

# Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2018 (No 4)

Notifiable instrument NI2018—560

Technical Amendment No 2018-21

made under the

**Planning and Development Act 2007, s 89 (Making technical amendments) and s 96 (Effect of approval of estate development plan)**

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2018 (No 4)*.

## 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 2018-21, in the schedule.

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

Kathy Cusack  
Delegate of the planning and land authority  
6 November 2018



Planning & Development Act 2007

**Technical  
Amendment  
to the Territory Plan  
Variation 2018-21**

Changes to the Denman Prospect  
Precinct Map and Code

November 2018

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# **1. INTRODUCTION**

## **1.1 Purpose**

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

### *Denman Prospect Precinct Map and Code*

- The Denman Prospect Precinct Map and Code is amended to include ongoing provisions for section 72, 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 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.

TA2018-21 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 Denman Prospect Precinct Map and Code

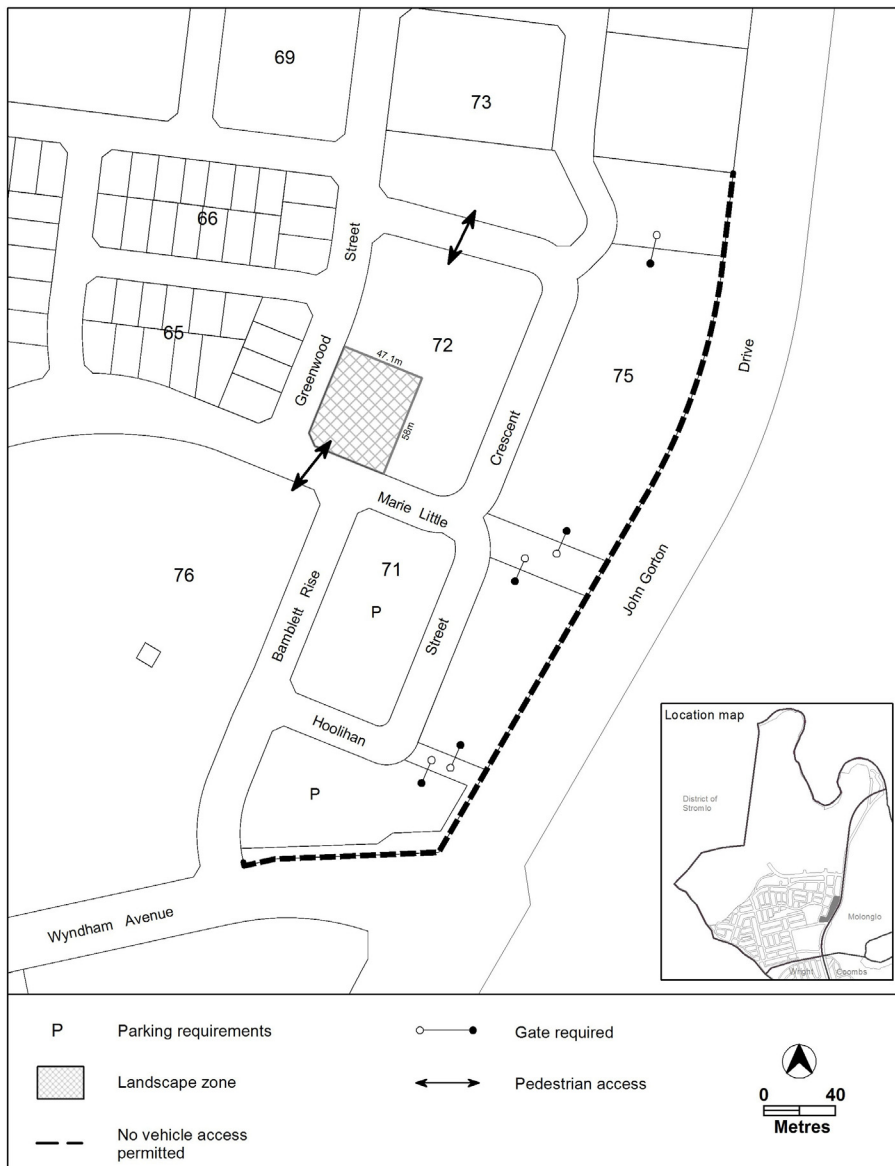
#### Variation to the Denman Prospect Precinct Map and Code

