

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2017 (No 1)

Notifiable Instrument NI2017—159

Technical Amendment No 2017-09

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 2017 (No 1)*.

2 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.

3 Commencement

This instrument commences on the day after its notification day.

4 Meaning of *Denman Prospect plan variation*

For this instrument:

Denman Prospect plan variation means the technical amendment to the Territory Plan, variation 2017-09, in the schedule.

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

Brett Phillips
Delegate of the planning and land authority
29 March 2017



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2017-09

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

March 2017

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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 Overlay from block 3 section 59 and block 1 section 76 in the Division of Denman Prospect.

Denman Prospect Precinct Map and Code

- The Denman Prospect Precinct Map is varied to include block 3 section 59 and block 1 section 76.
- Include new ongoing provisions, rules, criteria and figures.

1.2 Public consultation

Under section 87 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 *Planning and Development Act 2007* (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.

TA2017-09 has been prepared in accordance with section 87 (1) (c).

2. EXPLANATION

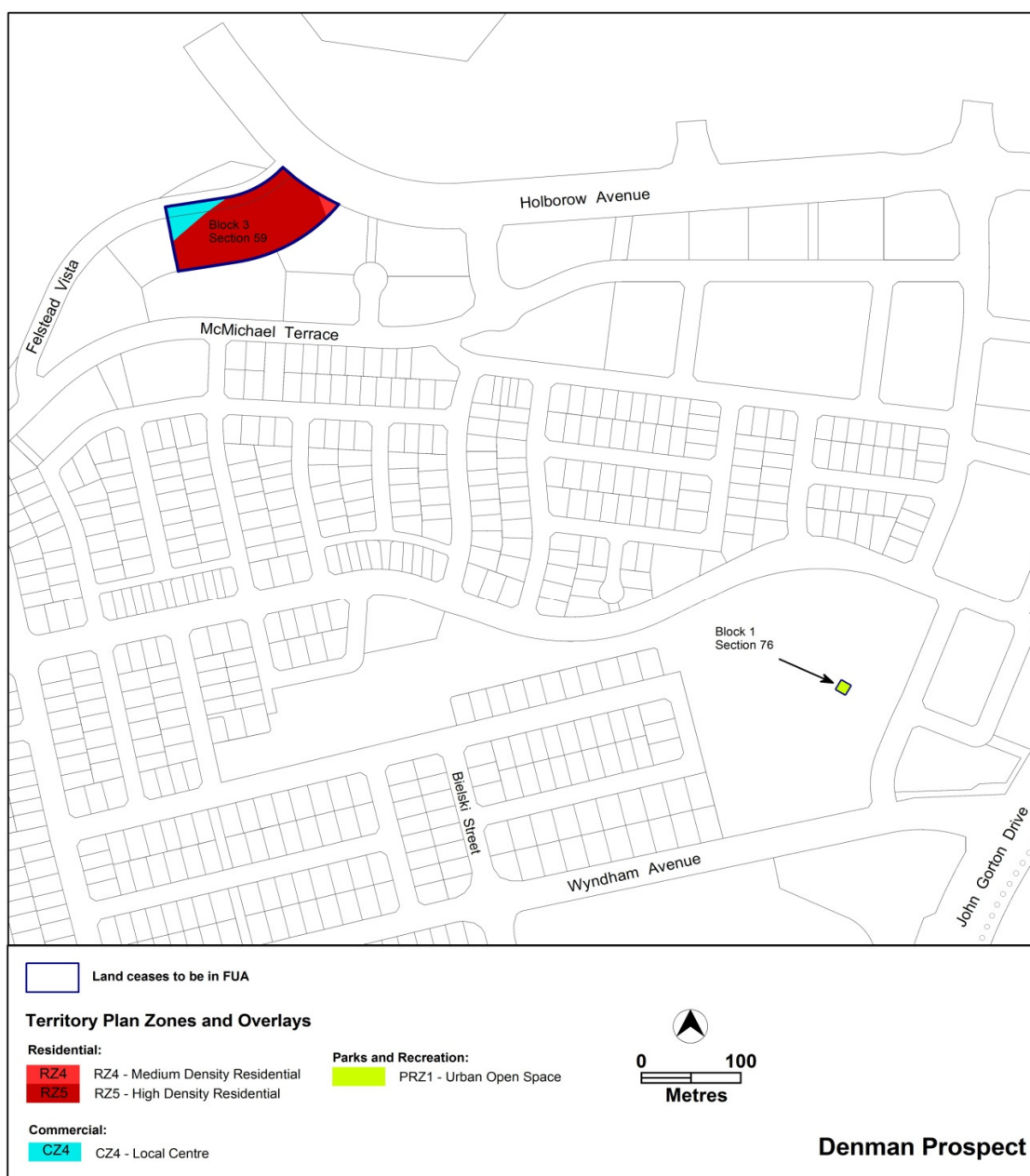
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

