

# Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2018 (No 1)

Notifiable Instrument NI2018—93

Technical Amendment No 2018-01

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 1)*.

**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 2018-01, 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  
22 February 2018



Planning & Development Act 2007

# **Technical Amendment to the Territory Plan Variation 2018-01**

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

February 2018

*This page is left intentionally blank*

# Table of Contents

1.	INTRODUCTION .....	3
1.1	Purpose .....	3
1.2	Public consultation .....	3
1.3	National Capital Authority .....	3
1.4	Process.....	3
1.5	Types of technical amendments under the Act .....	4
2.	EXPLANATION.....	5
2.1	Territory Plan Map .....	5
2.2	Denman Prospect Precinct Map and Code.....	7
3.	TECHNICAL AMENDMENT .....	9
3.1	Territory Plan Map .....	9
3.2	Denman Prospect Precinct Map and Code.....	10

*This page is left intentionally blank*

# **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.

TA2018-01 has been prepared in accordance with section 87 (1) (c).

## 2. EXPLANATION

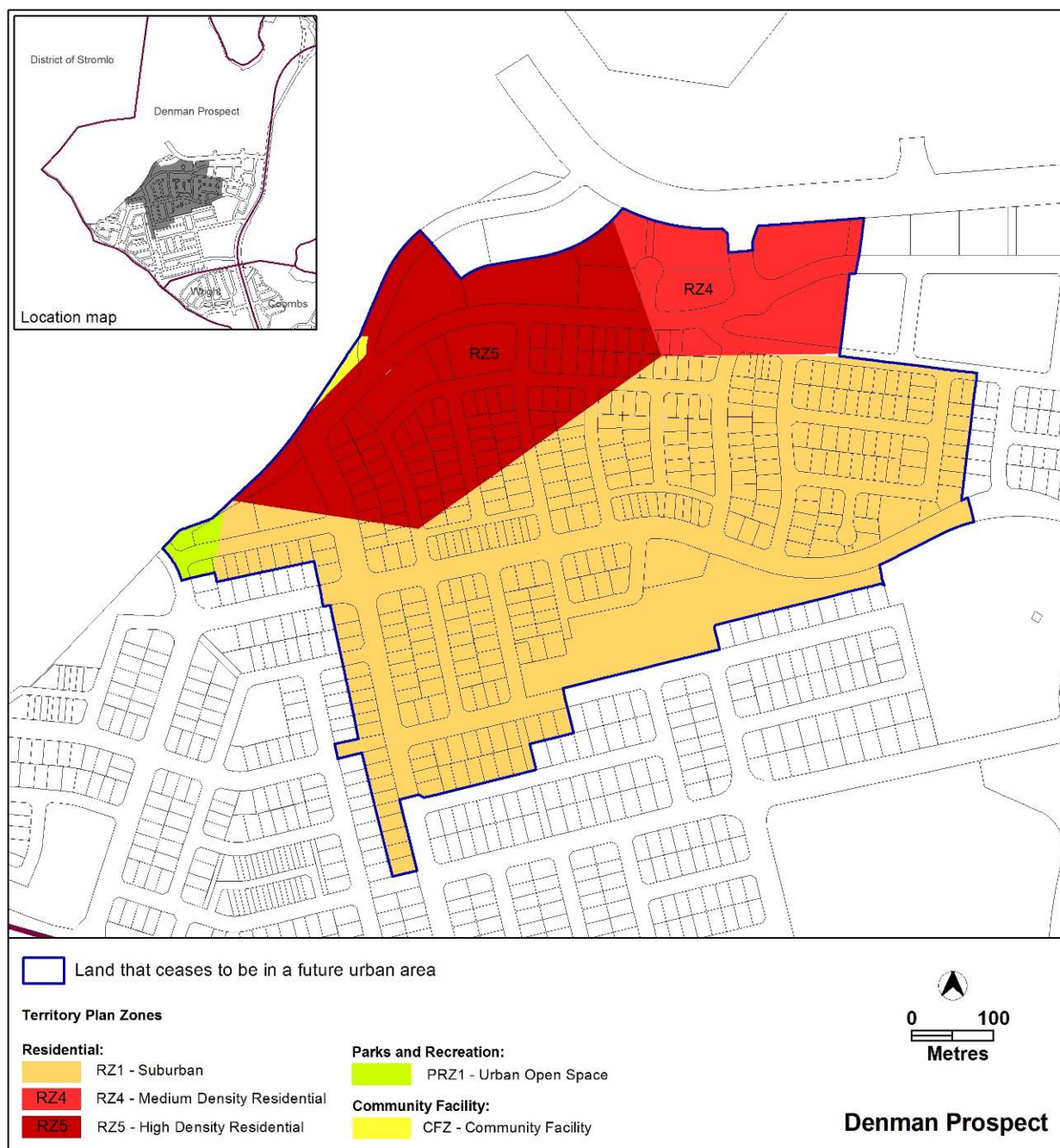
This part of the technical amendment document explains the changes to be made to the Territory Plan.