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

#### 2.1.1 Denman Prospect Precinct Code

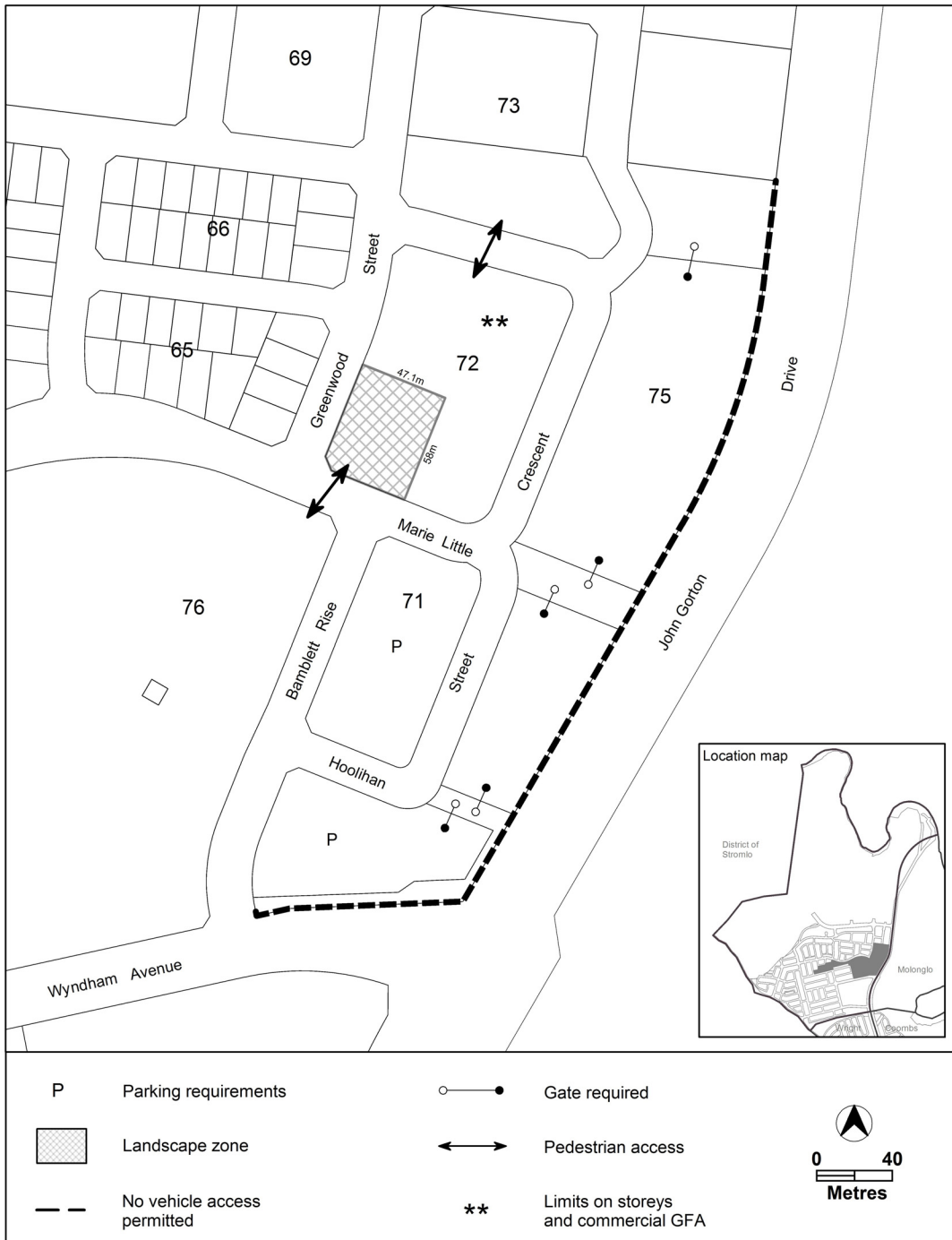
Insert additional rules as described in Part 3 of this document.

