

Australian Capital Territory

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2022 (No 3)

Notifiable instrument NI2022—542

Technical Amendment No 2022-08

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 3)*.

2 Commencement

This instrument commences on 28 October 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 2022-08, in the schedule.

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

Dianne Stewart
Delegate of the planning and land authority
26 October 2022



Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2022-08**

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

October 2022

Table of Contents

1.	INTRODUCTION	1
1.1	Purpose	1
1.2	Public consultation.....	1
1.3	National Capital Authority	1
1.4	Process	1
1.5	Types of technical amendments under the Act.....	2
2.	EXPLANATION	3
2.1	Territory Plan Map.....	3
2.2	Denman Prospect Precinct Map and Code	5
3.	TECHNICAL AMENDMENT	8
3.1	Territory Plan Map.....	8
3.2	Denman Prospect Precinct Map and Code	9

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

- Adds additional rules and criteria and ongoing provisions, as described in Part 2 of this document

1.2 Public consultation

Under section 87 (1) (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.

TA2022-08 has been prepared in accordance with section 87 (1) (c) of the Act.

2. EXPLANATION

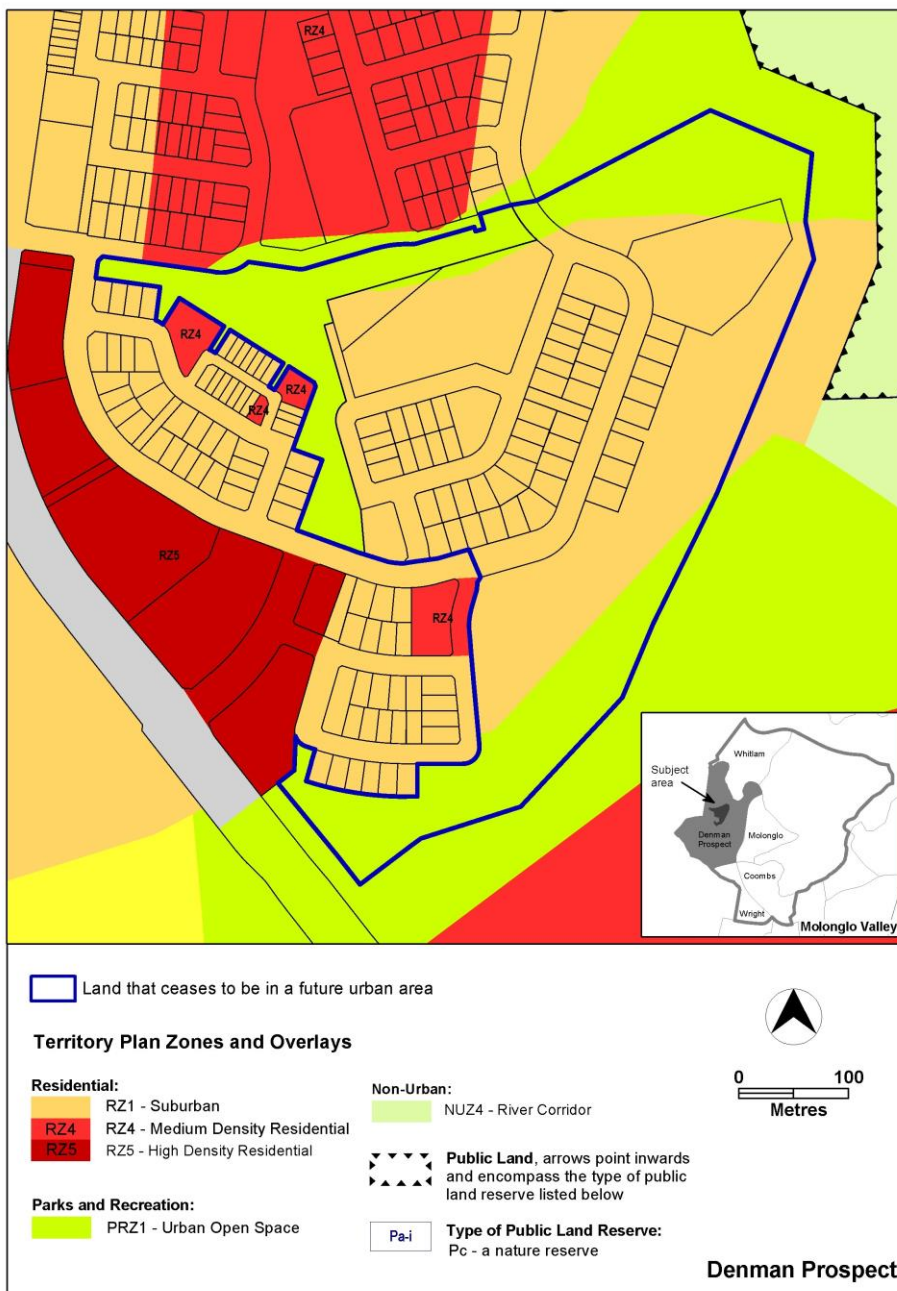
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

