

Australian Capital Territory

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2022 (No 2)

Notifiable instrument NI2022—385

Technical Amendment No 2022-03

made under the

Planning and Development Act 2007, section 89 (Making technical amendments) and section 96 (Effect of approval of estate development plan)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2022 (No 2)*.

2 Commencement

This instrument commences on 12 August 2022.

3 Technical amendment

I am satisfied under section 89 (1) (a) of the *Planning and Development Act 2007* (the *Act*) that the Denman Prospect plan variation is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

Denman Prospect plan variation means the technical amendment to the Territory Plan, variation 2022-03, in the schedule.

Note No consultation was required in relation to the Denman Prospect plan variation under section 87 of the Act.

Lisa Teburea
Delegate of the planning and land authority
8 August 2022



Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2022-03**

Future urban area variation and changes to
the Denman Prospect Precinct Map and Code

August 2022

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

Territory Plan Map

- Varied to remove the future urban area overlay from land in the Division of Denman Prospect, as identified in Part 2 of this document

Denman Prospect Precinct Map and Code

- Corrects references to figures in rules R5 and R8
- Adds additional rules and criteria and ongoing provisions, as described in Part 2 of this document

1.2 Public consultation

Under section 87 (1) (a) and (c) of the *Planning and Development Act 2007* (the **Act**) this type of technical amendment is not subject to public consultation.

1.3 National Capital Authority

The National Capital Authority does not need to be advised of this technical amendment as per 1.2.

1.4 Process

This technical amendment has been prepared in accordance with section 87 and made in accordance with section 89 of the Act.

1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (a) a variation (an **error variation**) that –
 - (i) would not adversely affect anyone’s rights if approved; and
 - (ii) has as its only object the correction of a formal error in the plan;
 - (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.

- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) a variation (a **code variation**) 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;
 - (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
 - (c) a variation in relation to a future urban area under section 90C (Technical amendments – future urban areas);
 - (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
 - (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
 - (f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

TA2022-03 has been prepared in accordance with section 87 (1) (a) and (c) of the Act.

2. EXPLANATION

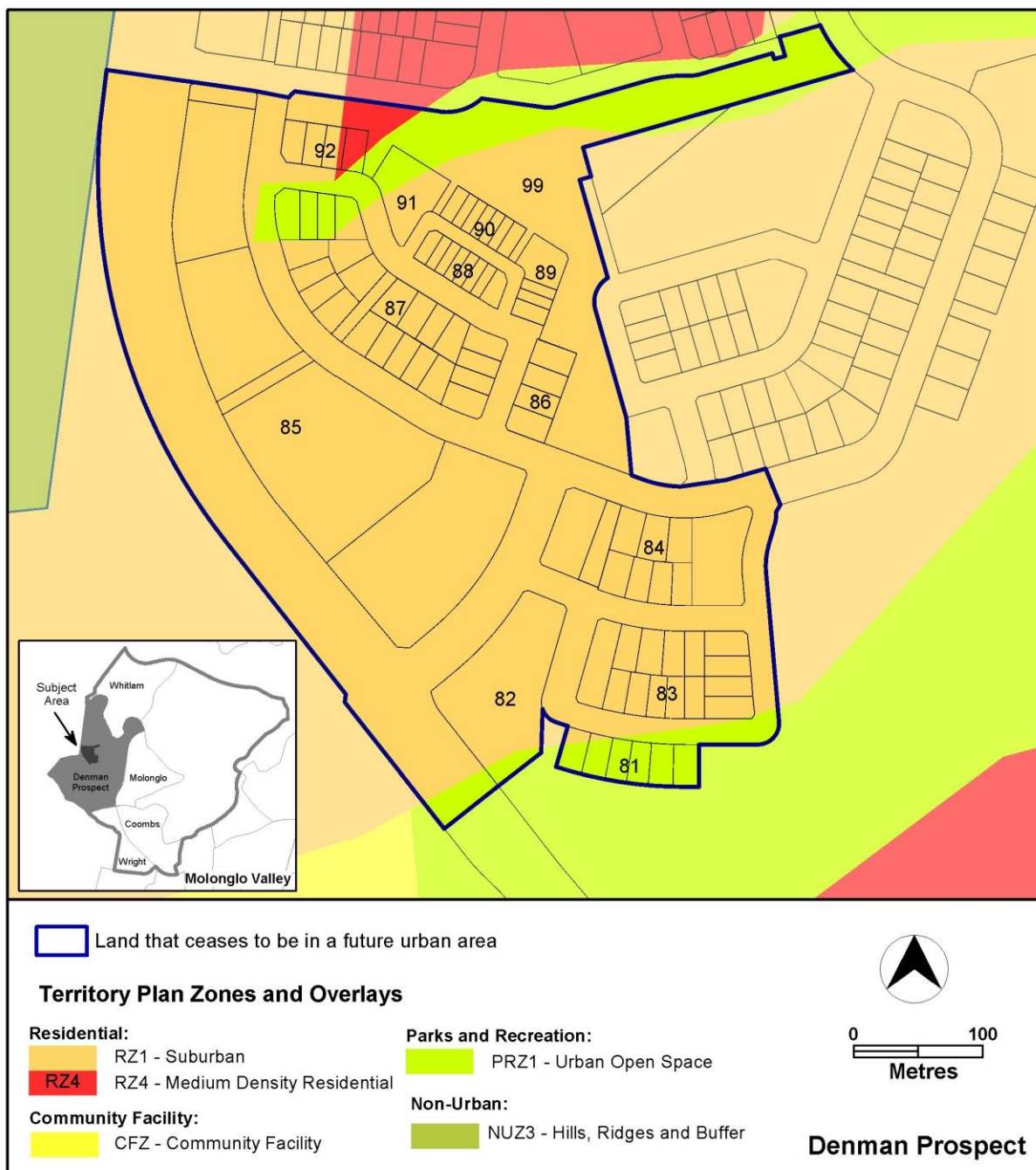
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