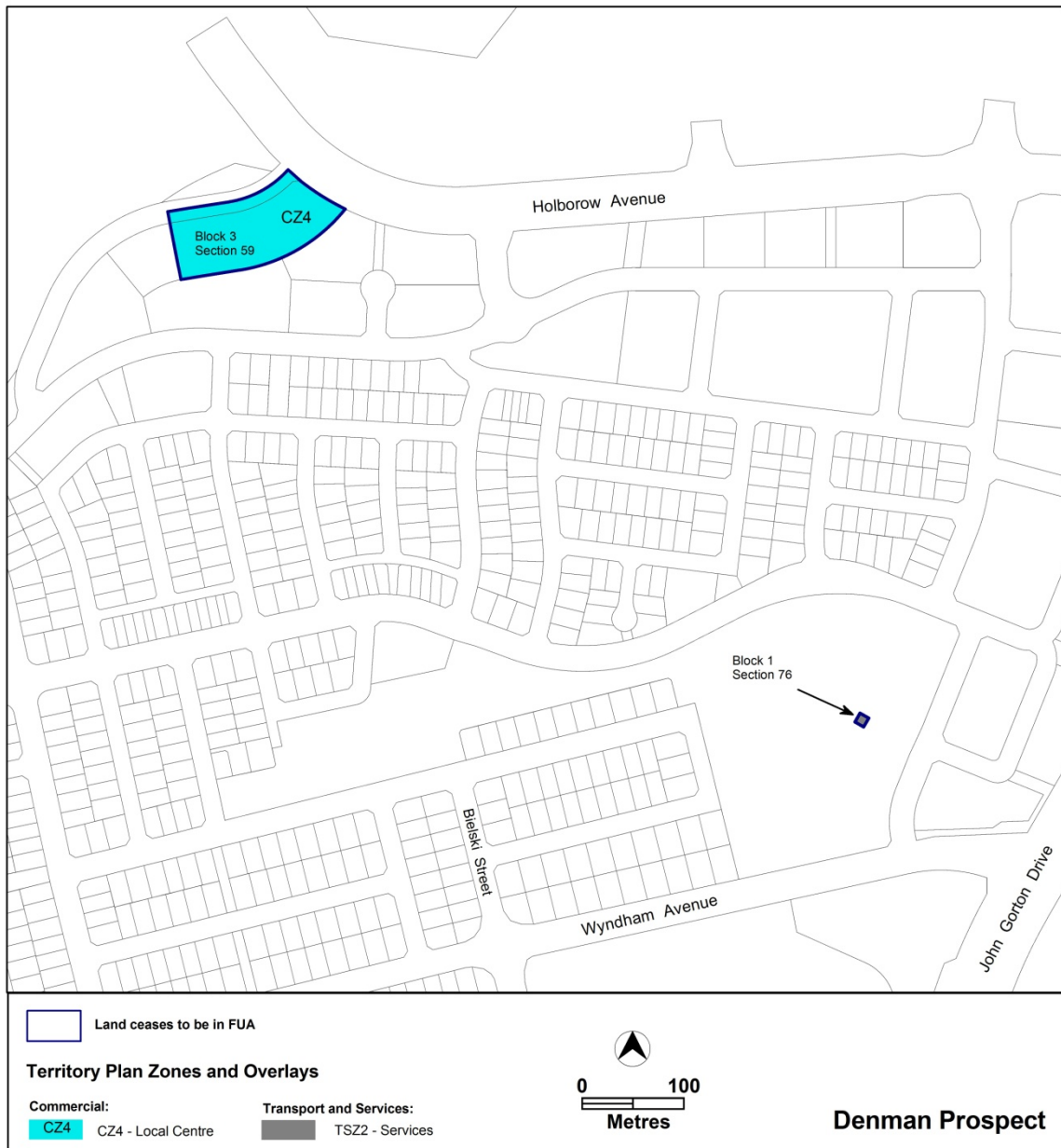
Variation to the Territory Plan

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

Existing Territory Plan Map



Proposed Territory Plan Map



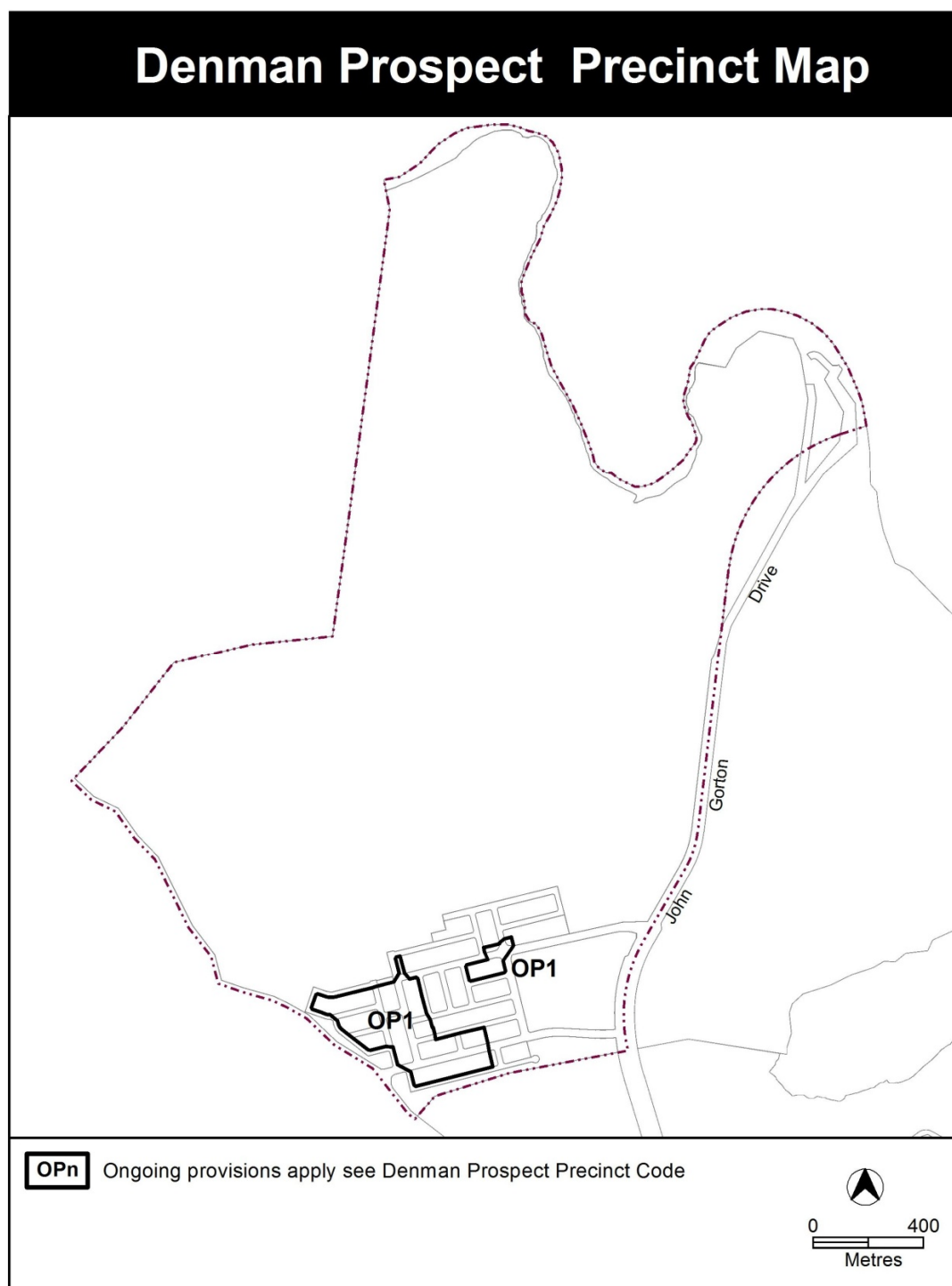
2.2 Denman Prospect Precinct Map and Code