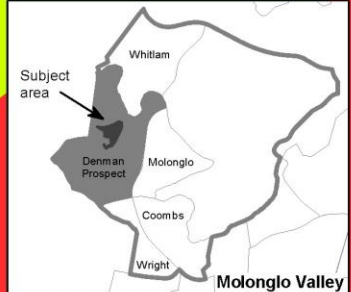
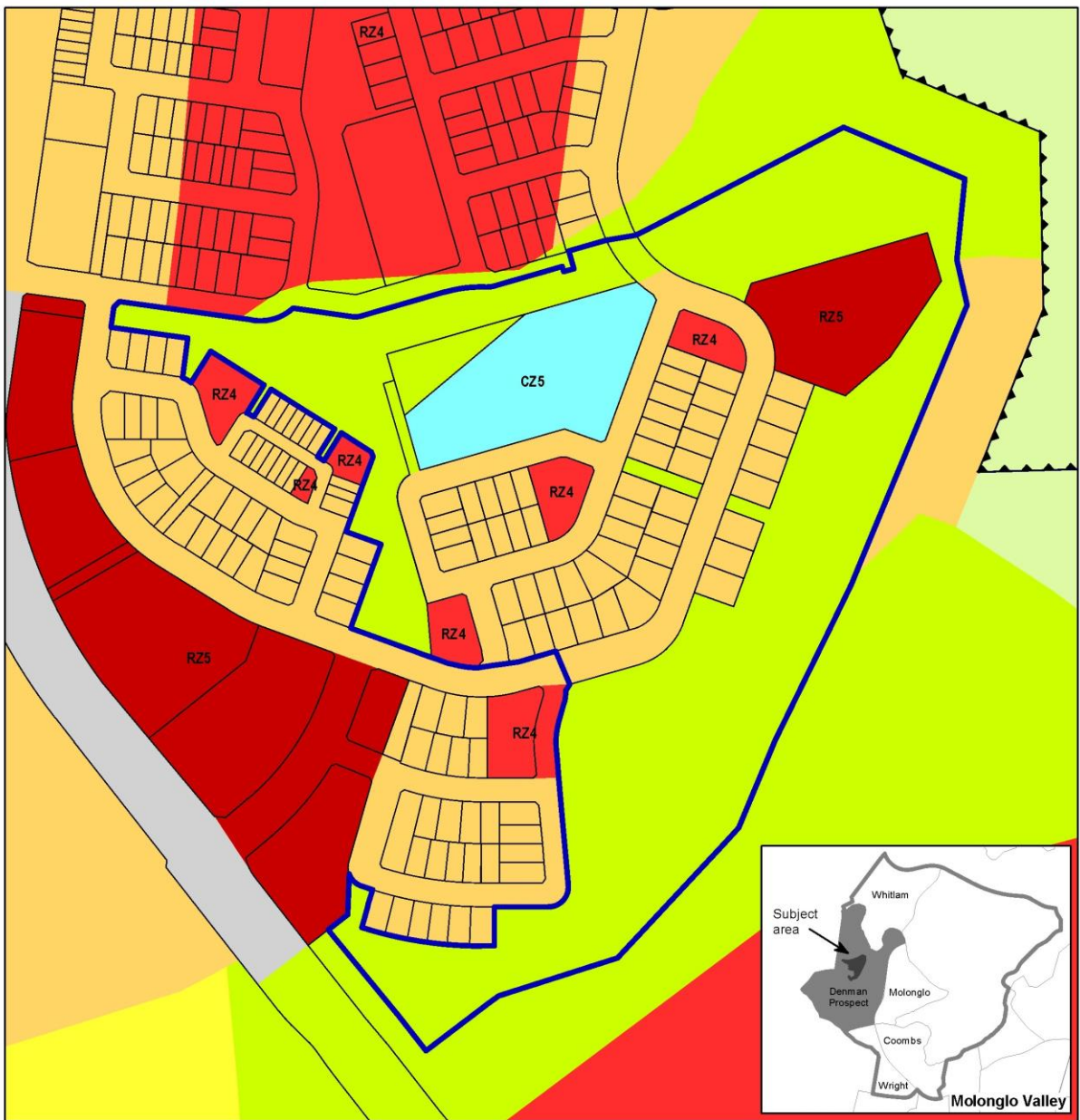
Variation to the Territory Plan Map


