	pedestrian plaza
cemetery	place of assembly
child care centre	place of worship
civic administration	plant and equipment hire establishment
club	plantation forestry
community theatre	produce market
COMMERCIAL ACCOMMODATION USE	public agency
corrections facility	public transport facility
craft workshop	railway use
cultural facility	recyclable materials collection
defence installation	recycling facility
development in a location and of a type identified in a precinct map as additional prohibited development	religious associated use
drink establishment	RESIDENTIAL USE
drive-in cinema	restaurant
educational establishment	retirement village
emergency services facility	sand and gravel extraction
farm tourism	scientific research establishment
freight transport facility	service station
funeral parlour	shop
general industry	stock/sale yard
group or organised camp	store
hazardous industry	tourist facility
hazardous waste facility	transport depot
health facility	varying a lease to add a use listed as “prohibited development” in this development table
home business	vehicle sales
hospital	veterinary hospital
incineration facility	warehouse
indoor entertainment facility	waste transfer station
indoor recreation facility	woodlot
industrial trades	zoological facility
land fill site	
land management facility	
light industry	
RELEVANT CODE	
Development proposals must comply with the Parks and Recreation Zone Development Code.	

#### NOTE ABOUT ANCILLARY, MINOR AND TEMPORARY USE

Some development that would otherwise be prohibited may be assessed under the merit track if they can be defined as *ancillary, minor or temporary use*. For example, a *car park* alone is prohibited, but could be considered if it is ancillary to a *playing field* which is an assessable development under the merit track.



ACT Planning &  
Land Authority

# Definitions



## Table of Contents

Part A – Definitions of Development .....	1
Part B – Definitions of Terms .....	32





## Part A – Definitions of Development

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Agriculture</b> means broadacre animal farming, crop and pasture production, and <i>horticulture</i> for commercial wholesale production, but does not include <i>animal husbandry</i> or any cultivation or animal farming carried out primarily for the personal enjoyment of, or consumption by, the owner(s) or occupant(s) of land.	<b>Horticulture</b> means the use of land for intensive plant production such as fruit, vegetable or flower production (including berries and vines).	Horse agistment Livestock grazing
	<b>Airport</b> means the use of land for the landing or departure of aircraft; the term includes facilities provided at such premises for the housing, servicing, maintenance and repair of aircraft and for the assembly of passengers and goods prior to the transport of these passengers and goods either to or from an <i>airport</i> .	<b>Helicopter landing facility</b> means the use of land authorised by the Civil Aviation Authority for use by helicopters whether or not terminal facilities or hangar storage are included.	Air cargo facilities Air terminals General aviation facilities Landing fields Military aviation facilities
	<b>Ancillary use</b> means the use of land for a purpose that is ancillary to the primary use of the land.	<b>Outbuilding</b> means a shed, garage or similar structure that is <i>ancillary</i> to the permitted use of the land.	
	<b>Animal care facility</b> means the use of land for the purpose of caring, boarding, breeding or raising of predominantly domestic or household animals.		Catteries Kennels
	<b>Animal husbandry</b> means any form of animal production that either takes place within the confines of a building or buildings where livestock are reared in confined areas excluding any husbandry carried out mainly for the personal enjoyment of, or consumption by, the owner(s) or occupier(s) of the land.		Feedlots Fish farming Poultry establishments Shedded wool production
	<b>Apartment</b> see <i>Multi-unit housing</i>	<b>Serviced apartment</b>	Flats Home units

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Aquatic recreation facility</b> means the use of land for a sporting, exercise, pastime or leisure activity, whether or not operated for gain, which is based on the recreational use of an <i>adjacent</i> water feature, but does not include a swimming pool or an aquarium.		Boat landing facilities Boat sheds Marinas Swimming facilities Wharves
	<b>Attached house</b>		Aged persons' unit (attached) Row house Semi-detached house Terrace house Townhouse Villa house
	<b>Boarding house</b> means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the <i>boarding house</i> , and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A <i>boarding house</i> is not licensed to sell liquor under the <i>Liquor Act 2010</i> .		Lodging house Private hotel Serviced room
	<b>Bulk landscape supplies</b> means the use of land for the bulk sale of sand, soil, screenings and other such garden materials.		
	<b>Bulky goods retailing</b> <i>see SHOP</i>		Auction rooms Camping equipment sales Carpet sales Do-it-yourself home improvement centres Furniture and furnishing sales Hardware stores Showroom for bulky goods
	<b>Business agency</b> <i>see NON-RETAIL COMMERCIAL USE</i>		Computer service Health insurance agency Real estate agency Travel agency
	<b>Car park</b> means the use of land specifically allocated for the parking of motor vehicles.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Caravan park/camping ground</b> means the use of land for the placement of caravans or tents for the purpose of temporary accommodation and may include cabins for overnight and holiday accommodation, amenity <i>buildings</i> , recreational and entertainment facilities, manager's <i>office</i> and residence and <i>shops</i> which cater for the occupants of the <i>caravan park/camping ground</i> .		Cabins
	<b>Caretaker's residence</b> see <i>RESIDENTIAL USE</i>		
	<b>Cemetery</b> means the use of land for the interment or the cremation of the dead including any <i>funeral parlour</i> or chapel erected on such land and used in connection with the cemetery.		Burial ground Cemetery (public land reserve) Crematorium Graveyard
	<b>Chancellery</b> see <i>Office</i>		
	<b>Child care centre</b> see <i>COMMUNITY USE</i>		Adjunct care Creche Long day care Occasional care centre Playschool
	<b>Civic administration</b> means the use of land for the purpose of carrying out the legislative and judicial functions of government.		ACT Legislative Assembly Archive Civic centre Court of Law Tribunal
	<b>Club</b> means the use of land as a meeting place for persons associated, or for a body incorporated, for a social, sporting, athletic, literary, political or other like purpose, and which is a licensed premise under the <u>Liquor Act 2010</u> .		Ethnic clubs Football club Labor club Leagues club RSL club
	<b>Commercial accommodation unit</b> see <i>COMMERCIAL ACCOMMODATION USE</i>	<b>Serviced apartment</b>	

Umbrella Term	Development	Sub-categories	Some Common Terminology
<p><b>COMMERCIAL ACCOMMODATION USE</b> does not include a <i>caravan park/camping ground</i> or a <i>group or organised camp</i>.</p>	<p><b>Commercial accommodation unit</b> means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. A commercial accommodation unit may comprise a <i>dwelling</i> but not a room or suite of rooms within a <i>dwelling</i>. It does not include any associated facility such as a <i>restaurant</i>, bar or functions room, which may be used by the occupants of the premises but, which is also available for use by non occupant members of the public.</p>		
	<p><b>Guest house</b> means the use of land for one or more <i>commercial accommodation units</i> and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non occupant members of the public.</p>		
	<p><b>Hotel</b> means the use of land for one or more <i>commercial accommodation units</i> and where the premise is licensed under the <u>Liquor Act 2010</u>. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non occupant members of the public.</p>		
	<p><b>Motel</b> means the use of land for one or more <i>commercial accommodation units</i> and where the units are provided with convenient space for parking of motor vehicles. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non occupant members of the public. A motel may be licensed under the <u>Liquor Act 2010</u>.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
<b>COMMERCIAL ACCOMMODATION USE</b> does not include a <i>caravan park/camping ground</i> or a <i>group or organised camp</i> .	<b>Serviced apartment</b> means an <i>apartment</i> that is used as a <i>commercial accommodation unit</i> .		
	<b>Tourist resort</b> means the use of land for one or more <i>commercial accommodation units</i> together with a wide range of recreational and/or cultural facilities in a resort style setting. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non occupant members of the public. A tourist resort may be licensed under the Liquor Act 2010.		
	<b>Communications facility</b> means the use of land for the provision of facilities for postal, telecommunications and other communication purposes including facilities used for receiving and transmitting radiated signals using radio masts, towers, and antennae systems but does not include cabling or ducting used for the carrying of electromagnetic signals.		Mobile phone antenna Satellite or microwave dish Radar equipment Aviation navigation communication Space tracking facility Telecommunication facility, depot Television/radio broadcasting facility Australia Post exchange Australia Post facility, Depot Telephone exchange
	<b>Community activity centre</b> see <i>COMMUNITY USE</i>		Child minding Community centre Community hall Meeting rooms Men's Shed Neighbourhood centre Public health, welfare or information services Scout and/or Guide hall Space for community groups
	<b>Community theatre</b> see <i>COMMUNITY USE</i>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
COMMUNITY USE	<p><b>Child care centre</b> means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the <i>Children and Young People Act 2008</i> or authorised pursuant to the <i>Education and Care Services National Law (ACT) Act 2011</i> and which does not include residential care.</p>		
	<p><b>Community activity centre</b> means the use of land by a public authority or a body of persons associated for the purpose of providing for the social well being of the community.</p>		
	<p><b>Community theatre</b> means the use of land for a theatre, cinema, concert hall, auditorium or theatrette run by non-profit organisations.</p>		
	<p><b>Cultural facility</b> means the use of land for the purpose of cultural activities to which the public normally has access, but does not include a <i>shop</i> for art, craft or sculpture dealer.</p>		
	<p><b>Educational establishment</b> means the use of land for the purpose of tuition, training or research directed towards the discovery or application of knowledge, whether or not for the purposes of gain, and may include associated residential accommodation.</p>		
	<p><b>Health facility</b> means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to out-patients only.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
COMMUNITY USE	<b>Hospital</b> means the use of land for the medical care (including diagnosis, preventative care and counselling) of in-patients, whether or not out-patients are also provided with care or treatment, and may include associated residential accommodation.		
	<b>Place of worship</b> means the use of land for the primary purposes of religious worship and associated activities by a congregation, religious group or members of the public whether or not the premises are also used for religious instruction, tuition, meetings, training and other community activities.		
	<b>Religious associated use</b> means the use of land for the activities conducted by religious organisations other than for worship or for <i>offices</i> and may include residential accommodation by ministers of religion.		
	<b>Consolidation</b> has the same meaning as in the <u>Planning and Development Act 2007</u> .		
	<b>Corrections facility</b> means the use of land for the confinement or safe custody of persons so confined as the result of legal process and includes attendance centres established for persons sentenced to serve periods of community service.		Corrections centre Prison Remand centre Youth remand centre
	<b>Craft workshop</b> means the use of land for the manufacture, primarily by manual methods, of craft articles such as leatherwork, pottery, woodwork, hand woven goods and the like.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Cultural facility</b> <i>see COMMUNITY USE</i>		Art gallery Library Museum
	<b>Defence installation</b> means the use of land operated by the Department of Defence or the armed forces of Australia and includes Department of Defence <i>offices</i> , offices associated with national security and defence <i>communications facilities</i> , but does not include facilities associated with military aviation.		
	<b>Department store</b> <i>see SHOP</i>		
	<b>Detached house</b>		Aged persons' unit (detached) Cottage house Courtyard house Standard house
	<b>Diplomatic residence</b> <i>see RESIDENTIAL USE</i>		
	<b>Distribution reservoir</b> <i>see MAJOR UTILITY INSTALLATION</i>		
	<b>Drink establishment</b> means the use of land for the sale of alcoholic beverages and spirits to members of the public primarily for consumption on the premises, and which is a licensed premise under the <u>Liquor Act 2010</u> .		Bar Tavern
	<b>Drive-in cinema</b> means the use of land as an open air cinema that makes provision for the audience or spectators to view that entertainment while seated in motor vehicles.		
	<b>Dual occupancy housing</b> <i>see Multi-unit housing</i>		



Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Educational establishment</b> <i>see</i> <i>COMMUNITY USE</i>		Adult education centre College of Advanced Education High School Kindergarten Other specialist college Pre-school Primary school Road safety education centre Secondary college Sheltered workshop Sports institute Teachers' college Technical and further education (TAFE) University
	<b>Emergency services facility</b> means the use of land for the purpose of providing emergency services and protection for the community.		Ambulance station Civil defence Fire station Police station
	<b>Farm tourism</b> means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists that is secondary to the use of the land for the primary purpose authorised by the lease.		
	<b>Financial establishment</b> <i>see</i> <i>NON-RETAIL COMMERCIAL USE</i>		Bank Co-operative society Credit union Finance companies
	<b>Freight transport facility</b> means the use of land for the principal purpose of bulk handling and storage of goods or materials whether or not facilities are included for the parking, servicing and repair of vehicles used to transport the goods or materials on <i>site</i> , but does not include any retail sales or wholesaling from the <i>site</i> .		Motor freight forwarding service Motor freight packing, crating service Motor freight terminals and depots

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Funeral parlour</b> means the use of land by an undertaker in the carrying out of that profession. The term includes all <i>ancillary</i> uses such as a funeral chapel and <i>office</i> .		
	<b>General industry</b> means an <i>industry</i> , not being a <i>light, hazardous, offensive or mining industry</i> , in which the processes carried on, the transportation involved or the machinery or materials used have the potential to interfere with the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.		
	<b>Group or organised camp</b> means the use of land for the purpose of providing short term share accommodation and recreation facilities by a body of persons associated together for the physical, cultural, spiritual or intellectual welfare of the community.		Church camp Outward Bound camp Religious retreat School camp Scout, Guide camp YMCA camp Youth camp
	<b>Guest house</b> <i>see COMMERCIAL ACCOMMODATION USE</i>		Chalet Farmstead accommodation Tourist lodge Youth hostel
	<b>Hazardous industry</b> means an <i>industry</i> , not being a <i>general, light, offensive or mining industry</i> , which by reason of the process involved, or the method of manufacture of the materials used or produced represents a significant source of hazard to human health or life or property, for any reason.		Chemical factory Gas works Liquid fuel depot Petroleum refining
	<b>Hazardous waste facility</b> means the use of land for the collection, storage, treatment or disposal of hazardous waste.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Health facility</b> <i>see COMMUNITY USE</i>		Baby health clinic Consulting room Dental clinic Dental surgery Doctor's surgery Family planning clinic First aid station Health centre Medical centre/clinic Optician Veterinary day clinic X-Ray centre
	<b>Helicopter landing facility</b> <i>see Airport</i>		
	<b>Home business</b> means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land.		
	<b>Horticulture</b> <i>see Agriculture</i>		Hydroponics Market garden Orchard Plant nursery (excluding <i>retail plant nursery</i> )
	<b>Hospital</b> <i>see COMMUNITY USE</i>		
	<b>Hotel</b> <i>see COMMERCIAL ACCOMMODATION USE</i>		
	<b>Hydro-electric power generation</b> means the regulation and diversion of streamflow for the purpose of generating electric power.		
	<b>Incineration facility</b> means the use of land for the disposal of waste by burning.		
	<b>Indoor entertainment facility</b> means the use of land for entertainment where such use is primarily indoors.		Amusement arcade Casino Cinema Commercial theatre Concert hall Dance hall Discotheque Music hall Night club

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Indoor recreation facility</b> means the use of land for sporting activities where such use is primarily indoors.		Fitness centre Gymnasium Indoor sports stadium Indoor swimming pool Squash court
	<b>Industrial trades</b> means the use of land for the selling, hiring, inspection or servicing of goods or materials for industrial, agricultural, construction, transport or like purposes where: a) A large area for handling, storage or display is required; and/or b) The activity carried out has the potential to have an impact similar to <i>industry</i> in terms of traffic and parking generation, noise and air pollution, and visual impact.		Agricultural supplier Agricultural machinery sales and service Builders' supplies Display of building materials Industrial machinery sales and service Timber yard Vehicle repair and maintenance
	<b>Industry</b> means the use of land for the principal purpose of manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, winning of minerals, dismantling, processing, or adapting of any goods or any articles.		
	<b>Landfill site</b> means the use of land for the permanent depositing of waste within the ground.		
	<b>Land management facility</b> means the use of land for land management or the storage of any plant, machinery or materials used in the course of land management, whether or not facilities are included for the parking, servicing and repair of plant or machinery.		Bushfire fighting facility Forest depot Land management depot Ranger station Visitor information centre

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Light industry</b> means an <i>industry</i> , not being a <i>general, offensive, hazardous or mining industry</i> , in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise. The use includes a <i>craft workshop</i> .		
	<b>Liquid fuel depot</b> means the use of land for the bulk storage or wholesale distribution of petrol, oil, petroleum products or other inflammable liquids or the retail distribution of drums containing petrol, oil, petroleum products or other inflammable liquids.		
	<b>Major electrical sub-station</b> see <i>MAJOR UTILITY INSTALLATION</i>		
	<b>Major gross pollutant trap</b> see <i>MAJOR UTILITY INSTALLATION</i>		
	<b>Major pump station</b> see <i>MAJOR UTILITY INSTALLATION</i>		
	<b>Major road</b> means a road that is an arterial road, parkway, highway, or the like and any road identified within the transport services zone.		Arterial road Distributor road Freeway Highway Parkway
	<b>Major service conduits</b> see <i>MAJOR UTILITY INSTALLATION</i>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
<b>MAJOR UTILITY INSTALLATION</b>	<b>Distribution reservoir</b> means a storage tank associated with the maintenance of pressure and supply in the reticulated water supply system.		
	<b>Major electrical sub-station</b> means switching and transformer equipment handling voltages greater than 66kV.		
	<b>Major gross pollutant trap</b> means an open trap constructed on main drains to intercept <i>sediment</i> and trash transported in stormwater.		
	<b>Major pump station</b> means a pump station having a capacity greater than 500 litres per second in the case of water supply; 50 litres per second in the case of sewage; or a natural gas compression station operating at greater than 1000 kPa pressure		
	<b>Major service conduits</b> means the major bulk water supply and reticulation mains having a diameter equal to or greater than 675mm, trunk sewers having a diameter equal to or greater than 750mm, stormwater main drains having a diameter equal to or greater than 900mm or comprising open drains or waterways, transmission lines having a voltage greater than 66kV, gas mains having a diameter greater than 100mm, and major telecommunication cable ducts having a width equal to or greater than 1000mm.		
	<b>Power generation station</b> means equipment and associated buildings constructed for the generation of electricity utilising gas, coal, renewable energy technology or other fuel sources.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
MAJOR UTILITY INSTALLATION	<p><b>Treatment plant</b> means a facility constructed for the purposes of physical, chemical or biological treatment of water supply, sewage or stormwater.</p> <p><b>Tunnel</b> means an underground conduit constructed by tunnelling methods for the purposes of transporting water supply, sewage or other services.</p>		
	<p><b>Urban lake, pond and/or retardation basin</b> means a dam constructed for the impoundment of urban and rural runoff for the purposes of landscape, recreation, pollution control, or retardation of peak stormflows.</p> <p><b>Water storage dam</b> means a dam constructed for the purposes of impounding water for water supply purposes.</p>		
	<p><b>Mental health facility</b> has the same meaning as in the <u>Mental Health (Treatment and Care) Act 1994</u> and this definition is only to be used for the Symonston site as defined in MT4 of the Symonston Precinct Map.</p>		<p>Secure mental health facility</p> <p>Secure mental health unit</p>
	<p><b>Mining industry</b> means an <i>industry</i>, not being a <i>light, general, hazardous or offensive industry</i>, which extracts minerals, coal, oil, gas or construction materials by such processes as underground or open-cut mining, quarrying, dredging, the operation of wells or evaporation pans, or by recovery from ore dumps or tailings, and includes primary processing operations carried out at or near mine <i>sites</i> as an integral part of the mining operation and works to rehabilitate the site.</p>		<p>Quarry</p>
	<p><b>Minor road</b> means a road other than a major road.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Minor service reticulation</b> means the water supply, sewerage, stormwater and gas pipe reticulation, electricity lines and telecommunication cables which are normally located in road <i>easements</i> or <i>easements</i> within <i>leases</i> .		
	<b>Minor use</b> means the use of land for a purpose that is incidental to the use and development of land in the zone and includes but is not limited to open space; public car parking; community path systems; shared circulation spaces (such as lift wells, stair wells); minor service reticulation; other utility services that do not exclude other uses from the land; street furniture and the like.		
	<b>Mobile home</b> means a <i>dwelling</i> capable of being transferred and re-erected from place to place (whether on wheels or not).		
	<b>Mobile home park</b> means the use of land to accommodate <i>mobile homes</i> or caravans, whether temporary or permanent, and includes amenity <i>buildings</i> used for the personal comfort or convenience of or enjoyment of leisure by persons using a <i>mobile home</i> or caravan for residential accommodation in the <i>mobile home park</i> , and may include a <i>caravan park/camping ground</i> .		
	<b>Motel</b> see <i>COMMERCIAL ACCOMMODATION USE</i>		
	<b>Multi-unit housing</b> see <i>RESIDENTIAL USE</i>	<b>Apartment</b> means a <i>dwelling</i> located within a <i>building</i> containing two or more <i>dwellings</i> and which is not an attached house. <b>Dual occupancy housing</b> means the use of land that was originally used or leased for the purposes of <i>single dwelling housing</i> for two <i>dwellings</i> .	<i>Apartments</i> Cluster housing Multi-dwelling development Multi-unit development



Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Municipal depot</b> means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing and repair of plant, machinery or vehicles.		Bus depot Light rail depot Parks maintenance depot Street cleaning depot Works depot
	<b>Nature conservation area</b> means an area set apart for the purpose of the conservation or preservation of natural and/or cultural values.		
<b>NON RETAIL COMMERCIAL USE</b>	<b>Business agency</b> means the use of land for the purpose of providing a commercial service directly and regularly to the public.		
	<b>Financial establishment</b> means the use of land for the primary purpose of providing finance, investing money, and providing services to lenders, borrowers and investors on a direct and regular basis.		
	<b>Office</b> means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government <i>office</i> , which does not include dealing with members of the public on a direct and regular basis except where this is <i>ancillary</i> to the main purpose of the <i>office</i> .		
	<b>Public agency</b> means the use of land for the purpose of providing a public service directly and regularly to the public and includes a government agency, which provides a commercial service to the public.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Offensive industry</b> means an <i>industry</i> , not being a <i>general, hazardous, light</i> or <i>mining industry</i> , which by reason of the process involved or the method of manufacture or the nature of the materials or goods used, produced or stored requires to be isolated from other <i>buildings</i> , when all measures to reduce or minimise impact have been employed.		Abattoir Saw mill
	<b>Office</b> see NON-RETAIL COMMERCIAL USE	<b>Chancellery</b> means an <i>office</i> attached to an embassy, high commission, consulate, legation or <i>diplomatic residence</i> which is specifically for diplomatic use.	Chancellery Departmental offices Private sector offices Professional suite Statutory authority offices
	<b>Outdoor education establishment</b> means the use of land for an education centre for children or adults where the primary focus is on the natural and/or cultural resources of the area. It may include a residence where this is necessary for the protection or management of the primary facility.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<p><b>Outdoor recreation facility</b> means the use of land for a recreation facility serving the sporting or recreational needs of people where the activities are undertaken predominantly outdoors.</p>		<p>Archery Bowling green BMX track Community garden Croquet green Enclosed oval Equestrian facility Golf course Grass, Snow ski run Model aviation/aero modelling Motor bike, Mini-Bike track Motor racing track Netball court Racecourse, Trotting track Showground Skate board arena Sporting rifle range Sportsground Stadium, arena Swimming pool (outdoor) Tennis court Velodrome</p>
	<p><b>Outbuilding</b> <i>see Ancillary use</i></p>		
	<p><b>Overnight camping area</b> means the use of land for holiday and recreational purposes which involves primarily the setting up and use of tents for overnight accommodation which is open to public use.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Parkland</b> means the use of land for recreation, conservation or amenity purposes and includes facilities for the enjoyment and convenience of the public, such as kiosks, <i>car parks</i> , shelters, pavilions, public toilets and the like. The term also includes the use of the land for the management of stormwater drainage, for <i>community paths</i> and landscape buffers, and for other <i>minor utility</i> purposes where such uses can be integrated into the open space system. It has unrestricted public access.		Botanic gardens and public arboretum Hilltop reserve Lake, rivershore reserve Picnic area Playground Public park Public lookout Recreational reserve Regional park Town park
	<b>Pedestrian plaza</b> means an open or sheltered area other than part of a <i>building</i> , used principally for free pedestrian movement in which vehicular traffic is forbidden or limited.		
	<b>Personal service</b> <i>see SHOP</i>		Dry cleaner Hairdresser Massage parlour Photographer Shoe repairer Skin care
	<b>Place of assembly</b> means the use of land for gatherings of people to attend functions, whether or not for the purposes of gain.		Auditorium Convention centre Exhibition hall Reception rooms Trade fair
	<b>Place of worship</b> <i>see</i> COMMUNITY USE		Chapel Church Mosque Shrine Synagogue Temple

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<p><b>Plant and equipment hire establishment</b> means the use of land where plant and equipment are stored, displayed and hired out or leased to persons for intermittent use, but does not include premises used for the purposes of hiring home entertainment equipment, such as stereo sound systems, televisions, video cassette recorders, video tapes and the like.</p>		
	<p><b>Plantation forestry</b> means the growing of trees in plantation form for the production of fibres, pulp, timber and logs, and including <i>roads</i>, tracks and break construction, cultivation, planting, fertilising, tending, harvesting and regeneration and associated facilities such as depots for storage of equipment, plants, materials and fuel, vehicle workshops and garaging, fire fighting facilities and accommodation for administration and support staff.</p>		<p>Hardwood plantation forestry Pine plantation</p>
	<p><b>Playing field</b> means the use of land for the conduct of sports, athletics and games and includes facilities with such land for the enjoyment or convenience of the public such as kiosks, <i>car parks</i>, changing facilities, pavilions and the like. It has unrestricted public access.</p>		<p>Unfenced oval</p>
	<p><b>Power generation station</b> see MAJOR UTILITY INSTALLATION</p>	<p><b>Hydro-electric power generation</b> means the regulation and diversion of streamflow for the purpose of generating electric power.</p>	

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Produce market</b> means the use of land for the sale from market buildings or stalls of fruit and vegetables and other primary produce and may include the sale of other products, which complement this primary purpose.		Fruit and vegetable stall
	<b>Public agency</b> see NON-RETAIL COMMERCIAL USE		CES office Community and Health Services Departmental shopfront Legal Aid office Motor registry Post office Totalisator Agency Board (TAB)
	<b>Public transport facility</b> means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency, and include facilities for the manoeuvring and temporary layover of public transport vehicles and driver amenities.	Light rail means a system for the provision of light rail public transport services, including tracks, catenaries, supports for tracks and catenaries, stops, access to stops, signalling and other control facilities and other facilities and equipment associated with the provision of those services. The term excludes light rail depot and electrical substation facilities.	Bus interchange Bus layover Bus terminal (interstate) Driver rest facility Inter-town public transport route Transport ticket services
	<b>Railway use</b> means any of the following uses: a) a railway line for passenger and/or freight movement; b) a railway station; c) a railway freight terminal; and/or d) a railway equipment maintenance depot; and includes land and reservations of land set aside for railway purposes.  The term excludes light rail		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Recyclable materials collection</b> means the use of land for depositing and temporarily storing discarded materials that are suitable for recycling, such as paper, glass, clothing, garden waste and plastics, which are to be transported elsewhere for recycling.		
	<b>Recycling facility</b> means the use of land for depositing, storing, separating, dismantling, salvaging, treating, renovating or redistributing discarded materials and scrap goods for use as recycled materials, such as paper, glass, plastics, timber, garden and food waste, metals, manufacturing off-cuts, household goods and oils.		Composting facility Motor vehicle wrecker's yard Scrap metal dealer Second-hand building materials yard
	<b>Religious associated use</b> see <i>COMMUNITY USE</i>		Church meeting hall Convent Monastery Presbytery, Manse, Rectory Priory
	<b>Residential Care Accommodation</b> see <i>RESIDENTIAL USE</i>		Nursing home Hospice Supported dwelling Convalescent home

Umbrella Term	Development	Sub-categories	Some Common Terminology
<b>RESIDENTIAL USE</b>	<p><b>Caretaker's residence</b> means any <i>dwelling</i> used for the residence of a caretaker, in connection with another land use, including <i>industry</i> and commercial activity.</p>	<p><b>Diplomatic residence</b> means a <i>dwelling</i> specifically for the residential use of diplomatic staff of an embassy, a high commission, a legation or a consulate.</p> <p><b>Special dwelling</b> means a <i>dwelling</i> used or to be used by a government agency or community organisation receiving government funding or housing assistance, to provide shelter and support for persons with special accommodation needs.</p>	
	<p><b>Co-housing</b> means a development with separate <i>dwellings</i> or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.</p>		
	<p><b>Multi-unit housing</b> means the use of land for more than one <i>dwelling</i> and includes but is not limited to <i>dual occupancy housing</i>.</p>		
	<p><b>Residential Care Accommodation</b> means the use of land by an agency or organisation that exists for the purposes of providing accommodation and services such as the provision of meals, domestic services and personal care for persons requiring support. Although services must be delivered on site, management and preparation may be carried out on site or elsewhere.</p>		



Umbrella Term	Development	Sub-categories	Some Common Terminology
<b>RESIDENTIAL USE</b>	<p><b>Retirement Village</b> means premises where older members of the community or retired people live, or will live, in independent living units or serviced units, under a retirement village scheme.</p>		
	<p><b>Retirement village scheme</b>, for a retirement village, means a scheme under which a person may –</p> <ul style="list-style-type: none"> <li>a) enter into a residence contract with the scheme operator for the retirement village; and</li> <li>b) on payment of an ingoing contribution, acquire personally or for someone else a right to live in the retirement village, however the right accrues; and</li> <li>c) on payment of the relevant charge, acquires personally or for someone else a right to receive one (1) or more services in relation to the retirement village.</li> </ul>		
	<p><b>Secondary residence</b> means a second <i>dwelling</i> on a <i>block</i>.</p>		
	<p><b>Single dwelling housing</b> means the use of land for residential purposes for a single <i>dwelling</i> only.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
<b>RESIDENTIAL USE</b>	<b>Supportive housing</b> means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and personal care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained <i>dwelling</i> s. The term does not include a <i>retirement village</i> or student accommodation.		
	<b>Restaurant</b> means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the <i>Liquor Act 2010</i> and whether or not entertainment is provided.		Common Terminology for 'Restaurant' was removed on 16 October 2006 under Variation Number 256
	<b>Retail plant nursery</b> <i>see SHOP</i>		
	<b>Retirement village</b> <i>see RESIDENTIAL USE</i>		
	<b>Sand and gravel extraction</b> means the extraction of sand and gravel deposited in the bed of a stream or flood plain, or of deposits associated with deposition in a previous geological period.		
	<b>Scientific research establishment</b> means the use of land for the purpose of scientific research including the development of electronic technology, biotechnology or other scientific disciplines for application to commerce, <i>industry</i> , or government.		Agricultural research facility CSIRO facility Meteorological use Observatory Plant and animal quarantine facilities Rural research field stations Scientific laboratory

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Serviced apartment</b> see <i>COMMERCIAL ACCOMMODATION USE</i>		
	<p><b>Service station</b> means the use of land for the fuelling and/or servicing of motor vehicles, whether or not the land is also used for any one or more of the following purposes:</p> <ul style="list-style-type: none"> <li>a) the sale by retail of spare parts and accessories for motor vehicles;</li> <li>b) washing and greasing of motor vehicles;</li> <li>c) installation of accessories;</li> <li>d) the retail sale of other goods, within an <i>ancillary</i> retail area not greater than 150m<sup>2</sup> in area;</li> <li>e) providing toilet facilities, amenities and service for motorists;</li> <li>f) repairing of motor vehicles (other than body building, panel beating or spray painting); and</li> <li>g) the hiring of trailers.</li> </ul>		

<p><b>SHOP</b> means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services</p>	<p><b>Bulky goods retailing</b> means a <i>shop</i> which includes a loading dock within the building, and where the goods or materials sold or displayed are of such a size, shape or weight as to require:</p> <ul style="list-style-type: none"> <li>a) a large area for handling, storage or display; and/or</li> <li>b) direct vehicular access to the <i>site</i> by members of the public, for the purpose of loading goods or materials into their vehicles after purchase, but does not include any <i>shop</i> used primarily for the sale of food or clothing.</li> </ul>		<p>Antique dealer Art, craft or sculpture dealer Auction room Boutique Butcher Camping supplies store Chemist Convenience store Delicatessen Florist Gift shop Greengrocer Grocer Household appliances Liquor store Newsagent Pet shop Photographic store Sound centre Sportsgoods Toy store Video hire</p>
	<p><b>Department store</b> means a <i>shop</i> in which goods are sold by separate departments within the <i>shop</i> and from which a significant amount or proportion of retail sales occur from at least four of the following types of goods: furniture and floor coverings; fabrics and household textiles; clothing; footwear; household appliances; china, glassware and domestic hardware.</p>		
	<p><b>Personal service</b> means a <i>shop</i> used primarily for selling services and in which the sale of goods is <i>ancillary</i> to the service provided.</p>		
	<p><b>Retail plant nursery</b> means a <i>shop</i> used for the propagation and sale of plants, shrubs, trees and garden supplies.</p>		
	<p><b>Supermarket</b> means a <i>large shop</i> selling food and other household items where the selection of goods is organised on a self-service basis.</p>		
	<p><b>Take-away food shop</b> means a <i>shop</i>, which is predominantly for the preparation of food and refreshments for consumption elsewhere.</p>		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Sign</b> means any device or representation openly visible to the general public for the purpose of direction or control or information, or displaying an <i>advertisement</i> .		
	<b>Single dwelling housing</b> <i>see RESIDENTIAL USE</i>		
	<b>Special dwelling</b> <i>see RESIDENTIAL USE</i>		Half-way house Refuge Residential treatment unit
	<b>Stock/sale yard</b> means the use of land for the purpose of a market for the sale of animals and the holding of livestock pending their sale.		
	<b>Stock water supply</b> <i>see Water storage dam</i>		
	<b>Store</b> means the use of land for the storage, whether permanent or temporary, of goods (not including obsolete motor vehicles or obsolete machinery) within or upon which no trade (whether retail or wholesale) or <i>industry</i> is carried on.		Minor industrial area Self storage
	<b>Subdivision</b> has the same meaning as in Section 7 of the Planning and Development Act 2007.		
	<b>Supportive Housing</b> <i>see RESIDENTIAL USE</i>		Aged persons units Community housing Older persons units Rooming house Social housing University college
	<b>Supermarket</b> <i>see SHOP</i>		
	<b>Take-away food shop</b> <i>see SHOP</i>		
	<b>Temporary Use</b> means the use of unleased land for a purpose that is temporary in nature and for which a licence may be issued for a maximum term of three years and which may be renewed.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Tourist facility</b> means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public and may include a <i>restaurant</i> , cafe, bar, <i>service station</i> , tourist accommodation and the retail sale of arts and crafts, souvenirs, antiques and the like.		Amusement park Theme park
	<b>Tourist resort</b> see <i>COMMERCIAL ACCOMMODATION USE</i>		
	<b>Transport depot</b> means the use of land for the parking or storage of motor vehicles used in connection with a commercial or industrial transport undertaking.		
	<b>Treatment plant</b> see <i>MAJOR UTILITY INSTALLATION</i>		
	<b>Tunnel</b> see <i>MAJOR UTILITY INSTALLATION</i> <b>Urban lake, pond and/or retardation basin</b> see <i>MAJOR UTILITY INSTALLATION</i>		
	<b>Vehicle sales</b> means the use of land for the sale, hire, display or offering for sale or hire of new or used motor vehicles, caravans, motor cycles, boats, trailers or other vehicles. The term includes the <i>ancillary</i> use of such premises for the sale of spare parts or accessories and the storage, cleaning and maintenance of such vehicles, but does not include a <i>service station</i> .		Boat, caravan dealer Car, truck dealer Motor cycle dealer
	<b>Veterinary hospital</b> means the use of land for diagnosis, surgical or medical treatment of animals, and where the animals may be kept on the premises overnight for the purposes of treatment.		

Umbrella Term	Development	Sub-categories	Some Common Terminology
	<b>Warehouse</b> means the use of land for the purposes of the bulk sale of goods to be retailed by others or the bulk storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade but does not include premises used for the purpose of bulk storage of calcium carbide, flammable liquid, solid fuel, gas, hide, skins, tallow, bones, or motor vehicles for recovery of spare parts or accessories.		Cold storage Food storage
	<b>Waste transfer station</b> means the use of land for the collection of waste into bulk containers for the further transport to a <i>landfill site, recycling facility</i> or other waste disposal facility.		
	<b>Water storage dam</b> <i>see MAJOR UTILITY INSTALLATION</i>	<b>Distribution reservoir</b> <b>Stock water supply</b>	
	<b>Woodlot</b> means disaggregated plots and clumps of trees grown for production and/or landcare shelter belt and landscape purposes.		
	<b>Zoological facility</b> means the use of land for the containment of animals for viewing by members of the public.		Aquarium Oceanarium Wildlife sanctuary Zoo

## Part B – Definitions of Terms

<b>Active living</b> is a way of life that integrates physical activity into daily routines.
<b>Active Travel</b> is defined as physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking and cycling – as well as skating, skateboarding, and the use of mobility aids. Active travel also includes using any of these forms as incidental activity associated with the use of public transport.
<b>Adjacent</b> means either being contiguous with the subject location; or, if separated only by a <i>road</i> , where the <i>front boundary</i> faces the section of the road which separates it from the subject location.
<b>Adjunct</b> means associated with but not necessarily part of.
<b>Advertisement</b> means any device or representation visible to the general public which is for the purpose of directly or indirectly promoting sales or drawing attention to an enterprise or undertaking, and includes any hoarding or similar <i>structure</i> , any bunting, flag or streamer, or any balloon used or adapted for use for the display of <i>advertisements</i> or attracting attention.
<b>AEP (Annual Exceedance Probability)</b> means the probability in any one year of a storm event exceeding a specified stream flow level.
<b>AHD</b> means Australian Height Datum.
<b>Ancillary</b> means associated with and directly related to, but incidental and subordinate to the predominant use.
<b>Application</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Approval</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Aquatic habitat</b> means the lake, river and stream margins, banks and beds, which sustain diverse populations of plants and animals.
<b>Aquatic migration corridor</b> means river corridors and associated streams and wetlands upon which a number of animals are dependent for their movement and survival in the region.
<b>Articulation Zone</b> means a specified area on a block within which the design of the façade of buildings is required to be articulated in order to provide visual interest to the streetscape. Forms of articulation may include architectural elements and detailing to be incorporated into the building façade and variations to building alignment particularly in response to existing landscape features.
<b>Attached house</b> means any <i>dwelling</i> , within a <i>building</i> containing two or more <i>dwellings</i> , which has within its curtilage open space at ground level and private access for the exclusive use of the occupants of the <i>dwelling</i> .
<b>Attic</b> means any habitable space contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.
<b>Authority</b> means the Planning and Land Authority established by section 10 of the <i>Planning and Development Act 2007</i> .
<b>Backlighting</b> means, in relation to a <i>sign</i> , the internal illumination of a <i>sign</i> box and the internal illumination of individual letters or characters comprising a <i>sign</i> , provided that the <i>sign</i> box, letter or character is constructed of translucent and not transparent materials.
<b>Balcony</b> means a small outdoor area, raised above the ground, directly accessible from within the <i>building</i> and open except for a balustrade on at least one side.
<b>Basement</b> means a space within a <i>building</i> where the floor level of the space is predominantly below <i>datum ground level</i> and where the <i>finished floor level</i> of the level immediately above the space is less than 1.0 metre above <i>datum ground level</i> .
<b>Blank wall</b> means any wall, which has no openings such as windows or doors.
<b>Block</b> means a parcel of land, whether or not the subject of a <i>lease</i> .
<b>Building</b> includes: <ul style="list-style-type: none"> <li>a) an addition to a <i>building</i>;</li> <li>b) a <i>structure</i> attached to a <i>building</i>; and</li> <li>c) a part of a <i>building</i>.</li> </ul>
<b>Building line</b> means a line drawn parallel to any <i>front boundary</i> along the front face of a <i>building</i> or through the point on a <i>building</i> closest to the <i>front boundary</i> . A terrace, landing, porch, <i>balcony</i> , deck or verandah that is more than 1.5 metres above <i>finished ground level</i> or is covered by a roof is deemed to be part of the <i>building</i> . A fence, courtyard wall or retaining wall is not deemed to be part of the <i>building</i> .
<b>Carport</b> means a car shelter wholly or partly enclosed on not more than two sides.
<b>Communal open space</b> means common outdoor open space for recreation and relaxation of residents of a housing development.