### 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*





Location map

District of Stromlo

Denman Prospect

Wright

Coombs

RZ5

RZ4

RZ4

RZ4

RZ1 - Suburban

RZ4 - Medium Density Residential

RZ5 - High Density Residential

PRZ1 - Urban Open Space  
(Incl. Public Land Pe - uos)

Land that ceases to be in a future urban area

0 100  
Metres

Denman Prospect

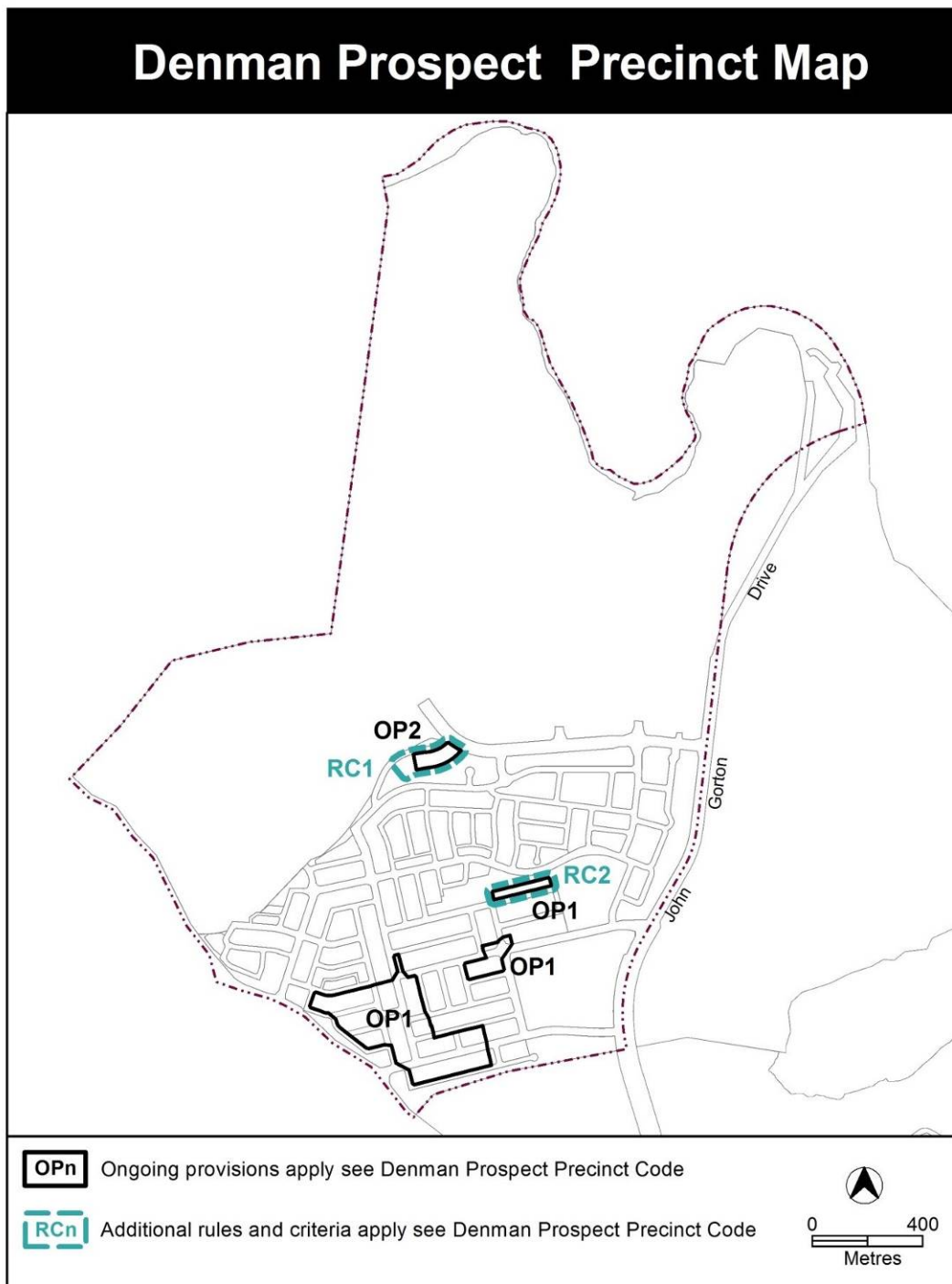
## 2.2 Denman Prospect Precinct Map and Code

