

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2023 (No 2)*

Notifiable instrument NI2023—705

Technical Amendment No 2023-13

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2023 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

I am satisfied under the *Planning and Development Act 2007*, section 89 (1) (a) 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 2023-13, in the schedule.

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

Freya O'Brien
Delegate of the planning and land authority
16 November 2023

*Name amended under Legislation Act, s 60



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2023-13

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

November 2023

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1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- The Territory Plan map is 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

- The Denman Prospect Precinct Map and Code is amended to include 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.

TA2023-13 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

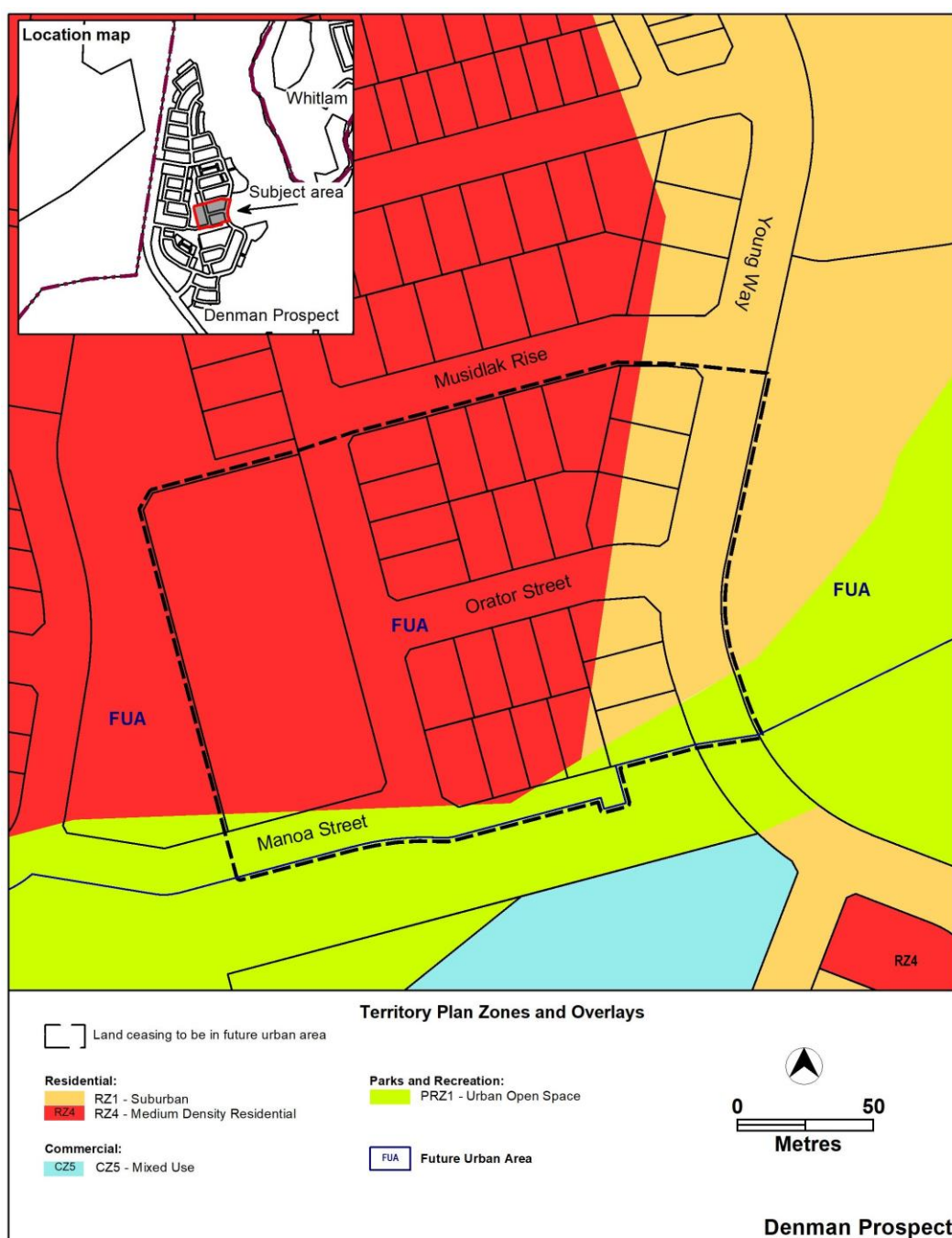
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

