

Australian Capital Territory

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2021 (No 1)

Notifiable instrument NI2021—153

Technical Amendment No 2021-04

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 2021 (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 Dictionary

In this instrument:

Denman Prospect plan variation means the technical amendment to the Territory Plan, variation 2021-04, in the schedule.

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

Lesley Cameron
Delegate of the planning and land authority
12 March 2021



Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2021-04**

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

March 2021

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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 area 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(1)(c) 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.

TA2021-04 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

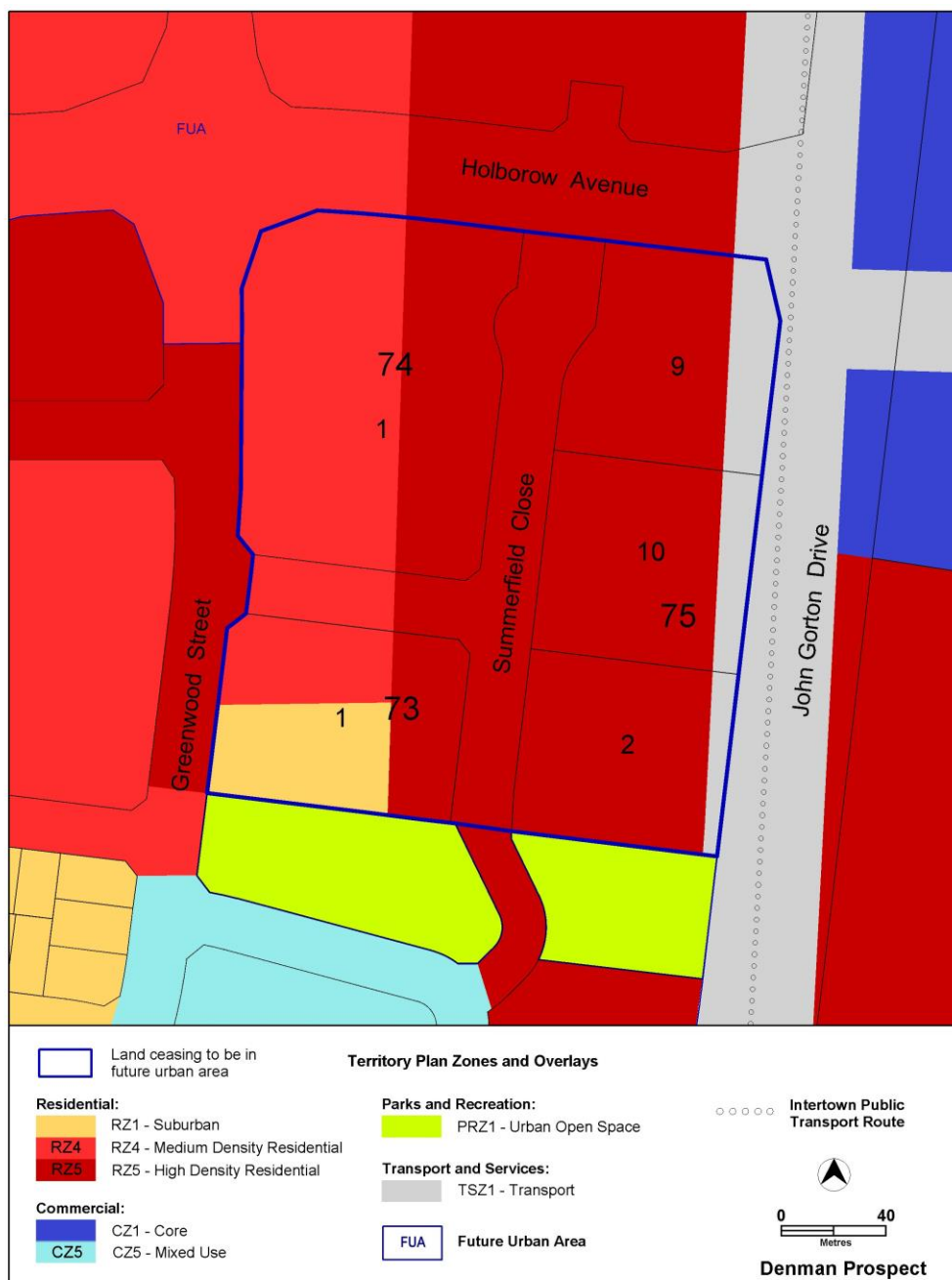
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