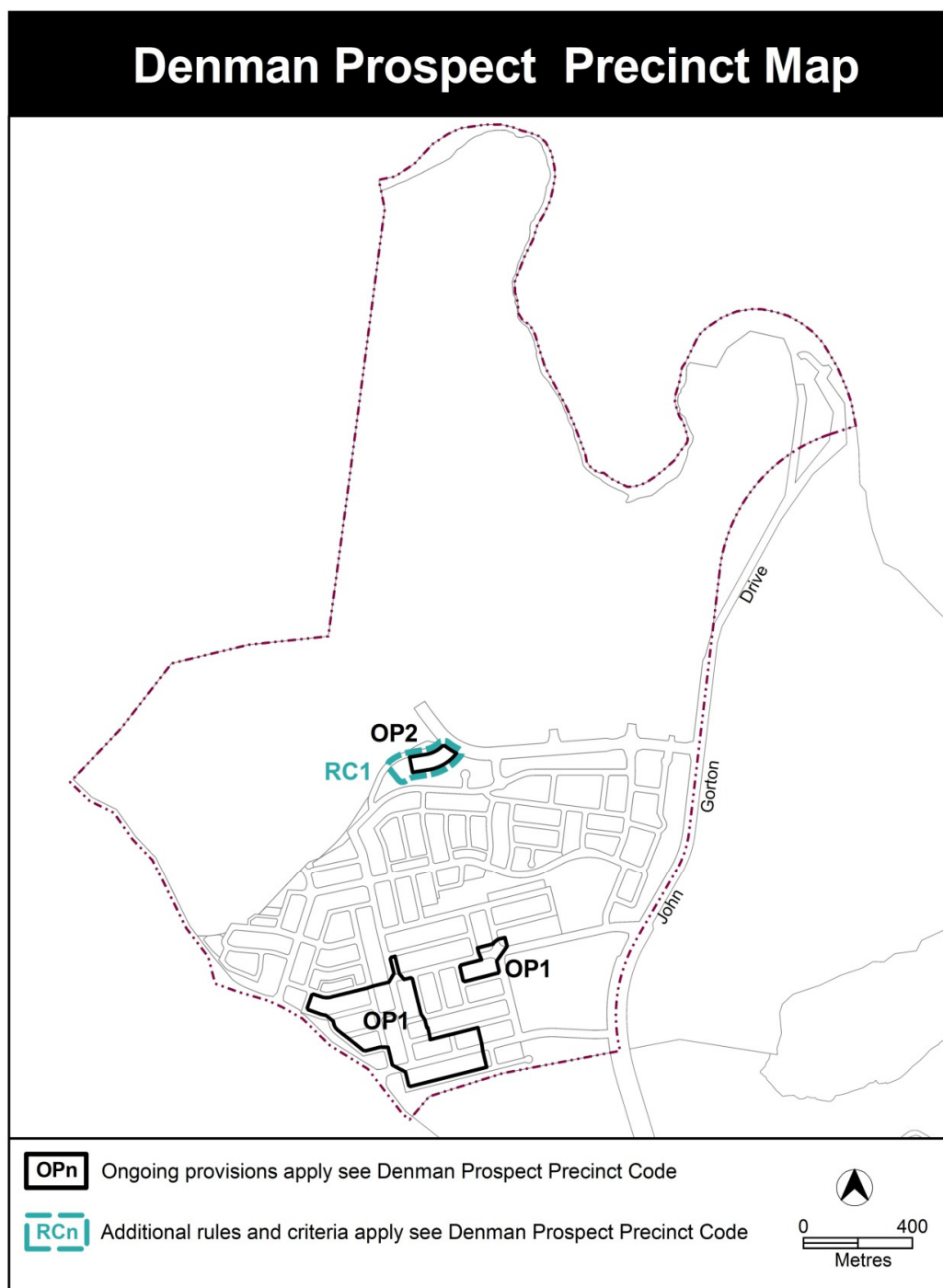
Variation to the Denman Prospect Precinct Map and Code

The Denman Prospect Precinct Map and Code is varied to incorporate ongoing block specific provisions and rules and criteria.

2.2.1 Denman Prospect Precinct Map

Existing Denman Prospect Precinct Map





2.2.2 Denman Prospect Precinct Code – rules and criteria

Insert Rules and Criteria RC1 and renumber existing Figure 1 to Figure 2

RC1 – Commercial Local Centre

This part applies to blocks and parcels identified in area RC1 shown on the Denman Prospect Precinct Map.