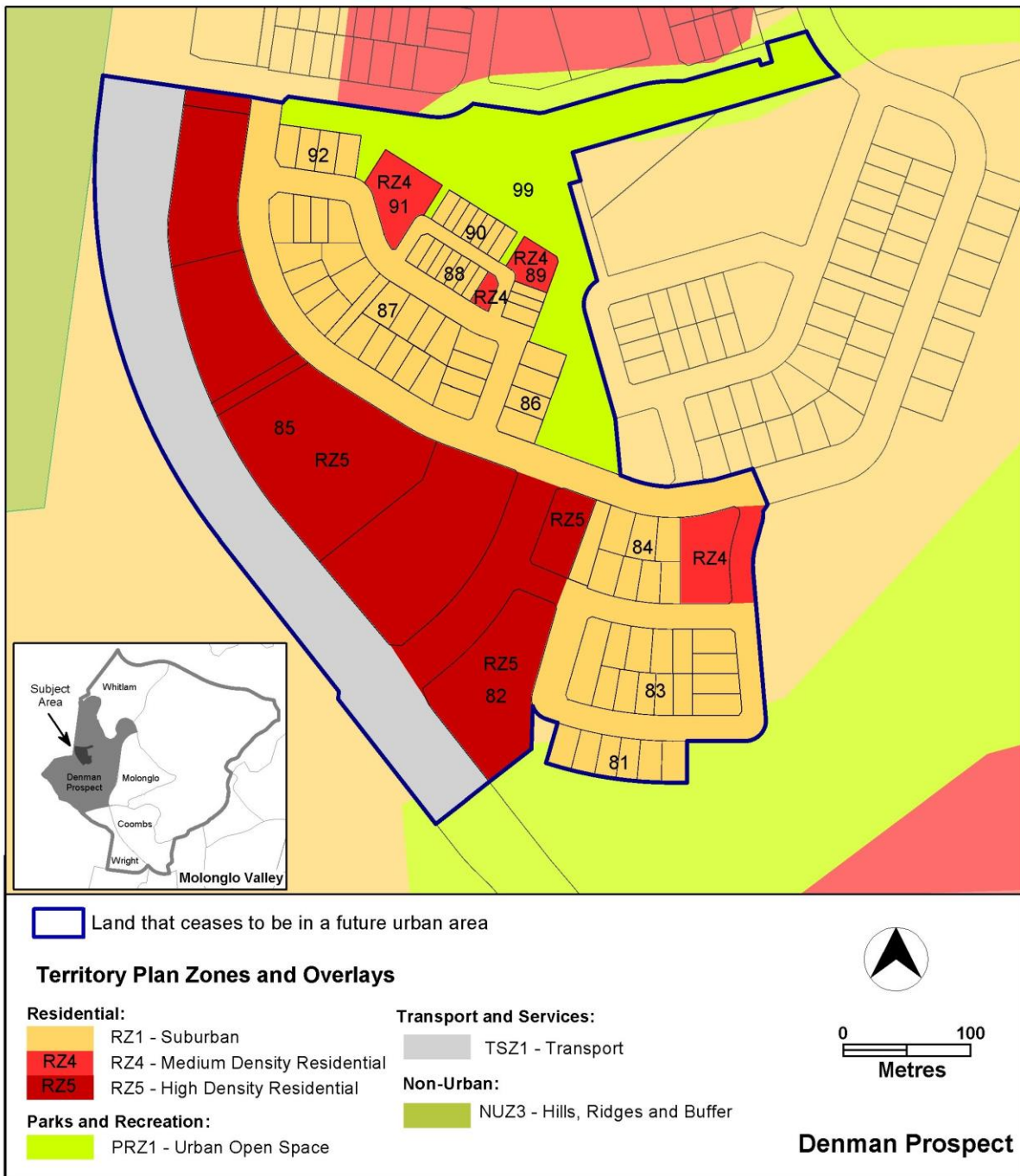
Variation to the Territory Plan

The Territory Plan map is varied to identify the zones and overlays that apply to land ceasing to be in a future urban area.

Existing Territory Plan Map



Proposed Territory Plan Map



2.2 Denman Prospect Precinct Map and Code

Variation to the Denman Prospect Precinct Map and Code

Technical amendment TA2022-02 uplifted part of the future urban area overlay in Denman Prospect and made changes to the Denman Prospect Precinct Map and Code. References to figures were inadvertently not updated in line with the insertion of new figures. This technical amendment rectifies these omissions by adding references to Figure 7 in Rules R5 and R8.

