

Australian Capital Territory

# **Planning and Development (Technical Amendment — Changes to a commercial precinct code and general codes) Plan Variation 2009**

**Notifiable instrument NI2010— 23**

**Technical Amendment No 2009-36**

made under the

***Planning and Development Act 2007, section 89 (Making technical amendments)***

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This technical amendment commences on Friday 22 January 2010.

Technical amendment number 2009-36 to the Territory Plan has been approved by the Planning and Land Authority.

Kelvin Walsh  
Delegate of the Planning and Land Authority

20 January 2010





Planning & Development Act 2007

# **Technical Amendment to the Territory Plan Code Variation 2009-36**

Changes to a commercial precinct code and  
general codes

January 2010



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# 1. INTRODUCTION

## Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan.

The *Planning and Development Act 2007* (the Act) establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

Technical amendments to the Territory Plan are prepared in accordance with the Act.

A code variation is a technical amendment that

- (i) would only change a code; and
- (ii) is consistent with the policy purpose and policy framework of the code; and
- (iii) is not an error variation.

Following the release of the code variation under section 90 of the Act, submissions from the public are invited. At the conclusion of the limited consultation period, any representations are considered by the ACT Planning and Land Authority (the Authority). The Authority then determines a day when the code variation is to commence by way of a commencement notice.

## 2. EXPLANATORY STATEMENT

### Proposed Changes and Reasons

#### A. Changes for requirements for Deakin Section 68 Block 11 – item 1

The Deakin swimming pool (Deakin section 68 block 11) was closed on the 27 March 2009 due to public safety concerns. The ACT Planning and Land Authority (ACTPLA) undertook action to resolve the matter.

In order to ensure reinstated operation of a pool for public use at the site a negotiated outcome was reached with ACTPLA. It has been agreed between the parties that no additional office use will be approved on unit 17 unless the lessee provides a binding agreement to provide a swimming pool of not less than 25 metres and associated amenities for access and use by members of the public. Redevelopment of the site may also include ancillary services such as a gymnasium and café.

The change to the existing requirements within the Territory Plan necessitates a technical amendment to the commercial zones CZ2 office areas outside centres precinct code to replace the existing rule 53 with a new rule to reflect the agreement.

#### B. Changes to parking and vehicular access general code and access and mobility general code due to a new Australian Standards – items 2-6

Parking spaces for people with disabilities need to be larger than other parking spaces to facilitate access. The changes include larger areas adjacent to the dedicated parking spaces for people with disabilities and the provision of adequate space for the loading and unloading of wheelchairs using vehicle mounted equipment associated with new technology.

AS2890.1 (2004) is also still applicable in both codes.

##### *Parking and vehicular access general code*

A new Australian/New Zealand Standard AS2890.6, parking facilities part 6: off-street parking for people with disabilities was approved on 2 October 2009. In order to give effect to the new provisions there are some minor changes required to the parking and vehicular access general code. The reference to the relevant Australian Standard is proposed to be updated through this technical amendment.

##### *Access and mobility general code*

Changes also need to be made to reference the updated Australian Standard in the access and mobility general code. AS2890.1 (1993) will be deleted from the appropriate sections and a new reference to AS2890.6 parking facilities part 6: off-street parking for people with disabilities will be added.

## 3. TECHNICAL AMENDMENT

### 3.1 Code Amendment

#### Variation to CZ2 Office Areas Outside Centres Precinct Code

<b>1. Part B – Site Specific Controls Element 1: Restrictions on Use 1.1 Deakin Office Area</b>
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*Substitute rule R53 with*

For Deakin Section 68 Block 11:

An application to vary the lease to increase the permissible quantum of gross floor area for office use on unit 17 shall not be approved unless the lessee has entered into a binding agreement with the Territory to provide a swimming pool which is a minimum of twenty five (25) metres in length and all associated amenities for access and use by members of the public on reasonable commercial terms and otherwise to a standard acceptable to the Planning and Land Authority.

#### Variation to Parking and Vehicular Access General Code

<b>2. Section 2.2 Parking for People with disabilities</b>
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*Substitute the text with the following*

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.

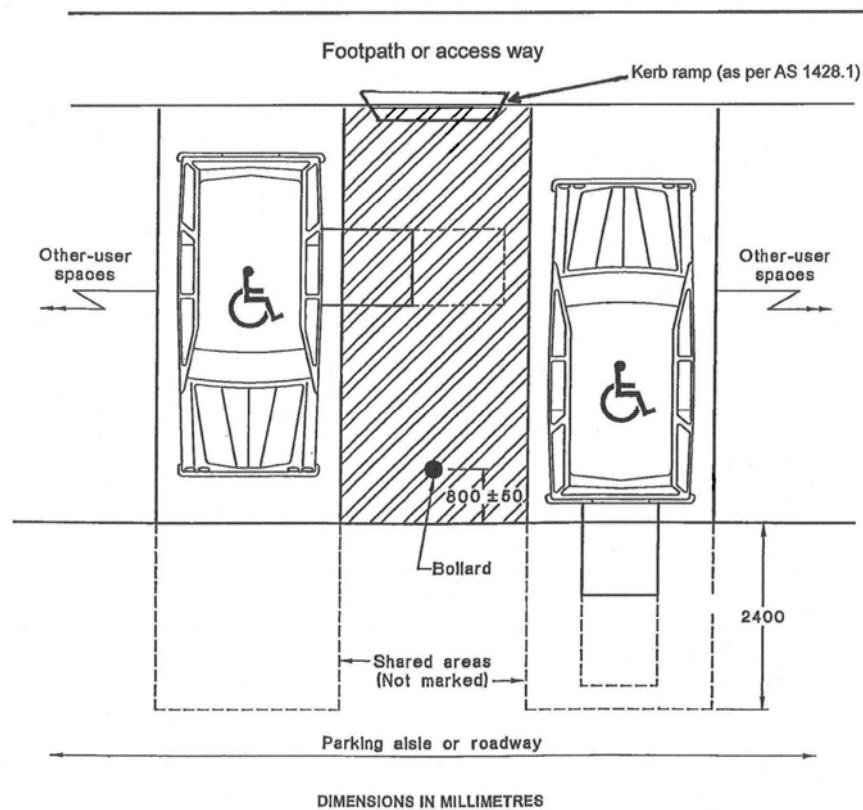
The headroom above each parking space provided for people with disabilities and the adjacent shared area, measured from the level of the parking space, shall be a minimum of 2,500mm. Where (The method of measuring headroom is given in AS2890.1.)

### 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° 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**

**3. Section 2.3.2 Vehicular Access h) restaurants with drive through facilities second indented paragraph**

*Omit the following*

Parking for Motorcycles

*Start a new section at the same location with the following title*

**2.4 Parking for Motorcycles**

*Renumber consequent headings and table of contents*

## Variation to the Access and Mobility General Code

**4. Part A – General Development Controls Element 1: Parking  
1.1 Car Parking**

*Substitute R2 with*

Car parking spaces provided for people with disabilities must have vertical clearance for the entire width of the space and the adjacent shared area of not less than 2.5m described in Figure 2.7 of the AS2890.6.

*Omit Figure 1*

**5. Part B – Additional Specific Controls Element 2: Parking  
2.1 Car Parking**

*Substitute 'AS2890.1' in R12 with*

AS2890.6

**6. Appendices Appendix A I)**

*Insert the following item after I) and renumber the remaining items*

- m) AS2890.6 Parking facilities: Part 6 – Off-street parking for people with disabilities



## Interpretation service

ENGLISH	If you need interpreting help, telephone:
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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
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