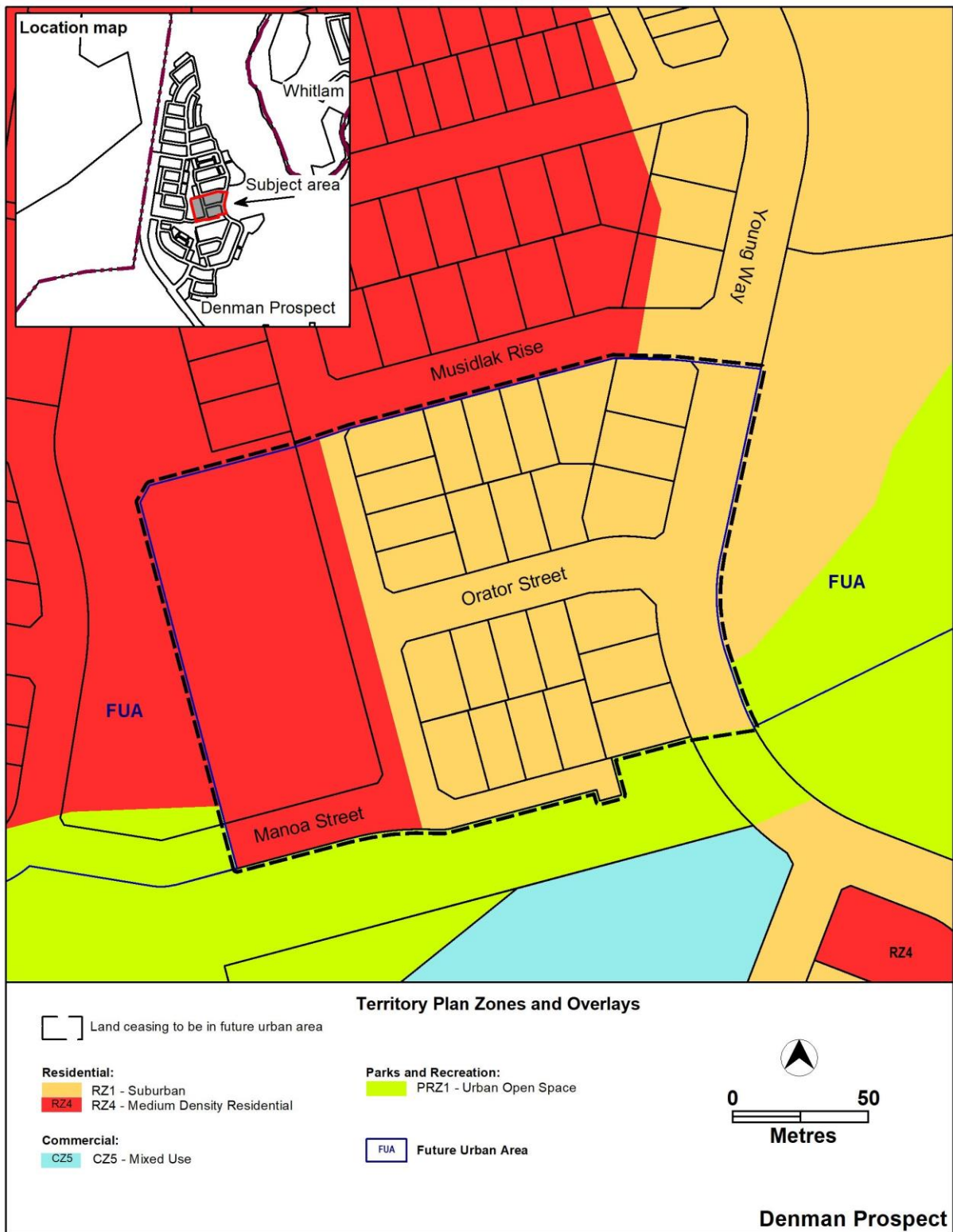
Variation to the Territory Plan

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

Denman Prospect - Existing Territory Plan Map