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




 Land that ceases to be in a future urban area


Territory Plan Zones and Overlays

- Residential:**
-  RZ1 - Suburban
 -  RZ4 - Medium Density Residential
 -  RZ5 - High Density Residential

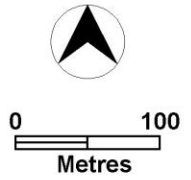
- Commercial:**
-  CZ5 - Mixed Use

- Parks and Recreation:**
-  PRZ1 - Urban Open Space

- Non-Urban:**
-  NUZ4 - River Corridor

 **Public Land**, arrows point inwards and encompass the type of public land reserve listed below

 **Type of Public Land Reserve:**
Pa-i - a nature reserve



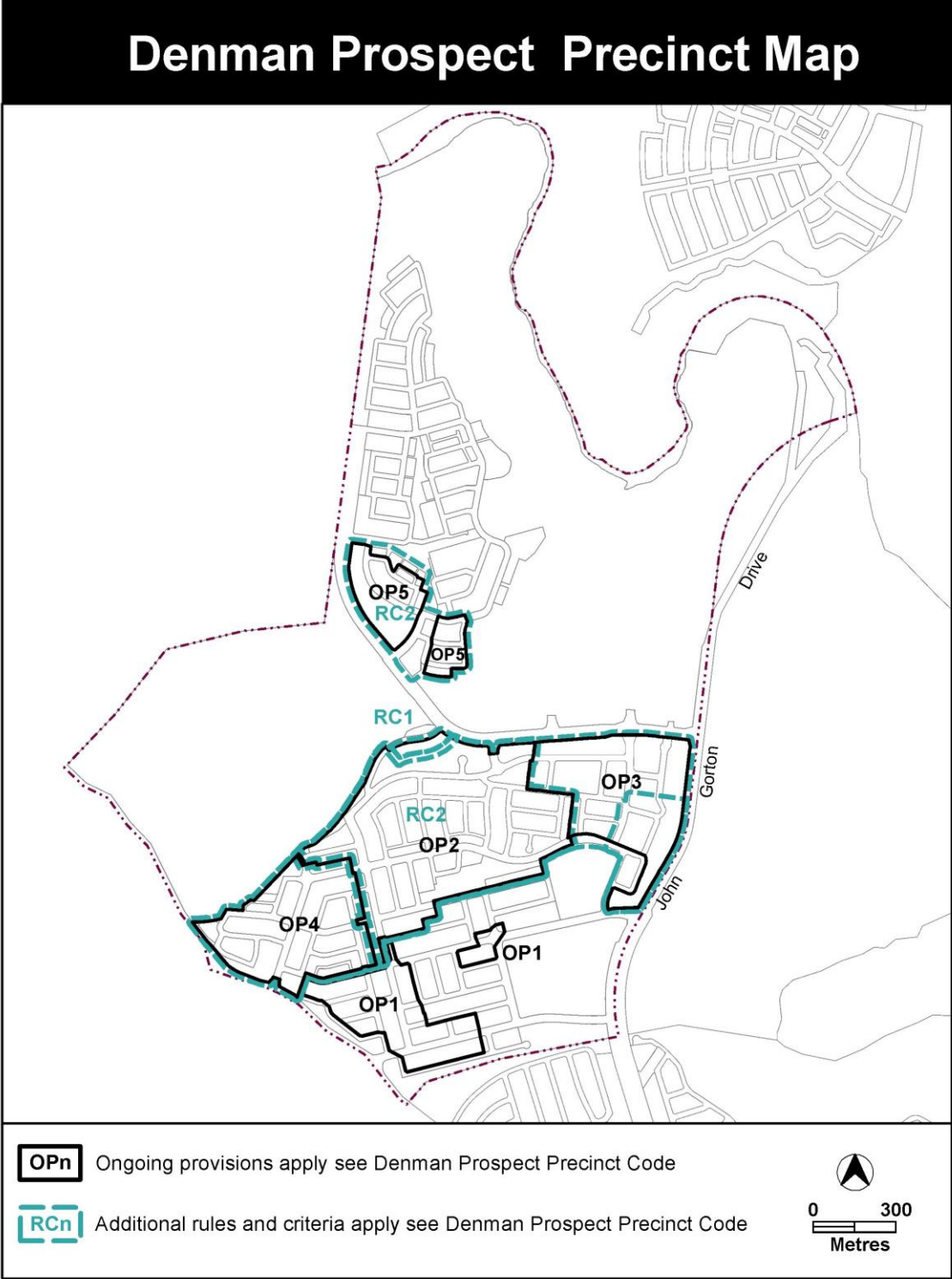