<b>Community garden</b> means the use of land for the cultivation of produce primarily for personal use by those people undertaking the gardening, including demonstration gardening or other environmental activities which encourage the involvement of schools, youth groups and citizens in gardening activities.
<b>Community path system</b> means a route constructed or under reserve which includes a path (cycle path) open to the public for the use of non-motorised traffic, such as bicycles, pedestrians and joggers, and for motorised wheel chairs.
<b>Compact block</b> means a <i>block</i> with an area of 250m <sup>2</sup> or less.
<b>Consolidation</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Controlled activity</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Datum ground level</b> means the surface ground level as determined in a field survey authorised by a registered surveyor: <ul style="list-style-type: none"> <li>a) at the time of Operational Acceptance for subdivision; or</li> <li>b) if a) is not available, provided no new earthworks have occurred; or</li> <li>c) at the date of grant of the lease of the block;</li> </ul> whichever is the earliest. Where a), b) or c) is not available, <b>datum ground level</b> is the best estimate of the surface ground level determined in a field survey considering the levels of the immediate surrounding area and authorised by a registered surveyor.
<b>Defined land</b> has the same meaning as in the <i>Planning and Development Act 2007</i>
<b>Desired character</b> means the form of development in terms of siting, building bulk and scale, and the nature of the resulting <i>streetscape</i> that is consistent with the relevant zone objectives, and any statement of desired character in a relevant precinct code.
<b>Detached house</b> means a <i>building</i> comprising a single <i>dwelling</i> which is not attached to any other <i>building</i> where the <i>dwelling</i> has within its curtilage open space at ground level and private access for the exclusive use of the occupants of the <i>dwelling</i> and may include a free standing <i>dwelling</i> in a <i>multi-unit development</i> .
<b>Development</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Development condition</b> means any condition subject to the <i>Planning and Development Act 2007</i> , contained in a lease or an agreement collateral to a lease, or in a lease or an agreement collateral to the lease that was made prior to the commencement of the <i>Planning and Development Act 2007</i> .
<b>Discharge - stormwater</b> means the discharge to drains, ponds, lakes or streams of catchment runoff as a result of storm rainfall over the catchment.
<b>Discharge - wastewater</b> means liquid waste discharged from domestic, agricultural (feed lots) or industrial sources, or from associated treatment facilities.
<b>Domestic water supply</b> means the water stored, diverted, treated and reticulated for the primary purpose of domestic use.
<b>Domestic water supply - fully treated</b> means the provision of flocculation and sedimentation, filtration and disinfection.
<b>Domestic water supply - partially treated</b> means the provision of direct filtration and disinfection (dependent on raw water having limited suspended solids levels).
<b>Domestic water supply - disinfected</b> means the provision of disinfection only (dependent on raw water substantially free of suspended solids).
<b>Dwelling</b> has the same meaning as in the <i>Planning and Development Regulation 2008</i> .
<b>Environment</b> includes biological, physical, social, cultural and economic aspects.
<b>Environment values</b> mean the value of the resource for extractive and instream uses by the community, and intrinsic values such as the maintenance of natural ecosystems.
<b>Environmental assessment</b> has the same meaning as in the <i>Planning and Development Act 2007</i>
<b>Erosion</b> means the mobilisation of soil as a result of loss of vegetative cover, scouring by runoff, or associated with slope instability.
<b>Estate Development Plan</b> means a plan setting out the proposed pattern of subdivision and infrastructure works for an estate and which is required to be approved prior to the undertaking of the works and the granting of leases for the subdivided blocks.
<b>External wall</b> means an external wall that may also incorporate any of the following <ul style="list-style-type: none"> <li>a) windows with sill heights at or above 1.7m from the floor</li> <li>b) screened decks</li> <li>c) fixed pane windows with obscure glass</li> <li>d) awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal</li> <li>e) obscure glass bricks.</li> </ul>

<b>Fin wall</b> means an external wall built on the <i>block</i> boundary side of a <i>lateral opening</i> , to screen that opening to and from an adjoining <i>block</i> .
<b>Finished floor level (FFL)</b> means the level of the upper surface of the relevant floor.
<b>Finished ground level (FGL)</b> means the ground level after completion of all excavation and earthworks.
<b>Fishing</b> means the use of bait, lures or other devices for the purpose of catching fish, for recreational or commercial purposes.
<b>Floodplain</b> means that area of stream or drainage corridor which is inundated by the 1 in 100 Annual Exceedance Probability (AEP) event.
<b>Front boundary</b> means any boundary of a <i>block adjacent</i> to a public road, public reserve or public pedestrian way.
<b>Front loading block</b> means a block where vehicular access is not obtained from a rear lane.
<b>Front Zone</b> means the area of a block between the <i>front boundary</i> and the <i>building line</i> or at the minimum front setback of the lower floor level for the block whichever is greater. (Note: for the purpose of this definition, the <i>front zone</i> shall not be more than 10m from the <i>front boundary</i> ).
<b>Garage</b> means a car shelter wholly or partly enclosed on more than two sides and includes an outbuilding as defined in the Building Code of Australia.
<b>Gross floor area (GFA)</b> means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking.
<b>Groundwater</b> means an underground zone of porous or fractured rock within which water may be stored.
<b>Groundwater abstraction</b> means abstraction by pumping, for the purpose of offstream use of water.
<b>Habitable</b> (including <b>habitable room</b> ) means a room within a <i>dwelling</i> capable of being lawfully used for the normal domestic activities of living, sleeping, cooking or eating, and— <ul style="list-style-type: none"> <li>a) includes a bedroom, study, living room, family room, kitchen, dining room, home theatre, rumpus room; but</li> <li>b) does not include a bathroom, laundry, utility room, hallway, garage or other spaces of a specialised nature occupied neither frequently or for extended periods.</li> </ul>
<b>Height of building</b> means the vertical distance between <i>datum ground level</i> to the highest point or points of the <i>building</i> .
<b>Height of wall</b> means the vertical distance between the <i>datum ground level</i> directly beneath the outside face of any external wall and the top of the wall or roof at the wall line, parapet or balustrade (whichever is the higher). In the case of a gable or skillion end, the maximum height of wall shall be measured to a level midway between the ridge line and the top of the eaves or fascia.
<b>Heritage Register</b> has the same meaning as in the <i>Heritage Act 2004</i>
<b>Inquiry</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Integrated housing development</b> means development where the developer: <ul style="list-style-type: none"> <li>a) is responsible for the planning, design and building of all the housing and associated facilities; or</li> <li>b) undertakes the site planning and development of infrastructure as well as establishing general requirements for building design without actually constructing the dwellings.</li> </ul>
<b>Integrated housing development parcel</b> means a parcel of land intended to be <ul style="list-style-type: none"> <li>a) subdivided into two or more standard blocks, and</li> <li>b) used for an integrated housing development.</li> </ul>
<b>Integrated housing development plan</b> means one or more drawings describing a proposed <i>integrated housing development</i> .
<b>Irrigation water supply</b> means water abstracted, stored, treated and reticulated for use for the irrigation of landscape or crops.
<b>Land</b> includes water.
<b>Land capability</b> means use of land according to its capacity to sustain such use, without long term degradation.
<b>Large block</b> means a <i>block</i> with an area greater than 500m <sup>2</sup> .
<b>Lateral opening</b> means a window or door, which is approximately at right angles to a <i>block</i> boundary.
<b>Lease</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Lessee</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Lower floor level (LFL)</b> means a <i>finished floor level</i> which is 1.8 metres or less above <i>datum ground level</i> at any point.
<b>Mid sized block</b> means a <i>block</i> with an area greater than 250m <sup>2</sup> but less than or equal to 500m <sup>2</sup> .

<b>Natural ground level</b> has the same meaning as <b>datum ground level</b>
<b>Northern boundary</b> means a boundary of a <i>block</i> where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.
<b>Objection</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Planting area</b> means an area of land within a block that is not covered by buildings, vehicle parking and manoeuvring areas or any other form of impermeable surface and that is available for landscape planting.
<b>Plot ratio</b> means the <i>gross floor area</i> in a <i>building</i> divided by the area of the <i>site</i> .
<b>Primary building zone</b> means the area between the <i>front zone</i> and a line projected 12m distant.
<b>Primary window</b> means the main window of a habitable room.
<b>Principal private open space</b> means private open space that is directly accessible from a habitable room other than a bedroom.
<b>Private open space</b> means an outdoor area within a block useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas. Up to 25 per cent of any part of private open space may be roofed over, except that a balcony may be entirely roofed over.
<b>Rear boundary</b> means a <i>block</i> boundary other than a <i>front boundary</i> or a <i>side boundary</i> .
<b>Rear loading block</b> means a block where vehicular access is obtained from a rear lane.
<b>Rear zone</b> means the area of a block behind the <i>primary building zone</i> .
<b>Relevant authority</b> has the same meaning as in the <i>Planning and Development Act 2007</i> .
<b>Remnant native vegetation</b> means the structural and/or floristic characteristics of the vegetation as it would have been prior to European settlement.
<b>RL (Reduced Level)</b> means the vertical height in metres above Australian Height Datum (AHD).
<b>Residential block</b> means a <i>block</i> that has at least one of the following characteristics – <ul style="list-style-type: none"> <li>a) zoned residential</li> <li>b) affected by a lease which authorises residential use</li> </ul> but does not include any land intended to remain as unleased Territory land or public open space.
<b>Residential redevelopment</b> means development that involves: <ul style="list-style-type: none"> <li>a) substantial or total demolition of an existing dwelling on land previously used for residential purposes and replacement with one or more new dwellings;</li> <li>b) establishment of one or more new dwellings on land previously used for residential purposes in addition to an existing dwelling; or</li> <li>c) substantial alterations to an existing dwelling that would result in a significant change to the scale and/ or character of the dwelling.</li> </ul>
<b>Road</b> means any way or street (so called), whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons and animals and which may include footpaths, community paths, bus lay-bys, light rail tracks, turning areas, or traffic controls.
<b>Screening device</b> means a permanent structure that comprise one or more of the following <ul style="list-style-type: none"> <li>a) opaque or translucent glazing</li> <li>b) solid panels</li> <li>c) perforated panels or trellises with a maximum 25% openings.</li> </ul>
<b>Screen wall</b> means a wall at least 1.8 metres high and visually opaque.
<b>Secondary street frontage</b> means the frontage of a corner <i>block</i> nominated in a precinct code or, if not so nominated, nominated by the applicant.
<b>Secondary window</b> means a window to a non habitable room, a window with a sill height at least 1.7 m above <i>finished floor level</i> , or a window with fixed obscure glazing.
<b>Section</b> means an area of land comprising of a logical grouping of individual blocks identified as a Section pursuant to the Districts Act 1966.
<b>Section Master Plan</b> means a plan of a section and surrounds indicating a development context for individual development proposals and providing guidance on how sites in the section may logically be developed.
<b>Sediment</b> means the coarse particles (such as sand, silt and gravel) and organic particulates transported by storm runoff and streamflow.
<b>Setback</b> means the horizontal distance between a <i>block</i> boundary and the outside face of any <i>building</i> or structure on the block including: <ul style="list-style-type: none"> <li>a) a <i>building</i> wall,</li> <li>b) a post that supports a roof,</li> <li>c) a <i>balcony</i>, deck or verandah.</li> </ul>

<b>Sewer vent</b> means a vent connected to a trunk sewer to evacuate foul air from sewers.
<b>Sewerage storm tank</b> means an earth or concrete storage tank provided to contain sewage storm overflow in excess of sewer or pump capacity.
<b>Side boundary</b> means a block boundary extending from a street frontage along a single bearing. A boundary is not a side boundary if it meets the definition of front boundary.
<b>Sill height</b> means the vertical height of a window sill above the <i>finished floor level</i> which it serves.
<b>Site</b> means a <i>block</i> , <i>lease</i> or other lawful occupation of land, or adjoining <i>blocks</i> , <i>leases</i> or lawful occupancies in the event of these being used for a single undertaking or operation, but excludes the area of any access driveway or right-of-way
<b>Site coverage</b> the proportion of the actual <i>site</i> covered by <i>dwellings</i> and all other <i>buildings</i>
<b>Standard block</b> means a <i>block</i> with one of the following characteristics: <ul style="list-style-type: none"> <li>a) originally leased or used for the purpose of one or two dwellings except where the original lease explicitly permits two dwellings</li> <li>b) created by a consolidation of blocks, at least one of which is covered by a)</li> </ul>
<b>Storey</b> means a space within a <i>building</i> that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an <i>attic</i> or a <i>basement</i> .
<b>Streamflow diversion</b> means the impoundment and diversion of streamflow to pipes or channels, for the purpose of offstream use of water.
<b>Streamflow regulation</b> means the retention of portion of streamflow in a pond or reservoir for some period of time, for subsequent release downstream.
<b>Streetscape</b> includes the visible components within a street (or part of a street) including the private land between facing <i>buildings</i> , including the form of <i>buildings</i> , treatment of <i>setbacks</i> , fencing, existing trees, landscaping, driveway and street layout and surfaces, utility services and street furniture such as lighting, <i>signs</i> , barriers and bus shelters.
<b>Street facade</b> means the facing wall of a <i>building</i> fronting a street, other than courtyard walls or <i>carports</i> and <i>garages</i> .
<b>Structure</b> includes a fence, mast, antenna, aerial road, footpath, driveway, carpark, culvert or service conduit or cable.
<b>Surface area of a sign</b> means the entire area within a single continuous perimeter enclosing the extreme limit of writing, representation, emblem or any figure or similar character, together with any material or colour forming an integral part of the display or used to differentiate such a <i>sign</i> from the background against which it is placed, and only includes one side of a double faced <i>sign</i> when the sides are back-to-back or the sides are divergent but display identical writing or other representation but facing substantially different directions, but does not include the means by which a <i>sign</i> is supported.
<b>Surrendered residential block</b> means a block that has been included on the Affected Residential Property Register and that has been either: surrendered to the ACT Government; or it is a dual occupancy unit-title block that has been acquired, in full or in part, by the ACT Government under the Loose Fill Asbestos Insulation Eradication Scheme Buyback Program. It does not mean a surrendered residential block that is part of a registered heritage place or a provisionally registered heritage place under the <i>Heritage Act 2004</i> .
<b>Territory</b> has the same meaning as in the <i>ACT (Self Government) Act 1988</i> .
<b>Undercroft Parking</b> means that portion of a building set aside for carparking.
<b>Unscreened deck, balcony or roof terrace</b> excludes staircase landings having a floor area of up to 5 square metres.
<b>Unscreened element</b> means unscreened windows, decks, balconies and external stairs.
<b>Upper floor level</b> (UFL) means a <i>finished floor level</i> , which is greater than 1.8 metres above <i>datum ground level</i> at any point.
<b>Water based recreation</b> means those recreational activities which depend directly (swimming, boating, <i>fishing</i> ) or indirectly (landscape) on water bodies (ponds, lakes, streams) for their enjoyment.
<b>Water storage</b> means the retention of portion of streamflow in a pond, lake or reservoir for some period of time.
<b>Water uses</b> means the utilisation of water (instream or off-stream) for a range of beneficial purposes (swimming, <i>fishing</i> , landscape, consumption, irrigation, manufacture, cleaning, etc)
<b>Waterscape</b> means water features (either natural or impounded by <i>structures</i> ) whose primary purpose is visual or aesthetic enhancement of the area.
<b>Waterway</b> means the drainage corridors, comprising natural streams, open drains and floodways, dedicated for the primary purpose of drainage of urban areas.



ACT Planning &  
Land Authority

# **Parks and Recreation Zones Development Code**



# Contents

Introduction .....	1
Relevant codes.....	3
Part A – Zone Specific Controls .....	4
Part A(1) - PRZ1 – Urban Open Space Zone.....	4
Element 1: Restrictions on Use .....	4
1.1 Municipal Depot .....	4
1.2 Community Activity Centre, Outdoor Recreation Facility and Municipal Depot.....	4
1.3 Community Activity Centre and Outdoor Recreation Facilities .....	4
Element 2: Building and Site Controls.....	5
2.1 Height .....	5
2.2 Setbacks .....	5
2.3 Gross Floor Area .....	5
2.4 Communications Facility.....	6
Part A (2) - PRZ2 - Restricted Access Recreation Zone.....	7
Element 1: Restrictions on Use .....	7
1.1 Club, Educational Establishment, Guest House, Hotel, Motel .....	7
Element 2: Building and Site Controls.....	7
2.1 Height .....	7
2.2 Setbacks .....	7
2.3 Scale of Development .....	7
Part B – General Development Controls.....	8
Element 1: Restrictions on Use .....	8
1.1 Location Requirements.....	8
1.2 Plans of Management.....	8
1.3 Major Utility Installation.....	8
Element 2: Building and Site Controls.....	9
2.1 Subdivision .....	9
2.2 Demolition.....	9
2.3 National Capital Plan .....	10
Element 3: Built Form .....	11
3.1 Materials and Finish .....	11
3.2 Interface.....	11
3.3 Crime Prevention Through Environmental Design.....	11
3.4 Access and Mobility .....	11
3.5 Location Requirements for Community and Recreation Facilities .....	12
Element 4: Access .....	12
4.1 Pedestrian Movement.....	12
4.2 Bicycle Parking .....	12
4.3 Vehicle Access and Parking .....	12
4.4 Traffic generation.....	12
Element 5: Amenity .....	13
5.2 Lighting .....	13
5.3 Signs.....	13
5.4 Neighbourhood Plan .....	13
Element 6: Environment.....	14
6.1 Assessment of Environmental Effects.....	14
6.5 Heritage .....	15
6.6 Contamination.....	15
6.7 Trees.....	15
6.8 Erosion and Sediment Control.....	16
6.9 Hazardous Material .....	16
6.10 Water Use.....	17

**Element 7: Services ..... 18**  
7.1 Waste Management ..... 18  
7.2 Waste Water ..... 18  
7.3 Utilities ..... 18  
7.4 Storage ..... 19  
7.5 Servicing and Site Management..... 19



# Introduction

## Application of this code

This Development Code applies to all development in the Parks and Recreation Zones identified in the zones' Development Tables as being within the code, merit and impact assessment tracks.

## Purpose of codes

Codes provide additional planning, design and environmental controls to support the zone objectives and assessable uses in the Development Tables.

The Codes are used by the Authority to assess development applications. The Codes therefore also provide guidance to intending applicants in designing their developments and preparing their development applications.

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

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

## Structure of codes

The Parks and Recreation Zones Development Code is divided into two Parts:

**Part A – Zone Specific Controls** provide any specific controls for each of the Parks and Recreation Zones (PRZ1 – Urban Open Space Zone and PRZ2 – Restricted Access Recreation Zone).

**Part B – General Development Controls** provide general controls that are applicable to all development within the Parks and Recreation Zones.

Each Part is divided into sections referred to as **Elements**, although each Part may not include provisions for every Element. The Elements describe the various issues for consideration:

1. Restrictions on Use
2. Building and Site Controls
3. Built Form
4. Parking and Site Access
5. Amenity

6. Environment

7. Services

Each Element consists of Intents and Items under which are Rules and Criteria.

**Intent** describes the purpose of the development controls

**Rules** provide the quantitative, or definitive, controls for development

**Criteria** provide the qualitative controls for development

In some instances, there are rules that are mandatory. For clarity of use, the mandatory rules are emphasized by the following words: **“This is a mandatory requirement. There are no applicable criteria”**. Non-compliance with these provisions will result in the refusal of a development application. Conversely, the words **“There is no rule applicable”** is used when controls cannot be quantitative or definitive and only criteria exist.

Any application of a **General Code** to a development proposal, is identified as part of the relevant rule or criteria.

Where more than one type of Code applies to a development, the order of precedence when there is inconsistency of provisions between Codes, as defined by the Act, is **Precinct Code**, then **Development Code**, and then **General Code**.

#### **Further information**

Please refer to the Planning Explained Guide, for more information on preparing applications under the Territory Plan, including the use of assessment codes.

## Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

**Precinct codes** are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

**General codes** are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

## Part A – Zone Specific Controls

### Part A(1) - PRZ1 – Urban Open Space Zone

#### Element 1: Restrictions on Use

Intent:

- a) To provide for small-scale community and ancillary uses, which do not significantly detract from the open space character or impact on surrounding development

Rules	Criteria
<b>1.1 Municipal Depot</b>	
R1 Municipal depot may be used only for the purpose of park maintenance depots.	This is a mandatory rule. There is no criterion.
There is no applicable rule.	C1A Development of a municipal depot for the purpose of park maintenance depot provides landscaping and screen fences around any outside storage area.
<b>1.2 Community Activity Centre, Outdoor Recreation Facility and Municipal Depot</b>	
R2 Maximum proportion of gross area of any single open space parcel to be used for Community activity centre, Outdoor recreation facility, and Municipal depot purposes – 15%.	C2 Development for these purposes in the PRZ1 urban open space zone meets all of the following: a) Does not unreasonably restrict access to recreation space b) Is of an appropriate scale and compatible with its open space setting.
<b>1.3 Community Activity Centre and Outdoor Recreation Facilities</b>	
There is no applicable rule.	C3 A Community Activity Centre or Outdoor Recreation Facilities are permitted as follows: a) The proposed location is suitable in terms of the catchment to be served and access routes for users b) There is a community requirement for such a facility c) There will be adequate opportunities for the public or community to use the facilities d) The nature of landscape works to be carried out is consistent with the surrounding open space or identified landscape theme

Rules	Criteria
	<p>e) Public access to adjoining open space is adequate and sufficient open space is retained for other future purposes</p> <p>f) The proposal will not have an adverse impact on the open space environment in terms of design and aesthetics</p> <p>g) The proposal will not adversely affect naturally occurring plant communities and patterns of wildlife movement</p> <p>h) Important natural and cultural features including existing mature trees are conserved</p> <p>i) There are no adverse noise and safety impacts on adjoining residential areas.</p>

## Element 2: Building and Site Controls

### Intent:

- a) To ensure development in the PRZ1 - Urban Open Space Zone is compatible with, and does not adversely impact on, the urban environment

Rules	Criteria
<b>2.1 Height</b>	
<p>R4</p> <p>Maximum height of buildings adjacent to Residential Zones: one storey</p>	<p>C4</p> <p>The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.</p>
<b>2.2 Setbacks</b>	
<p>R5</p> <p>Minimum setback of building from boundary of blocks adjacent to Residential Zones: 6 m</p>	<p>C5</p> <p>The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.</p>
<b>2.3 Gross Floor Area</b>	
<p>R6</p> <p>Maximum gross floor area of enclosed structures: 200 m<sup>2</sup></p>	<p>C6</p> <p>The scale of the development is consistent with adjacent developments and the neighbouring uses are protected from overlooking, noise and other intrusions.</p>

Rules	Criteria
<b>2.4 Communications Facility</b>	
There is no applicable rule.	<p>C6A</p> <p>Development of land for a Communications facility is compatible with the use of the surrounding open space and nearby residential areas by ensuring that:</p> <ul style="list-style-type: none"> <li>a) sufficient surrounding open space is retained to meet the recreational and social needs of the community</li> <li>b) existing public access to surrounding open space is maintained</li> <li>c) any detrimental impacts on the site and surrounding area are minimised</li> <li>d) development complies with the Communications Facilities and Associated Infrastructure General Code</li> </ul>

## Part A (2) - PRZ2 - Restricted Access Recreation Zone

### Element 1: Restrictions on Use

#### Intent:

- a) To provide for high quality recreation facilities without adverse effects on the amenity of the locality

Rules	Criteria
<b>1.1 Club, Educational Establishment, Guest House, Hotel, Motel</b>	
<b>R7</b> Development for these purposes meets one of the following: a) Is ancillary to the use of the land for recreation purposes b) The proportion of the land area of any discrete PRZ2 restricted access recreation zone (i.e. not separated by another zone) used for these purposes and associated car parking and other site facilities is a maximum of 15%.	<b>C7</b> Development for these purposes in the PRZ2 restricted access recreation zone meets all of the following: a) Does not unreasonably restrict the availability of land in the zone for recreation purposes b) Is of an appropriate scale and compatible with the recreational purposes of the zone.

