

Australian Capital Territory

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2017 (No 2)

Notifiable Instrument NI2017—549

Technical Amendment No 2017-19

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 2)*.

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 2017-19, in the schedule.

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

Fleur Flanery
Delegate of the planning and land authority
3 November 2017



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2017-19**

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

November 2017

Schedule
(see section 4)

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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 section 49 of the Division of Denman Prospect.

Denman prospect Precinct Map and Code

- The Denman Prospect Precinct Map and Code is amended to include section 49.

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.

TA2017-19 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 and overlays that apply to land ceasing to be in a future urban area.

Existing Territory Plan Map



Proposed Territory Plan Map



Note: The proposed zone is the same as the existing zone.

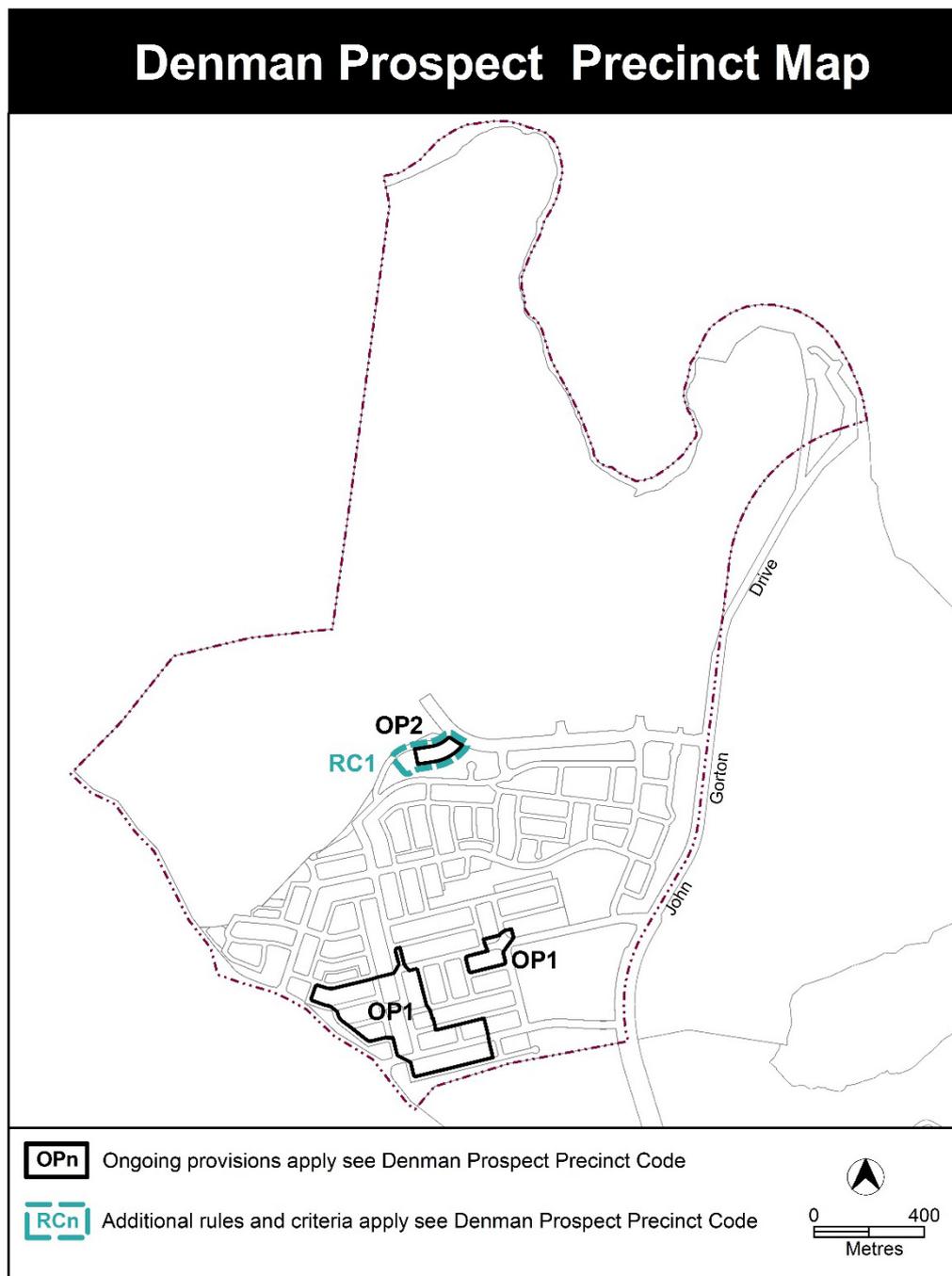
2.2 Denman Prospect Precinct Map and Code

