

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2018 (No 2)

Notifiable instrument NI2018—281

Technical Amendment No 2018-09

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 2018 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

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 Meaning of *Denman Prospect plan variation*

For this instrument:

Denman Prospect plan variation means the technical amendment to the Territory Plan, variation 2018-09, 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
23 May 2018



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2018-09

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

May 2018

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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 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 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.

TA2018-09 has been prepared in accordance with section 87 (1) (c).

2. EXPLANATION

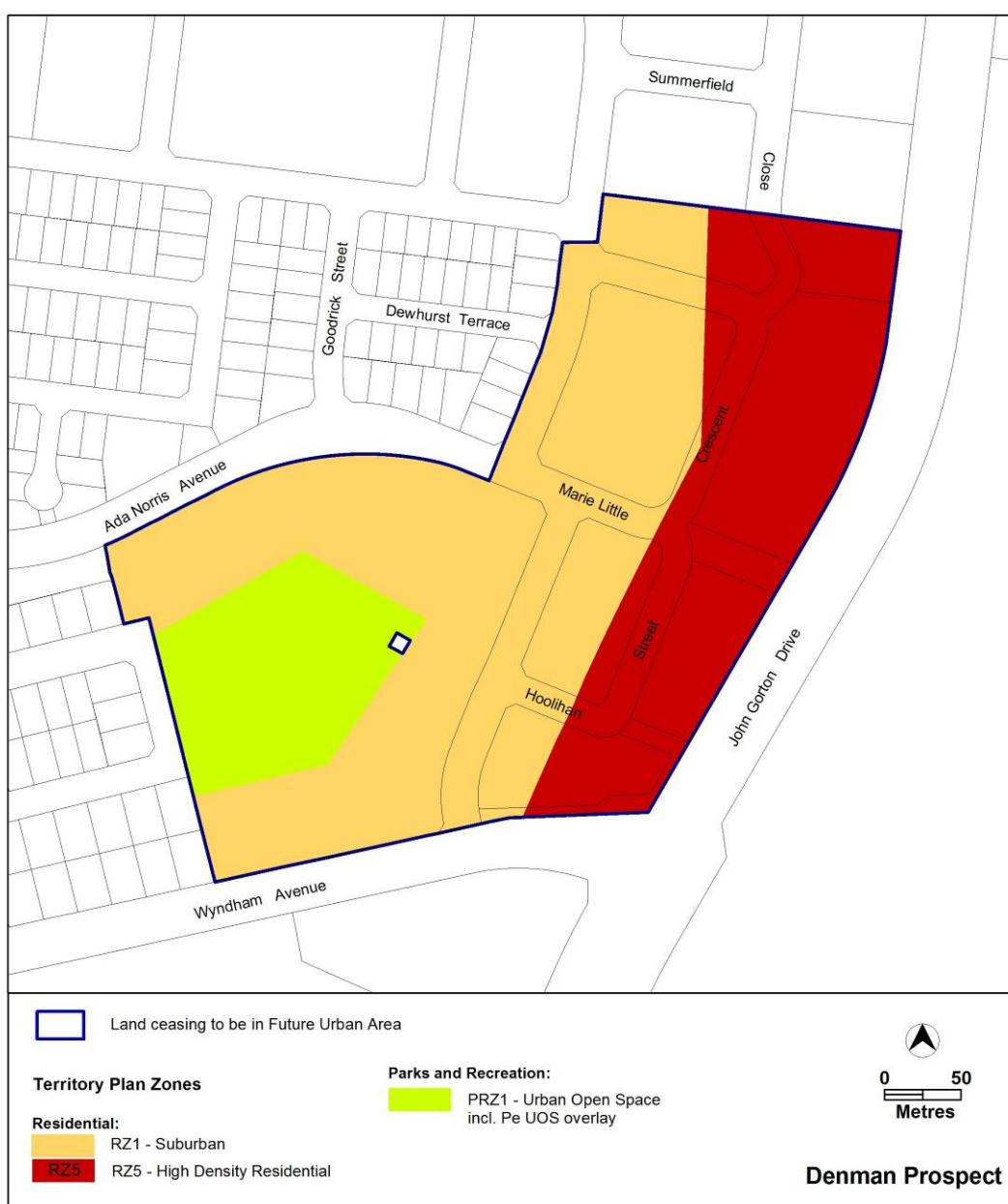
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