Denman Prospect

2.2 Denman Prospect Precinct Map and Code

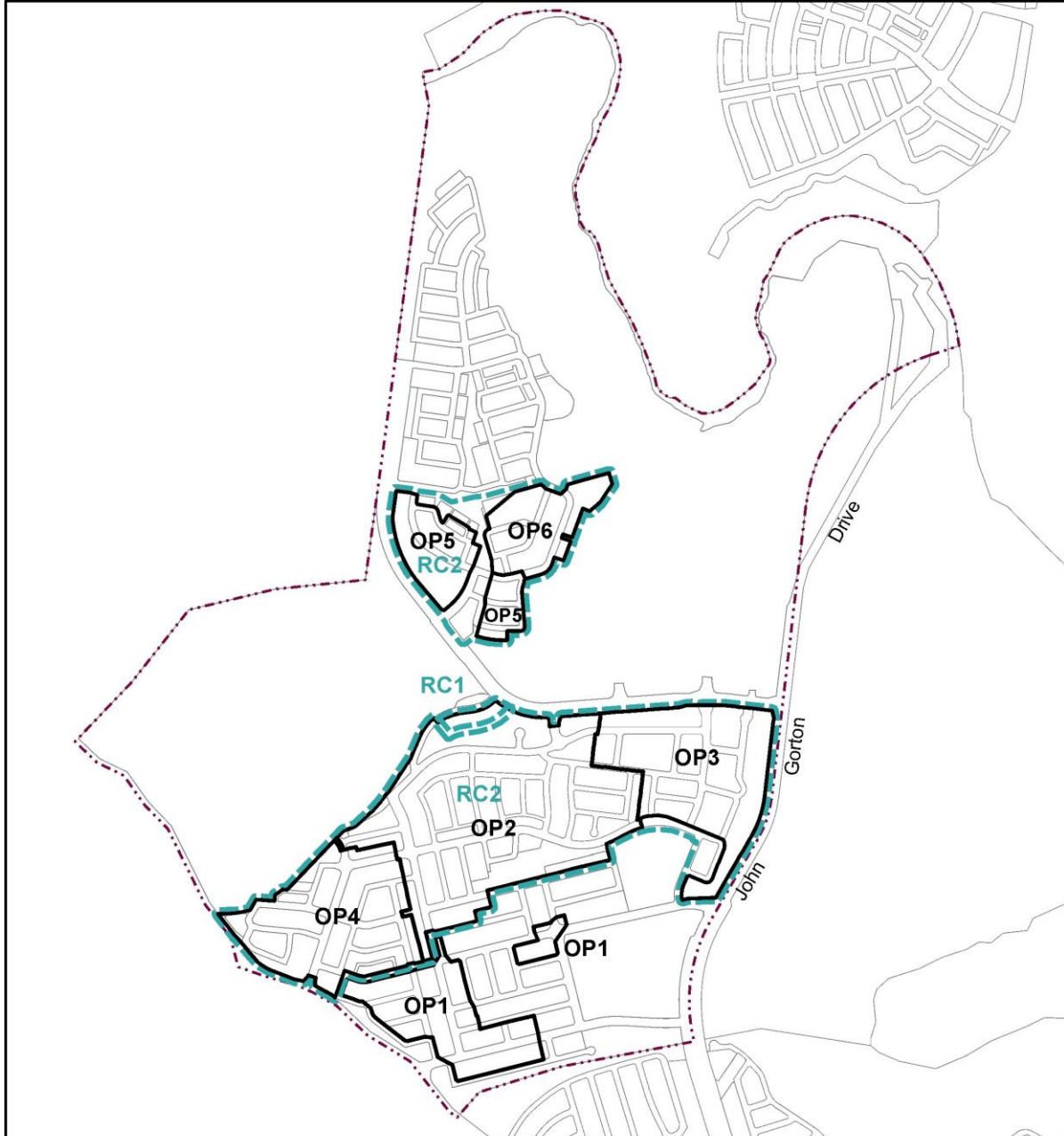
Variation to the Denman Prospect Precinct Map and Code

2.2.1 Denman Prospect Precinct Map

Existing Denman Prospect Precinct Map

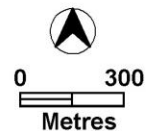


Denman Prospect Precinct Map



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 Code:

- updates rules R5A, R6D, R9, R10, R11A, R11B, R14A, R17 and R18 to include reference to new Figure 7B
- inserts rule 15A (commercial GFA)
- inserts Figure 7B Denman Prospect residential area 8
- inserts Figure 13 Denman Prospect residential area ongoing provisions.