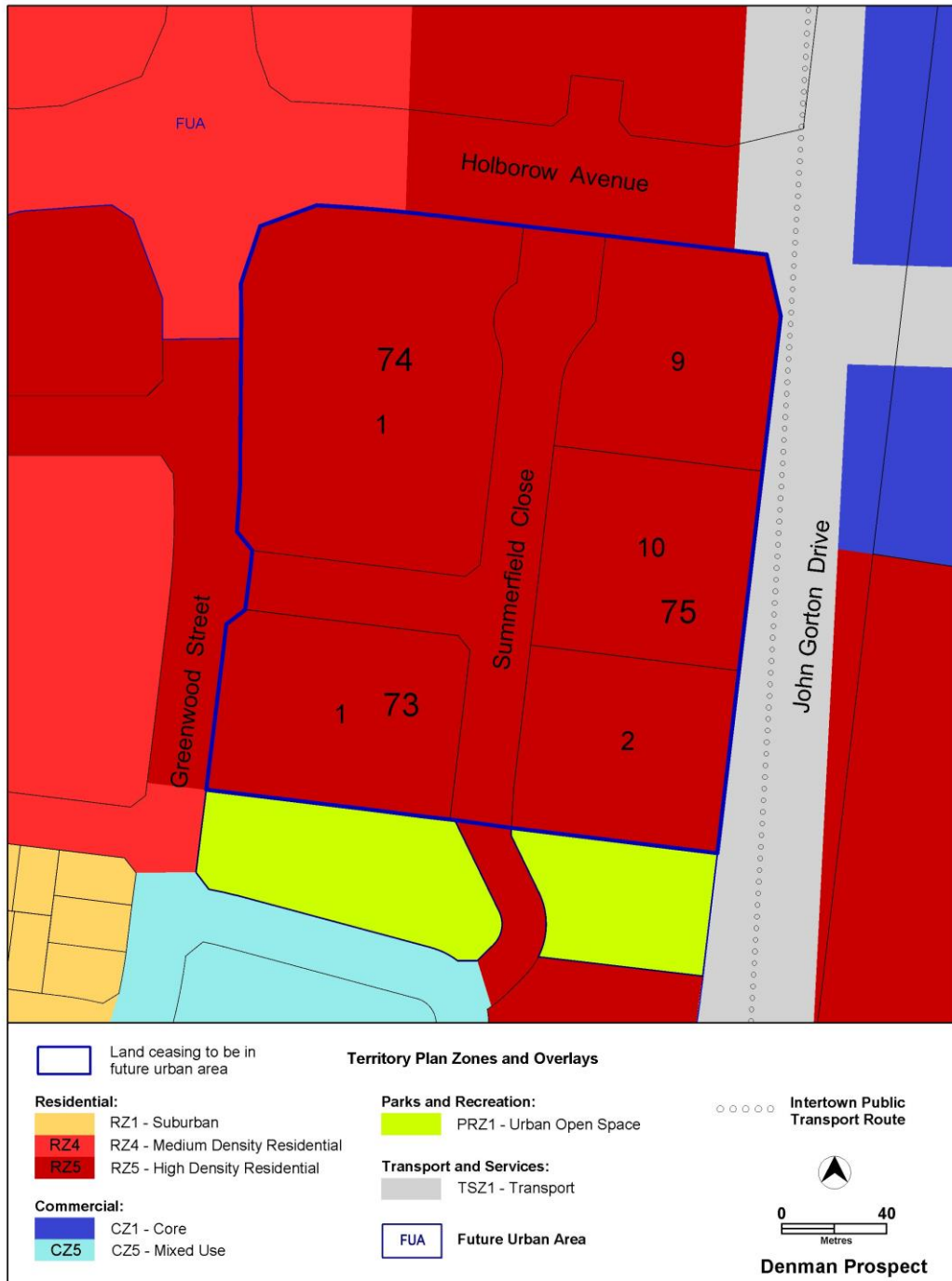
Variation to the Territory Plan

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



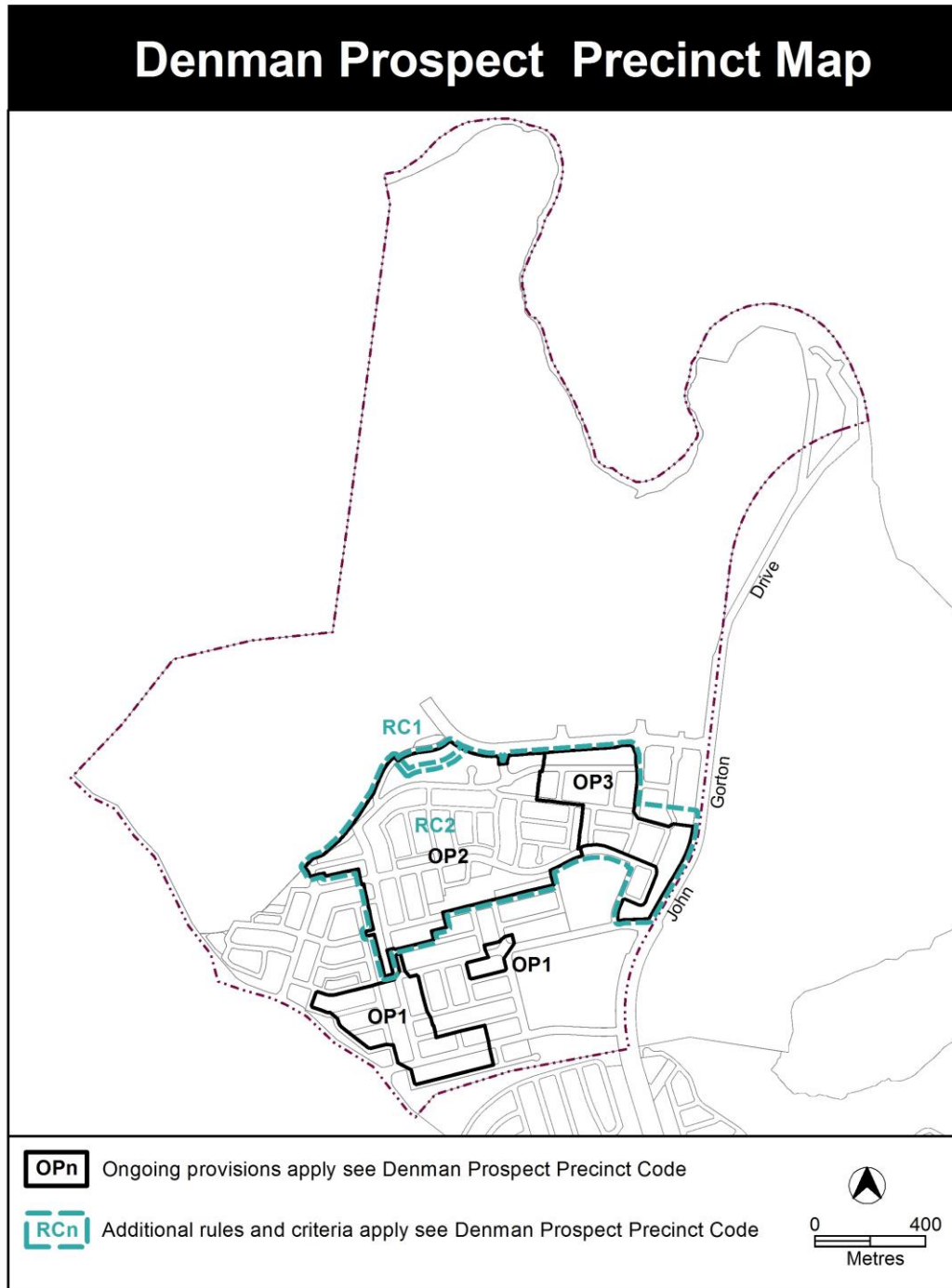
2.2 Denman Prospect Precinct Map and Code