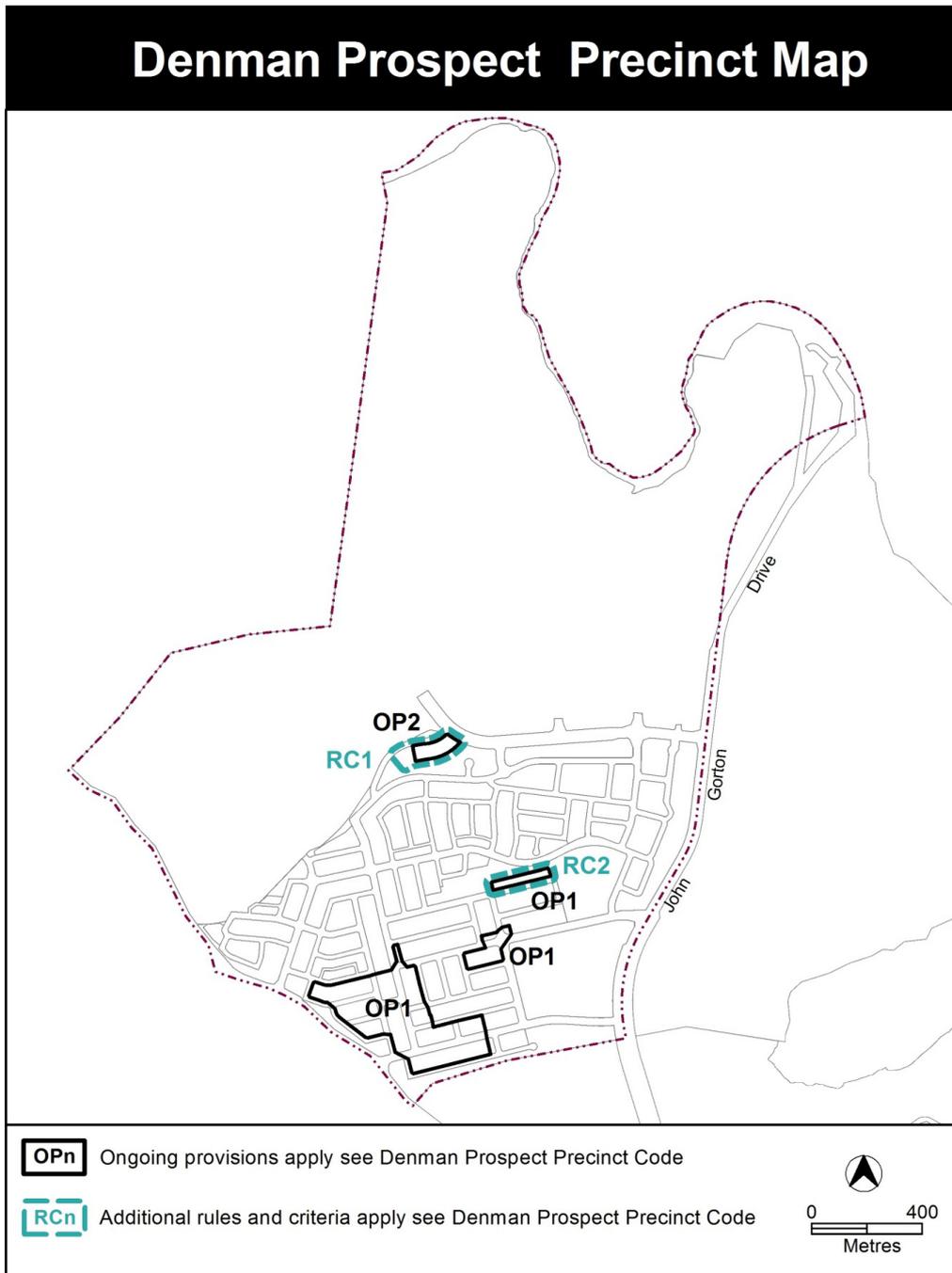
Variation to the Denman Prospect Precinct Map and Code