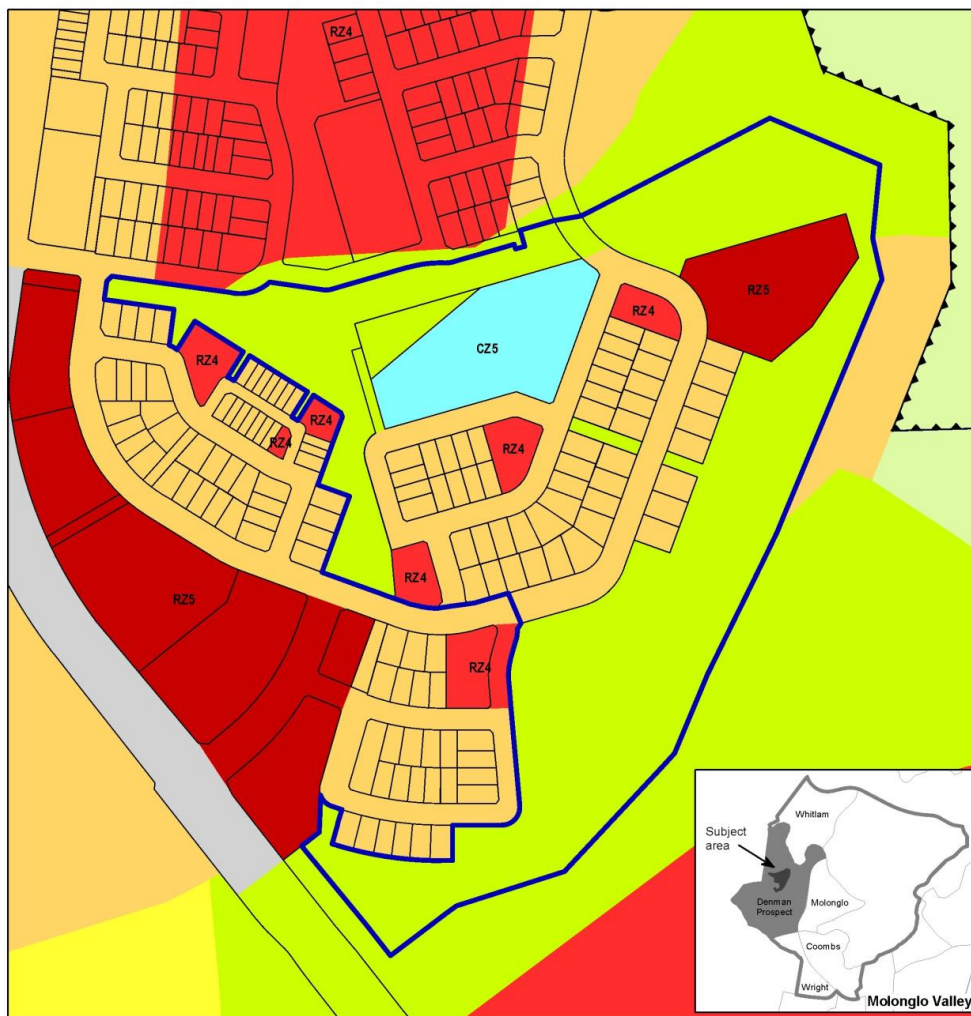
3. TECHNICAL AMENDMENT

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.



Land that ceases to be in a future urban area

Territory Plan Zones and Overlays

Residential:

- RZ1 - Suburban
- RZ4 - Medium Density Residential
- RZ5 - High Density Residential

Commercial:

- CZ5 - Mixed Use

Parks and Recreation:

- PRZ1 - Urban Open Space

Non-Urban:

- NUZ4 - River Corridor



Public Land, arrows point inwards and encompass the type of public land reserve listed below