Variation to the Denman Prospect Precinct Map and Code

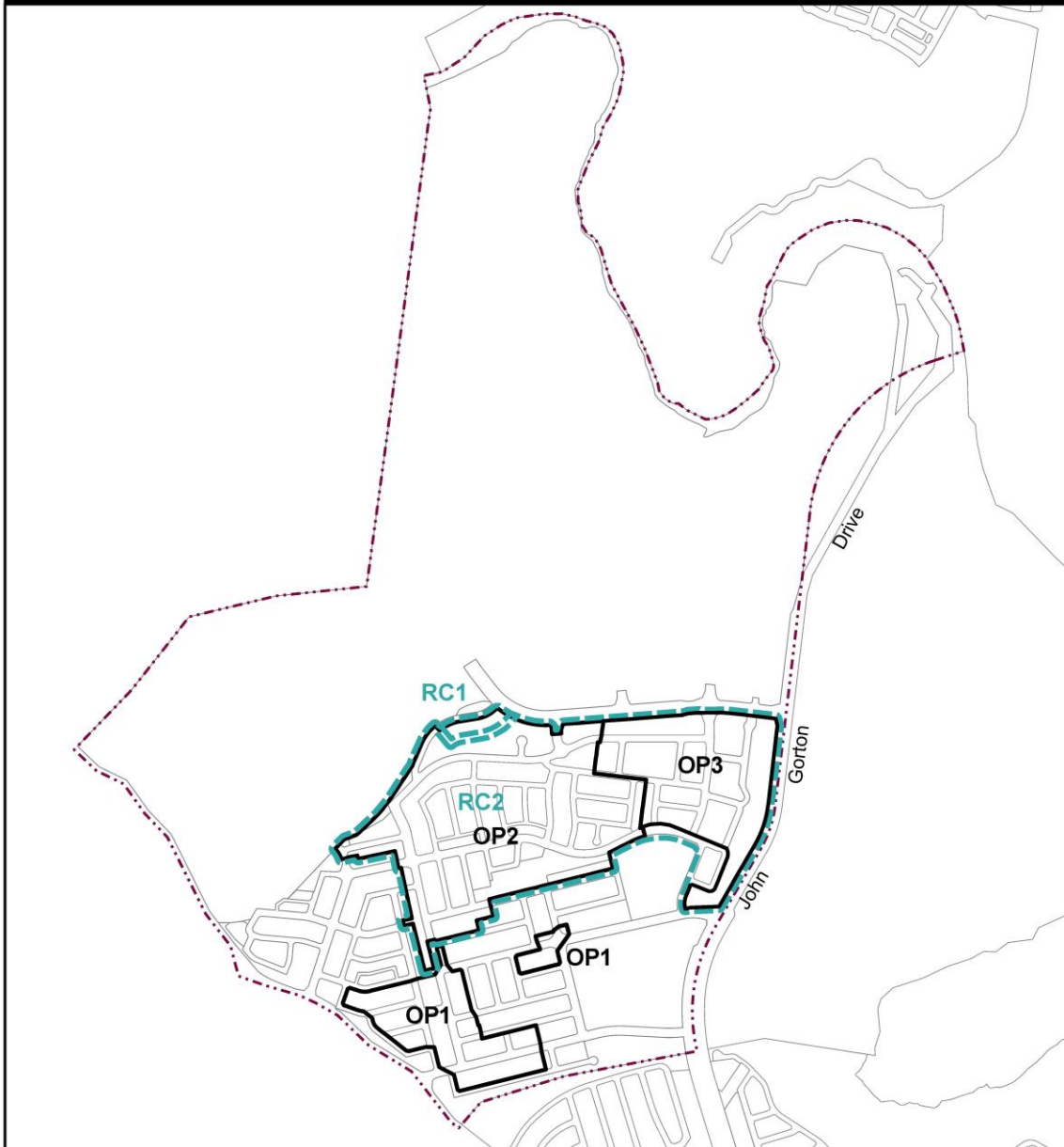
The Denman Prospect Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Denman Prospect Precinct Map

Existing Denman Prospect Precinct Map



Denman Prospect Precinct Map



Ongoing provisions apply see Denman Prospect Precinct Code



Additional rules and criteria apply see Denman Prospect Precinct Code



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2.2.2 Denman Prospect Precinct Code

This technical amendment inserts new rule R8, inserts new criterion C14, inserts new Figure 6, replaces existing Figure 8 (now Figure 9), updates references to figures, and updates numbering of rules and criteria.