Element 1: Building and site controls

Rules	Criteria
1.1 Vehicular access	
R1 No vehicle access is permitted in areas shown in Figure 1.	This is a mandatory requirement. There is no applicable criterion.
R2 This rule applies to blocks or parcels in locations identified in Figure 1. Left turn exit only onto Holborow Avenue is permitted for service vehicles only.	This is a mandatory requirement. There is no applicable criterion.
1.2 Easements	
R3 This rule applies to blocks or parcels in locations identified in Figure 1. Reciprocal access easements required to permit access and egress between car parks in each block and access and egress to Felstead Vista.	This is a mandatory requirement. There is no applicable criterion.

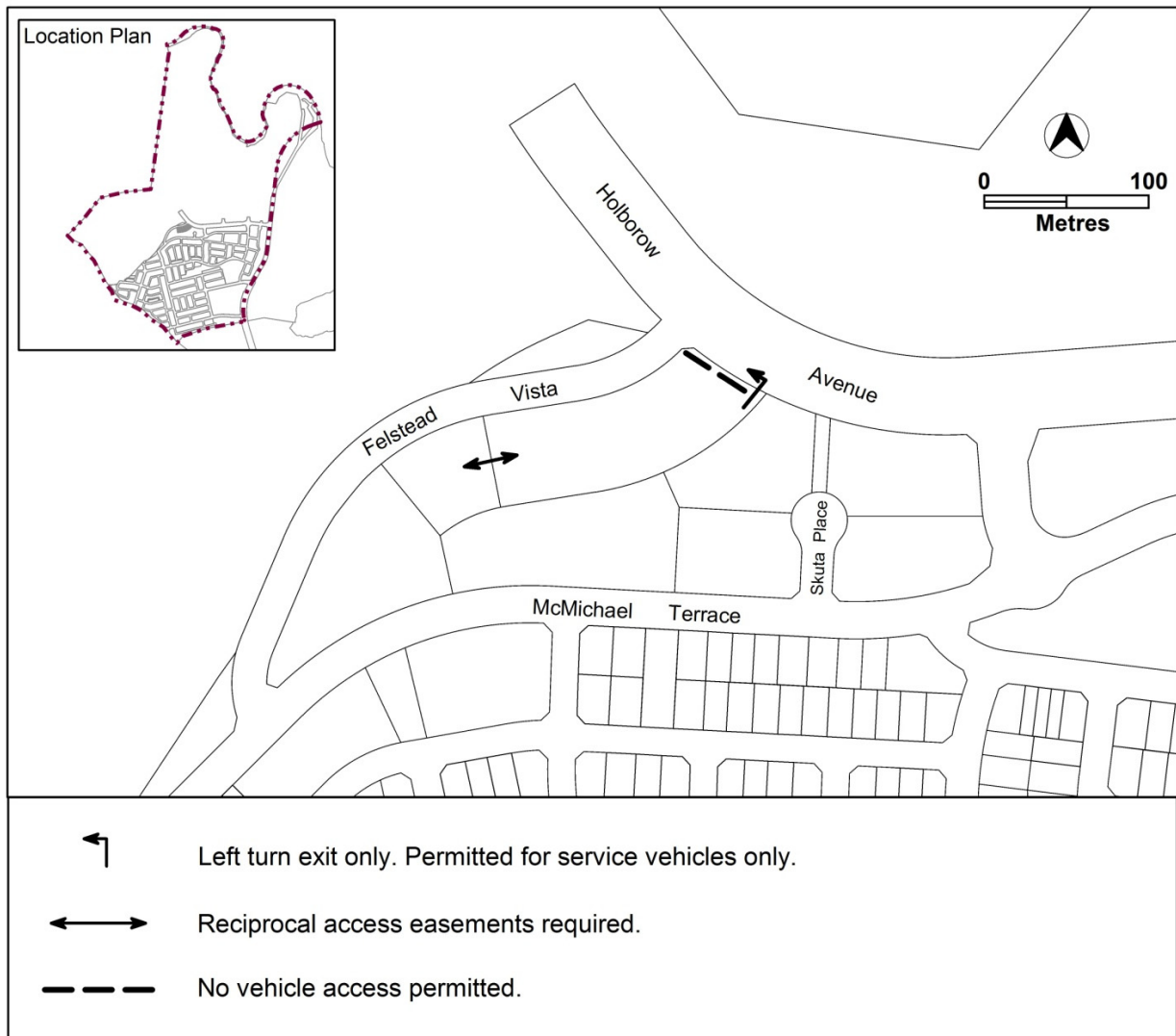


Figure 1 Denman Prospect commercial area 1

2.2.3 Denman Prospect Precinct Code – ongoing provisions

Insert new ongoing provisions OP2.

OP2 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP2 shown on the Denman Prospect Precinct Map.