Denman Prospect - Proposed Territory Plan Map



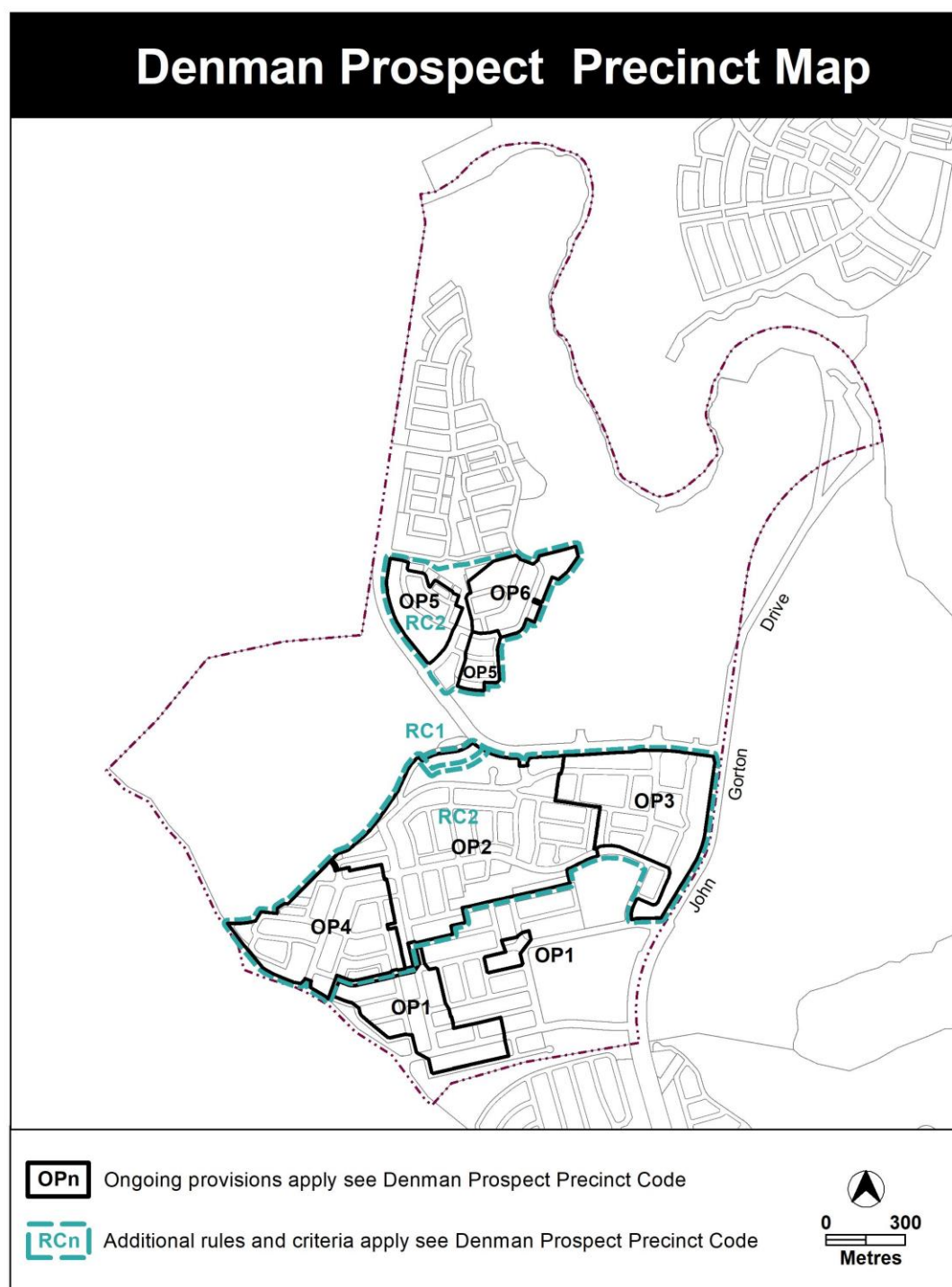
2.2 Denman Prospect Precinct Map and Code