Pa-i

Type of Public Land Reserve:
Pc - a nature reserve



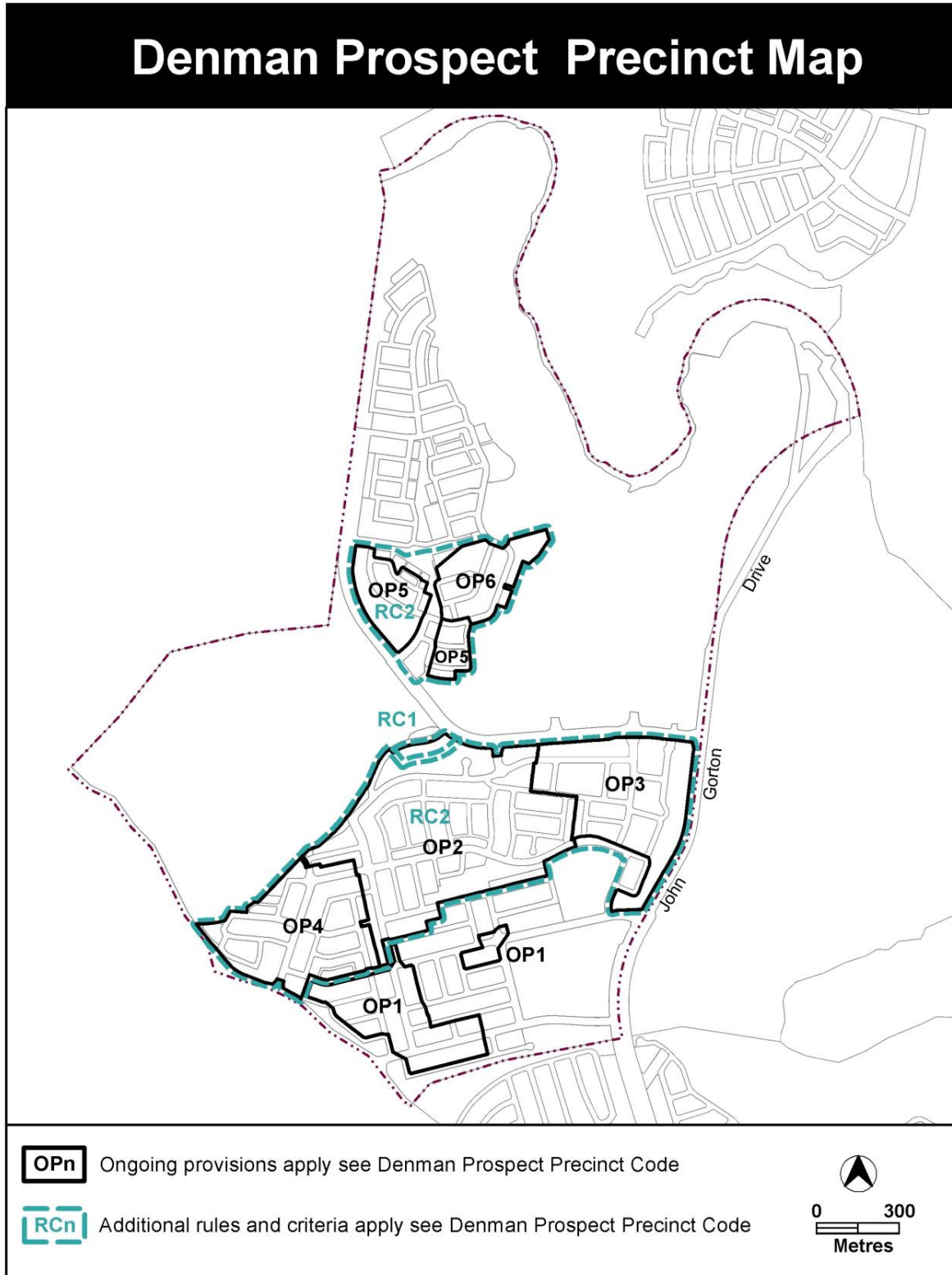
0 100
Metres

Denman Prospect

3.2 Denman Prospect Precinct Map and Code

2. Denman Prospect Precinct Map

Substitute



**3. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.2 Setbacks – garages, Rule R5A**

Substitute

<p>R5A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A and 7B.</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>
--	---

**4. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.3 Setbacks – upper and lower floors, Rule R6D**

Substitute

<p>R6D</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7A and 7B.</p> <p>Minimum setback to all floors as nominated and only within the primary building zone.</p> <p>Note: Nominated setbacks are shown by a pink line in the figure.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
--	---

**5. 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, 7A and 7B.</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>
--	---

**6. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.6 Vehicular access, Rule R10**

Substitute

<p>R10</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 4, 5, 6, 7A, and 7B.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
--	---

**7. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.7 Fencing, Rule R11A**

Substitute

<p>R11A</p> <p>This rule applies to blocks or parcels in locations identified in Figures 7A and 7B.</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>
---	---