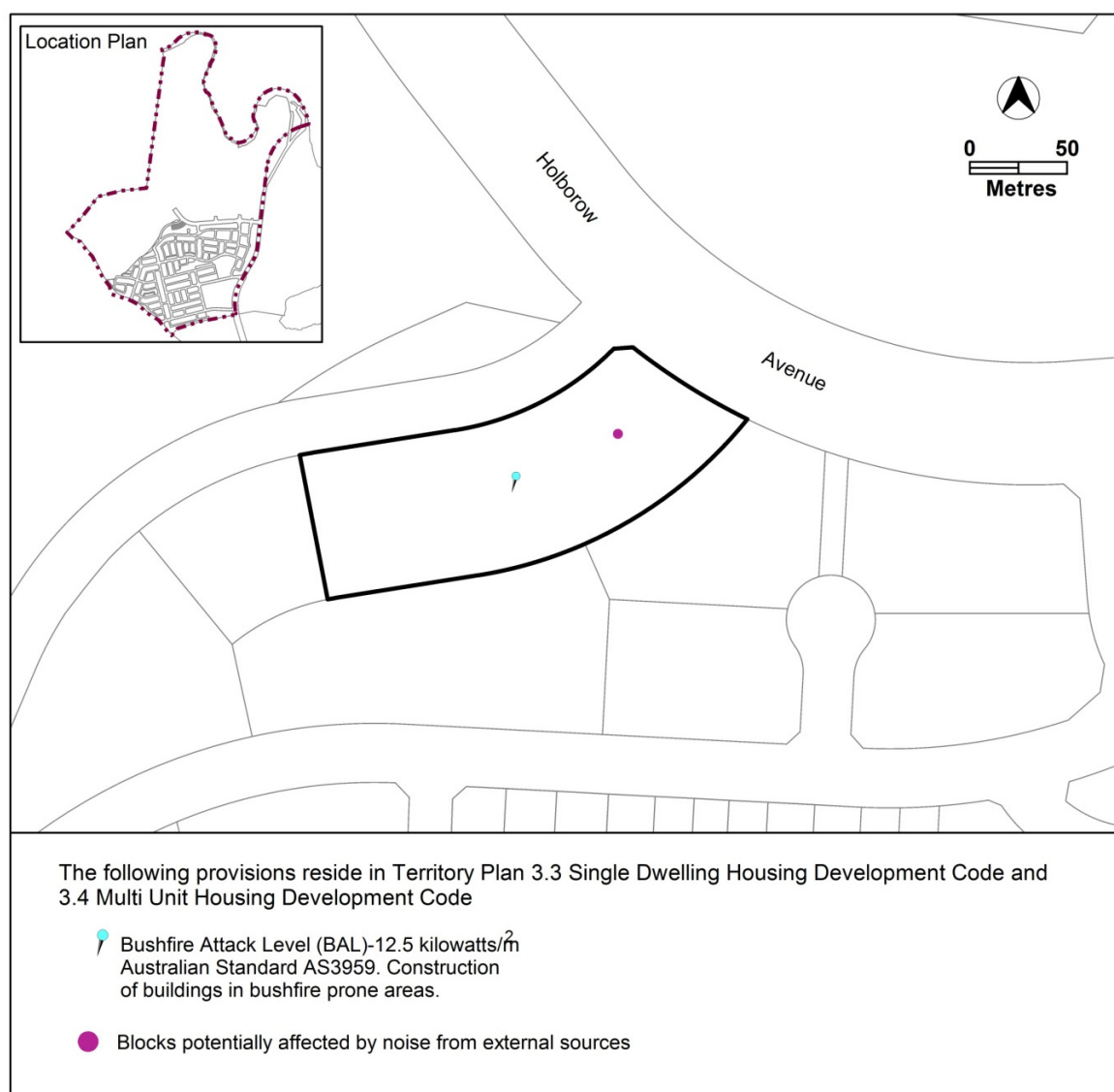


Figure 3 Denman Prospect residential area ongoing provisions

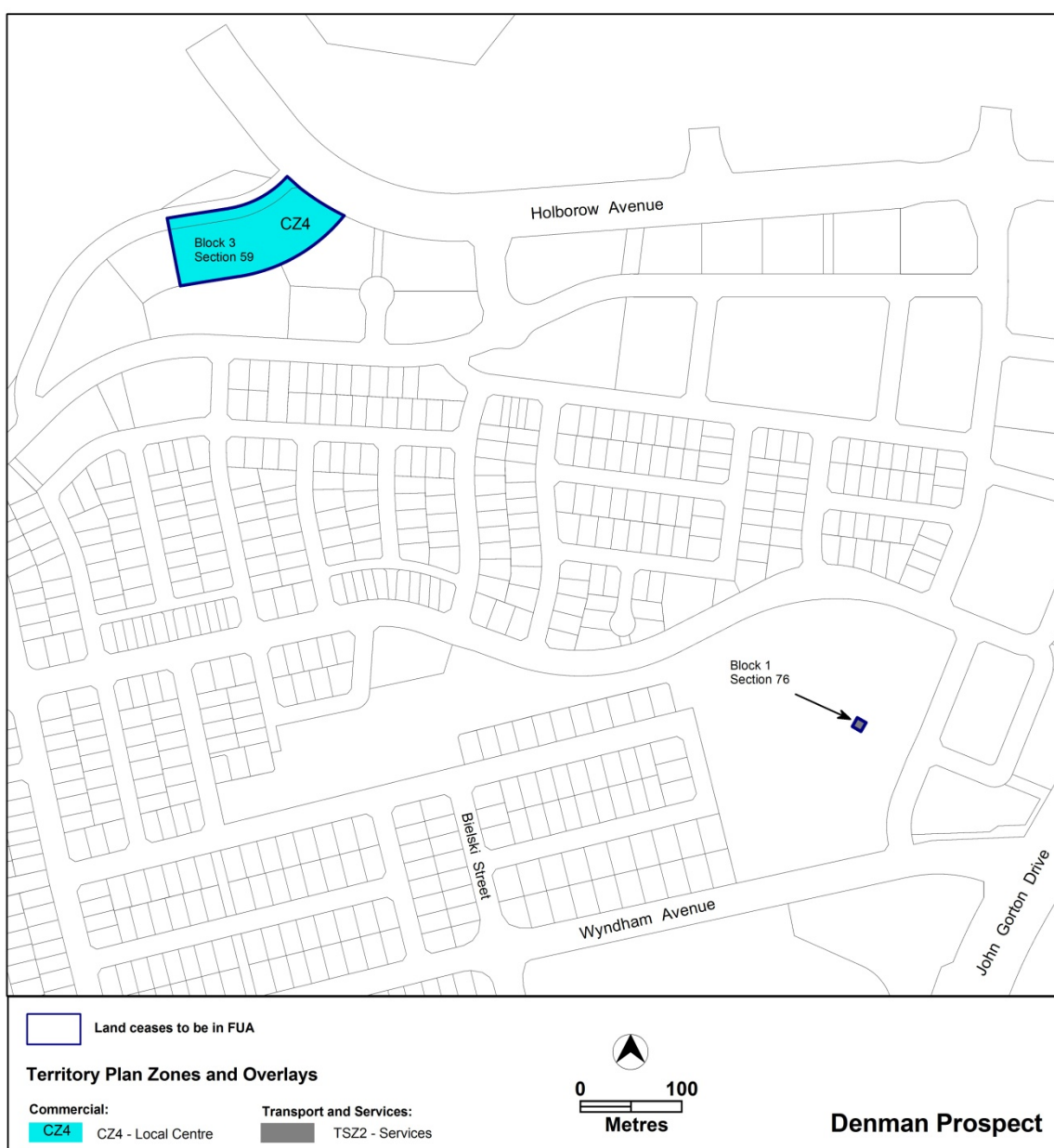
3. TECHNICAL AMENDMENT

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 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 with Appendix A.