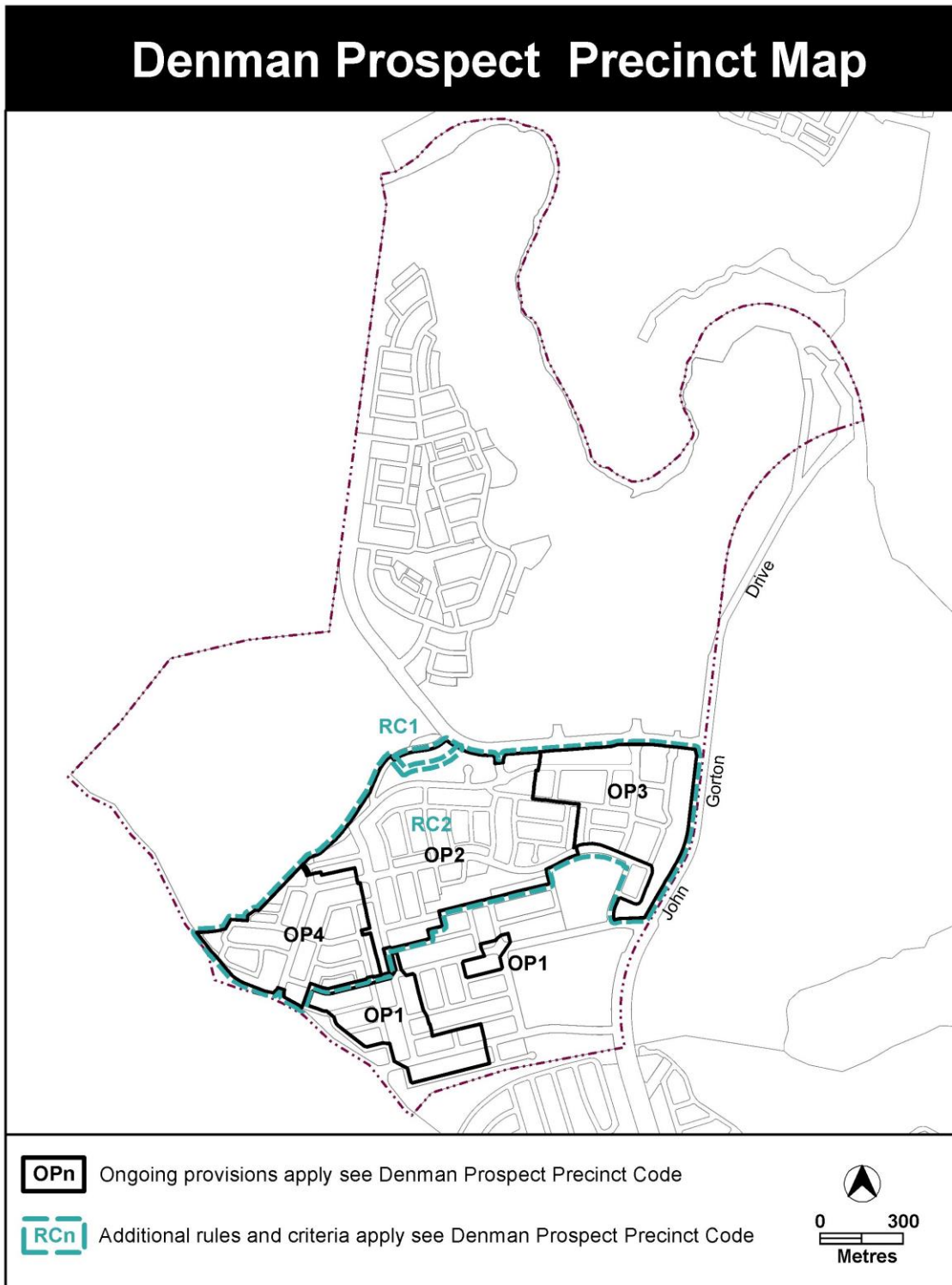
Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (a) a variation (an error variation) that— (i) would not adversely affect anyone's rights if approved; and (ii) has as its only object the correction of a formal error in the plan;	Compliant. The change corrects a formal error by including references to Figure 7 in Rules R5 and R8 in the Denman Prospect Precinct Map and Code.

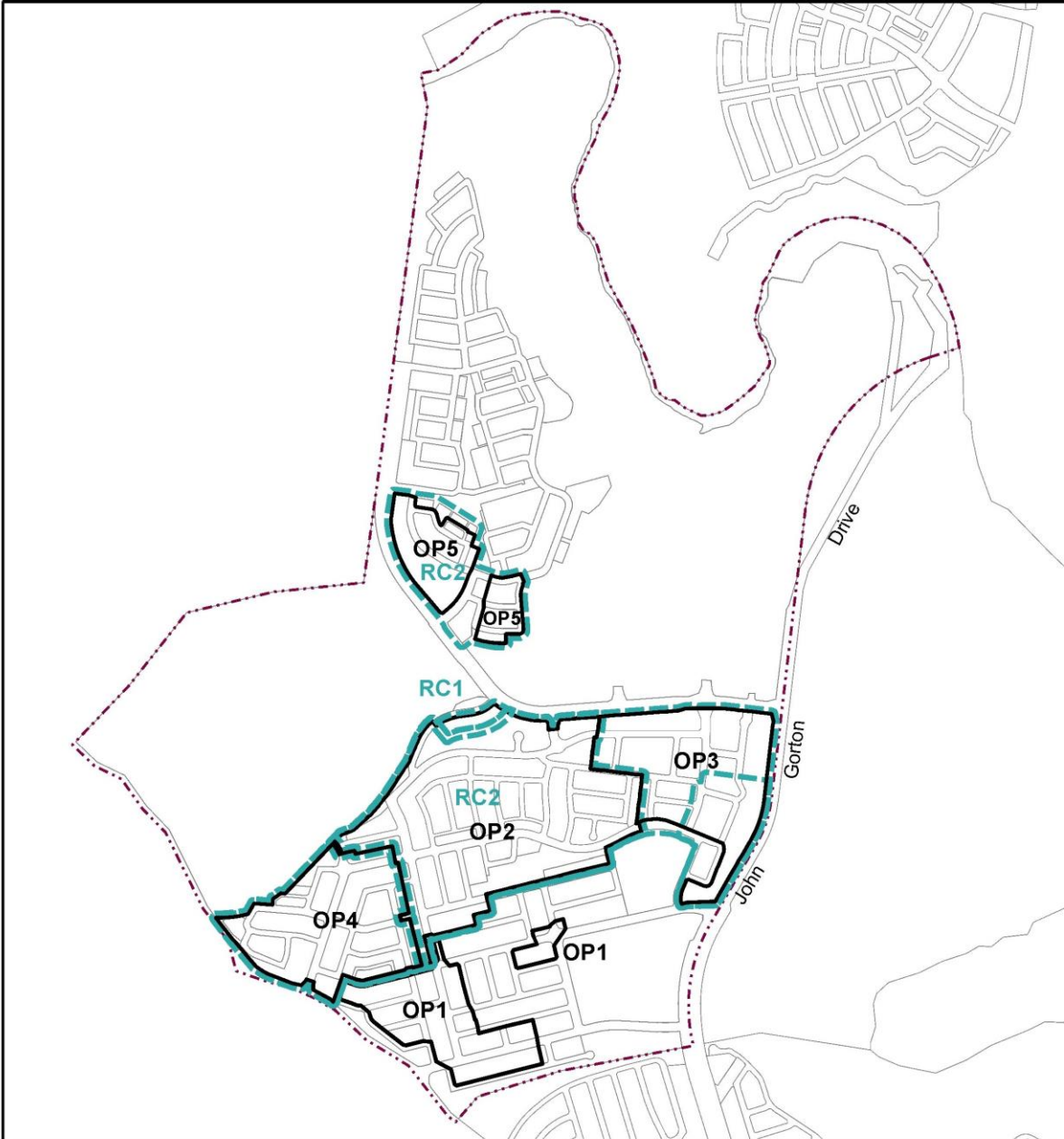
The Denman Prospect Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Denman Prospect Precinct Map