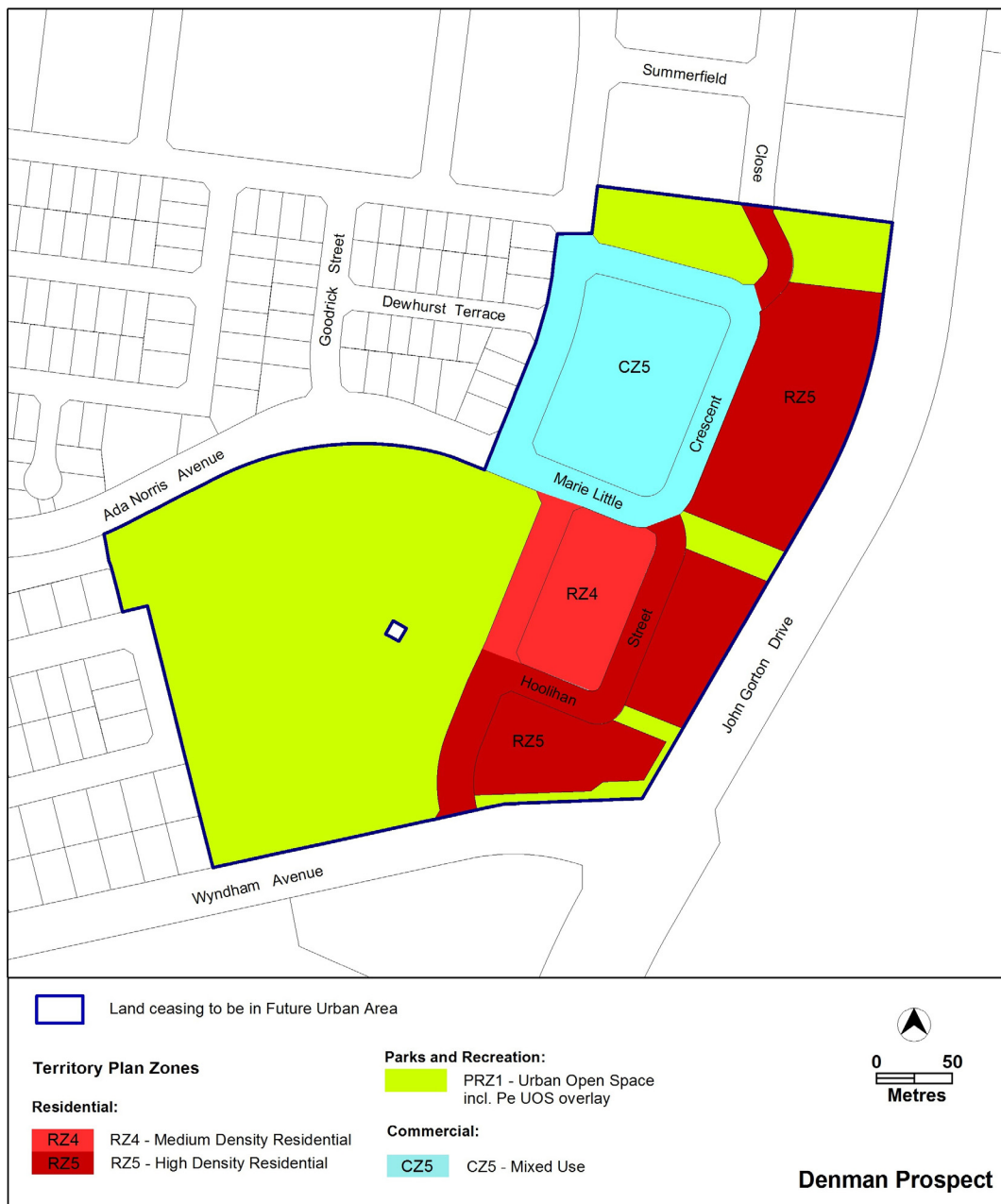
Variation to the Territory Plan

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