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-għajnuna 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 ihtiyacımız 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

Appendix A



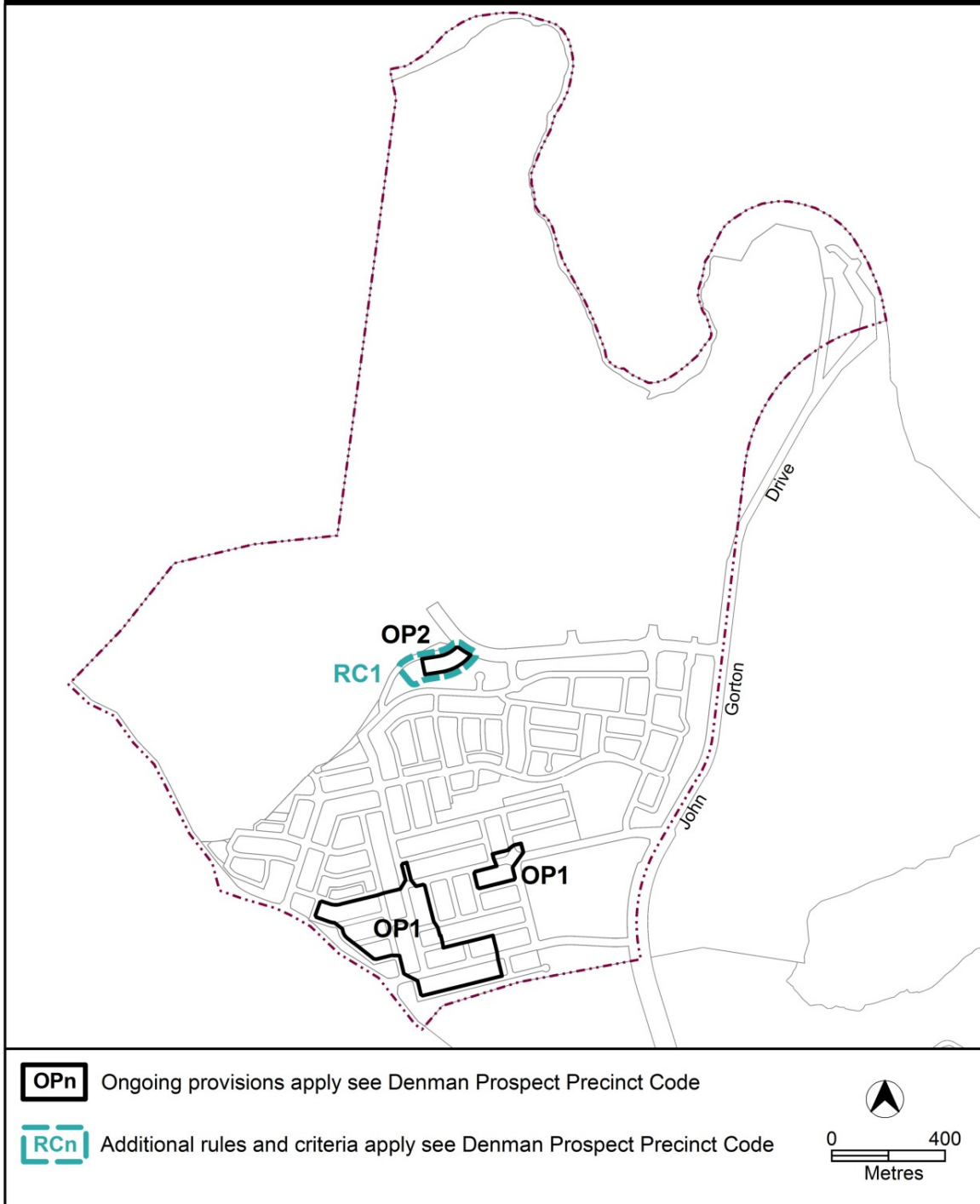
ACT
Government

Environment, Planning and
Sustainable Development

Denman Prospect Precinct Map and Code

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Denman Prospect Precinct Map



Assessment Tracks

No additional provisions apply.

Denman Prospect Precinct Code

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Introduction

Name

The name of this code is the **Denman Prospect Precinct Code**.

Application

The code applies to the Division of Denman Prospect.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” are found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

Acronyms

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

This part applies to blocks and parcels identified in the Denman Prospect Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Commercial Local Centre

This part applies to blocks and parcels identified in area RC1 shown on the Denman Prospect Precinct Map.