Existing Denman Prospect Precinct Map

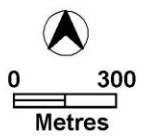


Denman Prospect Precinct Map



OPn Ongoing provisions apply see Denman Prospect Precinct Code

RCn Additional rules and criteria apply see Denman Prospect Precinct Code



2.2.2 Denman Prospect Precinct Code

This technical amendment makes the following changes to the Denman Prospect Precinct Map and Code:

- corrects Rules R5 and R8 by including reference to Figure 7
- inserts rules R5A, R6D, R11A, R11B, R11C, R14A, R14B, and R18
- updates rules R6B, R9, R10, and R17 to include reference to new Figure 7A
- inserts Diagrams 1, 2, and 3 (courtyard walls)
- inserts Figure 7A Denman Prospect residential area 7
- inserts Figure 12 Denman Prospect residential area ongoing provisions

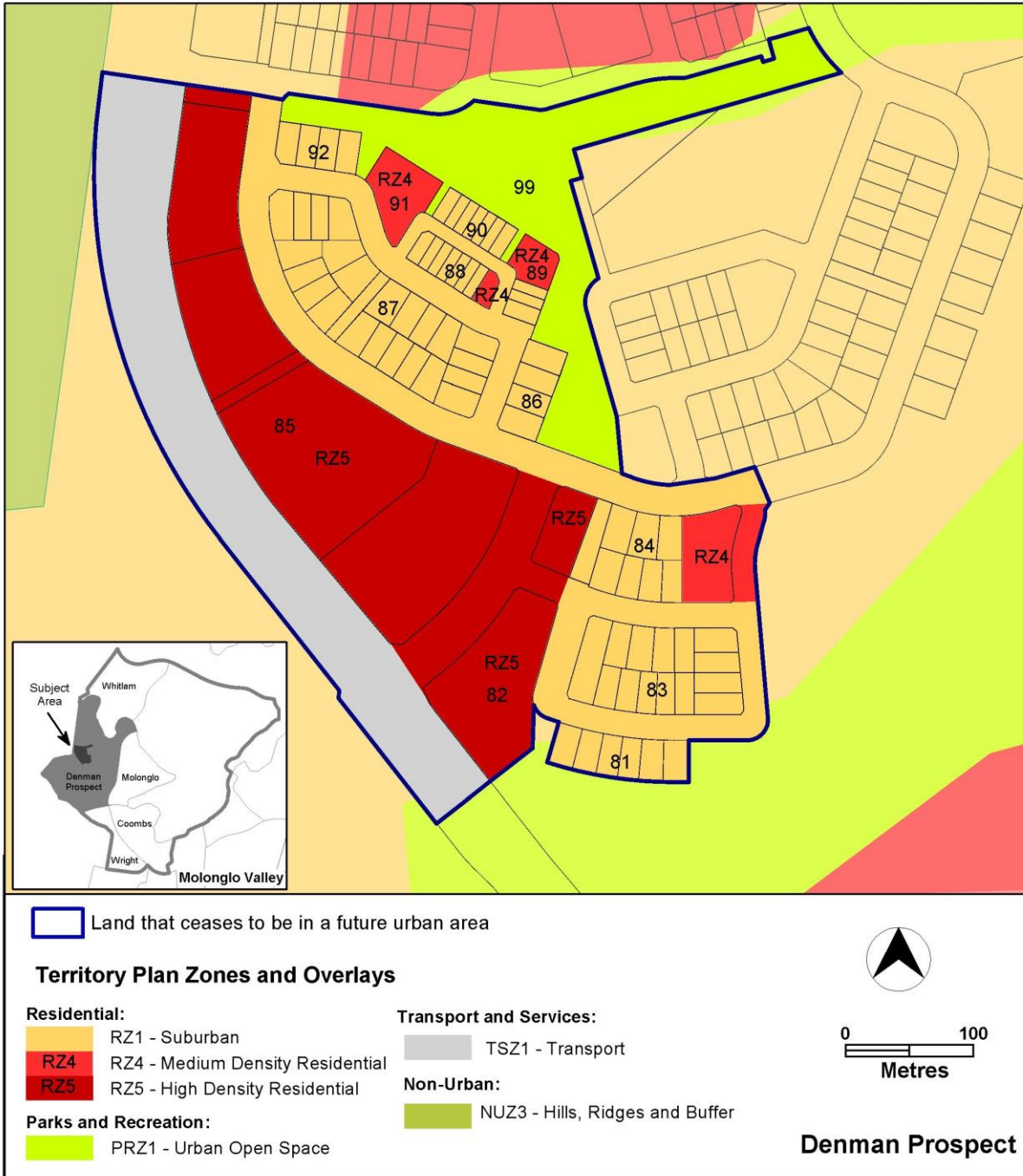
3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Territory Plan Map