#### Existing Figure 4 Denman Prospect residential area 2





Proposed Figure 4 Denman Prospect residential area 2



### 3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

#### 3.1 Denman Prospect Precinct Map and Code

<b>1. Additional rules and criteria, RC2 – Residential Area, Element 2: Building and Site Controls</b>
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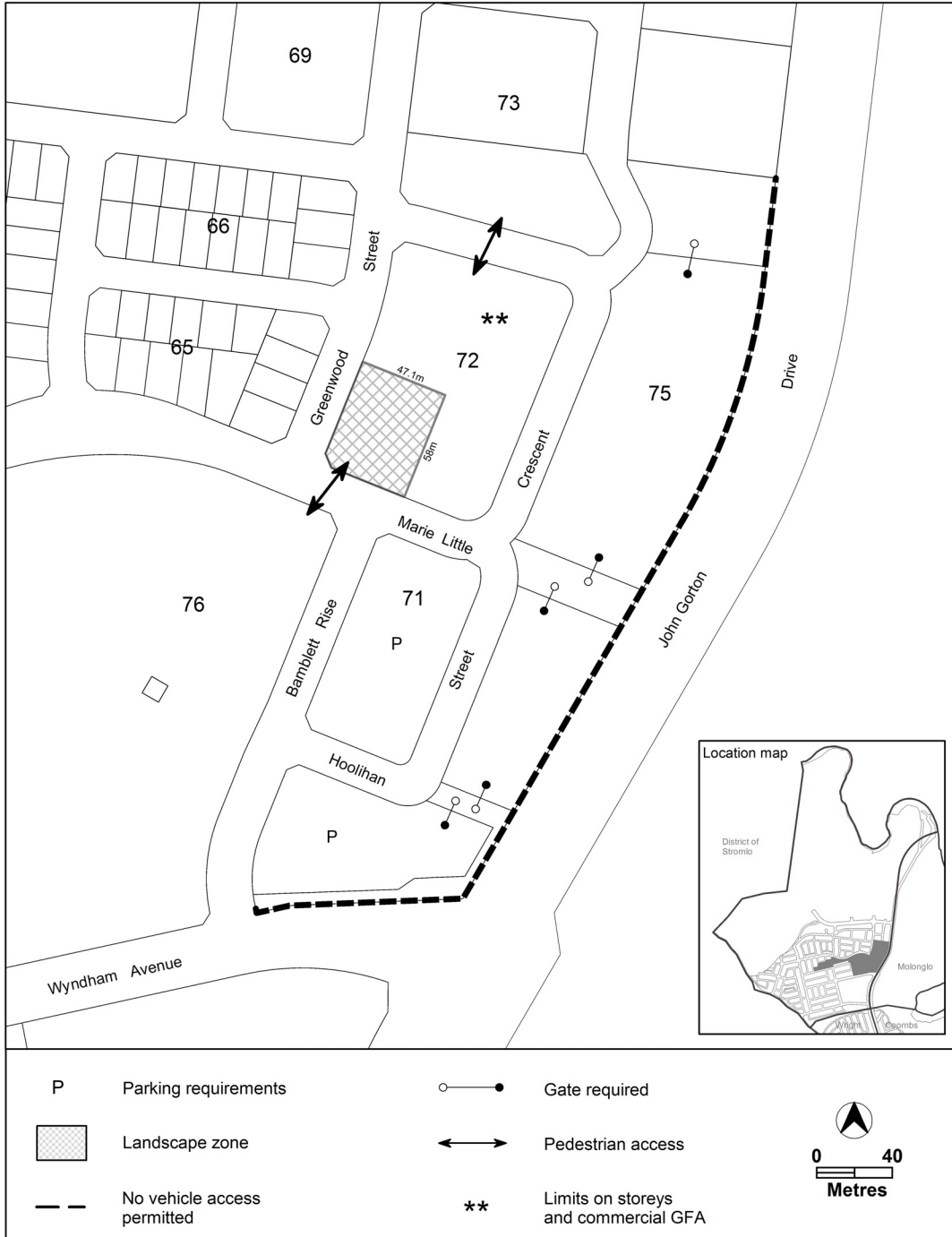
*Insert after Rule R12*

#### Element 3: Restrictions on use

3.0 Commercial GFA	
<p>R13</p> <p>This rule applies to section 72 as identified in Figure 4.</p> <p>The total limit of commercial <i>gross floor area</i> is 1,000m<sup>2</sup>, with a <i>gross floor area</i> limit of 250m<sup>2</sup> per tenancy.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.1 Maximum storeys	
<p>R14</p> <p>This rule applies to section 72 as identified in Figure 4.</p> <p>The maximum number of <i>storeys</i> is:</p> <ul style="list-style-type: none"><li>- 3 for that part of the building within 60m of the boundaries of blocks in the Residential RZ1 zone; and</li><li>- 6 elsewhere.</li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**2. Additional rules and criteria, RC2 – Residential Area, Element 2: Building and Site Controls, Figure 4 Denman Prospect residential area 3**

*Substitute*



**Figure 4 Denman Prospect residential area 3**

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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
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