Element 1: Building and site controls

Rules	Criteria
1.1 Vehicular Access	
R1 No vehicle access is permitted in areas shown in Figure 1.	This is a mandatory requirement. There is no applicable criterion.
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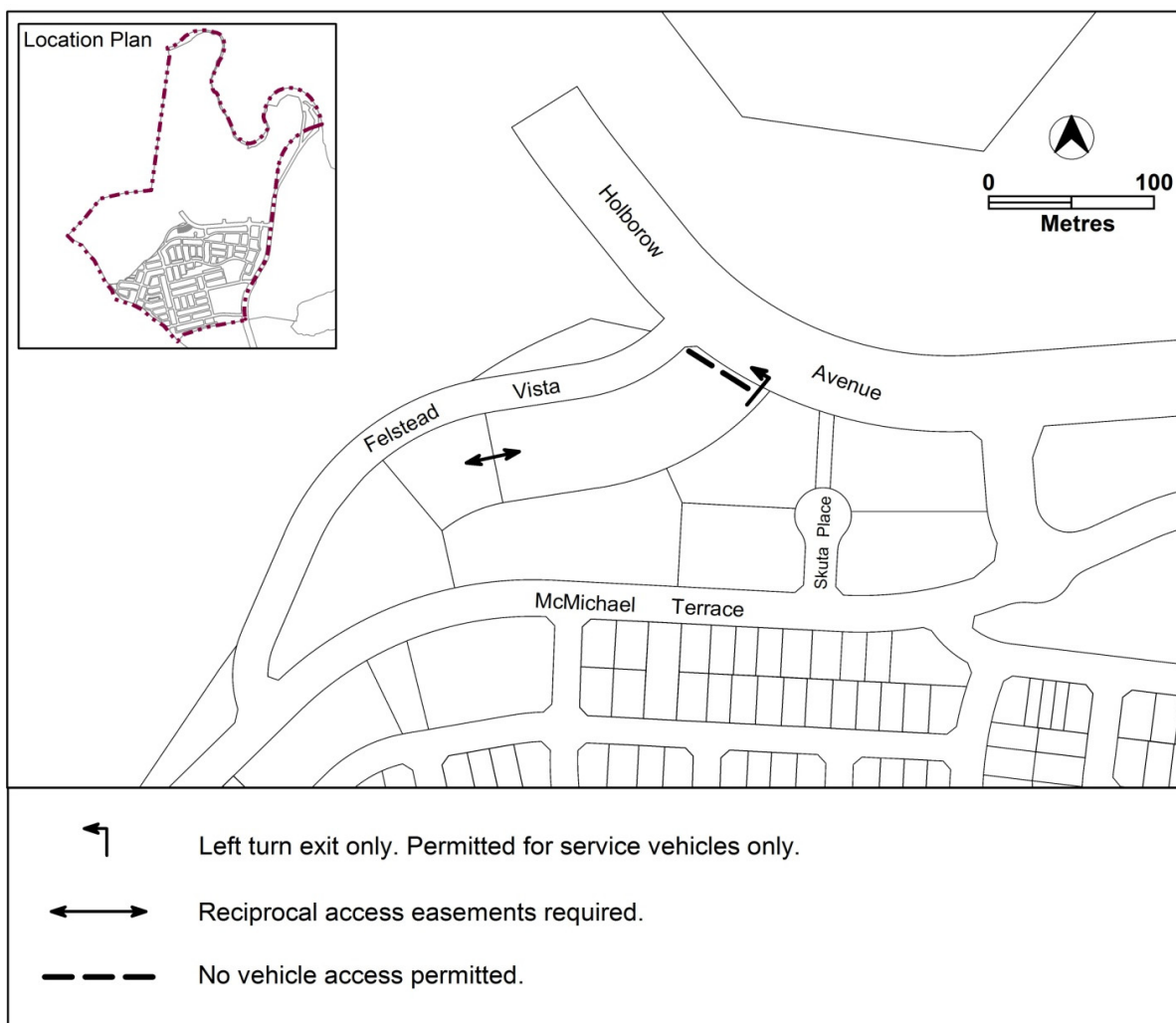


Figure 1 Denman Prospect commercial area

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Denman Prospect Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP1 shown on the Denman Prospect Precinct Map.