1. Territory Plan Map

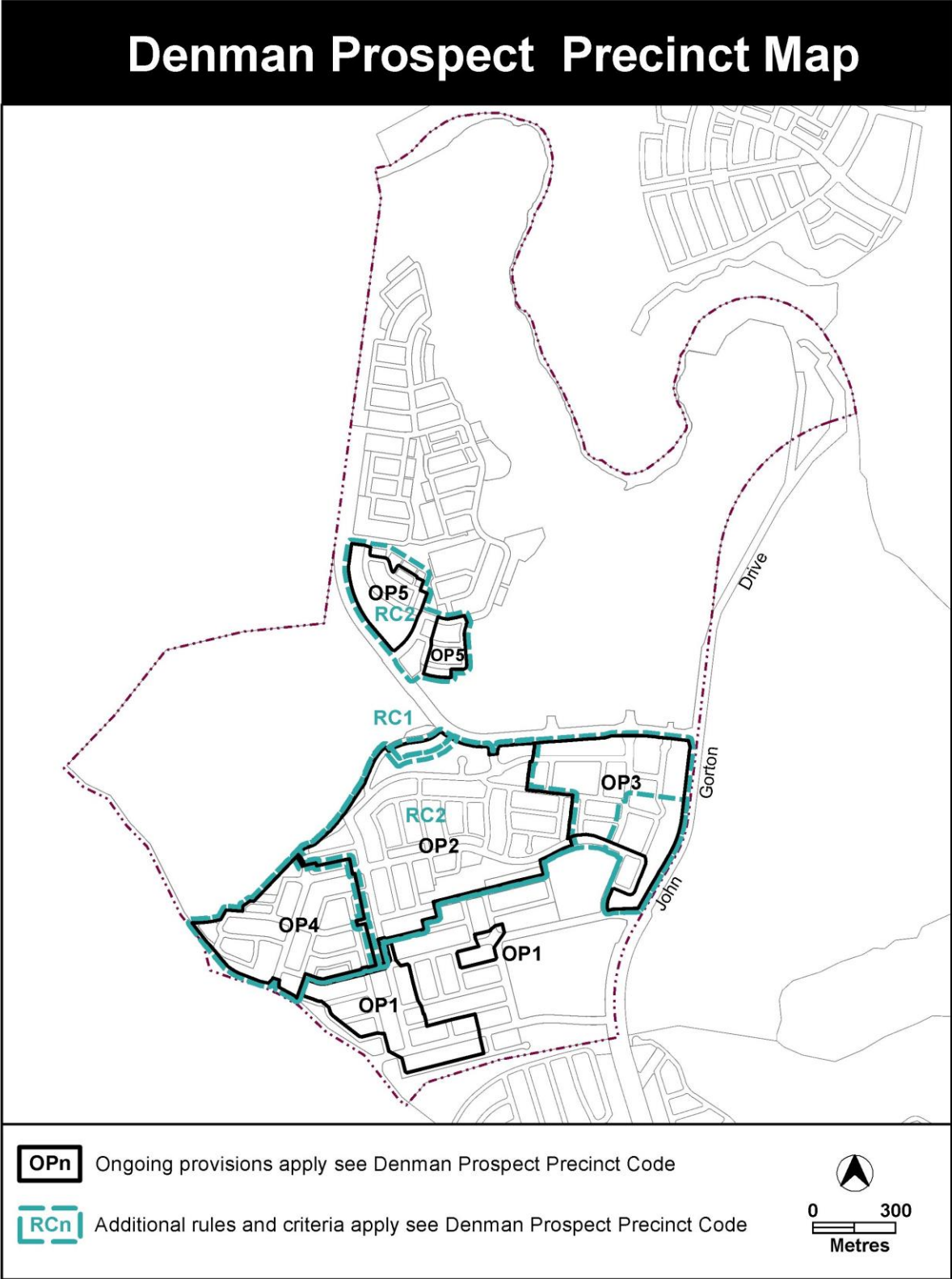
The Territory Plan map is varied as indicated below to identify the zones and overlays that apply to the land ceasing to be in a future urban area.



3.2 Denman Prospect Precinct Map and Code

2. Denman Prospect Precinct Map and Code

Substitute



**3. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.2 Setbacks – garages, Rule R5**

Substitute

<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 7.</p> <p>Minimum side boundary setback to garage is nominated. Maximum length of wall is 8m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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**4. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.2 Setbacks – garages, Rule R5**

Insert after Rule R5

<p>R5A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>Minimum side boundary setback to garage / carport is nominated. Maximum length of wall is 8m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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**5. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.3 Setbacks – upper and lower floors, Rule
R6B**

Substitute

R6B Minimum boundary setbacks to all floors are identified in Figure 7 and 7A.	This is a mandatory requirement. There is no applicable criterion.
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Insert after Rule R6C

R6D This rule applies to blocks or parcels in locations identified in Figure 7A. Minimum setback to all floors as nominated and only within the primary building zone. Note: Nominated setbacks are shown by a pink line in the figure.	This is a mandatory requirement. There is no applicable criterion.
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**6. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.4 Gates, Rule R8**

Substitute

R8 This rule applies to blocks or parcels in locations identified in Figures 6 and 7. Boundaries to open space must provide at least one gate access.	This is a mandatory requirement. There is no applicable criterion.
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**7. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.5 Parking, Rule R9**

Substitute

<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3, 4, 5, 6 and 7A.</p> <p>All visitor parking requirements as determined by the Parking and Vehicular Access General Code are to be provided within the block.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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**8. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.6 Vehicular access, Rule R10**

Substitute

<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 4, 5, 6 and 7A.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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**9. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.7 Fencing, Rule R11**