Variation to the Denman Prospect Precinct Map and Code

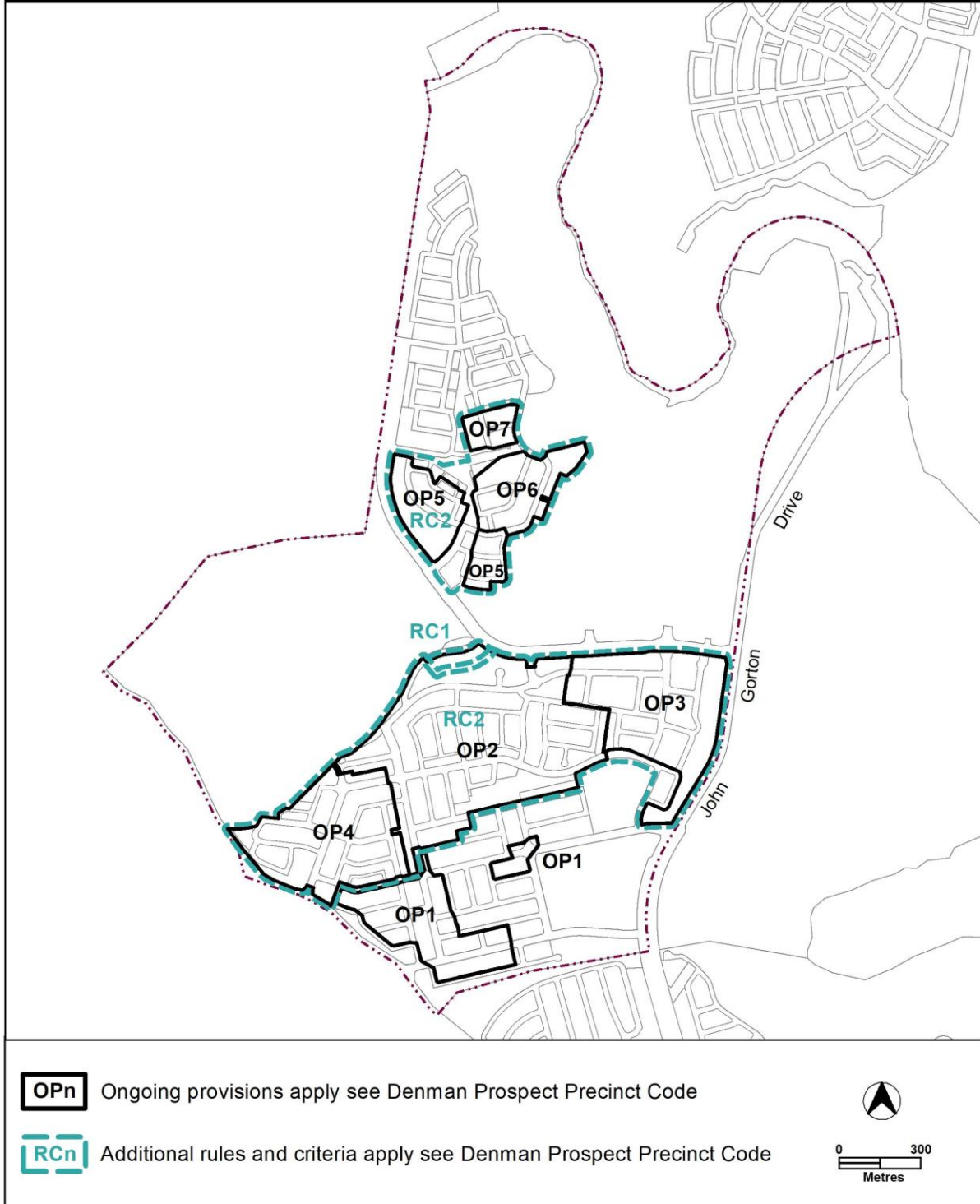
The Denman Prospect Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Denman Prospect Precinct Map

Existing Denman Prospect Precinct Map



Denman Prospect Precinct Map



2.2.2 Denman Prospect Precinct Code

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

- replaces Denman Prospect Precinct Map
- includes reference to new Figure 7BA in rules R5A, R9, R10, R11A, R14A, and R18
- inserts new Figures 7BA and 14 to show ongoing provisions