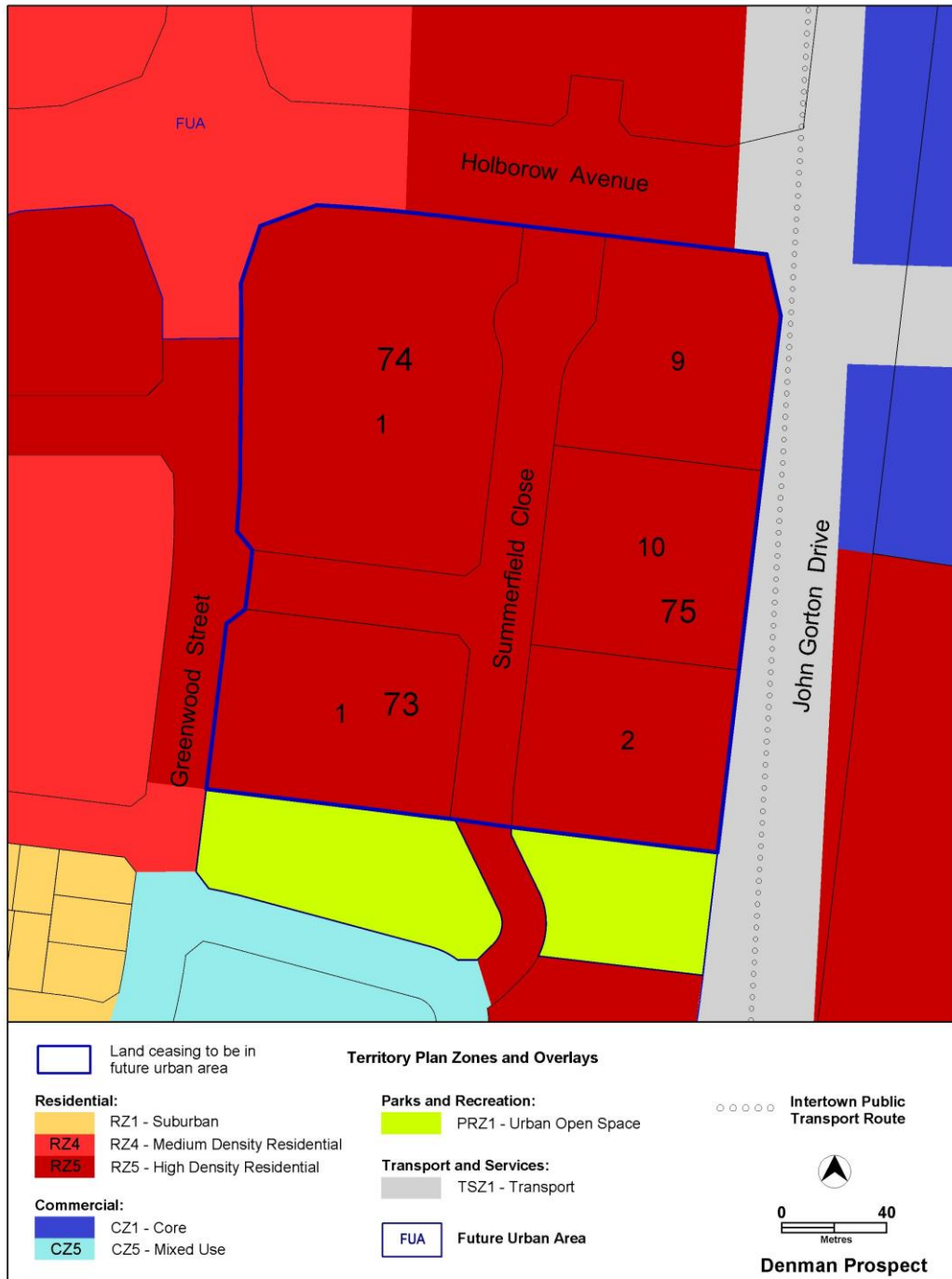
3. TECHNICAL AMENDMENT

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 and overlays 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-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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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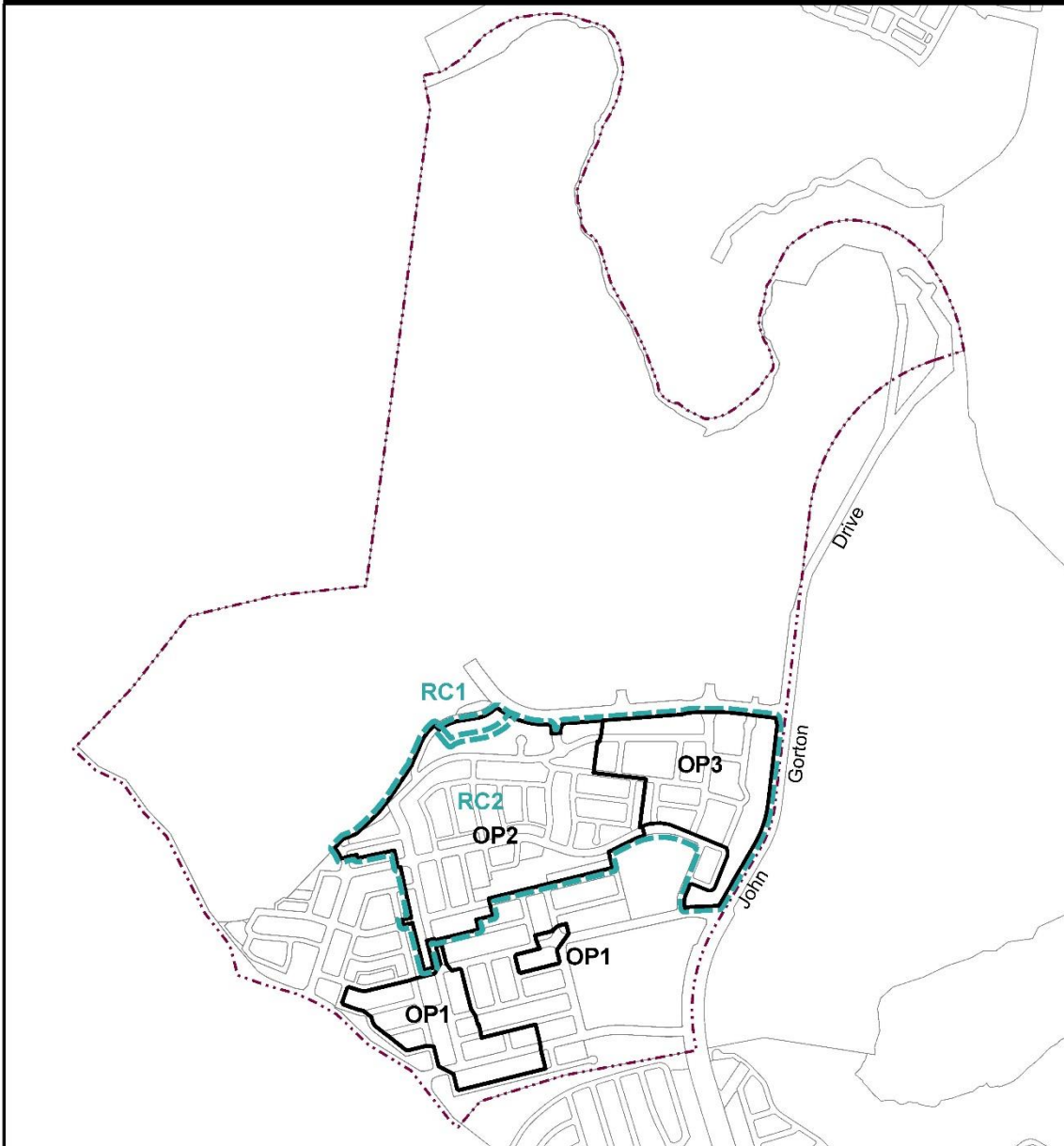
Environment, Planning and
Sustainable Development

Appendix A

Denman Prospect Precinct Map and Code

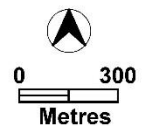
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Denman Prospect Precinct Map



OPn Ongoing provisions apply see Denman Prospect Precinct Code

RCn Additional rules and criteria apply see Denman Prospect Precinct Code



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.
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.