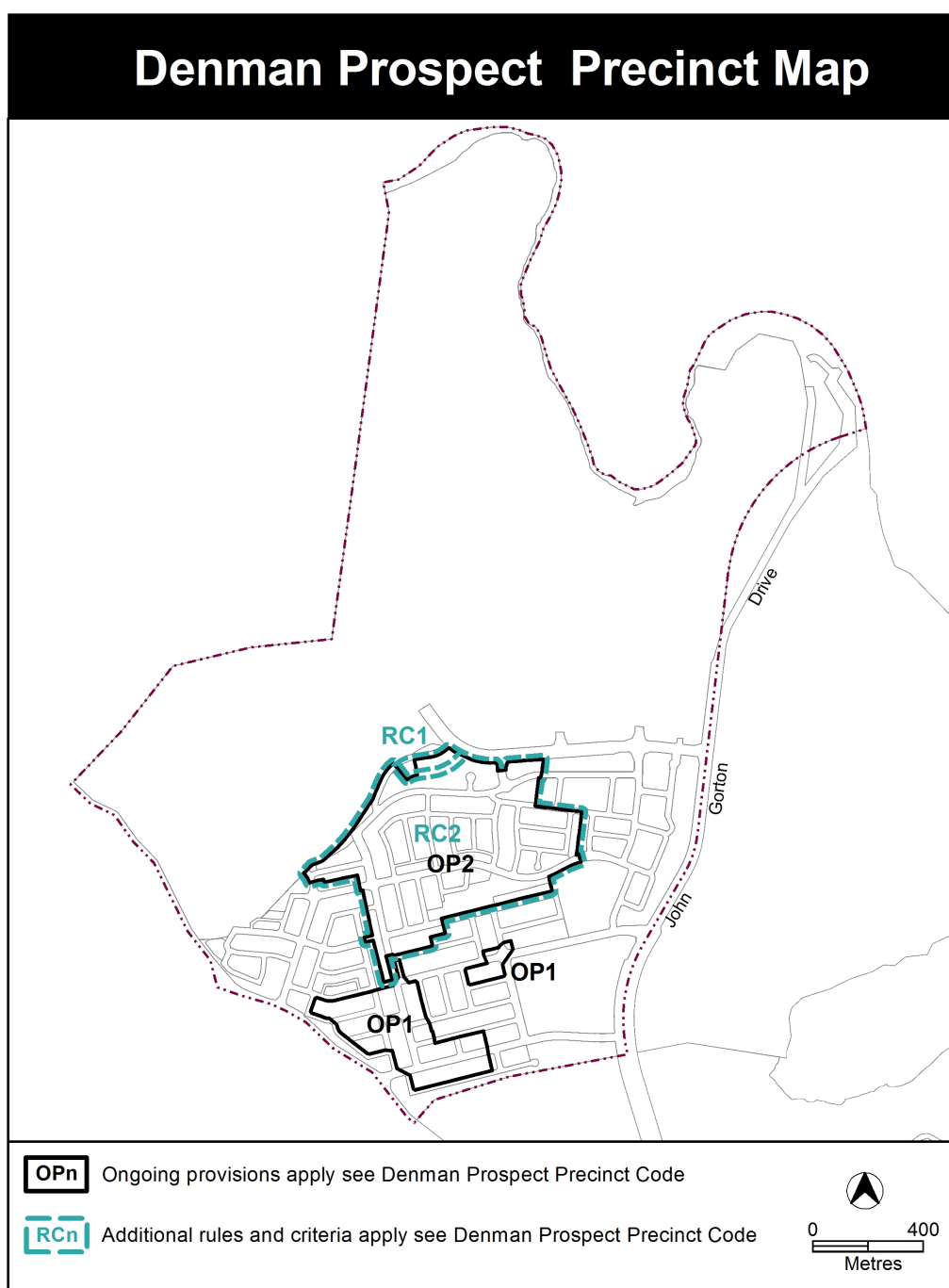
### Variation to the Denman Prospect Precinct Map and Code

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

The provisions to be included are detailed in Part 3 of this document.