Existing Territory Plan Map



Proposed Territory Plan Map



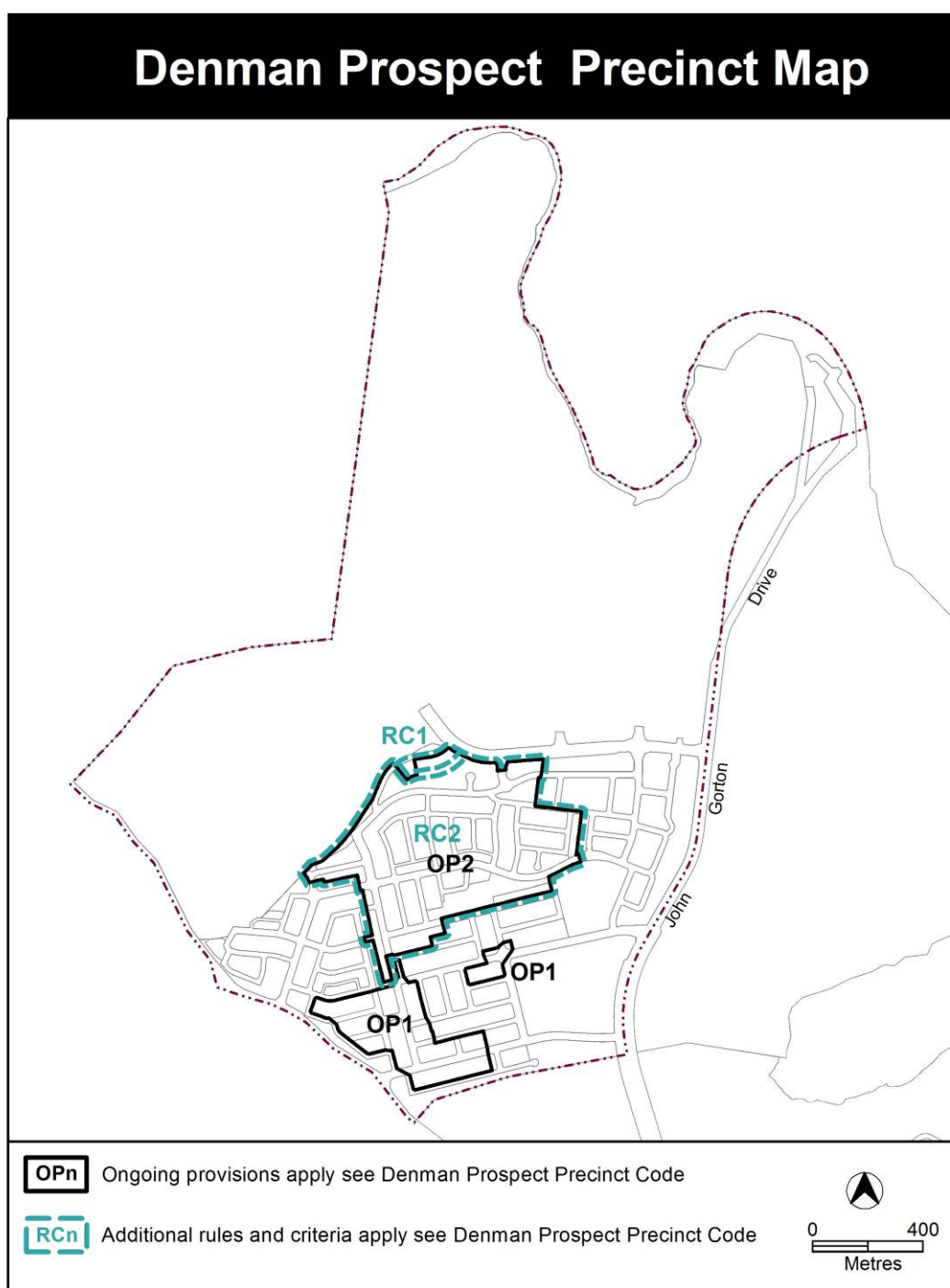
2.2 Denman Prospect Precinct Map and Code