Insert after Rule R11

<p>R11A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>No fences permitted to nominated front boundary(s).</p> <p>Courtyard walls are permitted forward of the <i>primary building zone</i> and are to comply with the following:</p> <ol style="list-style-type: none"> 1. Constructed only of brick, block or stonework, any which may be combined with feature panels 2. Maximum height of 1.8m 3. 0.5m minimum setback from the front boundary to facilitate a planting zone forward from the wall 4. Where the length of the wall exceeds 5m, it must be articulated by way of an increased setback for a gate and/or an articulated planting zone as follows: <ol style="list-style-type: none"> i) Gate: A pedestrian gate entry must be setback a minimum 1.5m from the front boundary ii) Articulated Planting Zone: an additional increased setback from the wall, of minimum 1m. <p>Note: Diagrams 1, 2 and 3 show examples of courtyard walls.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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<p>R11B</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>Solid fences are not permitted</p> <p>Courtyard walls are permitted forward of the <i>primary building zone</i> and are to comply with the following:</p> <ol style="list-style-type: none"> 1. Pedestrian access is mandatory and to be achieved by gates and/or pathway connections into the block. 2. Constructed only of brick, block or stonework, and of which may be combined with feature panels. 3. Maximum height of 1.8m 4. 1m minimum setback from the front boundary to facilitate a planting zone forward from the wall. 5. Where the length of the wall exceeds 6m, it must be articulated by way of an increased setback for a gate and/or articulated planting zone from the wall as follows. <ol style="list-style-type: none"> i) Gate: A pedestrian gate entry must be setback a minimum 2m from the front boundary ii) Articulated Planting Zone. An additional increased setback from the wall, of minimum 1m. <p>Note: Diagrams 1, 2 and 3 show examples of courtyard walls.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R11C</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>No fencing permitted to nominated front boundary.</p> <p>Landscape boundary treatment only.</p> <p>Where multi unit site fronts open space, landscape treatment is to provide vehicle barrier.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**10. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.9 Pedestrian access, Rule R14**

Insert after Rule R14

<p>R14A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>Pedestrian access must be provided on all nominated boundaries. Where a multi unit site exceeds 10 dwellings, multiple entries must be provided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>2.10 Built form</p>	
<p>R14B</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>Nominated blocks to provide <i>habitable rooms</i> that overlook both front boundaries.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**11. Additional Rules and Criteria, RC2 – Residential Area, Element 3:
Restrictions on use, 3.1 Maximum storeys, Rule R17**

Substitute

<p>R17</p> <p>This rule applies to blocks or parcels in locations identified in Figures 7 and 7A.</p> <p>The maximum number of storeys is nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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Insert after Rule R17

<p>3.2 Minimum storeys</p>	
<p>R18</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A.</p> <p>The minimum number of storeys is nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**12. Additional Rules and Criteria, RC2 – Residential Area, Element 3:
Restrictions on use, 3.2 Minimum storeys, Rule R18**