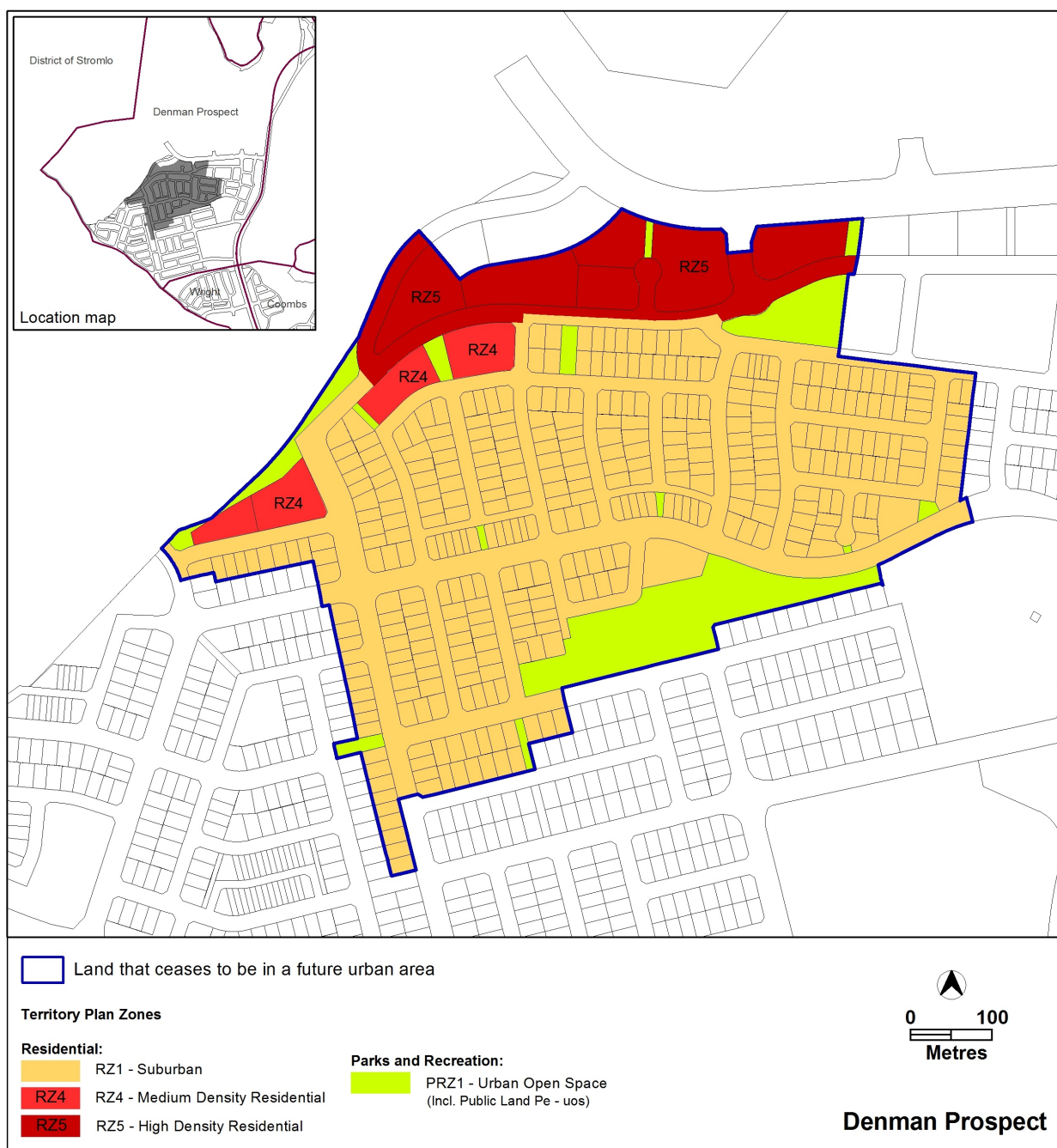
### 3. TECHNICAL AMENDMENT

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

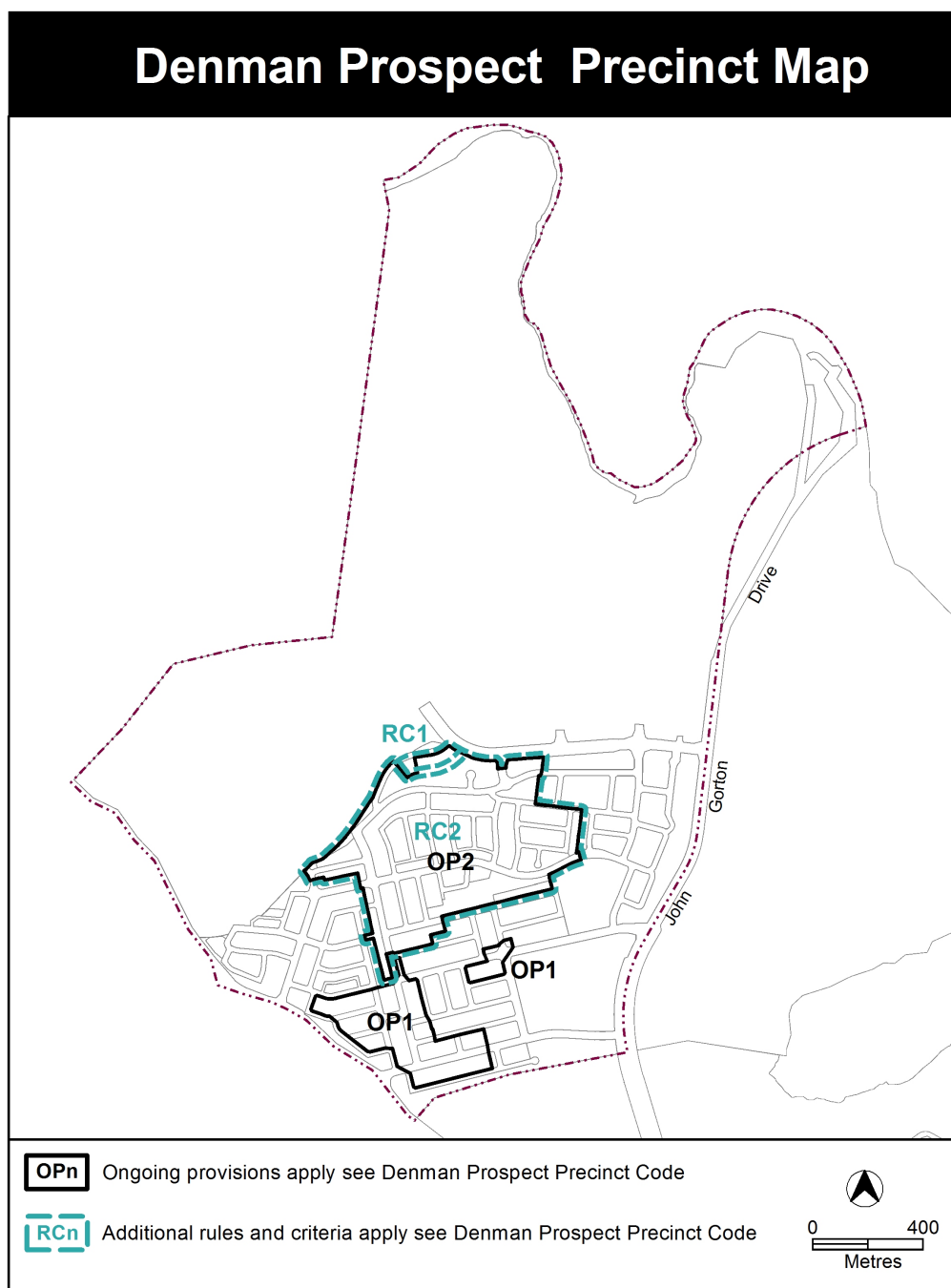
*The Territory Plan map is varied as indicated below to identify the zones that apply to the land ceasing to be in a future urban area.*



### 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*

## 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
<b>2.1 Private open space</b>	
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figure 3.</p> <p>The mandatory level of private open space cannot be lower than 1m below the front boundary level 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>
<b>2.2 Setbacks - garages</b>	
<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2 and 3.</p> <p>Minimum side boundary setback to garage is nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.3 Setbacks – upper and lower floors</b>	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figure 3.</p> <p>Maximum length of wall at zero setback is limited to length of the adjoining dwelling party wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.4 Gates</b>	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2 and 3.</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>