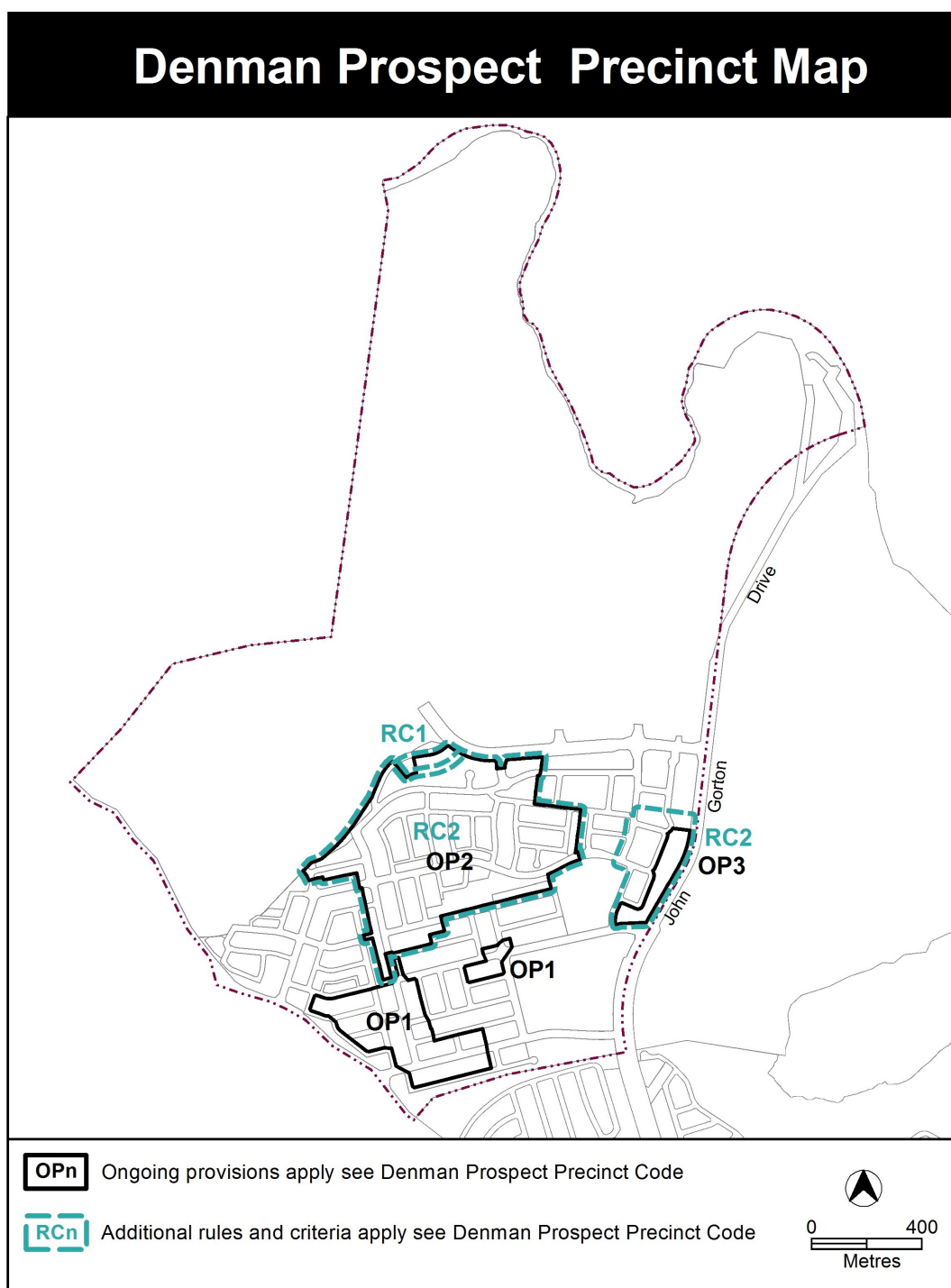
Variation to the Denman Prospect Precinct Map and Code

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





2.2.2 Denman Prospect Precinct Code

New rules for landscaping and pedestrian access are to be inserted. These are detailed in Part 3 of this document.

Rules R7, R8 and R9 are to be changed as follows:

Rule R7:

Existing

Rules	Criteria
2.4 Gates	
R7 This rule applies to blocks or parcels in locations identified in Figures 2 and 3. Front boundaries to open space must provide one gate access.	This is a mandatory requirement. There is no applicable criterion.

Proposed

Rules	Criteria
2.4 Gates	
R7 This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 4. Front boundaries to open space must provide one gate access.	This is a mandatory requirement. There is no applicable criterion.

Rule R8:

Existing

Rules	Criteria
2.5 Parking	
R8 This rule applies to blocks or parcels in locations identified in Figures 2 and 3. All visitor parking requirements as determined by the Parking and Vehicle Access General Code are to be provided within the block.	This is a mandatory requirement. There is no applicable criterion.