Insert after Rule R18

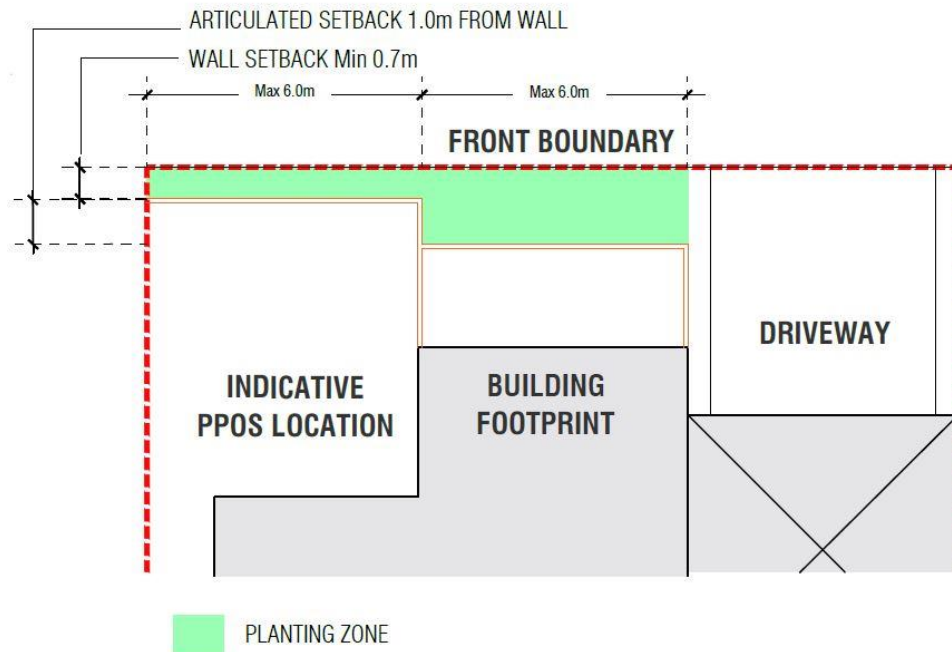


Diagram 1 Example of courtyard wall location – articulated planting zone

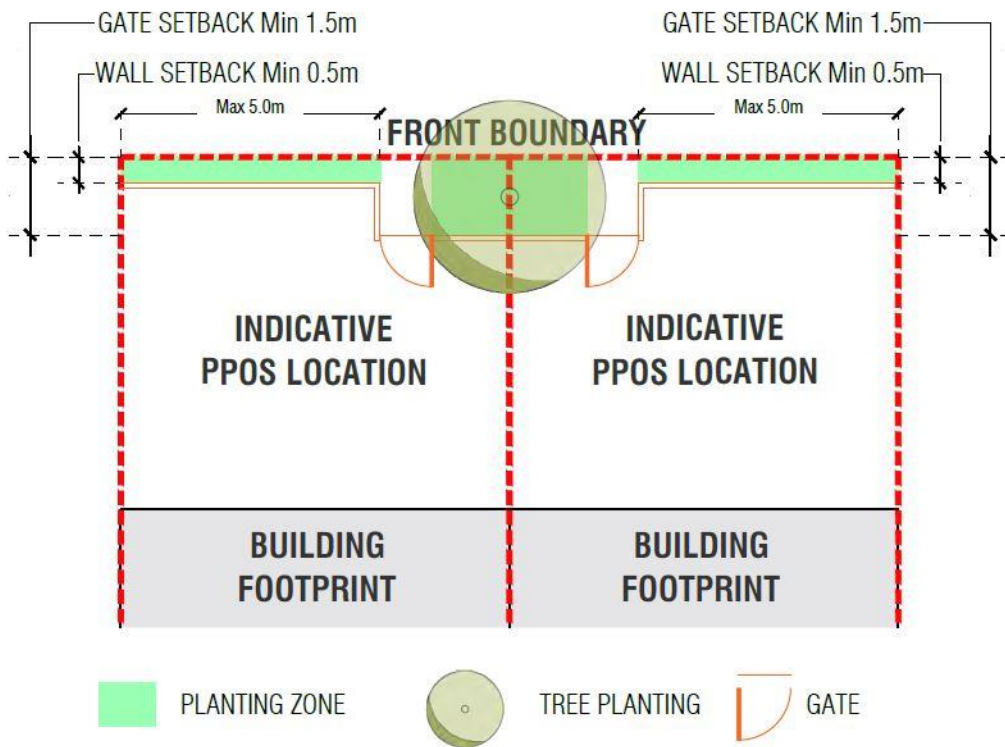


Diagram 2 Example of courtyard wall location – terrace home fronting urban open space

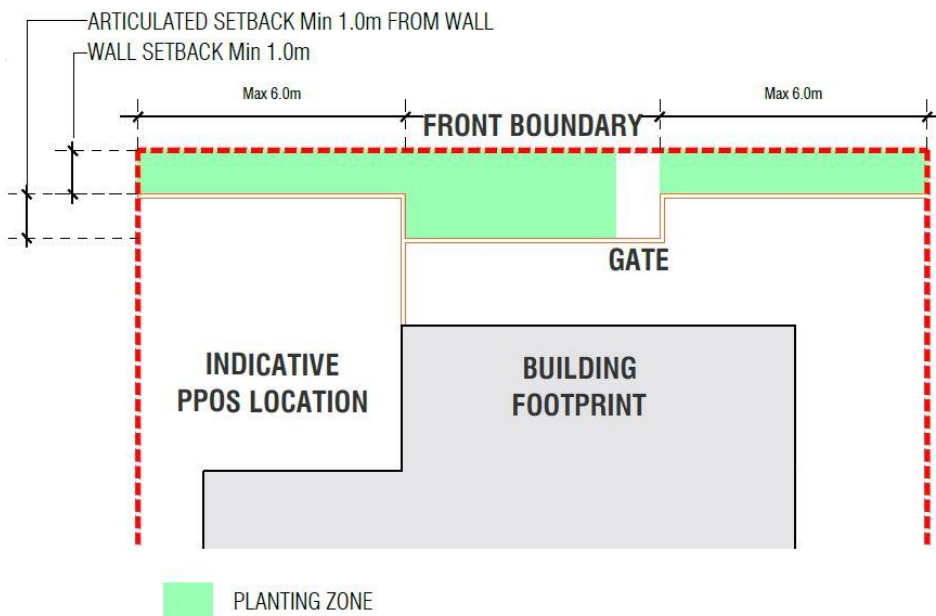


Diagram 3 Example of courtyard wall location – home fronting urban open space

**13. Additional Rules and Criteria, RC2 – Residential Area, Element 3
Restrictions on use, 3.2 Minimum storeys, Figure 7 Denman Prospect residential area**