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





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

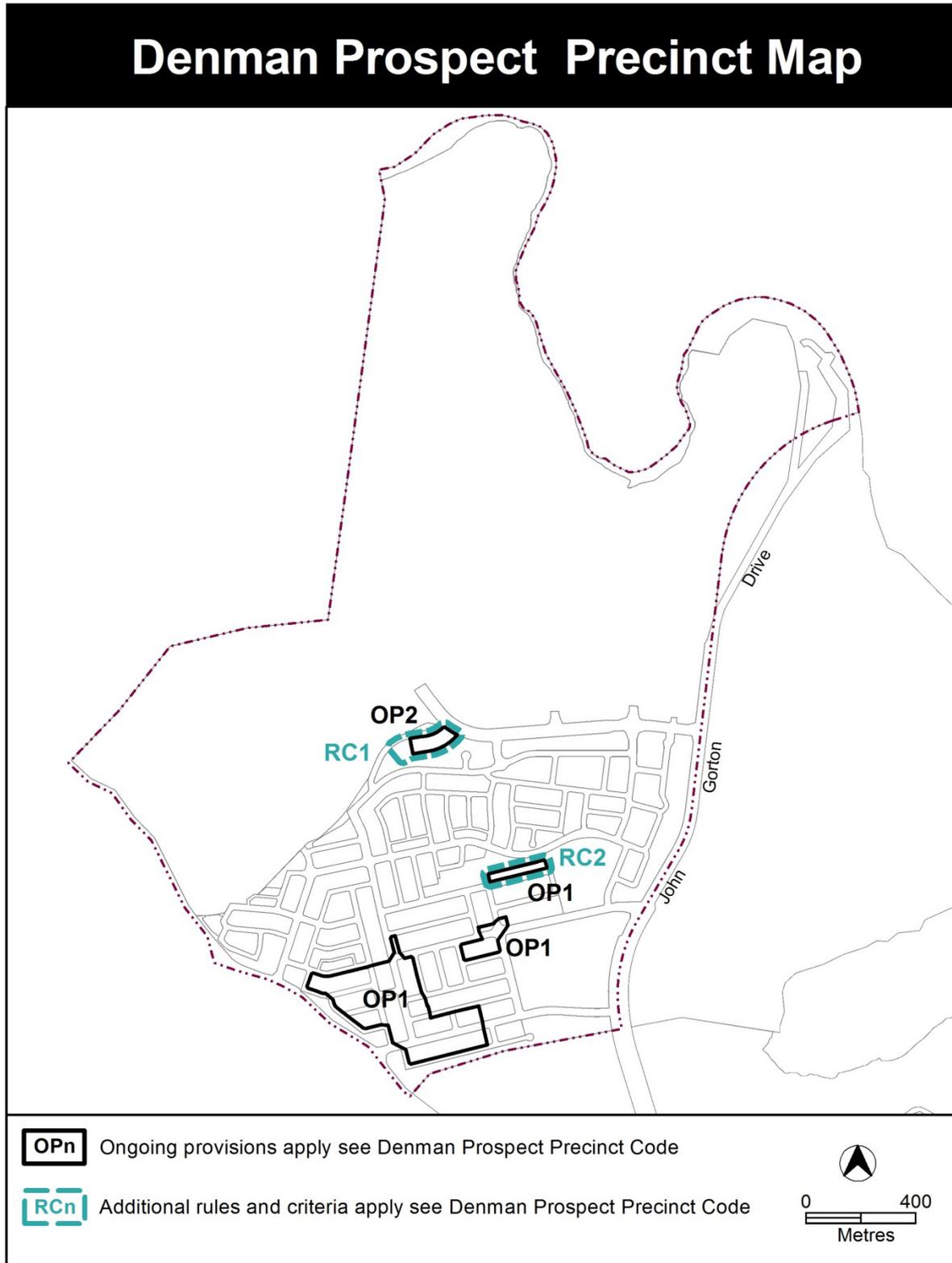
The Territory Plan map is varied as indicated below to identify the zone that applies to the land ceasing to be in a future urban area.



3.2 Denman Prospect Precinct Map and Code

2. Denman Prospect Precinct Map

Substitute



3. Denman Prospect Precinct Code

Insert after RC1 – Commercial Local Centre, Figure 1, the following RC2 and Figure 2 and renumber existing Figures 2 and 3 to Figures 3 and 4

RC2 – Residential Area

This part applies to blocks and parcels identified in area RC2 shown on the Denman Prospect Precinct Map.