**8. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.7 Fencing, Rule R11B**

Substitute

<p>R11B</p> <p>This rule applies to blocks or parcels in locations identified in Figures 7A and 7B.</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 1.8m4. 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 boundaryii) 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>
---	---

**9. Additional Rules and Criteria, RC2 – Residential Area, Element 2:
Building and Site Controls, 2.9 Pedestrian access, Rule R14A**

Substitute

<p>R14A</p> <p>This rule applies to blocks or parcels in locations identified in Figures 7A and 7B.</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>
---	---

**10. Additional Rules and Criteria, RC2 – Residential Area, Element 3:
Restrictions on use, 3.0 Commercial GFA, Rule R15**

Insert after rule R15

<p>R15A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7B.</p> <p>The total limit of commercial <i>gross floor area</i> is 600m², with a <i>gross floor area</i> limit of 200m² per tenancy.</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, 7A and 7B.</p> <p>The maximum 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**

Substitute

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

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

Insert after existing Figure 7A

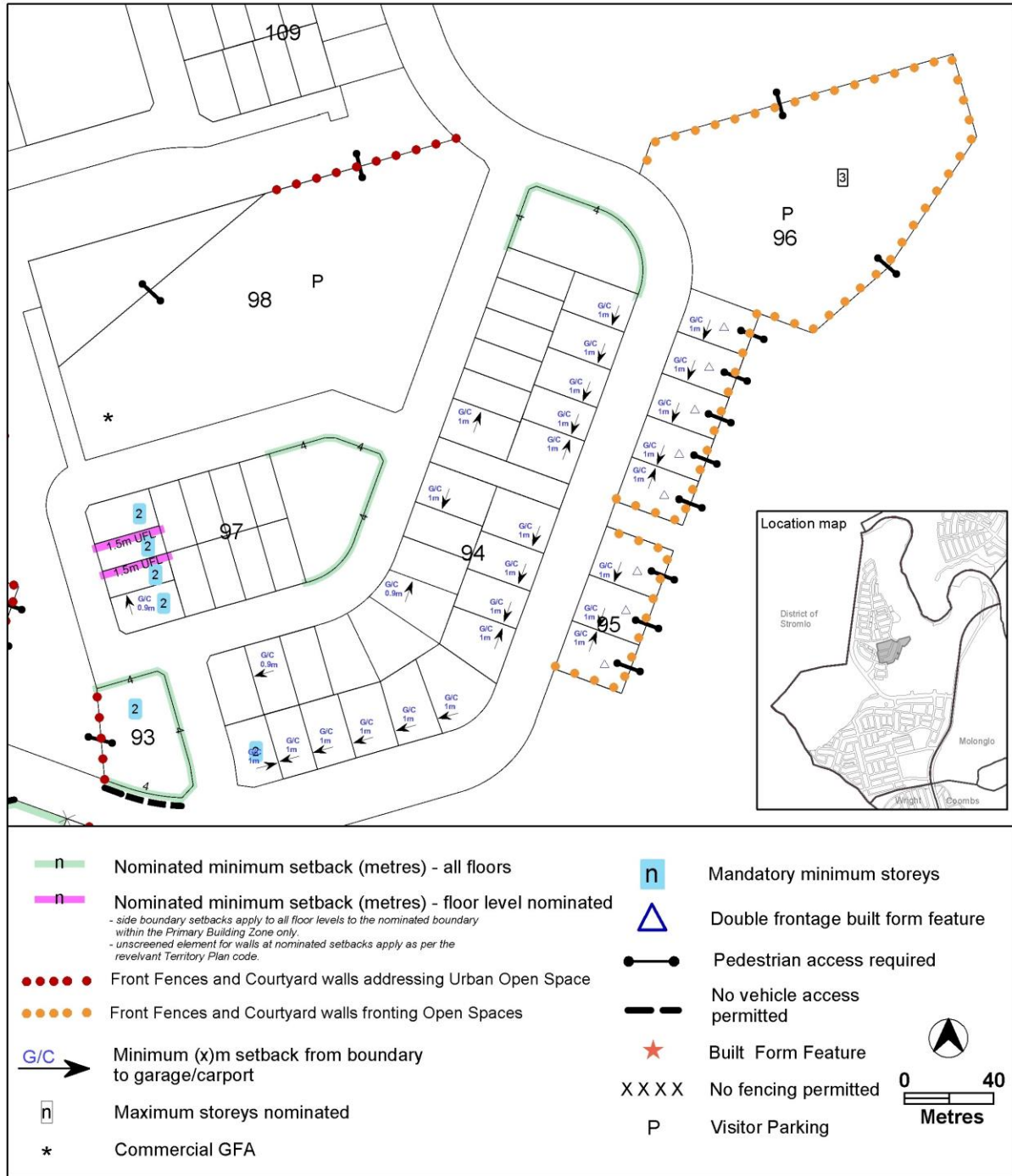


Figure 7B Denman Prospect residential area 8

14. Other ongoing provisions, OP5 – Denman Prospect residential area

Insert after existing Figure 12

OP6 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP6 shown on the Denman Prospect Precinct Map.

