Community gardens exemption from development approval

The ACT Government supports community gardens for the many benefits they bring to the individual and society. Development approval (DA) exemptions now apply to community gardens in order to make it easier for new community garden developments in the ACT. Development approval is no longer required for community gardens that meet specified criteria.

Certain community gardens and structures within them are now exempt from the need to obtain development approval due to new provisions in the Planning and Development Regulation 2008. Recent amendments inserted a new Division 1.3.3A (Exempt developments – community gardens) in schedule 1. The provisions in schedule 1 include criteria that the community garden and structures must meet for this exemption to apply. These criteria include:

- a requirement for the community garden to be established on unleased Territory land under a licence granted under the Planning and Development Act 2007 or on an existing school campus
- requirements applying to specific structures commonly built in community gardens such as sheds, greenhouses, storerooms, pergolas, gazebos, shade structures, arbours, archways, fences, walls, garden beds, and water tanks
- requirements on these structures relating to maximum number, height, plan area, physical materials, and setbacks.

Other exemptions

If a structure is not specifically DA exempt by the community gardens division (see s1.73(2)), exemptions elsewhere in schedule 1 can still be used. For example, there is no provision in the division that sets out criteria for retaining walls so if you are building a retaining wall in a community garden, you would refer to existing section 1.53 of schedule 1 to find out if the proposed retaining wall is DA exempt or not.

Non exempt structures

It may still be possible to build other things in community gardens or near boundaries (for example, large sheds or large garden beds) but this would be subject to any licensing requirements and a development application would be required.

Further information

For full exemption information see Division 1.3.3A in schedule 1 of the Planning and Development Regulation 2008.

Website: legislation.act.gov.au
Phone: Canberra Connect on 13 22 81
Email: ESDDLegislationTeam@act.gov.au