### Element 2: Building and Site Controls

#### Intent:

- a) To ensure development in the PRZ2 – Restricted Access Recreation Zone is compatible with, and does not adversely impact on, the urban environment

Rules	Criteria
<b>2.1 Height</b>	
<b>R8</b> Maximum height of buildings in blocks adjacent to Residential Zones: two storeys or 10 m	<b>C8</b> The building height minimises the impact of developments on adjoining residential zones.
<b>2.2 Setbacks</b>	
<b>R9</b> Minimum setback of building from boundaries to Residential Zones: 6m	<b>C9</b> The building setback minimises the impact of developments on adjoining residential zones.
<b>2.3 Scale of Development</b>	
There is no applicable rule.	<b>C10</b> The development is of an appropriate scale and form, and is compatible with surrounding development and the anticipated use.

## Part B – General Development Controls

Part B provides the general development controls applicable to the Urban Parks and Recreation Zones (PRZ1 – Urban Open Space and PRZ2 – Restricted Access Recreation Zones)

### Element 1: Restrictions on Use

**Intent:**

- a) To provide for high quality recreation facilities without adverse effects on the amenity of the locality
- b) To ensure development is consistent with the approved Plan of Management

Rules	Criteria
<b>1.1 Location Requirements</b>	
There is no applicable rule.	C11 The development meets the requirements of the Community and Recreation Facilities Location General Code.
<b>1.2 Plans of Management</b>	
There is no applicable rule.	C12 Where relevant, the proposed development is consistent with the approved Plan of Management.
<b>1.3 Major Utility Installation</b>	
There is no applicable rule.	C12A The development of land for a MAJOR UTILITY INSTALLATION can be integrated with the recreational use of the land and does not result in the exclusion of the land from its use for recreational enjoyment purposes.



## Element 2: Building and Site Controls

### Intent:

- a) To ensure development is compatible with, and does not adversely impact on, the urban environment

Rules	Criteria
<b>2.1 Subdivision</b>	
<p>R13</p> <p>Subdivision is only permitted where:</p> <ul style="list-style-type: none"><li>a) it is part of a development application for another assessable development</li><li>b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code.</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.2 Demolition</b>	
<p>R14</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Endorsement from utility providers (including Water, Sewerage, Stormwater, Electricity and Gas) stating that:</p> <ul style="list-style-type: none"><li>a) All network infrastructure on or immediately adjacent the site has been identified on the plan</li><li>b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified</li><li>c) All required network disconnections have been identified and the disconnection works comply with utility requirements</li><li>d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.</li></ul>	<p>C14</p> <p>If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
<b>2.3 National Capital Plan</b>	
There is no applicable rule.	<p>C15</p> <p>Where a development is subject to Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, the development is not inconsistent with the Special Requirements or Development Control Plan. Where any provision of this code is inconsistent with Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, that provision has no effect.</p>

## Element 3: Built Form

### Intent:

- a) To provide for buildings that promote a safe and attractive urban environment

*Note:* Under the *Building Act 2004* buildings need to meet the requirements of the Building Code of Australia. For certain classes of buildings, this will include prescribed energy requirements.

Rules	Criteria
<b>3.1 Materials and Finish</b>	
There is no applicable rule.	C16 Where the development exposes a blank façade of an adjoining building, a visually interesting architectural treatment is applied to that wall such as through the use of colour, articulation, materials and shadows.
There is no applicable rule.	C17 The development uses high quality materials that are not incompatible with the character of existing adjacent development and the desired architectural character of the area.
<b>3.2 Interface</b>	
There is no applicable rule.	C18 Where appropriate, compatible uses of any existing buildings are integrated with new development and provide physical connections and linkages between buildings, and between buildings and public spaces.
There is no applicable rule.	C19 Elements of the development that present to, or are visible from, the street, promote an attractive and appropriate streetscape.
<b>3.3 Crime Prevention Through Environmental Design</b>	
There is no applicable rule.	C20 The development meets the requirements of the Crime Prevention Through Environmental Design General Code.
<b>3.4 Access and Mobility</b>	
There is no applicable rule.	C21 The development meets the requirements of the Access and Mobility General Code.

Rules	Criteria
<b>3.5 Location Requirements for Community and Recreation Facilities</b>	
There is no applicable rule.	<p>C21A</p> <p>The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code.</p>

## Element 4: Access

### Intent:

- a) To provide for safe, convenient access to meet the needs of all users and visitors
- b) To encourage design of access and parking as part of the overall design of the development

Rules	Criteria
<b>4.1 Pedestrian Movement</b>	
There is no applicable rule.	<p>C22</p> <p>Safe and convenient movement of public transport passengers, pedestrians and cyclists is provided.</p>
<b>4.2 Bicycle Parking</b>	
There is no applicable rule.	<p>C23</p> <p>Bicycle Parking complies with the requirements of the Bicycle Parking General Code.</p>
<b>4.3 Vehicle Access and Parking</b>	
There is no applicable rule.	<p>C24</p> <p>Vehicle access and parking complies with the requirements of the Parking and Vehicular Access General Code.</p>
<b>4.4 Traffic generation</b>	
There is no applicable rule.	<p>C25</p> <p>The existing road network can accommodate the amount of traffic likely to be generated by the development.</p>

## Element 5: Amenity

### Intent:

- a) To ensure visual and acoustic privacy of users, within and adjacent to the proposed development
- b) To ensure a safe and attractive urban environment is maintained

Rules	Criteria
<b>5.2 Lighting</b>	
<b>R27</b> External lighting is provided to building frontages, all pathways, roads, laneways and car parking areas in accordance with Australian Standard AS1158.3.1 <i>Pedestrian Lighting</i> .	<b>C27</b> External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code
<b>R28</b> All external lighting provided is in accordance with AS 4282 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	<b>C28</b> All outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.
<b>5.3 Signs</b>	
There is no applicable rule.	<b>C29</b> Signs comply with the Signs General Code.
<b>5.4 Neighbourhood Plan</b>	
There is no applicable rule.	<b>C30</b> Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

## Element 6: Environment

### Intent:

- a) To provide for ecologically sustainable development that does not have adverse impacts on the surrounding environment

Rules	Criteria
<b>6.1 Assessment of Environmental Effects</b>	
There is no applicable rule.	<p>C31</p> <p>The development application is accompanied by an Assessment of Environmental Effects that addresses the following:</p> <ul style="list-style-type: none"><li>a) provision for tree planting and appropriate landscape treatment</li><li>b) impacts on the character and appearance of any building, area of architectural, historic, aesthetic or scientific interest, or otherwise of special cultural or heritage value</li><li>c) impacts on public health and safety, including crime prevention</li><li>d) the amount of traffic likely to be generated and its impact on the movement of traffic on the road system</li><li>e) whether public transport services are necessary and, if so, whether they are available and adequate</li><li>f) impacts on the likely accessibility to facilities and services for users and consumers</li><li>g) any significant short or long-term effect that the relevant authority considers the use or development may have on the environment, including social and economic effects and potential cumulative effects</li><li>h) impacts on the watercourses and drainage characteristics of the area, including water quality</li><li>i) impacts on the amenity of surrounding land uses, including impacts on air quality, noise, overshadowing, privacy, and the level of wind turbulence generated.</li></ul>

Rules	Criteria
<b>6.5 Heritage</b>	
<p>R36</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, applications for development on land or buildings subject to interim or full heritage registration are to be accompanied by advice from the Heritage Council stating that the development meets the requirements of the <i>Heritage Act 2004</i>.</p>	<p>C36</p> <p>If advice from the Heritage Council is required, but not provided, then the application will be referred to the Heritage Council in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<b>6.6 Contamination</b>	
<p>R37</p> <p>A statement is provided that the potential for land contamination has been assessed in accordance with the <i>ACT Government Strategic Plan – Contaminated Sites Management 1995</i> and the <i>ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000</i>, and it is demonstrated that the land is suitable for the proposed development.</p>	<p>C37</p> <p>If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<b>6.7 Trees</b>	
<p>R38</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) requires groundwork within the tree protection zone of a <i>protected tree</i></li> <li>b) is likely to cause damage to or removal of any <i>protected trees</i></li> </ul> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Under the <i>Planning and Development Regulation 2008</i> a development application for a <i>declared site</i> under the <i>Tree Protection Act 2005</i>, must be referred to the Conservator of Flora and Fauna.</li> <li>2. The authority will consider any advice from the Conservator of Flora and Fauna before determining the application in accordance with the <i>Planning and Development Act 2007</i>.</li> <li>3. <i>Protected tree</i> and <i>declared site</i> are defined under the <i>Tree Protection Act 2005</i>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<b>6.8 Erosion and Sediment Control</b>	
<p><b>R39</b></p> <p>For sites less than 0.3 of a hectare, a plan is provided to demonstrate that the development complies with the <i>ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT, August 2007</i>.</p>	<p><b>C39</b></p> <p>If a plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<p><b>R40</b></p> <p>For development on a site greater than 0.3 of a hectare, the application is accompanied by an Erosion and Sediment Control Plan endorsed by the ACT Environment Protection Authority.</p>	<p><b>C40</b></p> <p>If an endorsed Sediment and Erosion Control Plan is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<b>6.9 Hazardous Material</b>	
<p><b>R41</b></p> <p>For the demolition of multi-unit housing (including garages and carports) constructed* prior to 1985, and Commercial / Industrial premises constructed prior to 2005, a Hazardous Materials Survey (including an asbestos survey) is carried out and signed by an appropriately licensed person and is endorsed by Environment Protection.</p> <p>The Survey is provided and covers the disposal of hazardous materials, showing that:</p> <ul style="list-style-type: none"> <li>a) Hazardous material disposal (including asbestos) is to be at a licensed disposal facility in the ACT</li> <li>b) If hazardous materials are to be transported for disposal interstate, approval from the Environment Protection Authority is obtained prior to removal of material from the site</li> <li>c) An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</li> </ul> <p>* construction date means the date when the Certificate of Occupancy was issued</p>	<p><b>C41</b></p> <p>If an endorsed Hazardous Materials Survey is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>



Rules	Criteria
<b>6.10 Water Use</b>	
There is no applicable rule.	<p>C42</p> <p>Where relevant, development complies with the requirements of the Water Use and Catchment General Code.</p>

## Element 7: Services

### Intent:

- a) To provide for appropriately serviced developments that meet the needs of service providers and users of the proposed development

Rules	Criteria
<b>7.1 Waste Management</b>	
<p>R43</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Compliance from the Department of Territory and Municipal Services stating that the waste facilities and management associated with the development are in accordance with the current version of the <i>Development Control Code for Best Practice Waste Management in the ACT</i>.</p>	<p>C43</p> <p>If a Statement of Compliance is not provided the application will be referred to the Department of Territory and Municipal Services in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>
<b>7.2 Waste Water</b>	
<p>R44</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.3 Utilities</b>	
<p>R45</p> <p>A Statement of Compliance from each relevant utility provider (for water, sewerage, stormwater, electricity and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p>Note: Where there is a conflict between planning and utility requirements, the utility requirements take precedence over other provisions of this Code.</p>	<p>C45</p> <p>If a Statement of Compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>

Rules	Criteria
<b>7.4 Storage</b>	
<p>R46</p> <p>Outdoor storage areas must be screened from view from any road or other public area.</p>	<p>C46</p> <p>Where the proposed use of the site requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site.</p>
<p>R47</p> <p>Outdoor storage areas do not encroach on required car-parking spaces, driveways exclusively required for vehicular circulation or landscape areas.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>7.5 Servicing and Site Management</b>	
<p>R48</p> <p>In accordance with section 148 of the <i>Planning and Development Act 2007</i>, the application is accompanied by a Statement of Endorsement from the relevant agency stating that the waste facilities and management associated with the development are in accordance with the <i>Design Standards for Urban Infrastructure</i>.</p>	<p>C48</p> <p>If a Statement of Endorsement is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>



ACT Planning &  
Land Authority

# **Parking and Vehicular Access General Code**



## Contents

<b>1. Introduction.....</b>	<b>1</b>
1.1 Purpose of the code.....	1
1.2 Structure of the code .....	1
1.3 Using the code .....	1
1.4 Calculations of parking provision requirements.....	1
1.5 Definitions .....	2
<b>2. General Design and Vehicular Access Requirements .....</b>	<b>3</b>
2.1 Parking location .....	3
2.2 Parking for people with disabilities .....	3
2.2.1 Dimensions of parking spaces for people with disabilities .....	3
2.2.2 Headroom.....	3
2.2.3 Kerb ramps .....	3
2.2.4 Percentages of parking spaces for people with disabilities – minimum parking provision rate (excluding residential zones).....	4
2.3 Physical requirements .....	4
2.3.1 Physical characteristics .....	5
2.3.2 Vehicular access .....	8
2.4 Parking for motorcycles and motor scooters .....	10
2.5 Car parks and community safety .....	10
2.6 Landscaping of car parks.....	12
2.7 Small car spaces .....	14
2.8 Tandem parking in multi unit residential apartment developments .....	14
2.9 Impact and merit tracks– assessment of parking rates .....	14
<b>3. Parking and vehicular access .....</b>	<b>15</b>
3.1 Residential zones .....	15
3.1.1 Objectives for residential zones .....	15
3.1.2 Parking provision rates.....	15
3.1.3 Calculation of parking provision requirements .....	16
3.1.4 Locational requirements .....	16
3.1.5 Schedules of parking provision rates for residential zones .....	16
3.2 Commercial zones (excepting CZ5 mixed use zone and CZ6 leisure and accommodation zone).....	18
3.2.1 Objectives for parking and vehicular access in the commercial zones .....	18
3.2.2 Parking provision rates.....	19
3.2.3 Calculation of parking provision requirement .....	19
3.2.4 Locational requirements .....	19
3.2.5 Schedules of parking provision rates for commercial zones .....	20
3.3 Commercial CZ5 mixed use zone .....	27
3.3.1 Objectives for parking and vehicular access in the CZ5 mixed use zone.....	27
3.3.2 Parking provision rates.....	27

3.3.3	Calculation of parking provision requirement .....	27
3.3.4	Locational requirements .....	27
3.3.5	Schedule of parking provision rates for commercial mixed use zone .....	28
3.4	Commercial CZ6 leisure and accommodation zone .....	30
3.4.1	Objectives for leisure and accommodation zone .....	30
3.4.2	Parking provision rates .....	31
3.4.3	Calculation of parking provision requirements .....	31
3.4.4	Locational requirements .....	31
3.4.5	Schedules of parking provision rates for CZ6 leisure and accommodation zone .....	31
3.5	Industrial zones .....	33
3.5.1	Objectives for parking and access in the industrial zones .....	33
3.5.2	Parking provision rates .....	33
3.5.3	Calculation of parking provision requirements .....	33
3.5.4	Location requirements .....	33
3.5.5	Schedule of parking provision rates for industrial zones .....	34
3.6	Community facility zone .....	36
3.6.1	Objectives for community facility zone .....	36
3.6.2	Parking provision rates .....	37
3.6.3	Calculation of parking provision requirements .....	37
3.6.4	Locational requirements .....	37
3.6.5	Schedule of parking provision rates for community facility zone .....	37
3.7	Restricted access recreation zone .....	38
3.7.1	Objectives for parking and access in the restricted access recreation zone .....	38
3.7.2	Parking provision rates .....	39
3.7.3	Calculation of parking provision requirements .....	39
3.7.4	Locational requirements .....	39
3.7.5	Schedules of parking provision rates for restricted access recreation zone .....	40
3.8	Services zone .....	41
3.8.1	Objectives for services zone .....	41
3.8.2	Parking provision rates .....	41
3.8.3	Calculation of parking provision requirements .....	41
3.8.4	Locational requirements .....	42
3.8.5	Schedules of parking provision rates for services zone .....	42
3.9	Other zones .....	42
3.9.1	Objectives for all other zones .....	43
3.9.2	Parking provision rates .....	43
3.9.3	Calculation of parking provision requirements .....	43
3.9.4	Locational requirements .....	43
3.9.5	Schedules of parking provision rates for all other zones .....	43

# 1. Introduction

## 1.1 Purpose of the code

This document sets out the provision for vehicular access and parking in the ACT.

The code seeks to ensure that development achieves the relevant objectives of the Territory Plan and will be used by the Authority in the assessment of development applications involving development, redevelopment and lease variations. The code specifies vehicular access and parking requirements for development.

## 1.2 Structure of the code

The code is divided into three sections:

Section 1 is this introduction and advice on how to use the code;

Section 2 sets out the general requirements for the location and physical characteristics of parking and related vehicular access; and

Section 3 states the parking provision rates relating to each of the Territory Plan's zones. The relevant parking provision rates form the basis for determining the required amount of parking to be provided.

## 1.3 Using the code

The code adopts a performance based approach and section 3 sets out, for each of the zones, objectives relating to the provision of parking which development proposals are required to meet. The relevant schedule in section 3 defines the minimum parking provision requirements for permitted development for each of the zones.

The scale of parking provision required is derived from a set of criteria relating to safety, economic efficiency, accessibility, commercial viability and social and environmental objectives. The parking provision rates take account of factors such as the availability of public parking and the potential for shared parking with neighbouring developments, accessibility of the location to public transport, and relevant transport, economic, social and environmental policies, such as travel demand management measures.

The parking provision rates are based on a range of empirical evidence available to the Department of Territory and Municipal Services (TaMS), interstate codes and guidelines and international guidelines to set the most appropriate standards for a particular zone.

The parking provision rates in conjunction with the scale of development are used to calculate the parking requirement that, in normal circumstances, would be deemed to meet the relevant objectives.

Any specific requirements for the provision of parking and access in areas subject to the National Capital Plan or to other codes of the Territory Plan would take precedence over the requirements specified in this code.

Parking generated by a development is generally required to be accommodated on site or in a location consistent with the criteria in section 2.

In cases where the physical constraints of a site make on-site provision impracticable, or the Territory may consider it undesirable for efficiency, traffic operation, pedestrian amenity or other reasons for the specified parking to be provided totally on-site, special arrangements may be negotiated or requirements may be waived at the discretion of the Territory. In such situations the ability to consolidate parking in publicly accessible off-site locations provides a superior outcome. Costs can be reduced by eliminating the need for costly on-site basement car parking, and greater efficiency can be achieved through the increased potential for shared and complementary use.

## 1.4 Calculations of parking provision requirements

Total parking requirements are calculated by multiplying the relevant parking provision rates by the scale of the development, ie the gross floor area of the development in most cases. In some cases, the multiplier may be the number of practitioners, or some other unit.



However the performance approach adopted in these codes provides the flexibility to enable a proposal to be supported where the proponent can demonstrate to the satisfaction of the Territory that the objectives can be met either by provision of a lesser on-site rate or by utilising spare capacity in publicly available on-street or off-site parking. This process is summarised in Table 1 below.

The utilisation of spare capacity in on-street or off-site parking areas is at the discretion of the Authority, having regard to, *inter alia*, the potential demand which may be generated by a particular proposal as well as the potential for nearby lessees to seek to expand their activities and lay claim to a proportion of the available capacity in publicly available on-street and off-street car parking areas.

**Table 1 Calculations of parking provision requirements**

- 
1. Determine the relevant development and zone under the Territory Plan.
  2. Identify the parking location and access requirements relevant to the proposal (see section 2).
  3. Identify parking provision rates for the proposal (see schedules in section 3 for the relevant zone).

Calculate the number of on-site parking spaces which would be deemed to meet the relevant parking and access objectives for the area (see section 3) as follows:

$$\text{Parking requirement} = \text{parking provision rate} \times \text{scale of development}$$

5. Identify any on-site and other parking and access requirements necessary for approval of the development.

Note: A parking provision less than the calculated parking requirement may be considered, if it can be demonstrated that the objectives for the provision of parking in that area can still be met.

## 1.5 Definitions

**Long stay parking** means parking provision for generally longer than 4 (four) hours duration.

**Short stay parking** means parking provision for generally up to 4 (four) hours duration.

## 2. General Design and Vehicular Access Requirements

### 2.1 Parking location

Circumstances relating to the scale and location of a development, the traffic situation in the vicinity of the site, the practicality and desirability of consolidated parking and the achievement of transport policy objectives may dictate whether the required parking will only be permitted either on-site or offsite, or whether either location would be satisfactory.

In certain cases, the needs of specific users of a development should be carefully considered in the design of parking facilities and access points.

The locational requirements of parking for long-stay, short-stay and operational parking for certain development in each of the Zones are set out in Section 3, as relevant.

### 2.2 Parking for people with disabilities

Vehicular parking for people with disabilities must be provided in accordance with *Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities*.

Parking spaces for people with disabilities need to be much wider and longer than other parking spaces in car parks. The extra space is needed because of advances in technology for vehicle mounted equipment for loading and unloading wheelchairs. Vehicles equipped with ramps or platform hoists either at the side or rear of the vehicle allow for wheelchair-bound passengers or drivers to enter or leave the vehicle in the wheelchair.

#### 2.2.1 Dimensions of parking spaces for people with disabilities

The dimensions for parking spaces for people with disabilities are set out in section 2.2 and figures 2.1 to 2.7 in *Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities*.