Element 2: Building and Site Controls

Rules	Criteria
2.1 Private open space	
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figure 2.</p> <p>The finished ground level of private open space cannot be lower than 1m below the datum ground level of the front boundary for a depth of 3m from the front boundary to the open space.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Setbacks	
<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figure 2.</p> <p>Minimum boundary setback to garage is nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.3 Gates	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figure 2.</p> <p>Front boundaries to open space must provide one gate access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

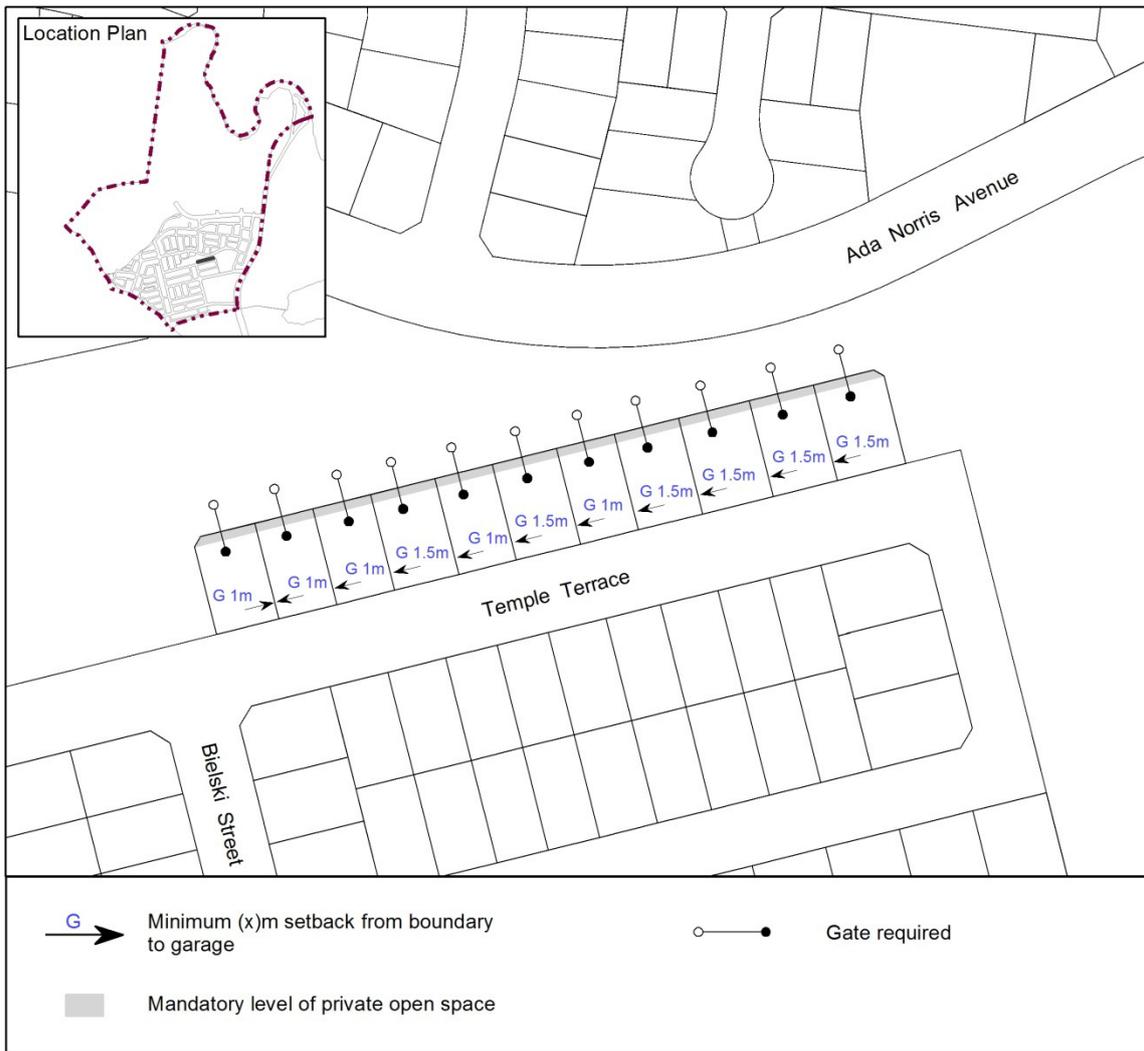


Figure 2 Denman Prospect residential area 1

4. Denman Prospect Precinct Code, OP1 – Denman Prospect residential area, Figure 3 Denman Prospect residential area ongoing provisions