Rules	Criteria
<b>2.5 Parking</b>	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2 and 3.</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>
<b>2.6 Vehicular access</b>	
<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>
<b>2.7 Fencing</b>	
<p>R10</p> <p>This rule applies to blocks or parcels fronting open space.</p> <p>Transparent type fencing with a maximum height of 1.2m to be provided.</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, Figure 2 Denman Prospect residential area 1

*Omit existing Figure 2*

*Insert the following:*

- *Figure 2 Denman Prospect residential area 1*
- *Figure 3 Denman Prospect residential area 2*





**Figure 2 Denman Prospect residential area 1**

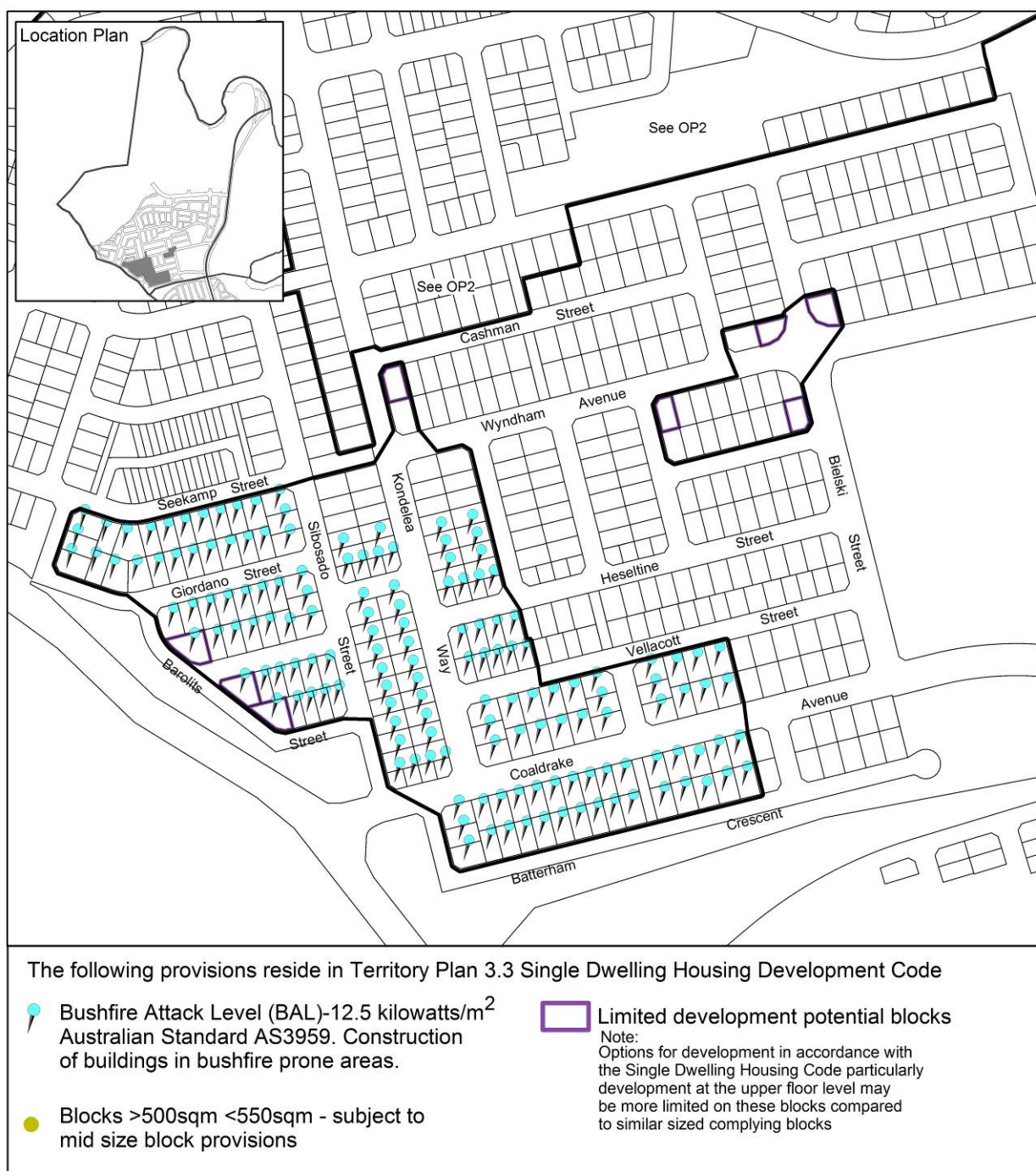




**Figure 3 Denman Prospect residential area 2**

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

*Substitute existing Figure 3 with:*



**Figure 4 Denman Prospect residential area ongoing provisions**

## 6. Denman Prospect Precinct Code, OP2 – Denman Prospect residential area

### Substitute

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

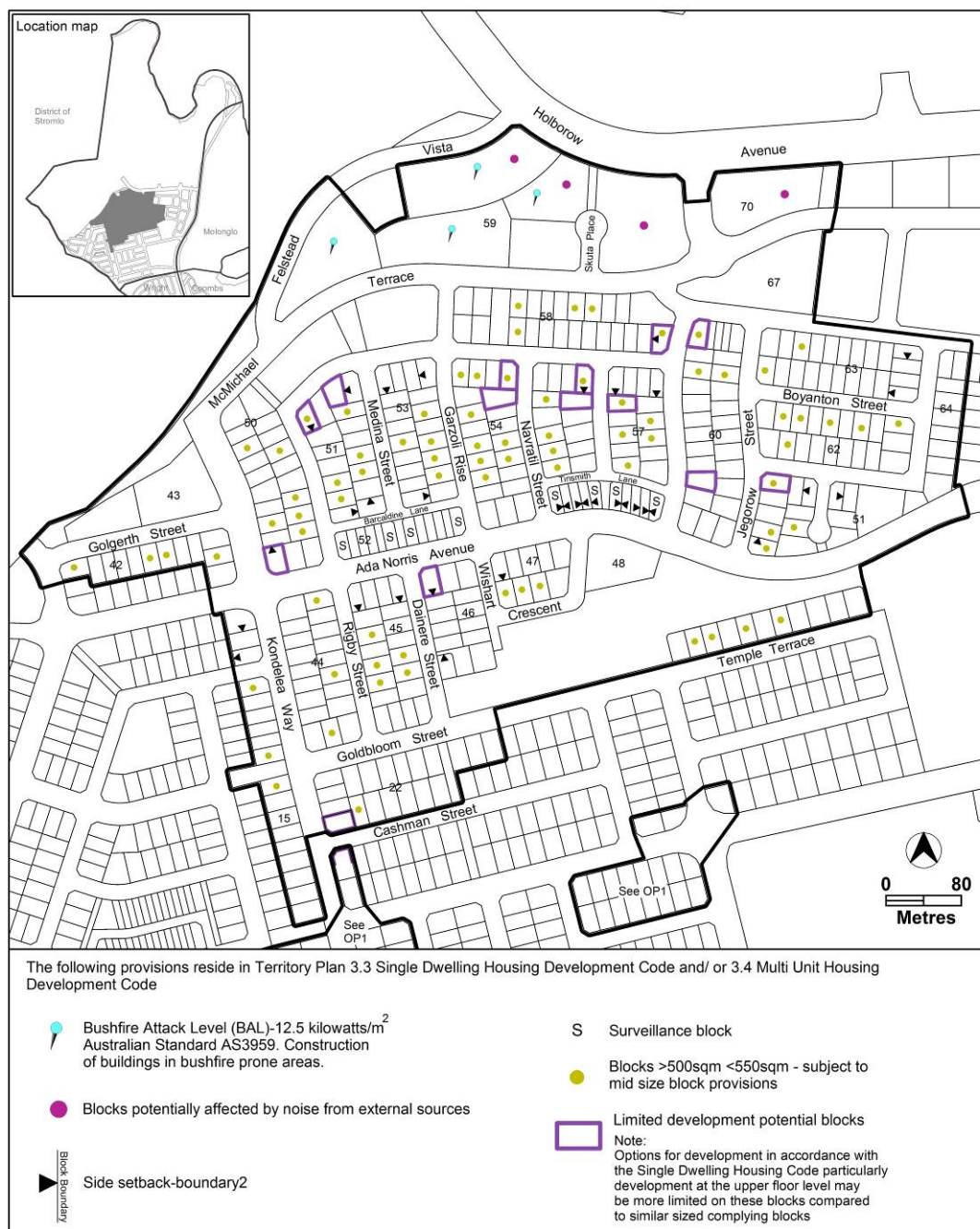


Figure 5 Denman Prospect residential area ongoing provisions

## 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 τηλεφωνήσετε 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