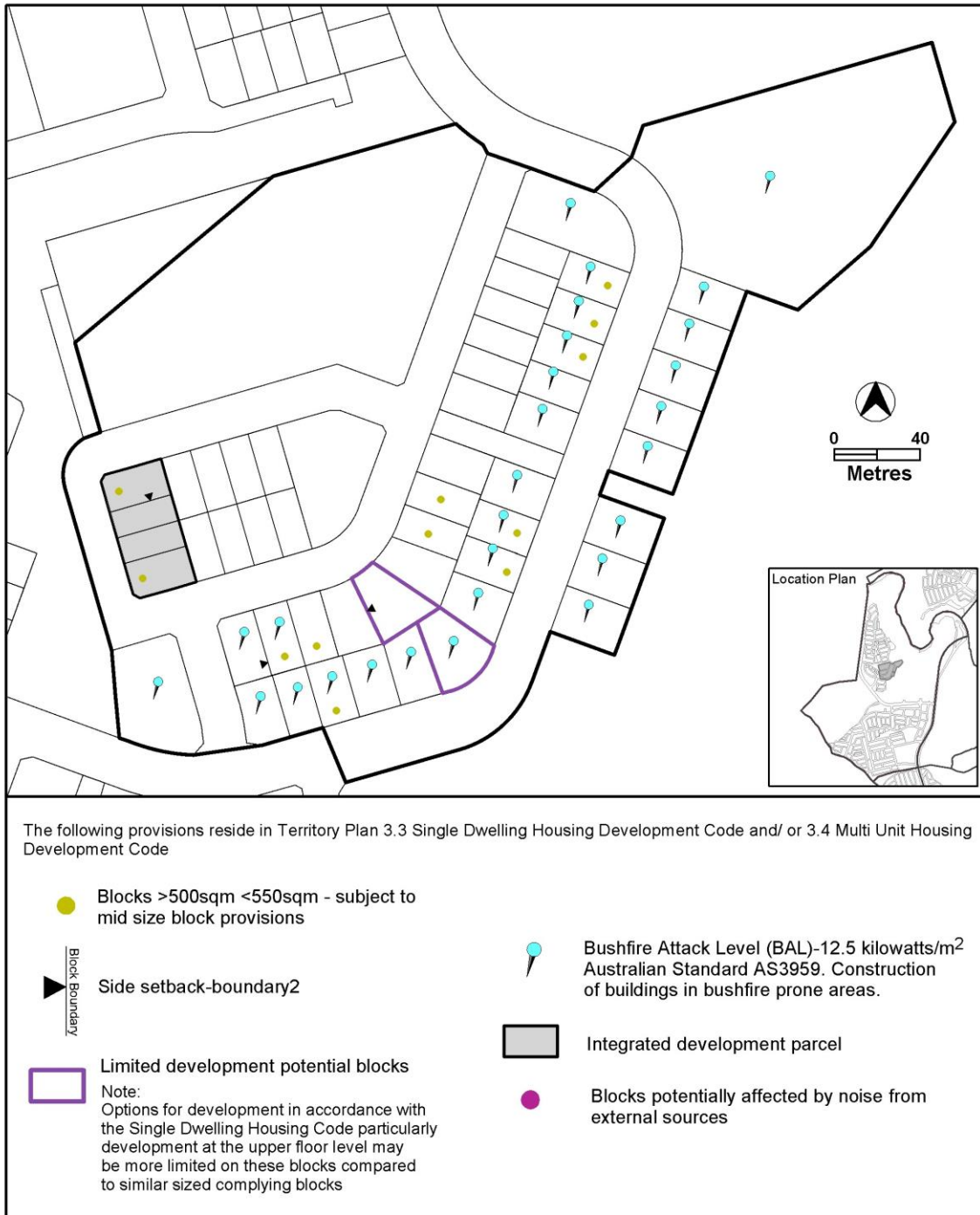


Figure 13 Denman Prospect residential area ongoing provisions

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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, çempel:
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:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week