#### 2.2.2 Headroom

In relation to safe access and egress for vehicles of people with disabilities, the path of vehicular travel from the car park entrance to all parking spaces for people with disabilities and from those spaces to the car park exit shall have a minimum headroom of 2,200mm.

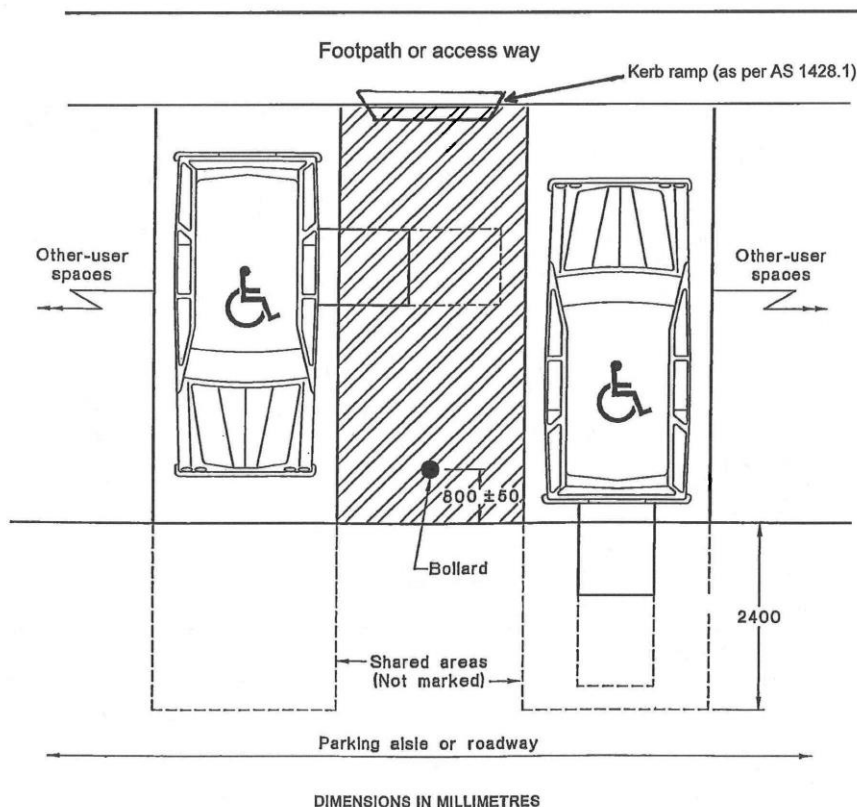
The headroom above each parking space provided for people with disabilities and the adjacent shared area, measured from the level of the parking space, shall be a minimum of 2,500mm. (The method of measuring headroom is given in section 5.3 in *AS2890.1* noting particularly the requirements in section 5.3.2 – vertical clearance above disabled user spaces.)

#### 2.2.3 Kerb ramps

Notwithstanding the provisions of section 2.5 of *Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities* in relation to the position of kerb ramps, kerb ramps shall be placed in the middle of the shared area where the parking spaces are located within a surface or multi-level, off-street car park, or at either end of the parking space in the case of on-street parking spaces.

Where the front or rear of a parking space for people with disabilities abuts a kerb which forms the edge of a footpath or access way providing access to or egress from or within the car park, kerb ramps shall be provided from the parking spaces or shared areas to the access way or footpath (**Figure 2.1**).

**Figure 2.1 Indicative kerb ramp position for 90 degree parking spaces for people with disabilities in cases where the parking space(s) abut a footpath or access way**



**Note 1:** Drawing modified from Figure 2.3 in Australian Standard AS/NZS 2890.6:2009

**Note 2:** Kerb ramps are to be provided in accordance with AS 1428.1.

**Note 3:** For full dimensions of parking spaces for people with disabilities and the associated shared areas, please refer to Figures 2.1 to 2.3 in AS/NZS 2890.6:2009. For kerb ramp dimensions, refer to AS 1428.1

### 2.2.4 Percentages of parking spaces for people with disabilities – minimum parking provision rate (excluding residential zones)

Notwithstanding any provision in the Building Code of Australia or in AS2890, parking spaces for people with disabilities are to comprise a minimum of 3% (rounded up to the nearest whole number) of the total number of parking spaces required in accordance with this code with a higher provision rate required for carpark serving health facilities and other facilities which provide services for aged persons and people with disabilities.

This requirement does not apply to the parking provided for residents in residential developments in any zone (as these are subject to adaptable housing requirements) but it does apply to visitor parking provided for such residential developments.

## 2.3 Physical requirements

The following matters concerning the physical quality of parking and vehicular access must be considered and applied to all areas and for all uses.

### 2.3.1 Physical characteristics

The physical characteristics of a car park must meet the following requirements:

#### a) Parking layout

- i) The layout of the car park should meet the requirements of *AS 2890.1:2004*, the Australian Standard for Parking Facilities, Part 1: Off-street Car Parking. Table 2 and Figures 2.2 and 2.3, extracts from the Australian Standard, are included for information purposes. Full reference must be given to the Australian Standard.

**Table 2 Classification of off-street car parking facilities**

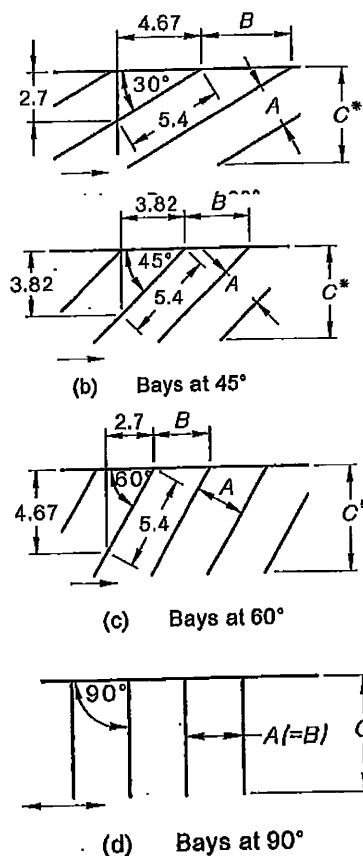
(Source: Table 1.1 AS/NZS 2890.1:2004)

User class	Required door opening	Required aisle width	Examples of uses (Note 1)
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day parking)
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1	Residential, domestic and employee parking
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres
4	Size requirements are specified in AS/NZS 2890.6 (Note 2)		Parking for people with disabilities

**NOTES:**

- 1 Except for the requirements specified in Clause 1.4 relating to User Classes 1A and 4, the examples of uses are intended to be flexible and allow for progressive improvement of both in the ease of manoeuvring into and out of parking spaces, and in leaving and re-entering the vehicle as one progresses up the user class scale from 1 to 3A. The modelling of vehicle manoeuvring into Class 1A spaces shows however, that many drivers may have difficulty driving into and out of such spaces, especially those with vehicles larger than the B85 vehicle. Furthermore, they may have difficulty entering and leaving the vehicle in the narrower spaces. Safety issues associated with delays and congestion caused by manoeuvres into and out of Class 1A spaces in large parking areas should also be taken into account. See also Appendix B, Paragraph B4.8.
- 2 In preparation, see footnote to Clause 1.2.

**Figure 2.2: Layouts for angle parking spaces** (Source: Figure 2.4 Layouts for angle parking spaces – AS/NZS 2890.1:2004)



User class (note 1)	A (Notes 2 & 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
3A	2.5	5.0	4.4	4.1	4.9	3.45

User class (note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
3A	2.6	3.7	5.2	4.8	5.7	4.2
4	(See Note 5)					

User class (note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	2.75	5.7	5.1	5.9	4.9
2	2.5	2.90	5.7	5.1	6.0	4.6
3	2.6	3.00	5.7	5.1	6.0	4.3
3A	2.6	3.00	5.7	5.1	6.0	5.1
4	(See Note 5)					

User class (note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

#### DIMENSIONS IN METRES

\* Dimension C is selected as follows (see Note 6):

C<sub>1</sub>—where parking is to a wall or high kerb not allowing any overhang.

C<sub>2</sub>—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

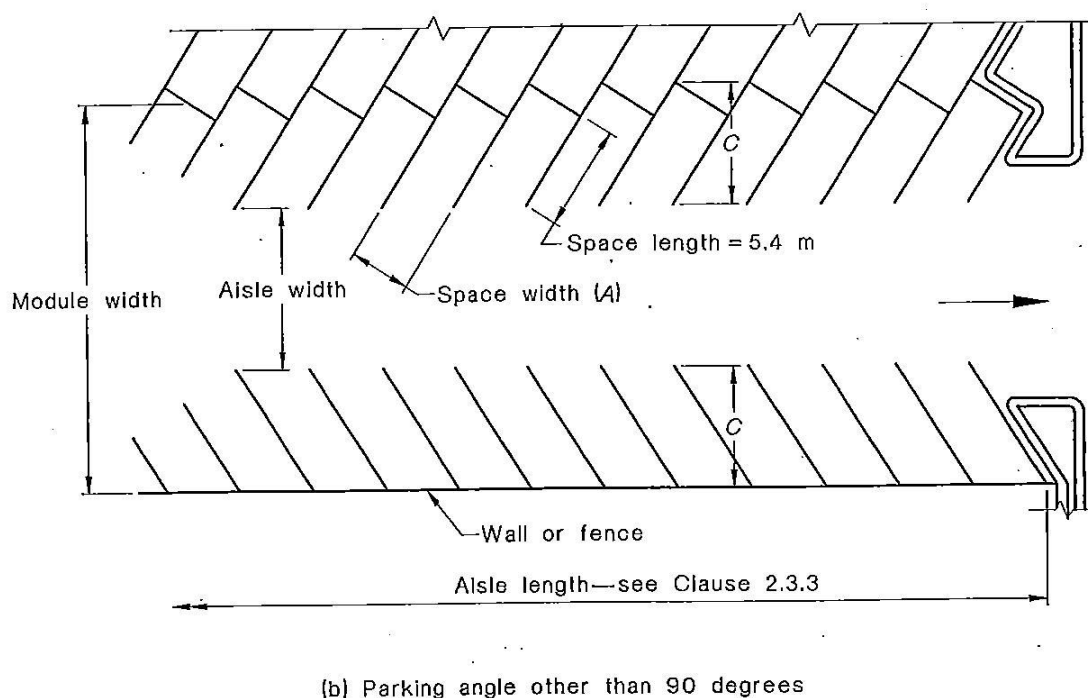
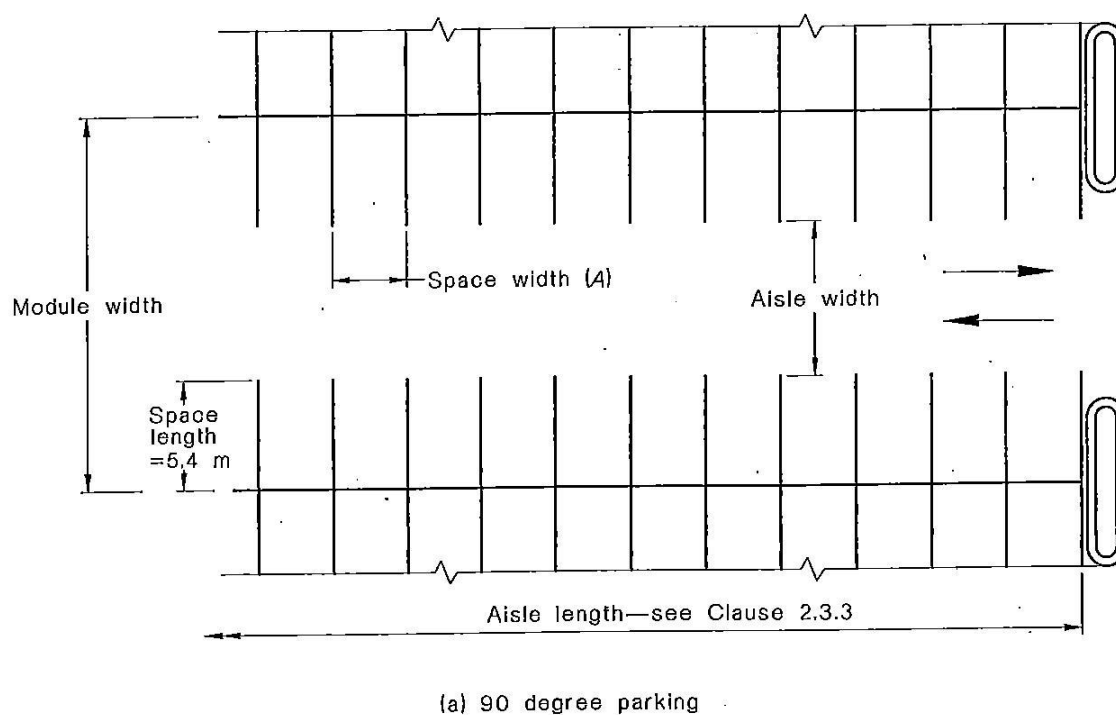
C<sub>3</sub>—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of the parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

#### Notes:

- User class is defined in Table 1.1. The two Class 3A options given for 90 degree parking are alternatives of equal standing.
- 30 degree parking spaces can be made narrower than spaces at other angles because of the reduced chance of open doors hitting adjacent vehicles.
- The design envelope around each parking space, to be kept clear of obstructions, is shown in Figure 5.2
- Dimensions for 90 degree parking aisles are for two-way aisles. These dimensions are required to be observed even though one-way movement along aisles is imposed for other purposes, see Clause 2.3.2(a).
- Space dimensions for User Class 4 spaces (for people with disabilities) are specified in AS/NZS 2890.6\*.
- The values for dimension C have been calculated as follows:  
 $C_1 = 5.4 \sin \theta + 1.9 \cos \theta$   
 $C_2 = C_1 - 0.6 \sin \theta$   
 $C_3 = C_1 + (A - 1.9) \cos \theta$   
 where  
 $\theta$  = parking angle  
 A = space width, in metres

**Figure 2.3 Angle parking module layouts**

(Source: Figure 2.2 Angle parking module layouts – AS/NZS 2890.1:2004)



Dimensions A and C are as shown in Figure 2.2

NOTE: See also Clause 4.4.1 regarding marking of spaces.

**b) Traffic controls**

- i) Traffic control measures employed in the car park or in the access to the development and its parking areas should meet current ACT traffic policy, prepared by the Department of Territory and Municipal Services.

**c) Hydraulics**

- i) The design of any hydraulic works associated with car parking should be in accordance with the conditions set out in ACTEW Corporation Water and Sewerage Standards (WSSS) July 2000 as amended and the Design Standards for Urban Infrastructure (Edition 1 Revision 0).

**d) Landscaping**

- i) The design of all landscaping works is required to be to the satisfaction of Territory and Municipal Services.

**e) Surface treatment**

- i) The surface of all car parks should be hard paved with materials such as bitumen or brick pavers, although in exceptional circumstances the use of paving materials such as gravel may be allowed, especially for temporary car parks.

**f) Other requirements**

- i) Other Territory policy documents may contain special requirements which must be complied with. Although a comprehensive list is not included here, consideration should be given to a wide range of requirements including safety, lighting and access. It is the responsibility of the developer to ensure that all these matters are considered and the appropriate conditions met.

### **2.3.2 Vehicular access**

Access to a car park must meet the following requirements, as applicable:

**a) Engineering and other design guidelines**

The criteria relating to the layout of access facilities are governed by engineering and other design manuals which apply to works in the Territory. The main requirements are covered in:

- i) Design Standard 10 – Parking Areas (Department of Territory and Municipal Services) AS 2890.1:2004, the Australian Standard for Parking Facilities, Part 1: Off-street Car Parking
- ii) AS 2890.2:2002, the Australian Standard for Off-street Parking, Part 2 : Commercial Vehicle Facilities
- iii) Guides to Traffic Engineering Practice, National Association of Australian State Road Authorities (current issues)
- iv) For landscaping refer to 2.1.3 d) above.

**b) Access point**

Frontage access to highways and arterial roads shall not generally be permitted. Major developments may be considered for direct access to these classes of roads where it can be demonstrated that the efficiency and safety of the road system will not be adversely affected.

Access to other classes of roads will normally be permitted although planning controls which prohibit access may be appropriate where traffic volumes are high or visibility is restricted.

Except for single unit or dual occupancy residential blocks, ingress and egress to and from the site is to be in a forward direction for all vehicles having a regular requirement to enter the site. In the case of home businesses, this requirement would only apply where there are four or more car parking spaces on the site.

**c) Sight distance**

Sight distance for property access should comply with AUSTROADS intersection sight distance standards except for single dwelling or dual occupancy blocks where sight distances are specified in Department of Territory and Municipal Services guidelines.

#### **d) Driveway location**

Only one driveway per property is desirable in order to maximise on street parking supply. However, additional access points will be considered for larger scale developments. Where the property has more than one road frontage, it may be desirable to have one access to each street to split traffic loads.

Location of access points directly opposite the terminating road of a T-junction should be avoided.

Corner blocks in residential areas should have the driveway at the maximum practicable distance from the corner, and preferably on the minor road.

Driveways to corner blocks to other land uses should follow the above principle. However, if two access points are warranted, the minimum distance from the tangent point of the kerb return at the intersection to the closest edge of the driveway shall be as specified below, noting that queue length or weaving length difficulties may require greater distances.

<b>Situation</b>	<b>Minimum separation (metres)</b>
Downstream of left turn (non-arterial road)	8
Downstream of free left turn:	
– high entry angle	20
– low entry angle (no acceleration lane)	30
– low entry angle (with acceleration lane)	100
Upstream of left turn (non-arterial road)	8
Upstream of traffic signals or possible future signals (non-arterial road)	25
Upstream of traffic signals (arterial road)	100

#### **e) Emergency vehicles access**

Design of emergency vehicle access is to meet ACT requirements to enable ease and speed of safe access.

#### **f) Loading facilities**

It is important to cater for the needs of commercial vehicles. Although the quantitative requirements for loading facilities for commercial vehicles are not covered in this code, the provision of (un)loading facilities needs to be considered.

Reference should be made to the Australian Standard for Off-street Parking, Part 2 : Commercial Vehicle Facilities AS 2890.2:2002.

ACT NoWaste, Department of Territory and Municipal Services may need to be consulted for the location and design of facilities for waste receptacles.

#### **g) Service stations**

Particular access conditions apply to service stations:

- i) where the site is adjacent to a major road at an intersection with a lesser road, access shall be from the lesser road only, or
- ii) where the site is adjacent to a major road with a service road, access shall be from the service road and/or a lesser side road, or
- iii) where the site is adjacent to a road which is not judged to be a major road, direct access will be permitted.



#### **h) Restaurants with drive through facilities**

The queuing space for drive through facilities should be accommodated entirely on-site. The driveway must provide for a minimum queue length of 10 cars from the pick up point, including a minimum length of 4 cars from the ordering point.

The calculated on-site parking provision requirement may be reduced by two spaces for every three spaces provided for in queuing space.

### **2.4 Parking for motorcycles and motor scooters**

The provision of parking for motorcycles needs to be considered. Three dedicated spaces per 100 car parking spaces are required, with a minimum provision of one space for car parks with a minimum of 30 car parking spaces. These spaces are to be provided in addition to the number of car parking spaces required under this code. Location considerations for motorcycle parking, particularly for long stay parking (such as work place parking) are:

- a) provision of lighting and good surveillance from other users of the space
- b) provision for a security chain to be attached to a substantial fixed object
- c) wherever possible that a wall or a fence be located on at least one side of each space

Provision of motorcycle parking spaces should comply with AS 2890 (both part 1 - Off-street and part 5 - On-street).

### **2.5 Car parks and community safety**

Car parks are often a problem from a community safety perspective. They are regularly used by drivers who travel alone at night, making them potential targets for attack. Existing car parks often require modification to improve safety, particularly in terms of lighting and landscaping. The planning and design of new car parks should take into account principles of natural surveillance and sightlines, as well as direct access by pedestrian paths to destinations.

While different approaches are required for exterior and interior car parks, lighting is a key factor in determining how safe people will feel. This can be achieved by other measures than simply lighting fixtures. Lighter colours on ceilings can increase levels of illumination, for example. While different approaches are needed for buildings and open car parks, some of the general principles relating to sightlines, lighting and access control can increase safety levels.

A critical consideration is how the design of the car park is experienced from the pedestrian's perspective. For example, it is important that lighting enables a person to clearly identify vehicles, objects and approaching people and permit colour rendition.

A significant body of new research and standards has been developed for car park lighting. In particular *AS1680 Interior Lighting* addresses these issues. Because of the complex and highly specific requirements for lighting car parks within buildings, the following section focuses primarily on exterior or outdoor car parks. Wherever parking spaces are reserved for people with disabilities, higher levels of illumination should be specified, generally more than twice the minimum average illuminance.

#### **Safety Issues**

To maximise community safety in car parks the following design issues should be considered.

##### **Lighting**

- a) For exterior car parks with low night-time activity, provide a minimum average illuminance of 10 lux and a minimum illuminance of at least 4 lux, which is double the recommended levels in AS 158.1 Road Lighting, the SAA Public Lighting Codes (for requirements for indoor car parks, see AS1680.2).
- b) For exterior car parks with high night-time activity, provide a minimum average illuminance of 20 lux and a minimum illuminance of 10 lux, which significantly exceeds AS 1158.1 Road Lighting, the SAA Public Lighting Codes.
- c) For underground and multi-storey car parks lighting throughout the car parks must conform to AS 2890.1 and AS 1680.2 as a minimum standard.