Substitute

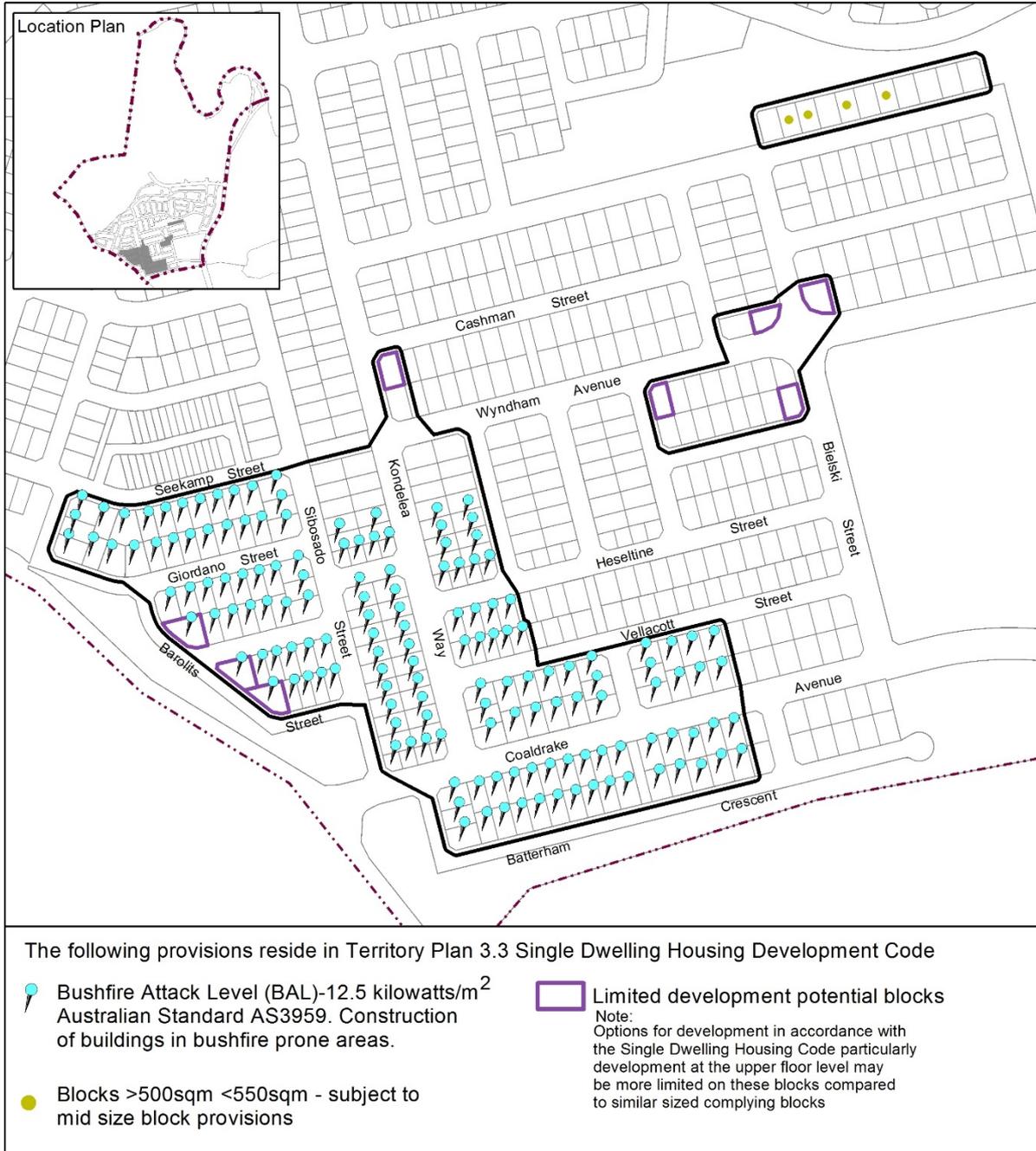


Figure 3 Denman Prospect residential area ongoing provisions

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