Insert after existing Figure 7

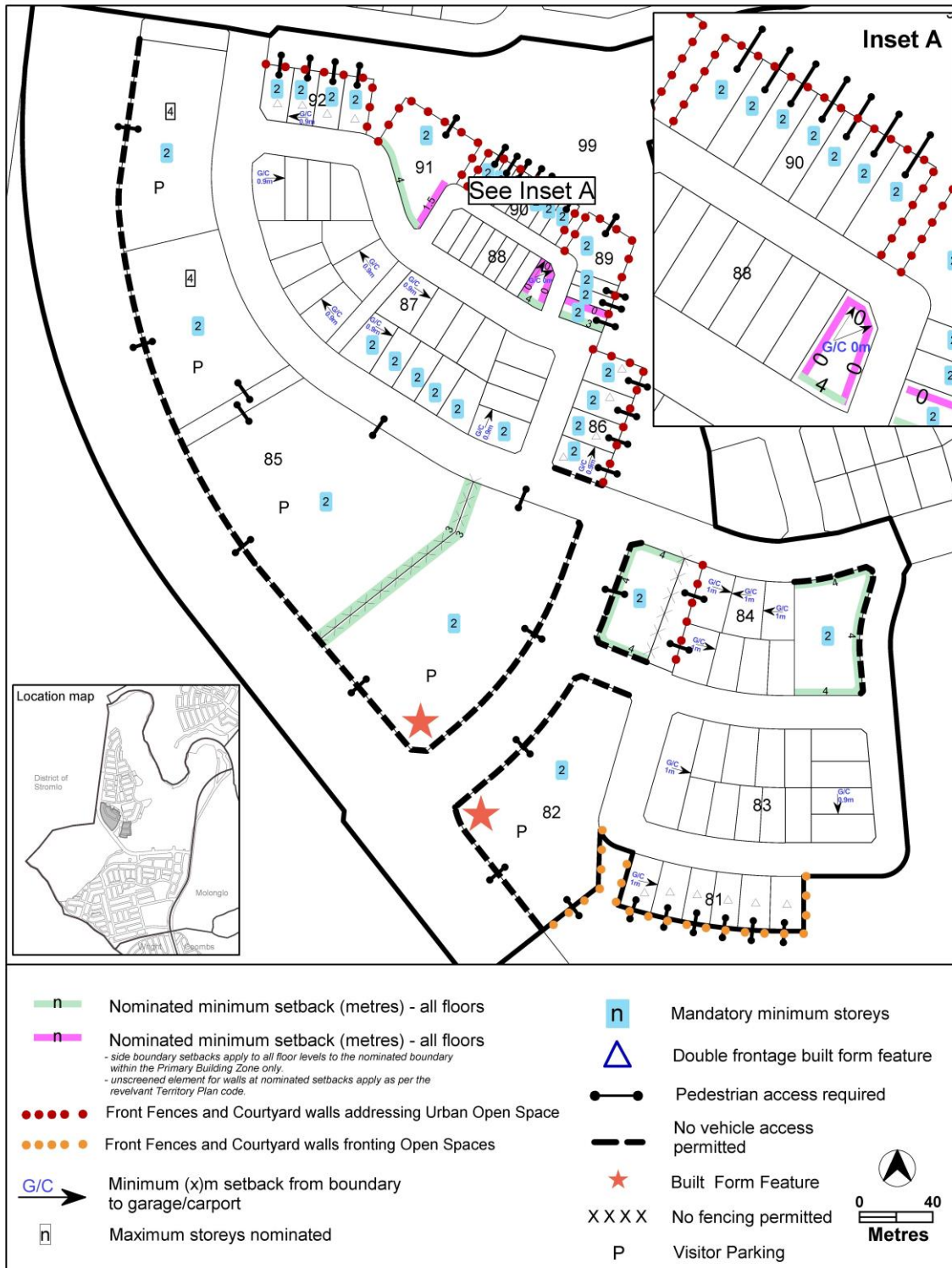


Figure 7A Denman Prospect residential area 7

14. Other ongoing provisions, OP4 – Denman Prospect residential area

Insert after existing Figure 11

OP5 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP5 shown on the Denman Prospect Precinct Map.

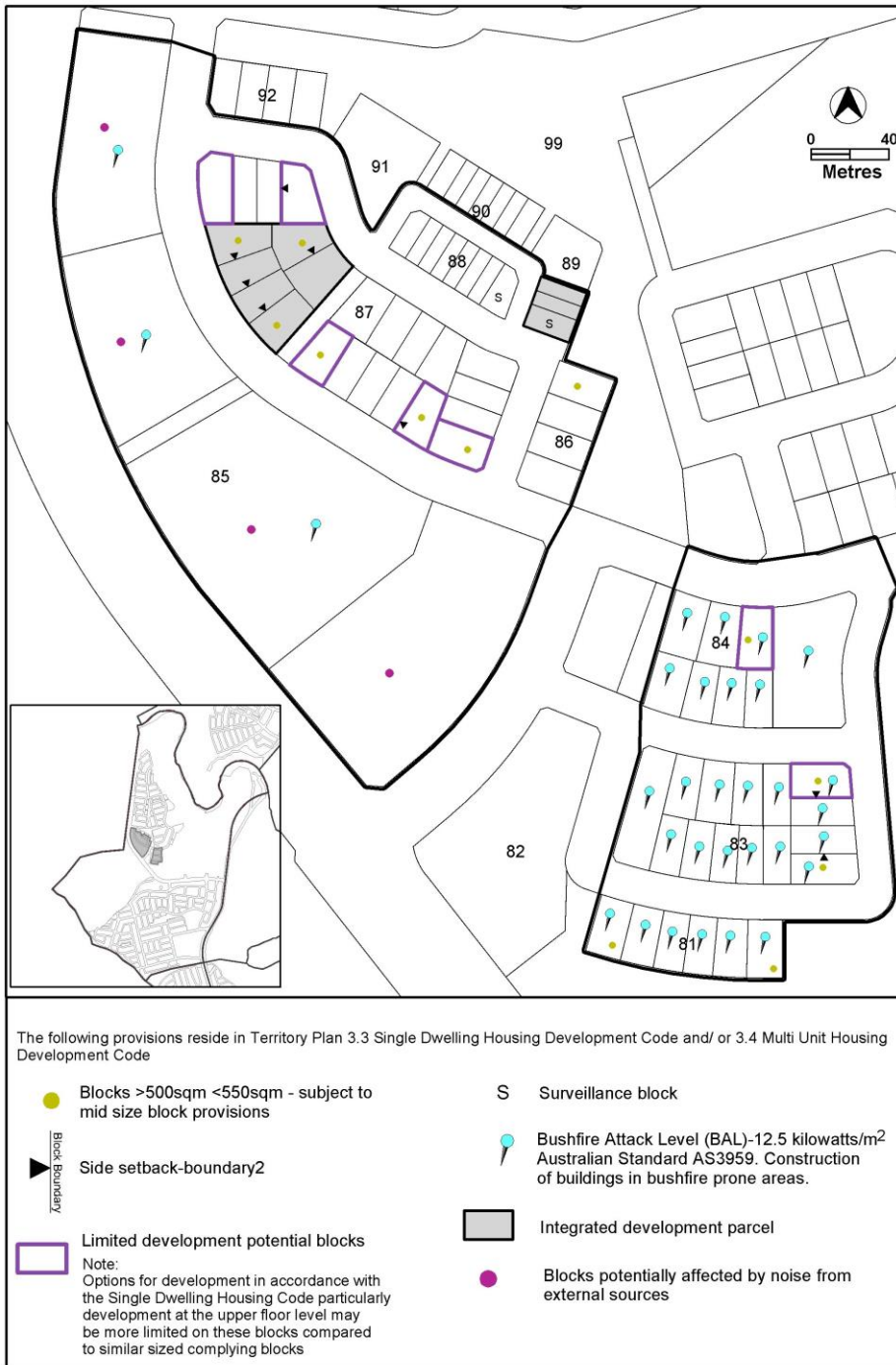


Figure 12 Denman Prospect residential area ongoing provisions

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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131 450

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