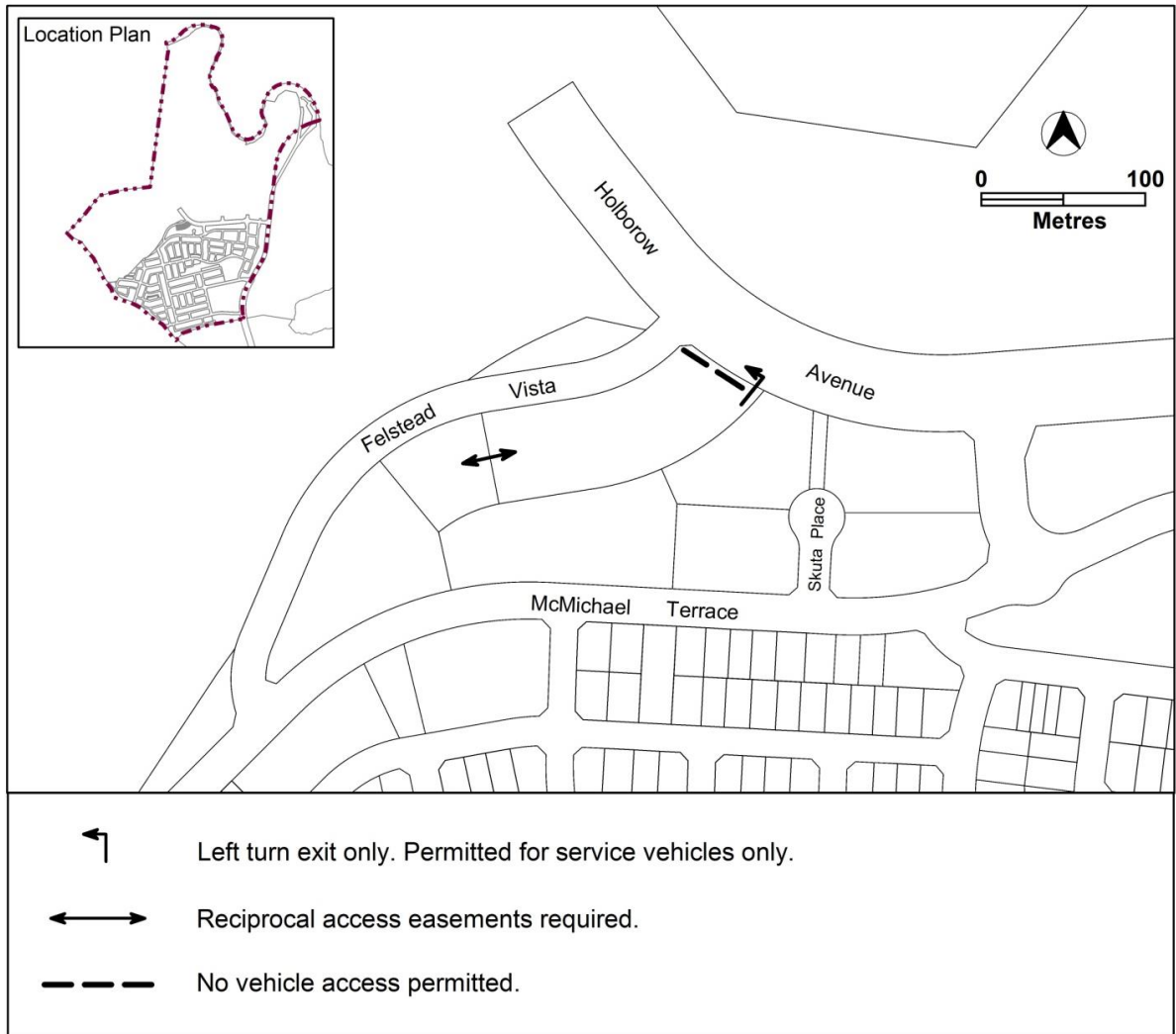


Figure 1 Denman Prospect commercial area

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 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>
2.2 Setbacks - garages	
<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>
2.3 Setbacks – upper and lower floors	
<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>
2.4 Gates	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3, 4 and 5.</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
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Boundaries to open space must provide at least one gate access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.5 Parking	
<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3, 4, 5 and 6.</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>R10</p> <p>This rule applies to blocks or parcels identified in Figures 3, 4, 5, and 6.</p> <p>No vehicle access is permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.7 Fencing	
<p>R11</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>
2.8 Landscaping	
<p>R12</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>

Rules	Criteria
2.9 Pedestrian access	
<p>R13</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>
<p>There is no applicable rule.</p>	<p>C14</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Buildings are setback to achieve a visual corridor through the block from John Gorton Drive to Summerfield Close.</p>

Element 3: Restrictions on use

Rules	Criteria
3.0 Commercial GFA	
<p>R15</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 1,000m², with a <i>gross floor area</i> limit of 250m² per tenancy.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
3.1 Maximum storeys	
<p>R16</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"> - 3 for that part of the building within 60m of the boundaries of blocks in the Residential RZ1 zone; and - 6 elsewhere. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Figure 2 Denman Prospect residential area 1