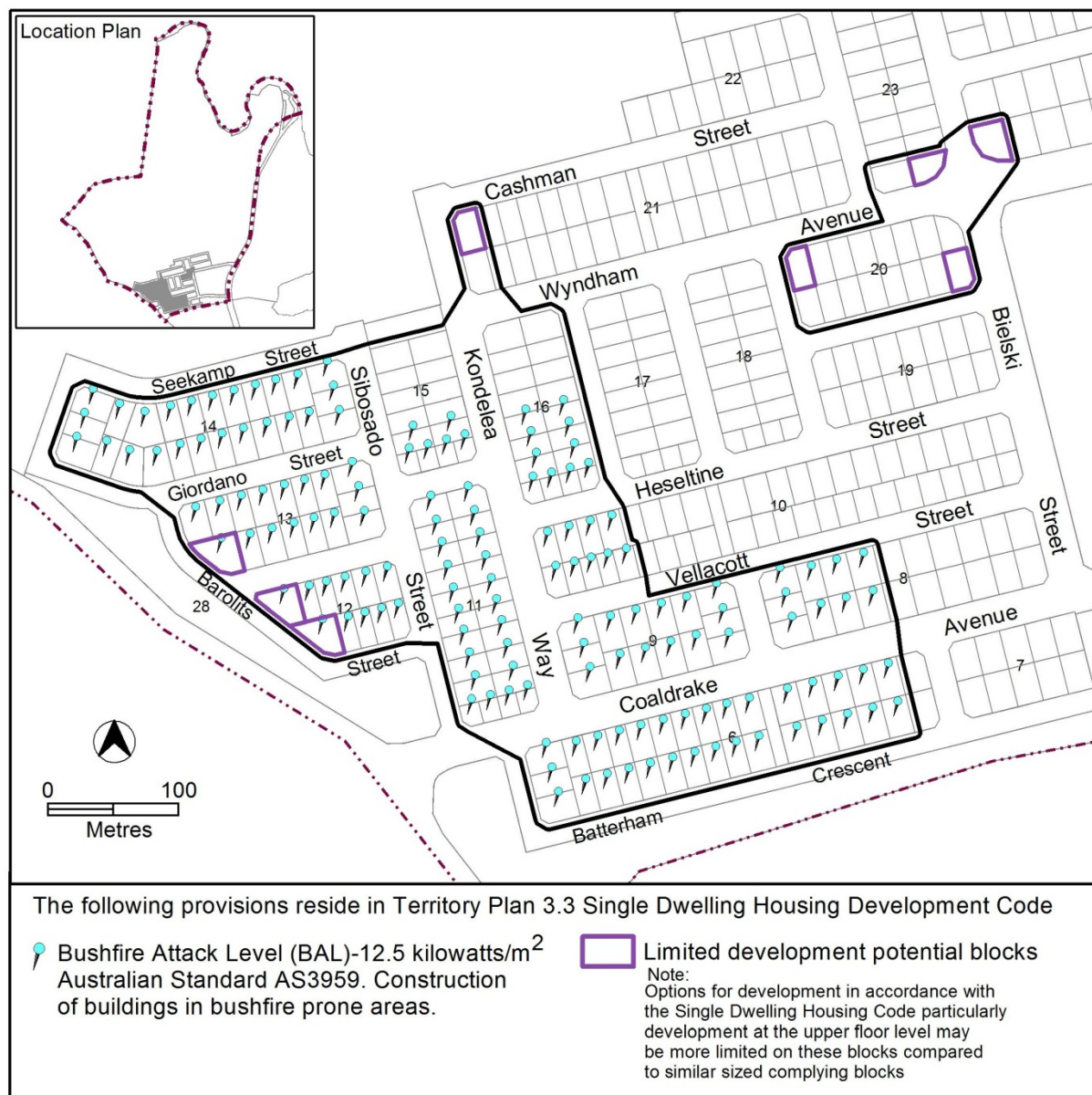


Figure 2 Denman Prospect residential area ongoing provisions

OP2 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP1 shown on the Denman Prospect Precinct Map.

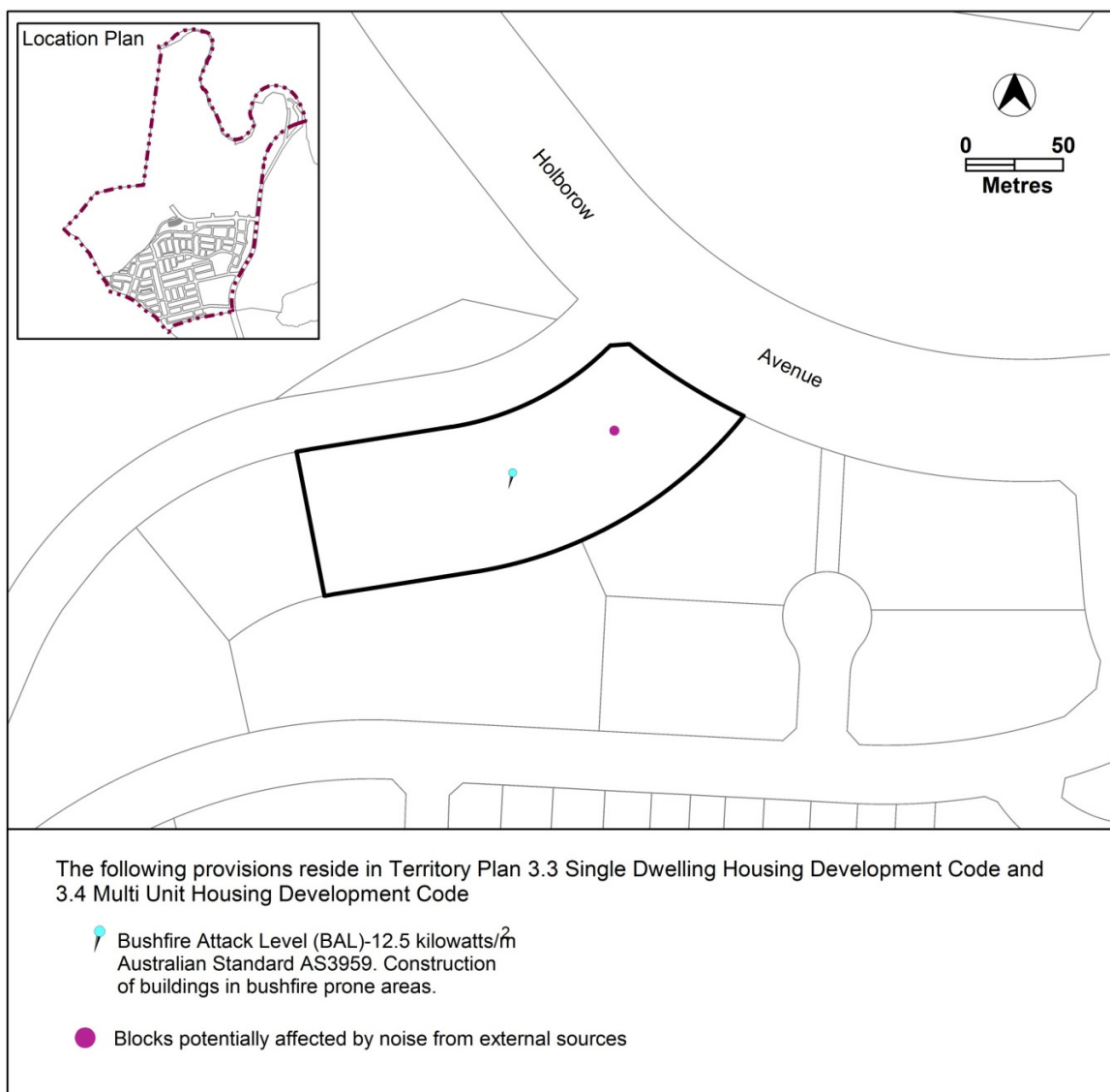


Figure 3 Denman Prospect residential area ongoing provisions