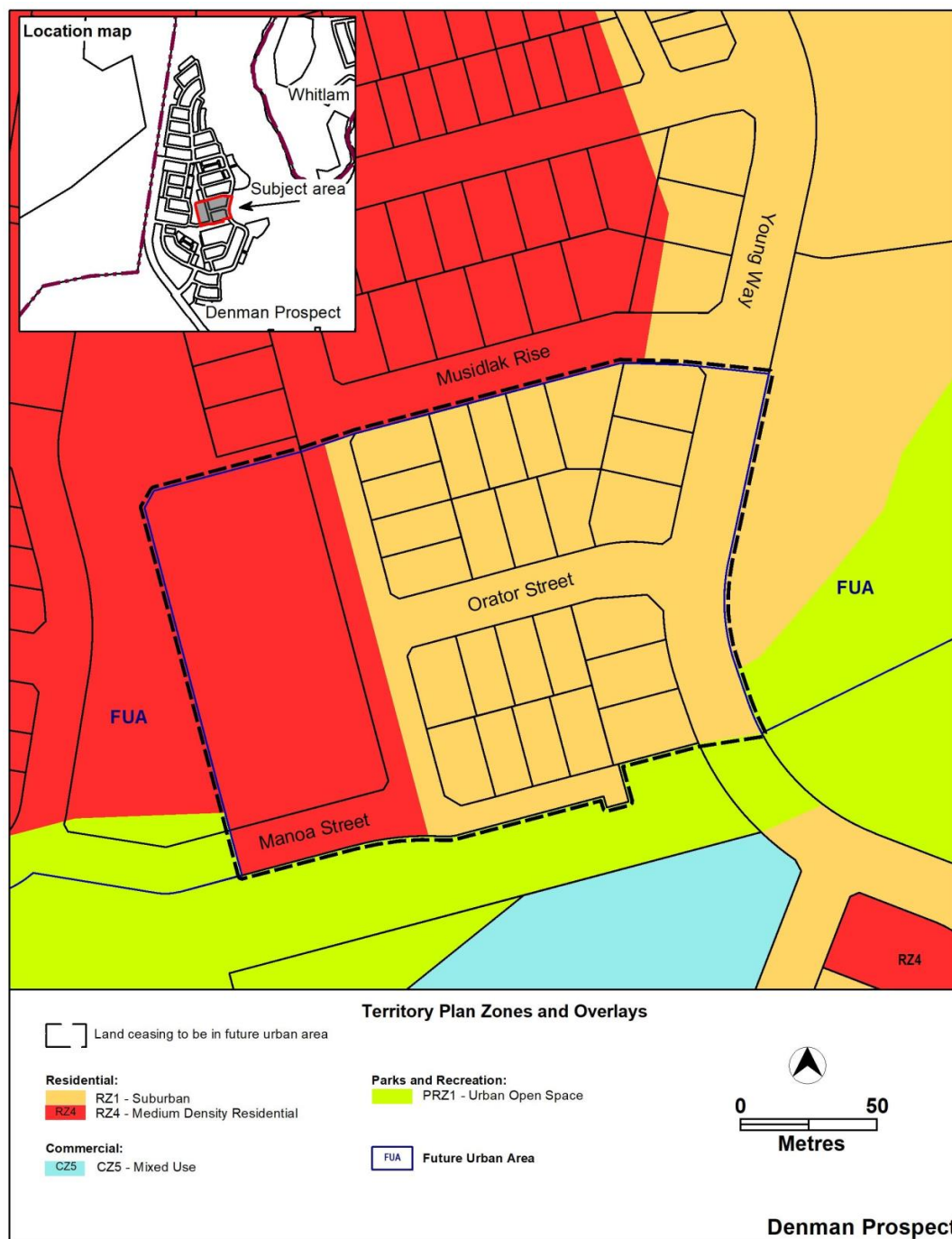
3. TECHNICAL AMENDMENT

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

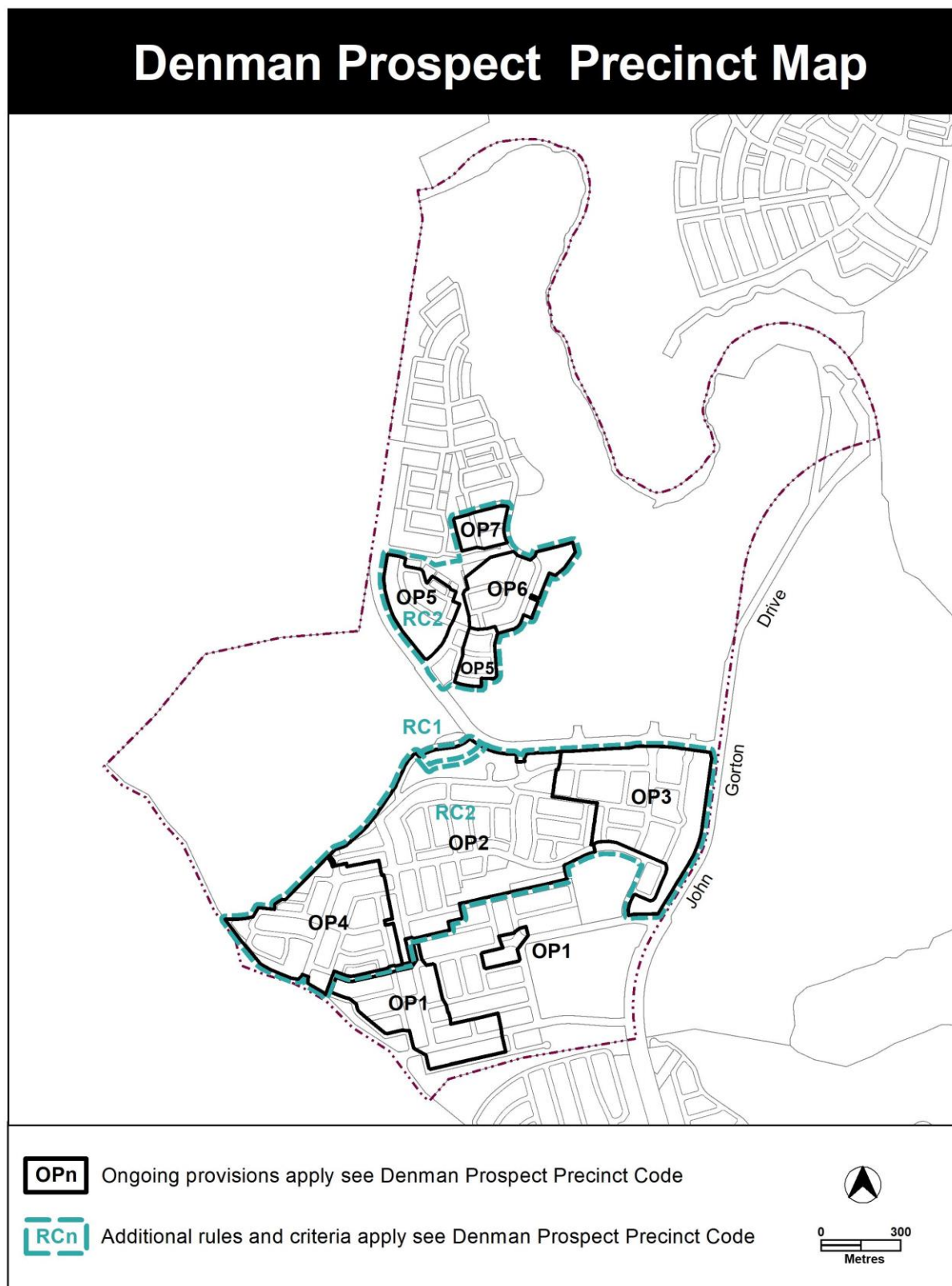
The Territory Plan map is varied as indicated below to identify the zones and overlays that apply to the land ceasing to be in a future urban area.



3.2 Denman Prospect Precinct Map and Code

2. Denman Prospect Precinct Map

Substitute



3. Additional Rules and Criteria, RC2 – Denman Prospect 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, 7B and 7BA.</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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4. Additional Rules and Criteria, RC2 – Denman Prospect 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, 7B and 7BA.</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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5. Additional Rules and Criteria, RC2 – Denman Prospect 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, 7B and 7BA.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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**6. Additional Rules and Criteria, RC2 – Denman Prospect 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 addressing urban open space in locations identified in Figures 7A, 7B and 7BA.</p> <p>No fences permitted to nominated front boundary(s).</p> <p>Courtyard walls are permitted forward of the primary building zone 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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**7. Additional Rules and Criteria, RC2 – Denman Prospect 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, 7B and 7BA.</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>
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**8. Additional Rules and Criteria, RC2 – Denman Prospect 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, 7B and 7BA.</p> <p>The minimum number of storeys is nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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9. Additional Rules and Criteria, RC2 – Denman Prospect residential area, new Figure 7BA

Insert after existing Figure 7B



Figure 7BA Denman Prospect residential areas

10. Other ongoing provisions, new OP7 – Denman Prospect residential area

Insert

OP7 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP7 shown on the Denman Prospect Precinct Map.



Figure 14 Denman Prospect residential area ongoing provisions

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GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnunja t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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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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