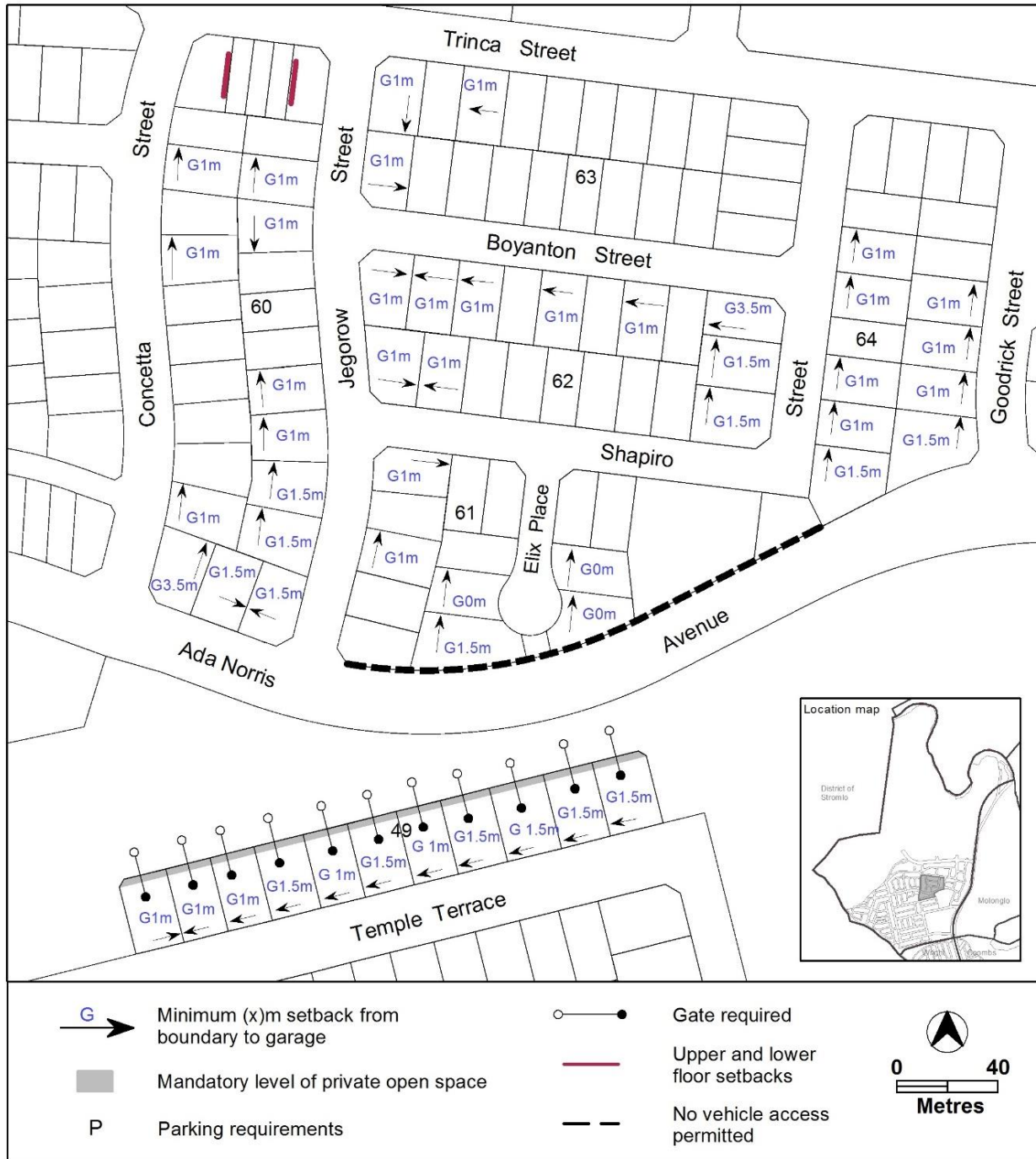


Figure 3 Denman Prospect residential area 2

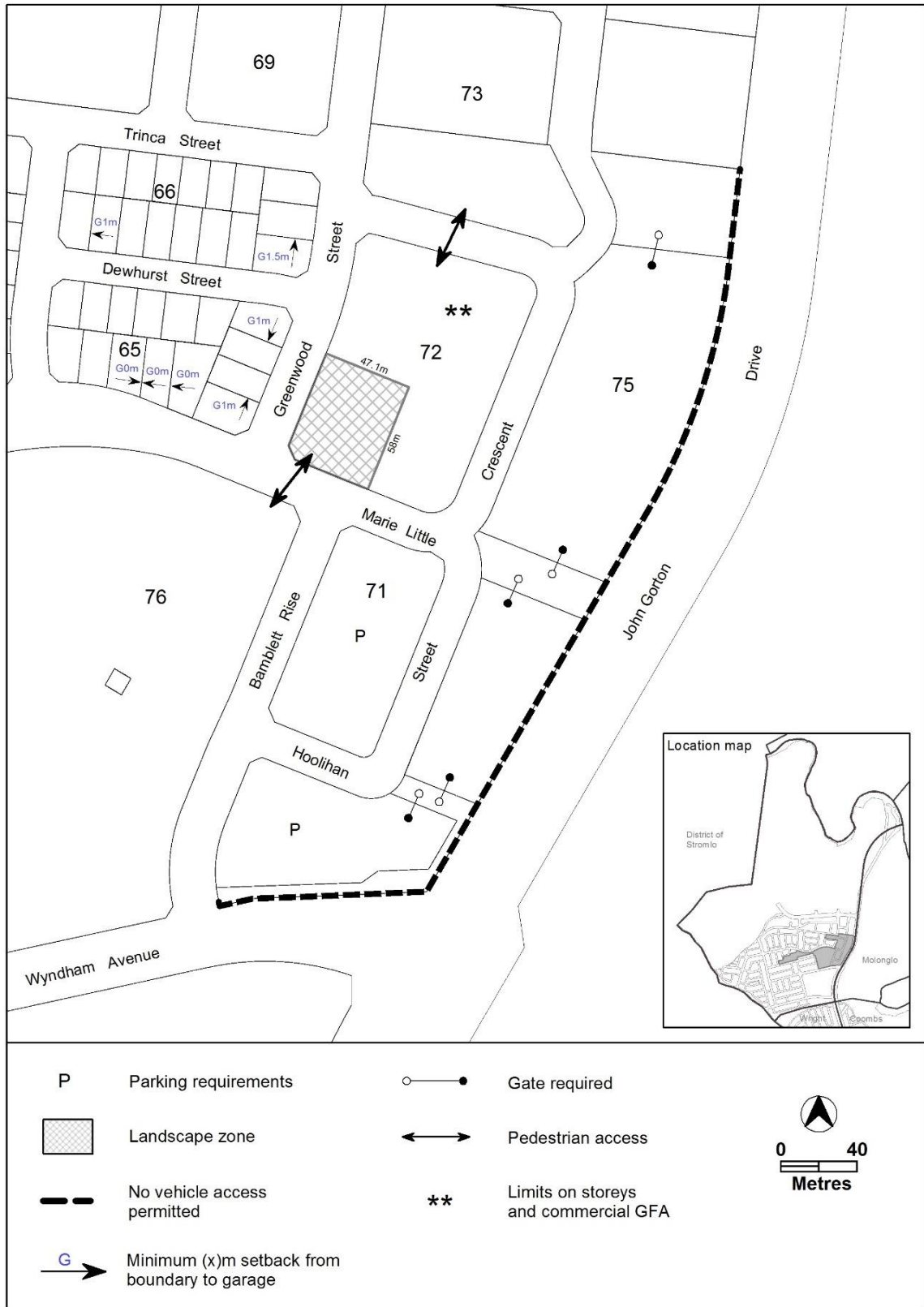


Figure 4 Denman Prospect residential area 3