Proposed

Rules	Criteria
2.5 Parking	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 4.</p> <p>All visitor parking requirements as determined by the Parking and Vehicle Access General Code are to be provided within the block.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rule R9:

Existing

Rules	Criteria
2.6 Vehicular access	
<p>R9</p> <p>This rule applies to blocks or parcels identified in Figure 3.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed

Rules	Criteria
2.6 Vehicular access	
<p>R9</p> <p>This rule applies to blocks or parcels identified in Figures 3 and 4.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

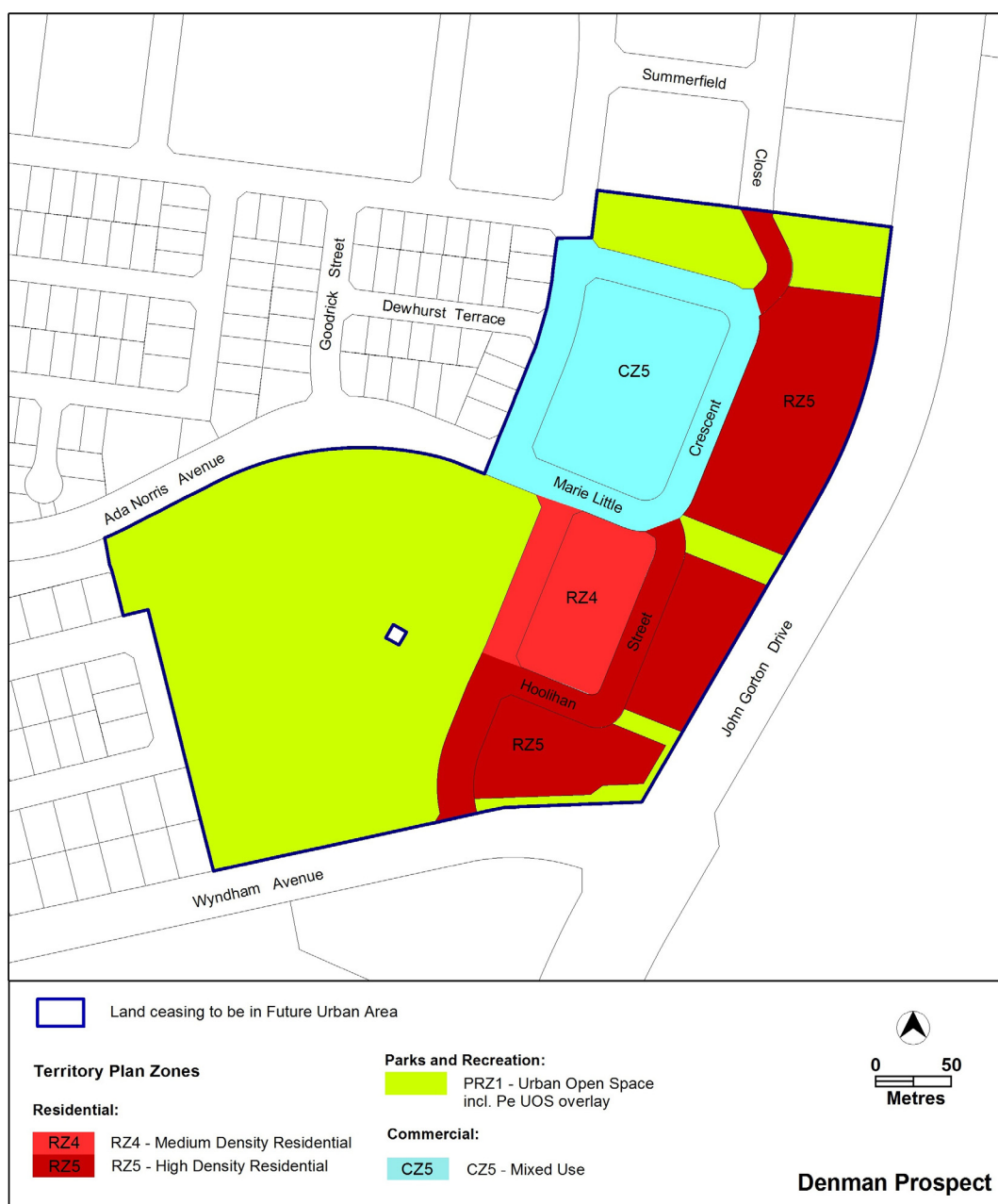
3. TECHNICAL AMENDMENT

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

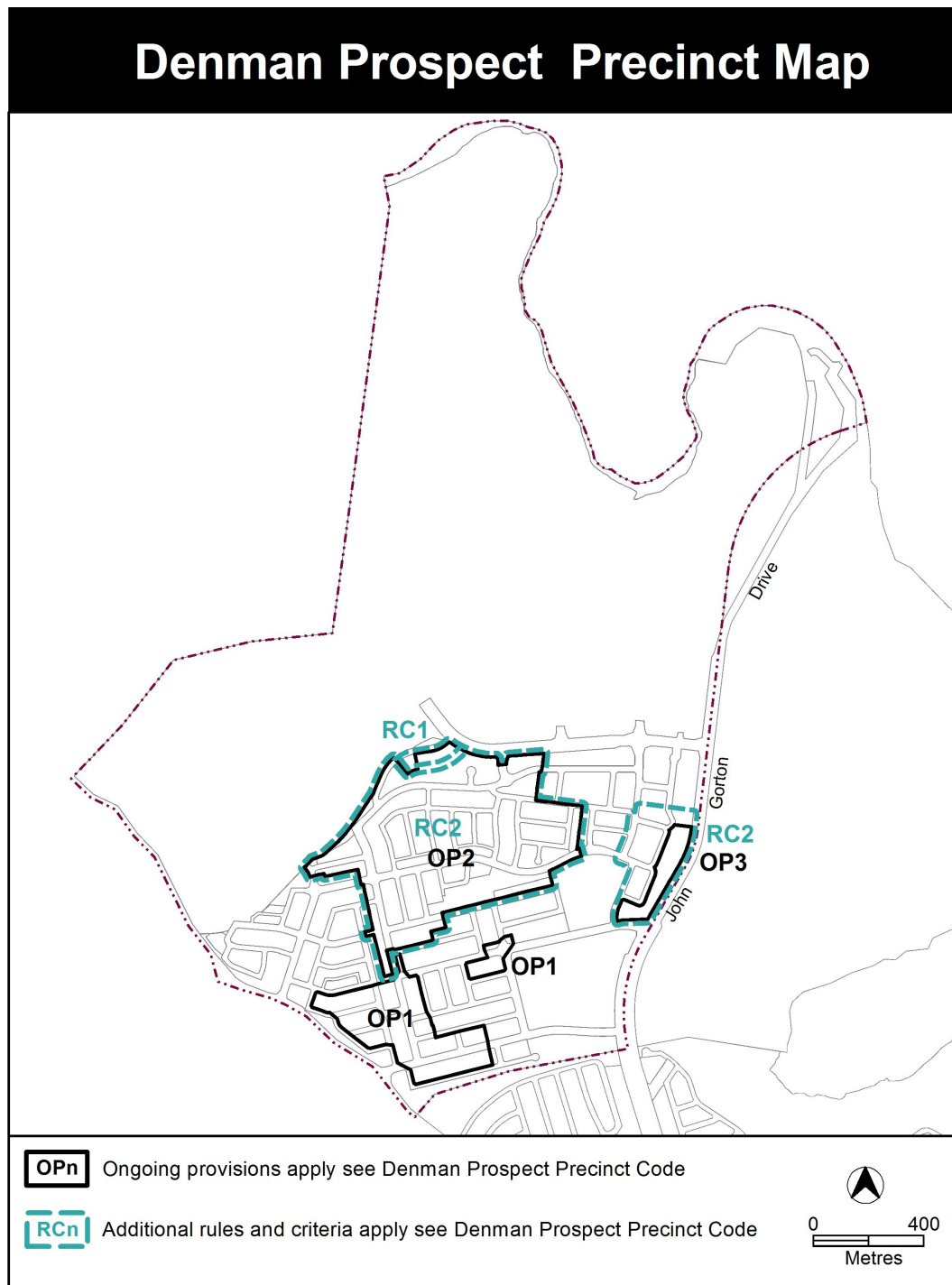
The Territory Plan map is varied as indicated below to identify the zones that apply to the land ceasing to be in a future urban area.



3.2 Denman Prospect Precinct Map and Code

2. Denman Prospect Precinct Map

Substitute



3. Denman Prospect Precinct Code, RC2 – Residential Area, Element 2: Building and Site Controls

Substitute Rules R7, R8 and R9 with:

Rules	Criteria
2.4 Gates	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 4.</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>
2.5 Parking	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 4.</p> <p>All visitor parking requirements as determined by the Parking and Vehicle Access General Code are to be provided within the block.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.6 Vehicular access	
<p>R9</p> <p>This rule applies to blocks or parcels identified in Figures 3 and 4.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

4. Denman Prospect Precinct Code, RC2 – Residential Area, Element 2: Building and Site Controls

Insert after existing Rule R10:

Rules	Criteria
2.8 Landscaping	
<p>R11</p> <p>This rule applies to blocks or parcels in locations identified in Figure 4.</p> <p>Area to be maintained as a landscape zone.</p> <p>Commercial uses adjacent to the landscape zone shall be activated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.9 Pedestrian access	
<p>R12</p> <p>This rule applies to blocks or parcels in locations identified in Figure 4.</p> <p>Pedestrian access to be facilitated at:</p> <ol style="list-style-type: none"> 1. The corner of Marie Little Crescent and Greenwood Street, providing an accessible connection to section 76 (urban open space). 2. Section 72 across Marie Little Crescent providing an accessible connection to section 73 (urban open space) 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

5. Denman Prospect Precinct Code, RC2 – Residential Area, Figure 3
Denman Prospect residential area 2

Insert after existing Figure 3 and renumber existing figures 4 and 5 to 5 and 6 respectively:

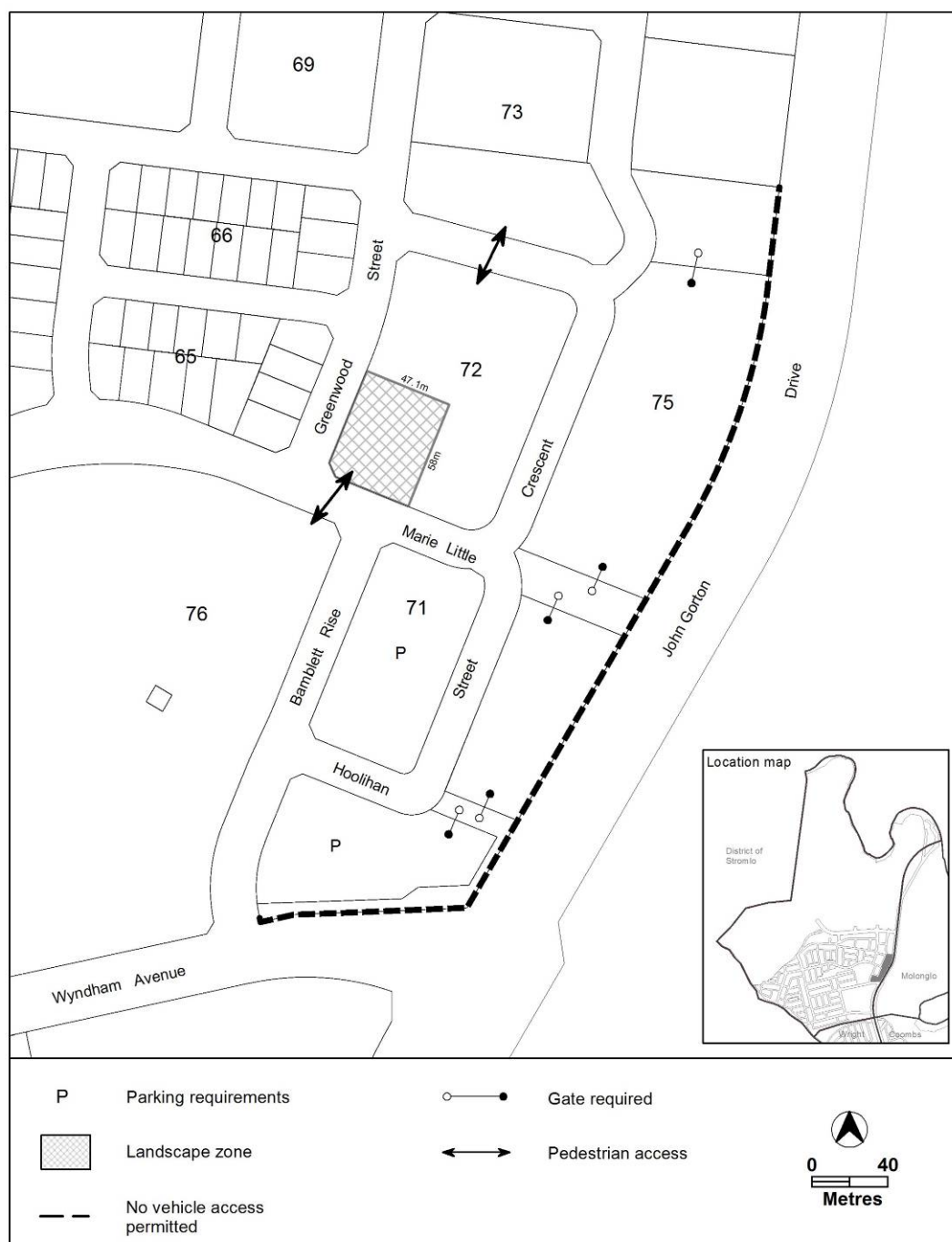


Figure 4 Denman Prospect residential area 3

6. Denman Prospect Precinct Code, Other ongoing provisions, OP2 – Denman Prospect residential area

Insert after renumbered Figure 6:

OP3 – Denman Prospect residential area

This part applies to blocks and parcels identified in area OP3 shown on the Denman Prospect Precinct Map.