- d) Ensure that lighting is vandal-resistant and has a wide beam of illumination which reaches to the next light.
- e) Provide minimum average illuminance of 50 lux for parking spaces in outdoor car parks for people with disabilities.
- f) For car parks used at night, ensure that lighting is such that a person can see the inside of a car's back seat before entering the car.
- g) Provide consistent lighting that does not create shadows and ensure that lighting levels are as high over parking bays as in the rest of the car park.
- h) Pay particular attention to lighting levels near exit points and pedestrian access points to reduce theft from vehicles (see AS1680 Interior Lighting, pp. 11-17.)
- i) Ensure that entries and exits to the car park are well lit.
- j) Provide lighting that illuminates both parking bays and circulation routes.
- k) Use white paint on walls and ceilings (over parking bays as well as lanes), to maximise light distribution.
- l) Design lighting so that it can be on at all hours after dark while the car park is accessible or operated on a sensor system.

### **Sightlines**

- a) Maximise sightlines within car parks through the removal of any dense bush or tree landscaping, solid fences or signage or unnecessary structures which block views.
- b) In enclosed car parks, ensure that support pillars are as few and as slim as possible to minimise their use as hiding places. As a rule, rounded pillars are preferable to square ones. Also, if sheer walls are necessary, port-holed windows can be provided to allow sightlines through them.
- c) Where possible, provide direct access at each level of the car park to the building it serves.
- d) To maximise visibility, ensure that lift enclaves in enclosed car parks are not enclosed by concrete, but are surrounded by window glazing. Robax glass can be used in fire exit doors to facilitate supervision and natural surveillance.
- e) Arrange parking spaces in straight rows to provide sightlines.
- f) Design stairwells which are on the car park perimeter to be open or optically permeable to facilitate natural surveillance from external public areas. Use wire glass panels on stairwell doors.
- g) Use convex security mirrors in stairwells corners and corridors.

### **Informal surveillance**

- a) Encourage informal surveillance of multi-storey or interior car parks through placement of windows of new buildings to overlook the car park and locate new car parks where they can be overlooked by shops, offices or housing.
- b) Design exterior surface car parks to be overlooked from the street and occupied buildings.

### **Signage**

- a) Provide signs in large car parks so people can easily locate their cars. Signage which outlines security measures in place will also act as a deterrent.
- b) Provide exit and direction signs which are clearly visible from within the car park.
- c) Provide signage to encourage people to lock their cars and conceal or remove any valuables.

### **Design**

- a) Clearly identify pedestrian routes within car parks.
- b) Attempt to integrate as much complementary activity as possible near car parks. Where possible, integrate car parking with other site uses to prevent isolation.
- c) Avoid large expanses of car parking where possible. Large car parks should be divided into sections or groups of cars, each visually distinguishable from the other (by different paving, landscaping, street furniture, etc.) to help people locate their cars quickly.

- d) Where possible, these sections should be able to be opened and closed separately, thus enhancing supervision capacity and minimising opportunities for crime.

#### **Car park size**

- a) Car park design should be kept to as small a size as possible. More than about 75 cars in one lot make it difficult to see and travel safely to exits. If the lot design calls for larger lots, separate the lot into segments of about 75 cars, or smaller ones, with separate entrances.

#### **Landscaping**

- a) Use landscaping of a type and size which provides the widest possible view from the street of pedestrian entry/exit areas.

#### **Access**

- a) Ensure that access to the liftwell, stairwell and directions to these points are clearly visible from every car parking space.
- b) Ensure that paths to and from car parks have appropriate landscaping, lighting, signage, sightlines, etc.
- c) Use vehicle-control measures, such as boom gates, to reduce opportunities for vehicle theft. These are much more effective if exits are supervised.
- d) Employ pedestrian-control measures, such as ensuring pedestrians pass through regulated entry and exit points. If these are supervised they will reduce opportunities for theft from motor vehicles. Fire exits which can be accessed from street level increase risk considerably. Limit the number of unauthorized entry/exit points into the car park.
- e) Locate entry and exit points at ground level to maximise opportunities for natural surveillance from active uses at ground level, such as shops or cafes, as well as from a car park operator.

#### **Safe pedestrian routes**

- a) Consider marking 'safe routes' for pedestrians as a walkway system throughout the facility. These can incorporate cues such as floor markings. Ceiling lights can similarly be used (by changing colour, appearance, spacing or lux levels) to create overhead route cues. Pedestrian controls such as bollards/chains, low planting, signage etc can be used to define the limits of the safe route. Safe routes help to make illegitimate users of space (car thieves, muggers etc.) stand out.

#### **Escort Service**

- a) Employers should consider providing escort services for car parks which serve office buildings where staff regularly work late or where customers are likely to use them late at night. In some cases, designated parking spots for women employees have been placed near entrances or access routes to buildings to limit the distance women have to walk to their cars at night after work.

#### **Facilities**

- a) Locate facilities such as telephones and bicycle storage in the most prominent and visible areas possible.
- b) If seating is installed, locate it to reduce opportunities for loitering. Seating should not be located near toilets, but rather in highly visible locations near pedestrian entry and exit points.

#### **Management**

- a) Arrange regular patrols of car parks by security personnel.

#### **Maintenance**

- a) Replace broken lights on a regular basis.

## **2.6 Landscaping of car parks**

#### **General requirements**

Car park areas should be attractive, pleasant spaces in their own right. Large, unbroken expanses of paving are aesthetically unacceptable. Maximum use should be made of vegetation within the car park areas to soften the visual impact. It is desirable that around 15% of surface car park sites be permanently landscaped with shade trees, shrubs and groundcovers.

Trees are particularly important within the overall landscape of urban areas. Car owners generally prefer to park in the shade and trees can provide summer shade. Some surface car parking spaces will be lost with tree planting.

### **Design and Use**

The prime function of car parking, ease of access and pedestrian movement should be carefully considered in the design of car parks. The following points require specific attention:

- a) The movement routes of pedestrians accessing a car park need to be carefully thought about and incorporated in the final design layout. Pedestrian movement routes should be on all weather surfaces such as brick or concrete pavers, stabilised granite gravel or concrete. The pedestrian routes should be clearly identified in the car park.
- b) The design of the car park should minimise vehicle/pedestrian conflict within the car park and at entry points.
- c) The layout of the car park should enable owners to locate their cars easily.
- d) The location of trees in relation to car park lighting so that fully grown trees will not obscure lighting.

### **Establishment**

Landscape proposals are to include all works necessary to ensure the protection of vegetation for up to 4 years where the risk of damage is high.

### **Safety**

Car parks can be a problem from a community safety perspective. A range of design issues require careful consideration to maximise user safety. Specific design advice is set out in this code (See section 2.5 above - Car parks and community safety)

### **Planting**

Trees often perform poorly when planted in areas with hard surfaces, suffering stress from lack of water and air. When trees do grow well there is often a conflict due to roots damaging the surface.

The following points should be considered when selecting species.

- a) Plants should be selected that have vigorous growth, longevity, minimal maintenance and ample shade.
- b) No trees are to be planted within 2 metres of underground services or 1 metre of footpaths and kerbs, unless root barriers are provided
- c) Trees or shrubs should not be planted where cars overhang, unless wheel stops are installed. The normal car overhang allowance is 1 metre.
- d) Plants with thorns and berries are generally not suitable for car parks and should not be used.
- e) Shrubs and trees should be selected that require minimal pruning at maturity.
- f) Trees that drop nuisance litter such as fruit, bark and sap are not suitable for car parks.
- g) Trees need air and water in the root zone. An area of porous paving should be provided for at least one metre on all sides of trees.

### **Drainage**

- a) Surface water run-off from paved areas (except paths) should not drain directly on to trees and shrubs.
- b) Subsoil drainage should be provided for all trees and shrubs.

### **Maintenance**

- a) Car parks should be designed to achieve minimum maintenance.
- b) Mowable grass areas should not be steeper than 1 in 4.
- c) Granite gravel should not be used in the vicinity of building entrances or on slopes greater than 1 in 30.
- d) Dry grass areas adjacent to the car park should be protected from vehicles.

## **2.7 Small car spaces**

Up to 10% of parking spaces may be provided for small cars in any development. For residential apartment development up to 10% of parking spaces may be for small cars provided that at least one (1) parking space per apartment must meet the minimum dimensions set out in Section 2.3.1 of this code.

## **2.8 Tandem parking in multi unit residential apartment developments**

Where there are dwellings with two (2) or more bedrooms in an apartment development, tandem parking spaces may be permitted where all of the following are met:

- a) two (2) parking spaces have been allocated per two (2) or more bedroom apartments
- b) the proportion of tandem parking spaces does not exceed 50% of the number of dwellings with two (2) or more bedrooms.

If the proportion of tandem parking spaces exceeds 50% of the number of dwellings with two (2) or more bedrooms, it is subject to an individual assessment and is referred to the Transport Planning and Strategy Section in the Environment and Sustainable Development Directorate for advice.

Tandem parking will only be permitted where it can be clearly demonstrated that vehicles so parked are directly associated to a single apartment and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles.

This restriction does not apply to *attached house*, *dual occupancy housing* and *triple occupancy housing* developments.

## **2.9 Impact and merit tracks— assessment of parking rates**

Where a particular use is not listed as merit assessable or prohibited in the development table of the relevant zone but is subject to the impact track, then the car parking provision is subject to individual assessment and referred to the Department of Territory and Municipal Services for advice.

For merit assessable uses where parking provision is subject to individual assessment, these are to be referred to the Department of Territory and Municipal Services for advice.

## 3. Parking and vehicular access

### 3.1 Residential zones

The provision for parking in residential areas must be considered in conjunction with the requirements specified in the residential zones development codes. Any specific requirements for the provision of parking and access in areas subject to a precinct code take precedence over the provision rates specified in schedule 1 of this code.

#### 3.1.1 Objectives for residential zones

The objectives for the provision of parking and vehicular access in residential areas are to ensure:

**a) Amenity**

- i) the amenity of neighbouring residential areas and streetscapes is not unacceptably affected by the provision of parking and access for residential uses generally and for non-residential uses in particular
- ii) meeting the design and siting requirements for provision of vehicle parking and access as set out in residential zones development codes

**b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development, especially multi-unit developments
- ii) the safety of all users, especially pedestrians and cyclists, is considered
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

**c) Efficiency**

- i) parking generated by a development does not unacceptably affect the safe and efficient functioning of traffic and access to neighbouring areas
- ii) adequate supply of parking for the level of demand generated by the development

**d) Access**

- i) safe and efficient access for all users, with the needs of residents and visitors being catered for by the onsite provision of adequate parking

**e) Catering for community based residential uses** (such as retirement village, residential care accommodation, special dwelling)

- i) adequate parking and access is provided on-site for community residential uses for the residents, visitors, workers and carers and for operational and commercial vehicles servicing the facilities
- ii) parking provided on-site is consistent with the likely demand generated by the residents of the community residential uses, particularly the residents of special dwellings
- iii) adequate access for emergency vehicles is provided for health and aged care facilities

**f) Non-residential uses**

- i) the amenity of surrounding residential areas and character of the streetscape will not be adversely affected by the provision of parking and access to home businesses and non-residential uses.

#### 3.1.2 Parking provision rates

The parking provision rates for development in the residential zones are specified in schedule 3.1.5 below.

### 3.1.3 Calculation of parking provision requirements

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.

### 3.1.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operational parking (ie vehicles used directly as part of the operation within the development, eg fleet cars)

Development	Long Stay Parking	Short Stay/ Visitor Parking	Operational Parking
(i) Residential use	On-site	On-site or within 100 metres	On-site
(ii) Child care	On-site or adjacent	On-site or within 100 metres	On-site
(iii) Residential care accommodation, special dwelling	On-site	On-site or within 100 metres	On-site
(iv) All other uses excluding those listed in (i), (ii) and (iii) above	On-site or within 200 metres	On-site or within 100 metres	On-site

### 3.1.5 Schedules of parking provision rates for residential zones

The parking provision rates for the provision of parking in the residential zones areas are set out in the schedule below.

#### Schedule 1 - Residential zones

Development	Parking provision rates for residential zones
Apartment	One (1) parking space per single bedroom dwelling; and A minimum average provision of 1.5 spaces per two bedroom dwelling, provided that each two bedroom dwelling is allocated a minimum of one (1) parking space and each two (2) bedroom dwelling is allocated no more than two (2) parking spaces; or Two (2) parking spaces per two bedroom dwelling; and Two (2) parking spaces for each dwelling with three or more bedrooms; plus One (1) visitor space per four (4) dwellings or part thereof where a complex comprises four (4) or more dwellings
Attached house	One (1) parking space per single bedroom dwelling; and A minimum average provision of 1.5 spaces per two bedroom dwelling, provided that each two bedroom dwelling is allocated a minimum of one (1) parking space and each two (2) bedroom dwelling is allocated no more than two (2) parking spaces; or Two (2) parking spaces per two bedroom dwelling; and Two (2) parking spaces for each dwelling with three or more bedrooms; plus One (1) visitor space per four (4) dwellings or part thereof where a complex comprises four (4) or more dwellings

Development	Parking provision rates for residential zones
Boarding house	0.5 spaces/employee plus 0.5 spaces/bedroom
Child care centre	1 space/centre plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces : < 30 child care spaces 3 spaces : 30-59 child care spaces 4 spaces : 60-90 child care spaces plus 1 pick-up/set-down bay per 10 child care places
Co-housing	0.5 spaces per bedroom plus 0.25 visitor spaces per bedroom
Community activity centre	4 spaces/100m <sup>2</sup> gross floor area (GFA)
Detached house	As per above, except that, for two (2) bedroom dwellings only, a minimum average provision of 1.5 spaces per dwelling, provided that each two (2) bedroom dwelling is to be allocated a minimum of one (1) parking space and no two (2) bedroom dwelling is to be allocated (2) more than two (2) parking spaces; plus One (1) visitor space per four (4) dwellings or part thereof where a complex comprises four (4) or more dwellings <i>Note: if there is only one (1) detached two (2) bedroomed dwelling in a development, then two (2) parking spaces are required</i>
Guest house	0.5 spaces/employee plus 1 space/guestroom
Health facility	4 spaces/practitioner
Home business	Subject to individual assessment
Parkland	Subject to individual assessment
Residential care accommodation	0.25 spaces/bed or accommodation unit for visitor parking plus 1 space/staff residential unit plus 1 space/non-resident peak shift employee
Retirement village	1 space/self-care unit plus 0.5 spaces/hostel or nursing home unit or bed plus 1 space/staff residential unit



Development	Parking provision rates for residential zones
Special dwelling	plus
	0.5 spaces/non-resident peak shift employee
	Note: above rates for retirement village include visitor car parking requirements
	1 space per resident employee
	plus
	1 space per peak shift non-resident employee
	plus
	1 space per operational vehicle
	plus
	1 visitor space

**Note**

1. 'Spaces' refer to 'car parking spaces' unless otherwise stated.
2. For this schedule a room may be classified as a study if it has at least one of the following characteristics:
  - a) It has both of the following:
    - i) a built-in desk
    - ii) access from the dwelling to the study through an opening of at least 1.2m wide.
  - Or
  - b) A floor area of not more than 7m<sup>2</sup>.

## 3.2 Commercial zones (excepting CZ5 mixed use zone and CZ6 leisure and accommodation zone)

### 3.2.1 Objectives for parking and vehicular access in the commercial zones

The size and role of the various commercial centres are such that public transport accessibility and opportunities for shared and consolidated parking differ significantly. In the city and the town centres, for example, the multiplicity of land use activities (and thus higher proportion of multi-purpose trips), coupled with greater transit access and services, permit a lower rate of provision for long-stay commuter parking than in group centres and local centres or corridor sites.

The scale and range of activities in the major centres is such that non-concurrence of peak demands for all activities means that there is significant potential for reducing provision through shared and consolidated parking.

The objectives for the provision of parking and vehicular access in commercial zones are to ensure:

**a) Amenity**

- i) no regular overspill of parking occurs in neighbouring residential areas which detracts from the amenity of these areas
- ii) the provision of parking does not detract from creating vibrant, interesting and lively centres

**b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered

- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

**c) Efficiency**

- i) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible
- ii) the effectiveness of travel demand management measures to reduce the overall demand for long stay, commuter parking of private vehicles in the city and town centres
- iii) commercial vehicles delivering or collecting goods are accommodated

**d) Access**

- i) safe and efficient access to commercial centres by all users of the centre, including business, workers, residents, shoppers and visitors as well as by operational and commercial vehicles

**e) Equity**

- i) the maintenance of an adequate supply of public parking for the level of development and activity approved in a centre

**f) Commercial viability**

- i) the commercial viability of a centre is not adversely affected by the inappropriate provision of parking

**g) Non-commercial use**

- i) the successful operation of non-commercial uses in centres, especially community uses which will require adequate set-down and pick-up facilities

### 3.2.2 Parking provision rates

The parking provision rates for development in the commercial zones are specified in schedule 3.2.5 below, except for the special condition for the City Centre CZ3 zone, as follows:

**Special condition for city centre CZ3 zone.**

For mixed use developments of greater than 1000m<sup>2</sup> GFA where the lease permits a mixture of two or more of the following land uses and two or more of the following are to be developed on the site, the maximum rate applicable shall be 3 spaces per 100m<sup>2</sup> GFA:

Bulky goods retailing, business agency, craft workshop, community activity centre, cultural facility, financial establishment, health facility, industrial trades, light industry, office, personal services, plant and equipment hire, restaurant, shop, store and warehouse.

### 3.2.3 Calculation of parking provision requirement

The number of parking spaces required is calculated by multiplying the scale of the development by the appropriate parking provision rate.

### 3.2.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operational parking (ie. vehicles used directly as part of the operation within the development, eg. fleet cars).

**Locational requirements**

Commercial centre	Long stay parking	Short stay parking	Operational parking	Visitor parking
City centre	(i) CZ1 and CZ2 zones - on-site or in publicly available car parks up to 1km distant (ii) CZ3 zone - on-site	(i) CZ1 and CZ2 zones—on site or within 400m (ii) CZ3 zone - on-site and/or within 400m	On-site or immediately adjacent	(i) CZ1 and CZ2 zones—on site or within 400m (ii) CZ3 zone - on-site and/or within

Commercial centre	Long stay parking	Short stay parking	Operational parking	Visitor parking
	and/or within 400m within the boundaries of the City Centre			400m
Town centres	(i) Residential use – on site  (ii) Non residential use – on-site or within 1000m within the boundaries of the Town centre	Within 200m	On-site or immediately adjacent	Within 200m
Group centres	(i) On-site or within 400m except for residential use where parking is to be on-site	(i) On site or within 200m	(i) On-site or within 100m	(i) On site or within 200m
Local centres	(i) Residential use – on site  (ii) Non residential use – on site or within 200m  (iii) Yarralumla Section 56 Blocks 21 and 22 - All parking is to be provided on-site	(i) For Ainslie, O'Connor, Watson and Yarralumla – on-site or within 200m  (ii) For all other local centres, on-site or within 100m	On-site or adjacent to development	(i) For Ainslie, O'Connor, Watson and Yarralumla – on-site or within 200m  (ii) For all other local centres, on-site or within 100m
CZ2 zone outside centres and Northbourne Avenue precinct	(i) Residential use – On site  (ii) Non residential use – on site or within 400m	Within 200m	On-site or adjacent to the development	Within 200m

**Note:** Boundaries of commercial centres are defined in suburb precinct maps.

### 3.2.5 Schedules of parking provision rates for commercial zones

The parking provision rates for the provision of parking in the commercial zones are set out in the schedule on the following page.