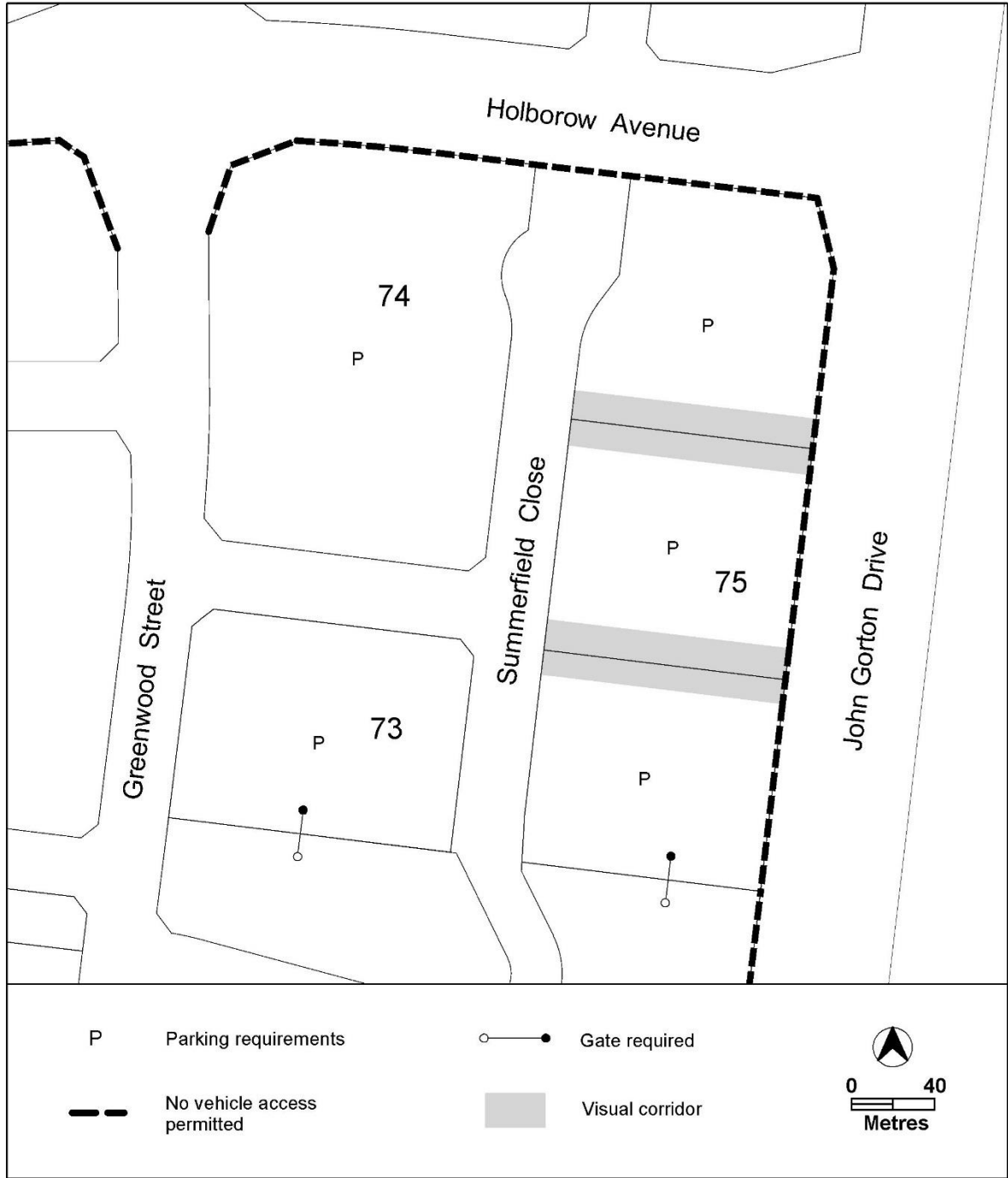


Figure 6 Denman Prospect residential area 5

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.