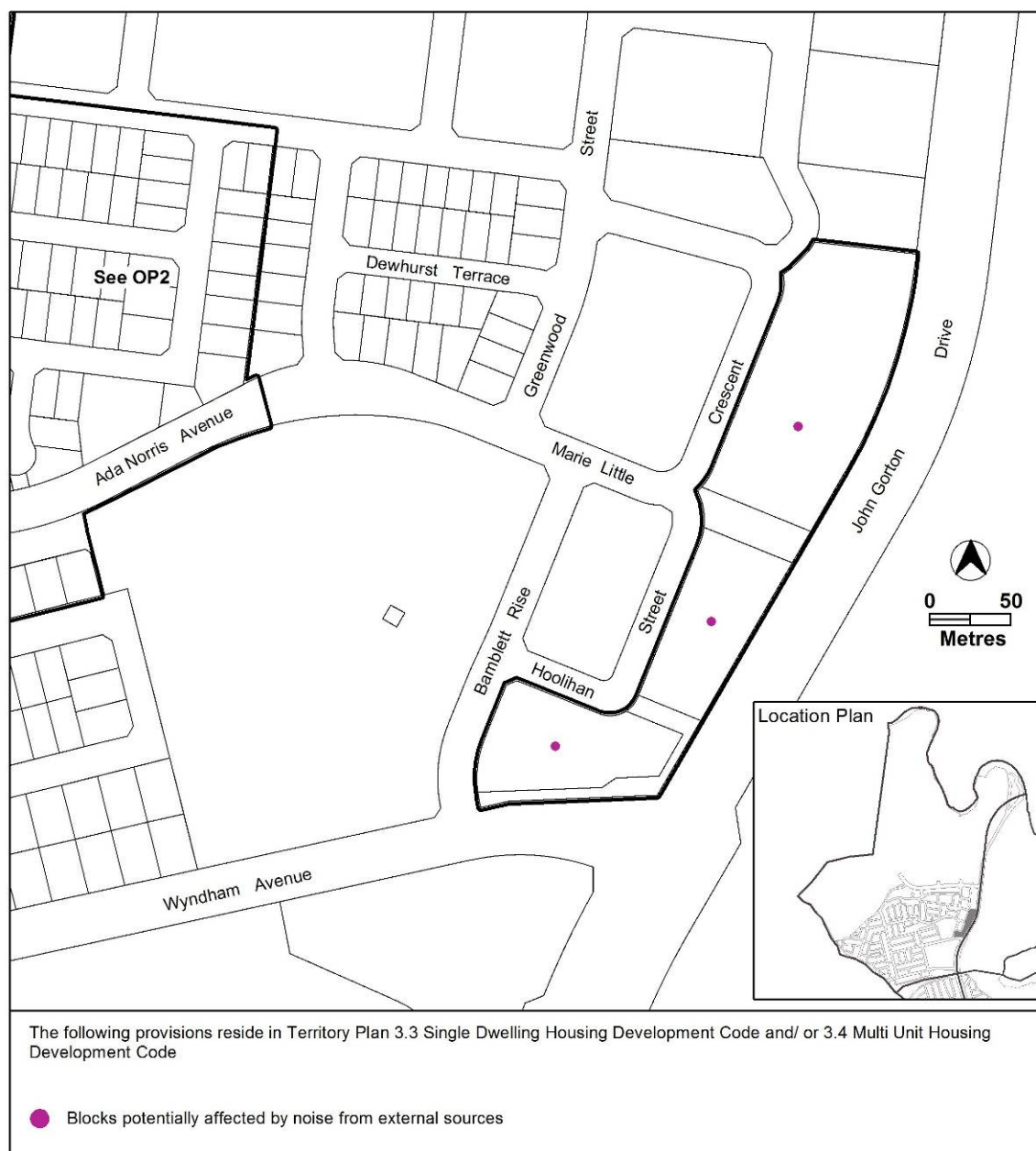


Figure 7 Denman Prospect residential area ongoing provisions

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, 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:

TRANSLATING AND INTERPRETING SERVICE

131 450

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