## Schedule 2 – Parking provision rates for commercial zones

Development	City centre	Town centres	Group centres	Local centres	CZ2 zones outside centres and Northbourne Avenue precinct
Bulky goods retailing	2 spaces/100m <sup>2</sup> GFA		2.5 spaces/100m <sup>2</sup> GFA	N/A	N/A
Business agency	4 spaces/100m <sup>2</sup> GFA		5 spaces/100m <sup>2</sup> GFA	6 spaces/100m <sup>2</sup> GFA	
Car park	1 space/peak shift employee				
Child care centre	1 space/centre plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces: <30 child care places 3 spaces: 30-59 child care places 4 spaces: 60-90 child care places plus 1 pick-up/set-down bay per 10 child care places				As per community facility zone schedule
Civic administration	As per Office		N/A	N/A	N/A
Club	CZ1 and CZ2 zones 5 spaces/100m <sup>2</sup> GFA up to 5000 m <sup>2</sup> plus 10 spaces/100m <sup>2</sup> GFA over 5000m <sup>2</sup>		10 spaces/100m <sup>2</sup> GFA	N/A	15 spaces/100m <sup>2</sup> GFA
	CZ3 zone 10 Spaces/100m <sup>2</sup> GFA	CZ3 zone 5 spaces/100m <sup>2</sup> GFA up to 500m <sup>2</sup> plus 10 spaces/100m <sup>2</sup> GFA over 500m <sup>2</sup>			
Communications facility	1 space peak shift employee			N/A	1 space peak shift employee
Community activity centre	3 spaces/100m <sup>2</sup> GFA			4 spaces/100m <sup>2</sup> GFA	N/A
Community theatre	1 spaces/12 seats			1 spaces/3 seats	N/A
COMMUNITY USE	N/A	N/A	N/A	As per community facility zone schedule	As per community facility zone schedule
Corrections facility	N/A	Subject to individual assessment	N/A	N/A	N/A
Craft workshop	3 spaces/100m <sup>2</sup> GFA			N/A	N/A
Cultural facility	0.5 spaces/100m <sup>2</sup> GFA		1 spaces/100m <sup>2</sup> GFA	2 spaces/100m <sup>2</sup> GFA	
Defence installation	N/A	N/A	N/A	N/A	Subject to individual assessment

<b>Development</b>	<b>City centre</b>	<b>Town centres</b>	<b>Group centres</b>	<b>Local centres</b>	<b>CZ2 zones outside centres and Northbourne Avenue precinct</b>
Drink establishment	CZ1 and CZ2 zones 5 spaces/100m <sup>2</sup>  CZ3 zone 10 spaces/100m <sup>2</sup> GFA	CZ1 and CZ2 zones 5 spaces/100m <sup>2</sup> GFA  CZ3 zone 5 spaces/100m <sup>2</sup> GFA up to 500m <sup>2</sup> plus 10 spaces/100m <sup>2</sup> GFA over 500m <sup>2</sup>	10 spaces/100m <sup>2</sup> GFA	N/A	15 spaces/100m <sup>2</sup> GFA
Educational establishment	1 space/10 students		1.5 spaces/10 students	N/A	N/A
Emergency services facility	1 space/peak shift employee			N/A	1 space/peak shift employee
Financial establishment	4 spaces/100m <sup>2</sup> GFA		5 spaces/100m <sup>2</sup> GFA	6 spaces/100m <sup>2</sup> GFA	
Freight transport facility	Subject to individual assessment			N/A	N/A
Funeral parlour	2 spaces/100m <sup>2</sup> GFA excluding chapel area plus 1 space/20 chapel seats			N/A	N/A
Guest house	1 space/3 employees plus 1 space/guest room for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room for establishments of more than 36 units	N/A	1 space/3 employees plus 1 space/guest room for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room for establishments of more than 36 units	1 space/3 employees plus 1 space/guest room for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room for establishments of more than 36 units	N/A
Health facility	3.5 spaces/100m <sup>2</sup> GFA		4 spaces/practitioner		N/A
Hospital	N/A	0.8 spaces/peak shift employee plus 0.5 spaces per bed	N/A	N/A	N/A

<b>Development</b>	<b>City centre</b>	<b>Town centres</b>	<b>Group centres</b>	<b>Local centres</b>	<b>CZ2 zones outside centres and Northbourne Avenue precinct</b>
Hotel	<p>CZ1 zone 1 space/3 employees plus 0.1 spaces/guest room or unit plus 5 spaces/100m<sup>2</sup> GFA of bars and function rooms plus 2 spaces/100m<sup>2</sup> of retail space</p> <p>CZ2 and CZ3 zones 1 space/3 employees plus 1 space/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 5 spaces/100m<sup>2</sup> GFA of bars and function rooms up to 5000m<sup>2</sup> plus 10 spaces/100m<sup>2</sup> over 5000m<sup>2</sup> plus 1 space/10 restaurant seats plus 2 spaces/100m<sup>2</sup> of retail space</p>	<p>1 space/3 employees plus 1 space/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 5 spaces/100m<sup>2</sup> GFA of bars and function rooms up to 5000m<sup>2</sup> plus 10 spaces/100m<sup>2</sup> over 5000m<sup>2</sup> plus 1 space/10 restaurant seats plus 2 spaces/100m<sup>2</sup> of retail space</p>	<p>1 space/2 employees plus 1 spaces/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 10 spaces/100m<sup>2</sup> GFA of bars and function rooms plus 1 space/10 restaurant seats plus 3 spaces/100m<sup>2</sup> of retail space</p>	N/A	<p>1 space/2 employees plus 1 spaces/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 10 spaces/100m<sup>2</sup> GFA of bars and function rooms plus 1 space/10 restaurant seats plus 3 spaces/100m<sup>2</sup> of retail space</p>
Indoor entertainment facility Cinema Commercial theatre	<p>1 space/12 seats 1 space/3 seats</p>	1 space/4 seats	1 space/ 4 seats	N/A	
Amusement arcade, night club, music hall, discothèque	5 spaces/100m <sup>2</sup> GFA		10 spaces/100m <sup>2</sup> GFA		

<b>Development</b>	<b>City centre</b>	<b>Town centres</b>	<b>Group centres</b>	<b>Local centres</b>	<b>CZ2 zones outside centres and Northbourne Avenue precinct</b>
Indoor recreation facility Basketball, netball Skating rink, swimming pool  Squash courts  Fitness centre, gymnasium Other	15 spaces/court  5 paces/100m <sup>2</sup> of actual pool or rink area  C1 Zones 1 space/court C2 and C3 Zones 2spaces/court  1 space/100m <sup>2</sup> GFA  Subject to individual assessment	15 spaces/court  5 paces/100m <sup>2</sup> of actual pool or rink area  C1 and C2 Zones 1 space/court C3 Zone 2spaces/court  1 space/100m <sup>2</sup> GFA  Subject to individual assessment	20 spaces/court  5 paces/100m <sup>2</sup> of actual pool or rink area  2 spaces/court  2 spaces/100m <sup>2</sup> GFA  Subject to individual assessment	20 spaces/court  5 paces/100m <sup>2</sup> of actual pool or rink area  2 spaces/court  3.5 spaces/100m <sup>2</sup> GFA  Subject to individual assessment	25 spaces/court  20 spaces/100m <sup>2</sup> of actual pool or rink area  2 spaces/court  3.5 spaces/100m <sup>2</sup> GFA  Subject to individual assessment
Industrial trades	2 spaces/100m <sup>2</sup> GFA		2.5 spaces/100m <sup>2</sup> GFA	2.5 spaces/100m <sup>2</sup> GFA	N/A
Light industry	2 spaces/100m <sup>2</sup> GFA		2.5 spaces/100m <sup>2</sup> GFA	2.5 spaces/100m <sup>2</sup> GFA	N/A
Motel	As per Hotel			N/A	As per Hotel
Municipal depot	0.5 space/peak shift employee		1 space/peak shift employee	N/A	N/A
Office	CZ1 Zone 1 space/100m <sup>2</sup> GFA CZ2 Zone 2.0 spaces/100m <sup>2</sup> GFA CZ3 Zone 2.0 spaces/100m <sup>2</sup> GFA	Belconnen & Woden CZ1 and CZ2 1 space/100m <sup>2</sup> GFA CZ3 Zone 2.5 spaces/100m <sup>2</sup> GFA Gungahlin 2.5 spaces/100m <sup>2</sup> GFA Tuggeranong 2 spaces/100m <sup>2</sup> GFA	2.5 spaces/100m <sup>2</sup> GFA except for Northbourne Avenue precinct where the rate is 2.0 spaces/100m <sup>2</sup> GFA		
Outdoor recreation facility Skating rink, swimming pool Bowling green  Tennis court Other	5 spaces/100m <sup>2</sup> of actual pool or rink area 30 spaces for first green plus 15 spaces/additional green 5 spaces/court Subject to individual assessment		N/A	N/A	N/A
Parkland	Subject to individual assessment				
Pedestrian plaza	Subject to individual assessment				

Development	City centre	Town centres	Group centres	Local centres	CZ2 Zones Outside Centres and Northbourne Avenue Precinct
Personal services	4 spaces/100m <sup>2</sup> GFA	N/A	5 spaces/100m <sup>2</sup> GFA	N/A	N/A
Place of assembly	1 space/20 seats	1 space/10 seats		N/A	1 space/4 seats
Place of worship	1 space/20 seats	1 space/10 seats		1 space/4 seats	1 space/4 seats
Plant and equipment hire establishment	2 spaces/100m <sup>2</sup> GFA			N/A	N/A
Produce market	N/A	10 spaces/100m <sup>2</sup> GFA		N/A	N/A
Public agency	4 spaces/100m <sup>2</sup> GFA		5 spaces/100m <sup>2</sup> GFA		6 spaces/100m <sup>2</sup> GFA
Public transport facility	Subject to individual assessment			N/A	N/A
Recyclable materials collection	1 space			N/A	N/A
Religious associated use	Subject to individual assessment			N/A	N/A
RESIDENTIAL USE	CZ1 and CZ2 zones No minimum requirement CZ3 zone 0.8 spaces per single bedroom unit 1.3 spaces per two bedroom unit 1.8 spaces per unit with three or more bedrooms	CZ1 and CZ2 zones No minimum requirement CZ3 zones 0.8 spaces per single bedroom unit 1.3 spaces per two bedroom unit 1.8 spaces per unit with three or more bedrooms.	As per Residential Zone Schedule		
Restaurant	CZ1 zone No minimum requirement  CZ2 and CZ3 zones 5 spaces/100m <sup>2</sup> GFA	CZ1 zone No minimum requirement  CZ2 and CZ3 zone 5 spaces/100m <sup>2</sup> GFA up to 500m <sup>2</sup> Plus 10 spaces/100m <sup>2</sup> GFA over 500m <sup>2</sup>	10 spaces/100m <sup>2</sup> GFA		10 spaces/100m <sup>2</sup> GFA
Retail plant nursery	N/A	2 spaces/100m <sup>2</sup> GFA		N/A	N/A
Scientific research establishment	N/A	N/A	N/A	N/A	2.5 spaces/100m <sup>2</sup> of office and laboratory space Plus Individual assessment of provision for other activities
Service station	4 spaces/service bay plus 4 spaces/100m <sup>2</sup> of shop area		4 spaces/service bay plus 5 spaces/100m <sup>2</sup> of shop area	4 spaces/service bay plus 6 spaces/100m <sup>2</sup> of shop area	
Shop	4 spaces/100m <sup>2</sup> GFA		5 spaces/100m <sup>2</sup> GFA	6 spaces/100m <sup>2</sup> GFA	



Development	City centre	Town centres	Group centres	Local centres	CZ2 Zones Outside Centres and Northbourne Avenue Precinct
Store	2 spaces/100m² GFA			N/A	N/A
Tourist facility	Subject to individual assessment		N/A	N/A	N/A
Transport depot	Subject to individual assessment			N/A	N/A
Vehicle sales	4 spaces/service bay plus 3 spaces/100m² of sales area		4 spaces/service bay plus 6 spaces/100m² of sales area	N/A	N/A
Veterinary hospital	N/A	3.5 spaces/100m² GFA		3.5 spaces/100m² GFA	N/A
Warehouse	1 spaces/100m² GFA plus 2.5 spaces/100m² of office area			N/A	N/A

**Notes:**

1. Boundaries of commercial centres are defined in suburb precinct maps.
2. Boundary of Northbourne Avenue precinct is defined in the Northbourne Avenue precinct code
3. Spaces' refer to 'car parking spaces' unless otherwise stated.

### **3.3 Commercial CZ5 mixed use zone**

#### **3.3.1 Objectives for parking and vehicular access in the CZ5 mixed use zone**

The size and role of the various mixed use areas are such that public transport accessibility and opportunities for shared and consolidated parking differ significantly.

The scale and range of activities in the mixed use areas is such that non-concurrence of peak demands for all activities means that there may be some potential for reducing provision through shared and consolidated parking.

The objectives for the provision of parking and access in the CZ5 mixed use zone are to ensure:

##### **a) Amenity**

- i) no regular overspill of parking occurs in neighbouring residential areas which detracts from the amenity of these areas
- ii) the provision of parking does not detract from creating vibrant, interesting and lively centres

##### **b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

##### **c) Efficiency**

- i) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible
- ii) commercial vehicles delivering or collecting goods are accommodated

##### **d) Access**

- i) safe and efficient access to mixed use areas by all users including business, workers, residents, shoppers and visitors as well as by operational and commercial vehicles

##### **e) Equity**

- i) the maintenance of an adequate supply of public parking for the level of development and activity approved in a mixed use area

##### **f) Non-commercial use**

- i) the successful operation of non-commercial uses in mixed use areas, especially community uses which will require adequate set-down and pick-up facilities.

#### **3.3.2 Parking provision rates**

The parking provision rates for development in the mixed use zone are specified in schedule 3.3.5 below.

#### **3.3.3 Calculation of parking provision requirement**

The number of parking spaces required is calculated by multiplying the scale of the development by the appropriate parking provision rate.

#### **3.3.4 Locational requirements**

The following are specific requirement for the location of long stay, short stay and operational parking (ie. vehicles used directly as part of the operation within the development).

## Locational requirements

	Long stay parking	Short stay parking	Operational parking	Visitor parking
City centre	On-site or in publicly available car parks up to 1km distant	On site or within 400m	On-site or immediately adjacent	On site or within 400m
All other centres or areas	On-site or within 400m except for residential use where parking is to be on-site	On site or within 200m	On-site or within 100m	On site or within 200m

### 3.3.5 Schedule of parking provision rates for commercial CZ5 mixed use zone

The parking provision rates for the provision of parking in the commercial CZ5 mixed use zone is set out in the schedule below.

#### Schedule 3 – mixed use zone

Development	Parking provision rates for CZ5 mixed use zone
Aquatic recreation facility	As for 'indoor recreation facility' in CZ2 zones.
Boarding house	0.5 spaces/employee Plus 0.5 spaces/bedroom
Business agency	5 spaces/100m <sup>2</sup> GFA.
Car park	1 space/peak shift employee.
Club	10 spaces/100m <sup>2</sup> GFA, except for the CZ5 zone in City West (Section 6 City) where the rate is the same as for the CZ1 zone (i.e. 5 spaces/100m <sup>2</sup> GFA for the first 5,000m <sup>2</sup> GFA and 10 spaces/100m <sup>2</sup> GFA for space in excess of 5,000m <sup>2</sup> GFA.
Communications facility	1 space/peak shift employee
COMMUNITY USE	As per community facility zone schedule
Craft workshop	3 spaces/100m <sup>2</sup> GFA.
Defence installation	Subject to individual assessment.
Demolition	1 space/peak shift employee
Drink establishment	10 spaces/100m <sup>2</sup> GFA.
Emergency services facility	1 space/peak shift employee
Financial establishment	5 spaces/100m <sup>2</sup> GFA.
Guest house	1 space/peak shift employee plus 1 space per two guest rooms.
Home business	Subject to individual assessment
Hotel	1 space/ employee plus 1 space/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 10 spaces/100m <sup>2</sup> GFA of bars and function rooms plus

Development	Parking provision rates for CZ5 mixed use zone
	1 space/10 restaurant seats plus 3 spaces/100m <sup>2</sup> of retail space
Indoor entertainment facility	Cinema, commercial theatre 1 space/3 seats Amusement arcade, night club, music hall, discothèque 10 spaces/100m <sup>2</sup> GFA
Indoor recreation facility	Basketball, netball 20 spaces/court Skating rink 15 spaces/100m <sup>2</sup> of rink area Swimming pool 15 spaces per 100m <sup>2</sup> of rink area Squash court 2 spaces per court Fitness centre, gymnasium 3.5 spaces/100m <sup>2</sup> GFA Other Subject to individual assessment.
Light industry	2.5 spaces/100m <sup>2</sup> GFA.
Major utility installation	Subject to individual assessment.
Minor use	Subject to individual assessment.
Motel	As per hotel
Multi-unit housing	As per Schedule 1 in the section on Residential Zones.
Municipal depot	1 space/peak shift employee.
NON-RETAIL COMMERCIAL	See parking provision rates under <i>business agency, financial Establishment, office and public agency.</i>
Office	2.5 spaces/100m <sup>2</sup> GFA
Outdoor recreation facility	Skating rink 15 spaces per 100m <sup>2</sup> of rink area Swimming pool 15 spaces per 100m <sup>2</sup> of rink area Bowling green 30 spaces for the 1 <sup>st</sup> green, plus 15 spaces for each extra green Tennis court 2 spaces per court Other Subject to individual assessment
Place of assembly	1 space/4 seats.
Public agency	5 spaces/100m <sup>2</sup> GFA.
Public transport facility	Subject to individual assessment.
Religious associated use	Subject to individual assessment.
Relocatable unit	Temporary parking in accordance with the provisions of the relevant section of this code, depending on the use for which the relocatable unit is intended. For example, residential use might attract a requirement for one space per unit, while for school use, the parking provision rates should be related to the number of staff and students as per the requirements of the community facility zone provisions.
RESIDENTIAL USE	As per residential zone schedule
Restaurant	10 spaces/100m <sup>2</sup> GFA
Scientific research establishment	2.5 spaces/100m <sup>2</sup> of office and laboratory space plus Individual assessment of provision for other activities

Development	Parking provision rates for CZ5 mixed use zone
Serviced apartment	As per Schedule 1-Residential Zones.
Service station	4 spaces/service bay plus 5 spaces/100m <sup>2</sup> shop area
Shop	5 spaces/100m <sup>2</sup> GFA
Store	2 spaces/100m <sup>2</sup> GFA
Subdivision	1 space per peak shift employee (including contractors).
Temporary Use	Subject to individual assessment.
Tourist facility	Subject to individual assessment
Tourist resort	As per hotel Except for restaurant use, where the rate is 5 spaces/100m <sup>2</sup> GFA
Warehouse	1 space per 100m <sup>2</sup> GFA, except for areas used for ancillary offices, where the on-site parking provision rate is 2.5 spaces/100m <sup>2</sup> GFA.

#### Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

### **3.4 Commercial CZ6 leisure and accommodation zone**

#### **3.4.1 Objectives for CZ6 leisure and accommodation zone**

Development assessable in the merit track for the CZ6 leisure and accommodation zone is predominantly tourist accommodation and facilities, and a range of entertainment and leisure facilities. The nature and location of these facilities is such that private vehicle use accounts for the majority of associated travel, except for a small number of more centrally located developments and central area accommodation with convenient access to public transport.

The objectives for the provision of access and parking in the leisure and accommodation zone are to ensure:

##### **a) Amenity**

- i) the amenity of adjoining development, particularly nearby residential areas, is not unacceptably affected by the provision of parking and access for the operations of entertainment, accommodation and leisure facilities

##### **b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered at all times
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

##### **c) Efficiency**

- i) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible.

#### d) Access

- i) safe and efficient access to entertainment, accommodation and leisure developments by all users of the area, including business, workers, residential guests and visitors as well as by operational and commercial vehicles
- ii) the parking demand of visitors and residential guests to the development is catered for onsite consistent with the level of public transport accessibility and other parking opportunities in the vicinity.

### 3.4.2 Parking provision rates

The parking provision rates for development in the leisure and accommodation zone are specified in schedule 3.4.5 below.

### 3.4.3 Calculation of parking provision requirements

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.

### 3.4.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operational parking (ie vehicles used directly as part of the operation within the development, eg fleet cars).

Development	Long stay parking	Short stay parking	Operational parking	Visitor parking
All development in leisure and accommodation zone	On-site or within 200m	On-site or within 200m	On-site	On-site or within 200m

### 3.4.5 Schedules of parking provision rates for CZ6 leisure and accommodation zone

The parking provision rates for the provision of parking in the leisure and accommodation zone are set out in the schedule below.

#### Schedule 4 – Leisure and accommodation zone

Development	Parking provision rates for leisure and accommodation zone
Aquatic recreation facility	Subject to individual assessment
Car park	1 space/peak shift employee
Caravan park / camping ground	2.5 spaces/100m <sup>2</sup> GFA of office space plus 1 space/site or unit plus 0.25 visitor spaces/site or unit
Club	15 spaces/100m <sup>2</sup> GFA except for CZ6 zones in town centres where the rate is 10 spaces/100m <sup>2</sup> GFA
COMMUNITY USE	As per schedule in the community facility zone
Craft workshop	3 spaces/100m <sup>2</sup> GFA
Drink establishment	In city centre 5 spaces/100m <sup>2</sup> GFA  In town centres 5 spaces/100m <sup>2</sup> GFA up to 500m <sup>2</sup> GFA, then 10 spaces/100m <sup>2</sup> GFA  In group centres and local centres 10 spaces/100m <sup>2</sup> GFA  In all other areas 15 spaces/100m <sup>2</sup> GFA
Drive-in cinema	Subject to individual assessment
Equestrian facility	Subject to individual assessment

Development	Parking provision rates for leisure and accommodation zone
Group or organised camp	Subject to individual assessment
Guest house	0.5 spaces/employee plus 1 space/guestroom
Hotel	1 space/ employee plus 1 space/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 10 spaces/100m <sup>2</sup> GFA of bars and function rooms plus 1 space/10 restaurant seats plus 3 spaces/100m <sup>2</sup> of retail space
Indoor recreation facility Cinema, commercial theatre Amusement arcade, night club, Music hall, discotheque	1 space/3 seats 20 spaces/100m <sup>2</sup> GFA 20 spaces /100m <sup>2</sup> GFA
Indoor recreation facility Basketball, netball Skating rink, swimming pool Squash courts Fitness centre, gymnasium	25 spaces/court 20 spaces/100m <sup>2</sup> of actual pool or rink area 2 spaces/court 3.5 spaces/100m <sup>2</sup> GFA
Motel	As per hotel
Outdoor recreation facility Skating rink, swimming pool Bowling green	15 spaces/100m <sup>2</sup> of actual pool or rink area 30 spaces for first green plus 15 spaces/additional green
Tennis court Any leisure and/or accommodation facility not otherwise specified Overnight camping area	5 spaces/court Subject to individual assessment 1 space plus 1 space/site
Parkland	Subject to individual assessment
Place of assembly	1 space/4 seats
Public agency (TAB)	6 spaces/100m <sup>2</sup> GFA
Public transport facility	Subject to individual assessment
Restaurant	In city centre 5 spaces/100m <sup>2</sup> GFA In town centres 5 spaces/100m <sup>2</sup> GFA up to 500m <sup>2</sup> GFA, then 10 spaces/100m <sup>2</sup> GFA In group centres and local centres 10 spaces/100m <sup>2</sup> GFA In all other areas 15 spaces/100m <sup>2</sup> GFA
Shop	6 spaces/100m <sup>2</sup> GFA
Tourist facility	Subject to individual assessment
Zoological facility	Subject to individual assessment

#### Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

## **3.5 Industrial zones**

### **3.5.1 Objectives for parking and access in the industrial zones**

The location and the nature of Canberra's industrial land areas at Fyshwick, Hume and Mitchell, ensure that the great majority of trips to industrial areas are made by private and commercial vehicles, with public transport catering for only a small proportion of journey to work trips and a low level of customer and visitor travel.

The policies and performance criteria for parking in industrial areas reflect the differing requirements that derive from their particular location and nature, in that they are situated in localities remote from town centres and generally provide for metropolitan scale facilities ranging from bulky goods retailing to offensive industry.

The objectives for the provision of parking and access in industrial zones

Policies areas are to ensure:

#### **a) Amenity**

- i) no regular overspill of parking occurs on surrounding areas which detracts from the amenity of these areas

#### **b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered at all times
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

#### **c) Efficiency**

- i) the majority of parking is to be provided on-site and associated with individual developments
- ii) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible

#### **d) Access**

- i) safe and efficient access to industrial areas by all users of the area, including business, workers, residents, shoppers and visitors as well as by operational and commercial vehicles

#### **e) Commercial viability**

- i) the commercial viability of an industrial area is not affected by the inappropriate provision of parking.

### **3.5.2 Parking provision rates**

The parking provision rates for industrial zones are as specified schedule 3.5.5 below.

### **3.5.3 Calculation of parking provision requirements**

The number of parking spaces required is calculated by multiplying the scale of the development by the appropriate parking provision rate.

### **3.5.4 Location requirements**

The following are specific requirements for the location of long stay, short stay and operational parking (ie vehicles used directly as part of the operation within the development, eg fleet cars).



Development	Long stay parking	Short stay parking	Operational parking	Visitor parking
Personal service (commercial sexual service)	On-site (concealed from the road for employee safety)	On-site or within 100m	On-site	On-site or within 100m
All other development in industrial zone	On-site or within 200m	On-site or within 100m	On-site	On-site or within 100m

### 3.5.5 Schedule of parking provision rates for industrial zones

The parking provision rates for the provision of parking in the industrial zones are set out in the schedule below.

#### Schedule 5 - Industrial zones

Development	Parking provision rates for industrial zones
Animal care facility	1 space/facility plus 2 spaces per 15 animals for employee parking plus visitor parking as follows: 2 spaces: <30 animals per facility 3 spaces: 30-59 animals per facility 4 spaces: 60-90 animals per facility plus 1 pick-up/set-down bay per 10 animals
Bulk landscape supplies	Subject to individual assessment
Bulky goods retailing	3 spaces/100m <sup>2</sup> GFA
Business agency	6 spaces/100m <sup>2</sup> GFA
Car park	1 space/peak shift employee
Child care centre	1 space/centre plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces : < 30 child care places 3 spaces : 30-59 child care places 4 spaces : 60-90 child care places plus 1 pick-up/set-down bay per 10 child care places
Club	15 spaces/100m <sup>2</sup> GFA
Communications facility	1 space/peak shift employee
Community activity centre	4 spaces/100m <sup>2</sup> GFA
Defence installation	Subject to individual assessment
Drink establishment	15 spaces/100m <sup>2</sup> GFA
Educational establishment	4 spaces/10 students
Emergency services facility	1 space/peak shift employee
Financial establishment	6 spaces/100m <sup>2</sup> GFA
Freight transport facility	Subject to individual assessment
Funeral parlour	2 spaces/100m <sup>2</sup> GFA excluding chapel area plus 1 space/4 chapel seats
General industry	2 spaces/100m <sup>2</sup> GFA

<b>Development</b>	<b>Parking provision rates for industrial zones</b>
Hazardous industry	1 space/peak shift employee
Hazardous waste facility	1 space/peak shift employee
Health facility	3 spaces/practitioner
Incineration facility	1 space/peak shift employee
Indoor recreation facility	
Basketball, netball	20 spaces/court
Skating rink, swimming pool	10 spaces/100m <sup>2</sup> of actual pool or rink area
Squash courts	2 spaces/court
Fitness centre, gymnasium	2 spaces/100m <sup>2</sup> GFA
Industrial trades	2 spaces/100m <sup>2</sup> GFA
Light industry	2 spaces/100m <sup>2</sup> GFA
Liquid fuel depot	1 space/peak shift employee
MAJOR UTILITY INSTALLATION	Subject to individual assessment
Municipal depot	1 space/peak shift employee
Offensive industry	1 space/peak shift employee
Office	2.5 spaces/100m <sup>2</sup> GFA
Parkland	Subject to individual assessment
Personal services	4 spaces/100m <sup>2</sup> GFA
Place of worship	1 space/4 seats
Plant and equipment hire establishment	2 spaces/100m <sup>2</sup> GFA
Produce market	15 spaces/100m <sup>2</sup> GFA
Public agency	4 spaces/100m <sup>2</sup> GFA
Railway use	Subject to individual assessment
Recyclable materials collection	1 space
Recycling facility	1 space/peak shift employee
Restaurant	15 spaces/100m <sup>2</sup> GFA
Scientific research establishment	2.5 spaces/100m <sup>2</sup> of office and laboratory space plus individual assessment of provision for other activities
Service station	6 spaces/service bay plus 4 spaces/100m <sup>2</sup> of shop area
Shop	4 spaces/100m <sup>2</sup> GFA
Store	2 spaces/100m <sup>2</sup> GFA
Transport depot	Subject to individual assessment
Vehicle sales	6 spaces/service bay plus 6 spaces/100m <sup>2</sup> of sales area
Veterinary hospital	3 spaces/100m <sup>2</sup> GFA

Development	Parking provision rates for industrial zones
Warehouse	1 space/100m <sup>2</sup> GFA plus 2.5 spaces/100m <sup>2</sup> GFA of office space
Waste transfer station	1 space/peak shift employee

Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

## 3.6 Community facility zone

### 3.6.1 Objectives for community facility zone

The community facility zone applies to a variety of areas both within centres and in diverse locations spread throughout the metropolitan area. Zones include schools, community centres, hospitals and health facilities, cultural facilities and some specific forms of supported accommodation. Travel associated with the community facilities zone therefore covers a range of purposes including the journey to work or school, personal business and recreation.

Mode of travel varies considerably with the prevalent functions of these facilities and their location, and while the majority of travel is by private car, public transport, walking and cycling also make up a significant proportion of trips. Ready access to public transport is often particularly important because of the absence of viable alternatives for the users of the facilities.

The objectives for the provision of parking and access in the community facility zone are to ensure:

#### a) Amenity

- i) the amenity of neighbouring uses and areas is not unacceptably affected by the provision of parking and access for the operation of facilities, particularly in terms of noise, traffic, parking and privacy
- ii) no regular overspill of parking occurs which uses kerbside or other parking in surrounding residential streets

#### b) Safety

- i) no traffic hazards are created by the provision of access and parking facilities for a development; the safety of all users, especially pedestrians and cyclists, is considered
- ii) the safety of all users, especially pedestrians and cyclists, is considered
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

#### c) Efficiency

- i) provision of parking and access for the efficient use of sites consistent with the multi use and co-location of facilities
- ii) adequate supply of parking for the level of demand generated by the development
- iii) commercial vehicles delivering or collecting goods are accommodated
- iv) the parking demand of visitors to the development is catered for on-site consistent with the level of public transport accessibility and other parking opportunities in the vicinity

#### d) Access

- i) safe and efficient access by all users, including operational and commercial vehicles
- ii) adequate set-down and pick-up points are provided for users

- iii) commuter parking needs of occupiers of the development are accommodated on-site consistent with the level of public transport accessibility and other parking opportunities in the vicinity
- iv) all other parking needs of visitors and commuters are met in appropriate off-site locations
- v) access for emergency vehicles to be provided for health and aged care facilities.

### 3.6.2 Parking provision rates

The parking provision rates for development in the community facility zone are specified in schedule 3.6.5 below.

### 3.6.3 Calculation of parking provision requirements

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.

### 3.6.4 Locational requirements

The following are specific requirement for the location of long stay, short stay and operational parking (ie. vehicles used directly as part of the operation within the development).

Development	Long stay parking	Short stay parking	Operational parking	Visitor parking
Residential Use	On-site	On-site or within 100m	On-site	On-site or within 100m
All other development in community facility zone	Within 200m	On-site or within 100m	On-site	On-site or within 100m

### 3.6.5 Schedule of parking provision rates for community facility zone

The parking provision rates for the provision of parking in the community facility zone is set out in the schedule below.

#### Schedule 6 - Community facility zone

Development	Parking provision rates for community facility zone
Child care centre	1 space/centre plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces : < 30 child care places 3 spaces : 30-59 child care places 4 spaces : 60-90 child care places plus 1 pick-up/set-down bay per 10 child care places
Community activity centre	4 spaces/100m <sup>2</sup> GFA
Community theatre	1 space/4 seats
Corrections facility	Subject to individual assessment
Cultural facility	2 spaces/100m <sup>2</sup> GFA
Educational establishment	
Pre-school, primary & high schools	0.8 spaces/10 students plus 0.4 set-down/pick-up spaces/10 students
Secondary college	1.8 spaces/10 students plus 0.2 set-down/pick-up spaces/10 students
Tertiary institution, college	Subject to individual assessment specialist
Emergency services facility	1 space/peak shift employee

Development	Parking provision rates for community facility zone
Health facility	4 spaces/practitioner
Hospital	0.8 spaces/peak shift employee plus 1.3 spaces/bed
Parkland	Subject to individual assessment
Place of worship	1 space/20 seats within city centre 1 space/10 seats within town and group centres 1 space/4 seats all other areas
Religious associated use	Subject to individual assessment
Residential care accommodation	0.25 spaces/bed or accommodation unit plus 1 space/staff residential unit plus 1 space/non-resident peak shift employee
Retirement village	1 space/self-care unit plus 1 space/per four hostel or nursing home units or beds plus 1 space/staff residential unit plus 0.5 spaces/non-resident peak shift employee
Special dwelling	1 space/resident employee plus 1 space/peak shift non-resident employee plus 1 space/operational vehicle plus 1 visitor space
Veterinary hospital	3.5 spaces/100m <sup>2</sup> GFA

#### Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

## 3.7 Restricted access recreation zone

### 3.7.1 Objectives for parking and access in the restricted access recreation zone

Land uses under the restricted access recreation zone are predominantly outdoor recreation, but also include a range of related accommodation and club developments. The nature and location of these facilities is such that private vehicle use accounts for the vast majority of associated travel, except for a small number of more centrally located developments such as swimming pools and major sports grounds.

The objectives for the provision of parking and access in the restricted access recreation zone are to ensure:

#### a) Amenity

- i) the amenity of neighbouring uses and areas is not unacceptably affected by the provision of parking and access for the operation of facilities, particularly in terms of noise, traffic, parking and privacy
- ii) no regular overspill of parking occurs which uses kerbside or other parking in surrounding residential streets

## **b) Safety**

- i) no traffic hazards are created by the provision of access and parking facilities for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

## **c) Efficiency**

- i) provision of parking and access for the efficient use of sites consistent with the multi-use and co-location of facilities
- ii) adequate supply of parking for the level of demand generated by the development
- iii) commercial vehicles delivering or collecting goods are accommodated
- iv) the parking demand of visitors to the development is catered for on-site consistent with the level of public transport accessibility and other parking opportunities in the vicinity

## **d) Access**

- i) safe and efficient access by all users, including operational and commercial vehicles
- ii) adequate set-down and pick-up points are provided for users
- iii) commuter parking needs of occupiers of the development are accommodated on-site consistent with the level of public transport accessibility and other parking opportunities in the vicinity
- iv) all other parking needs of visitors and commuters are met in appropriate off-site locations
- v) access for emergency vehicles to be provided for health and aged care facilities.

### **3.7.2 Parking provision rates**

The parking provision rates for the restricted access recreation zone are set out in schedule 3.7.5 below..

### **3.7.3 Calculation of parking provision requirements**

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.

### **3.7.4 Locational requirements**

The following are specific requirements for the location of long stay, short stay and operational parking (ie. vehicles used directly as part of the operation within the development).

<b>Development</b>	<b>Long stay parking</b>	<b>Short stay parking</b>	<b>Operational parking</b>	<b>Visitor parking</b>
All development in the restricted access recreation zone	On-site or within 200m	On-site or within 200m	On-site	On-site or within 200m

### 3.7.5 Schedules of parking provision rates for restricted access recreation zone

The parking provision rates for the provision of parking in the restricted access recreation zone are set out in the schedule below.

#### Schedule 7 – Restricted access recreation zone

Development	Parking provision rates for restricted access recreation zone
Aquatic recreation facility	Subject to individual assessment
Car park	1 space/peak shift employee
Child care centre	1 space/centre Plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces : < 30 child care places 3 spaces : 30-59 child care places 4 spaces : 60-90 child care places plus 1 pick-up/set-down bay per 10 child care places
Club	15 spaces/100m <sup>2</sup> GFA
Community activity centre	4 spaces/100m <sup>2</sup> GFA
Educational establishment	Subject to individual assessment
Pre-school, primary & high school	
Secondary college	
Tertiary institution, specialist college	
Equestrian facility	Subject to individual assessment
Guest house	0.5 spaces/employee plus 1 space/guestroom
Hotel	1 space/2 employees plus 1 space/guest room or unit for establishments of up to 36 units OR 25 spaces plus 0.3 spaces/guest room or unit for establishments of more than 36 units plus 10 spaces/100m <sup>2</sup> GFA of bars and function rooms plus 1 space/10 restaurant seats plus 3 spaces/100m <sup>2</sup> of retail space
Indoor recreation facility	
Basketball, netball	25 spaces/court
Skating rink, swimming pool	20 spaces/100m <sup>2</sup> of actual pool or rink area
Squash courts	2 spaces/court
Fitness centre, gymnasium	3.5 spaces/100m <sup>2</sup> GFA
Motel	As per Hotel

Development	Restricted access recreation zone
Outdoor recreation facility	
Skating rink, swimming pool	20 spaces/100m <sup>2</sup> of actual pool or rink area
Bowling green	30 spaces for first green plus 15 spaces/additional green
Tennis court	2 spaces/court
Any other permitted land use not specified	Subject to individual assessment
Parkland	Subject to individual assessment
Playing field	Subject to individual assessment
Public agency (Totalisator Agency Board (TAB))	6 spaces/100m <sup>2</sup> GFA

#### Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

## 3.8 Services zone

### 3.8.1 Objectives for services zone

The services zone allows for the development of essential services and transport facilities such as high voltage power lines, cemeteries, railway facilities and the Inter-Town Public Transport (IPT) route where it is not contained within road reserves. Associated travel is therefore primarily by employees working at or servicing the sites or by users of such facilities as freight depots or recycling facilities.

The objectives for the provision of parking and access in the services zone are to ensure:

#### a) Amenity

- i) no regular overspill of parking occurs on surrounding areas which detracts from the amenity of these areas

#### b) Safety

- i) no traffic hazards are created by the provision of access and parking facilities for the operations of municipal services development
- ii) the safety of all users, especially pedestrians and cyclists, is considered
- iii) the creation of community surveillance of car parking areas by people using neighbouring areas

#### c) Efficiency

- i) the majority of parking is to be provided onsite and associated with individual developments
- ii) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible

#### d) Access

- i) safe and efficient access to municipal services developments by all users of the area, including business, workers and visitors as well as by operational and commercial vehicles.

### 3.8.2 Parking provision rates

The parking provision rates for the services zone are stated in schedule 3.8.5 below.

### 3.8.3 Calculation of parking provision requirements

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.



### 3.8.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operational parking (ie. vehicles used directly as part of the operation within the development).

Development	Long stay parking	Short stay parking	Operational parking	Visitor parking
All zones in the services zone	On-site	On-site	On-site	On-site

### 3.8.5 Schedules of parking provision rates for services zone

The parking provision rates for the provision of parking in the services zone are set out in the schedule below.

#### Schedule 8 Services zone

Development	Parking Provision Rates for Services Zone
Cemetery	Subject to individual assessment
Communications facility	1 space/peak shift employee
Emergency services facility	1 space/peak shift employee
Freight transport facility	Subject to individual assessment
Hazardous waste facility	1 space/peak shift employee
Incineration facility	1 space/peak shift employee
Land fill site	Subject to individual assessment
MAJOR UTILITY INSTALLATION	Subject to individual assessment
Municipal depot	1 space/peak shift employee
Public transport facility	Subject to individual assessment
Railway use	Subject to individual assessment
Recyclable materials collection	1 space
Recycling facility	1 space/peak shift employee
Store	2 spaces/100m <sup>2</sup> GFA
Transport depot	Subject to individual assessment
Waste transfer station	1 space/peak shift employee

#### Note

'Spaces' refer to 'car parking spaces' unless otherwise stated.

### 3.9 Other zones

This section applies to the provision of parking and vehicular access to land in all other Zones under the Territory Plan comprising:

Urban open space  
Broadacre  
Rural  
Hills, ridges and buffer areas  
River corridor  
Mountains and bushland  
Transport

### 3.9.1 Objectives for all other zones

The objectives for the provision of access and parking in all other zones are to ensure:

#### a) Amenity

- i) the amenity of surrounding areas is not unacceptably affected by the provision of parking and access as part of the operation of these areas

#### b) Safety

- i) no traffic hazards are created by the provision of access and parking for a development
- ii) the safety of all users, especially pedestrians and cyclists, is considered at all times

#### c) Efficiency

- i) adequate supply of parking for the level of demand generated by the development
- ii) all demand can be adequately catered for by the on-site provision of parking

#### d) Access

- i) the safe and efficient access for all users of the area, including for operational and commercial vehicles.

### 3.9.2 Parking provision rates

The parking provision rates for development under these zones are set out in schedule 3.9.5 below.

### 3.9.3 Calculation of parking provision requirements

The number of parking spaces required for a particular development is determined by multiplying the scale of the development by the appropriate parking provision rate.

### 3.9.4 Locational requirements

The following are specific requirements for the location of long stay, short stay and operation parking.

Development	Long stay parking	Short stay parking	Operational parking	Visitor parking
Under all other zones	On-site or within 200m	On-site	On-site	On-site

### 3.9.5 Schedules of parking provision rates for all other zones

The parking provision rate for the provision of parking in the urban open space, broadacre, rural, hills, ridges and buffer areas, river corridor, mountains and bushland and transport are set out in the Schedule below.

#### Schedule 9 – Other zones

Development	Parking provision rates for other zones
Agriculture	Subject to individual assessment
Animal care facility	Subject to individual assessment
Animal husbandry	Subject to individual assessment
Aquatic recreation facility	Subject to individual assessment
Carvan park / camping ground	2.5 spaces/100m <sup>2</sup> of office space plus 0.25 visitors spaces/site or unit
Car park	1 space per peak shift employee
Cemetery	Subject to individual assessment

<b>Development</b>	<b>Parking provision rates for other zones</b>
Communications facility	1 space/peak shift employee
Community activity centre	4 spaces/100m <sup>2</sup> GFA
Corrections facility	Subject to individual assessment
Defence installation	Subject to individual assessment
Educational establishment Pre-school, primary & high schools Secondary college Tertiary institution, Specialist college	Subject to individual assessment
Emergency services facility	1 space/peak shift employee
Equestrian facility	Subject to individual assessment
Group or organized camp	Subject to individual assessment
Health facility	4 spaces/practitioner
Land management facility	Subject to individual assessment
Major service conduits	Subject to individual assessment
MAJOR UTILITY INSTALLATION	Subject to individual assessment
Municipal depot	1 space/peak shift employee
Nature conservation area	Subject to individual assessment
Outdoor education establishment	Subject to individual assessment
Outdoor recreation facility	
Skating rink, swimming pool	20 space/100m <sup>2</sup> of actual pool or rink area
Bowling green	30 spaces for first green plus 15 spaces/additional green
Tennis court	5 spaces/court
Other	Subject to individual assessment
Overnight camping	1 space plus 1 spaces/site
Parkland	Subject to individual assessment
Pedestrian plaza	Subject to individual assessment
Place of worship	1 space/4 seats
Plantation forestry	Subject to individual assessment
Playing field	Subject to individual assessment
Public transport facility	Subject to individual assessment
Road	No requirements
Scientific research establishment	2.5 space/100m <sup>2</sup> of office and laboratory space plus Individual assessment of provision for other activities
Residential care accommodation	0.25 spaces/bed or accommodation unit plus 1 space/staff residential unit plus 1 space/non-resident peak shift employee
Stock/sale yard	Subject to individual assessment
Tourist facility	Subject to individual assessment
Transport depot	Subject to individual assessment

<b>Development</b>	<b>Parking provision rates for other zones</b>
Veterinary hospital	3.5 spaces/100m <sup>2</sup> GFA
Woodlot	Subject to individual assessment

Note

‘Spaces’ refer to ‘car parking spaces’ unless otherwise stated.