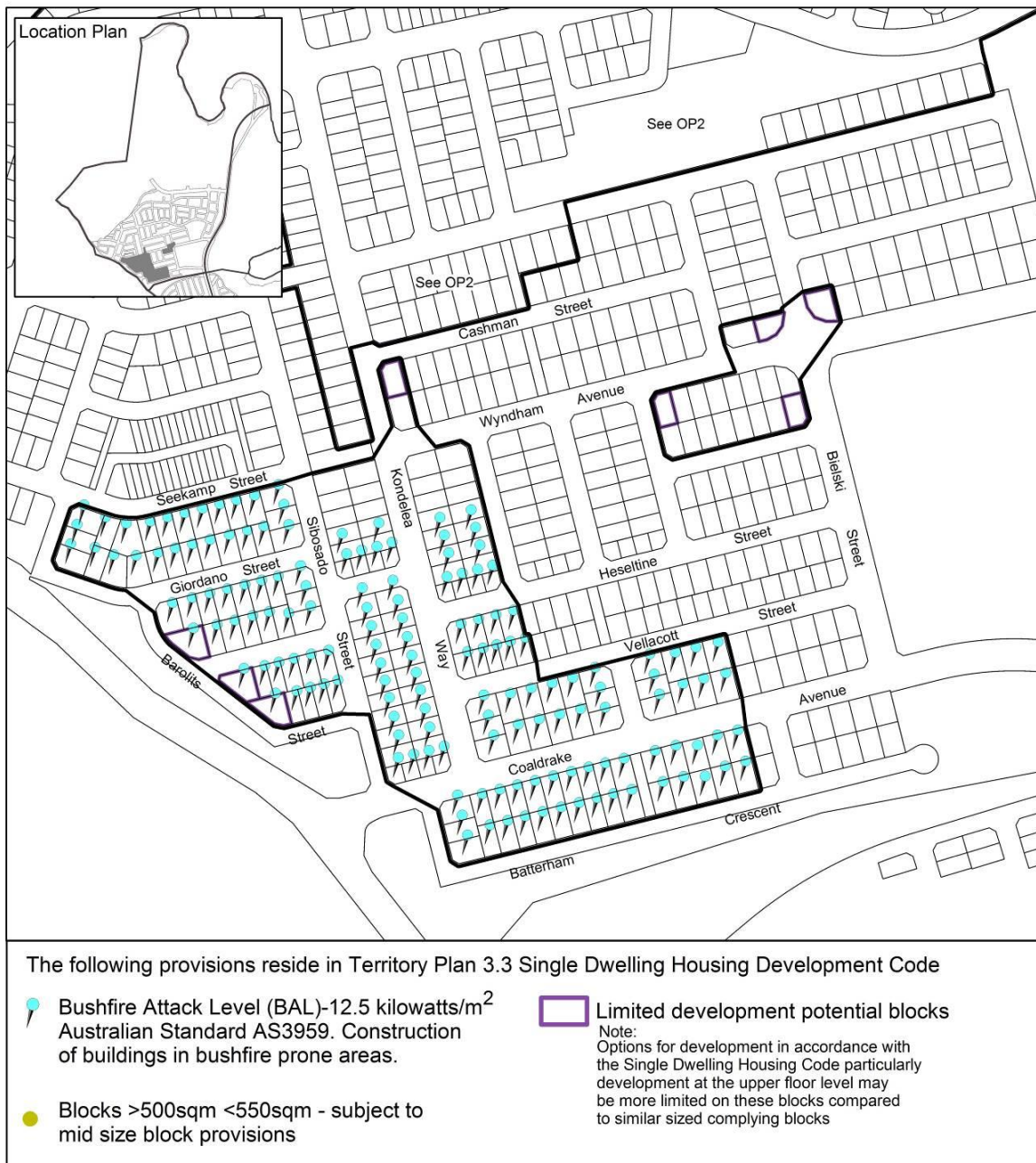


Figure 7 Denman Prospect residential area ongoing provisions

OP2 – Denman Prospect residential area

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

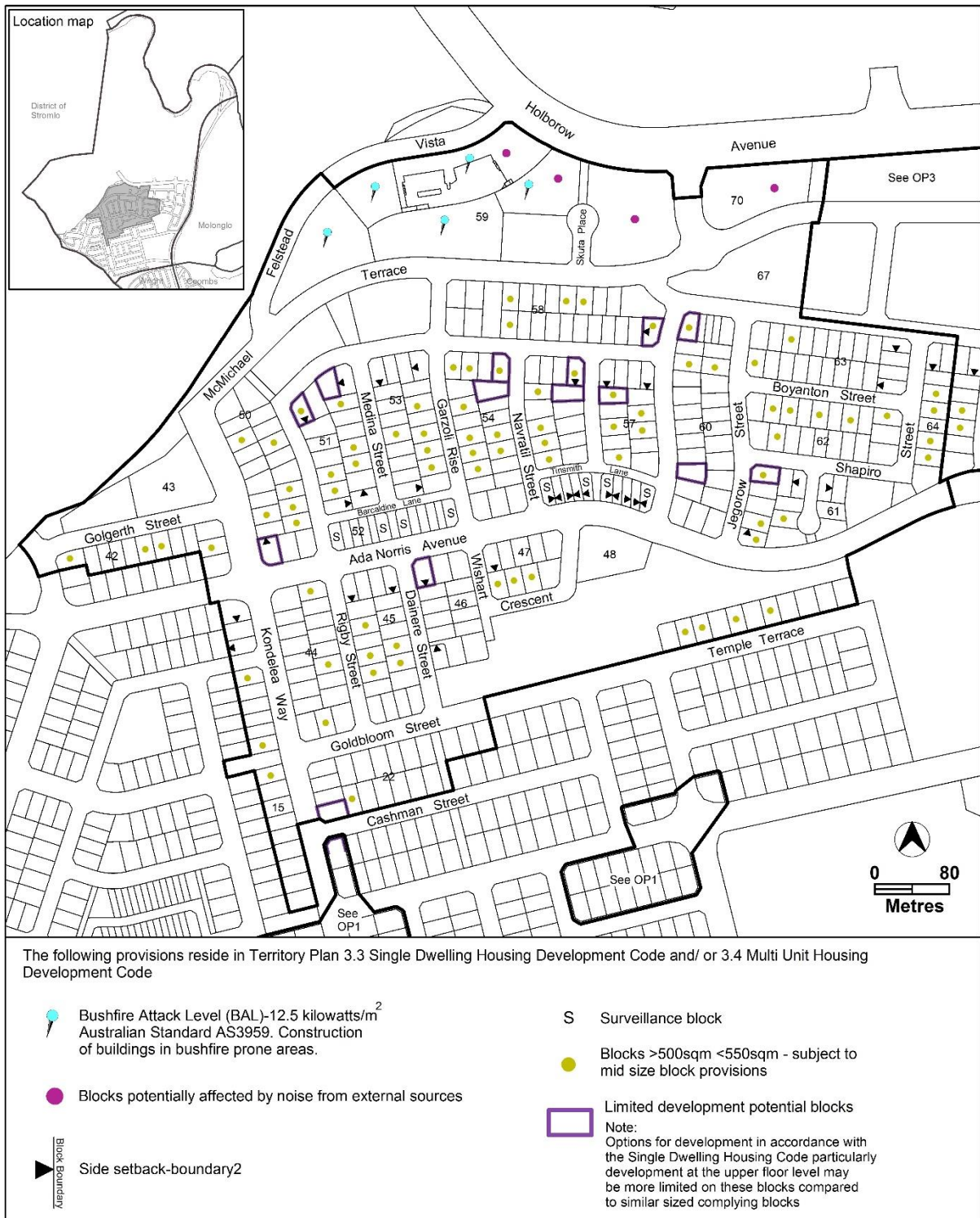


Figure 8 Denman Prospect residential area ongoing provisions

OP3 – Denman Prospect residential area

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

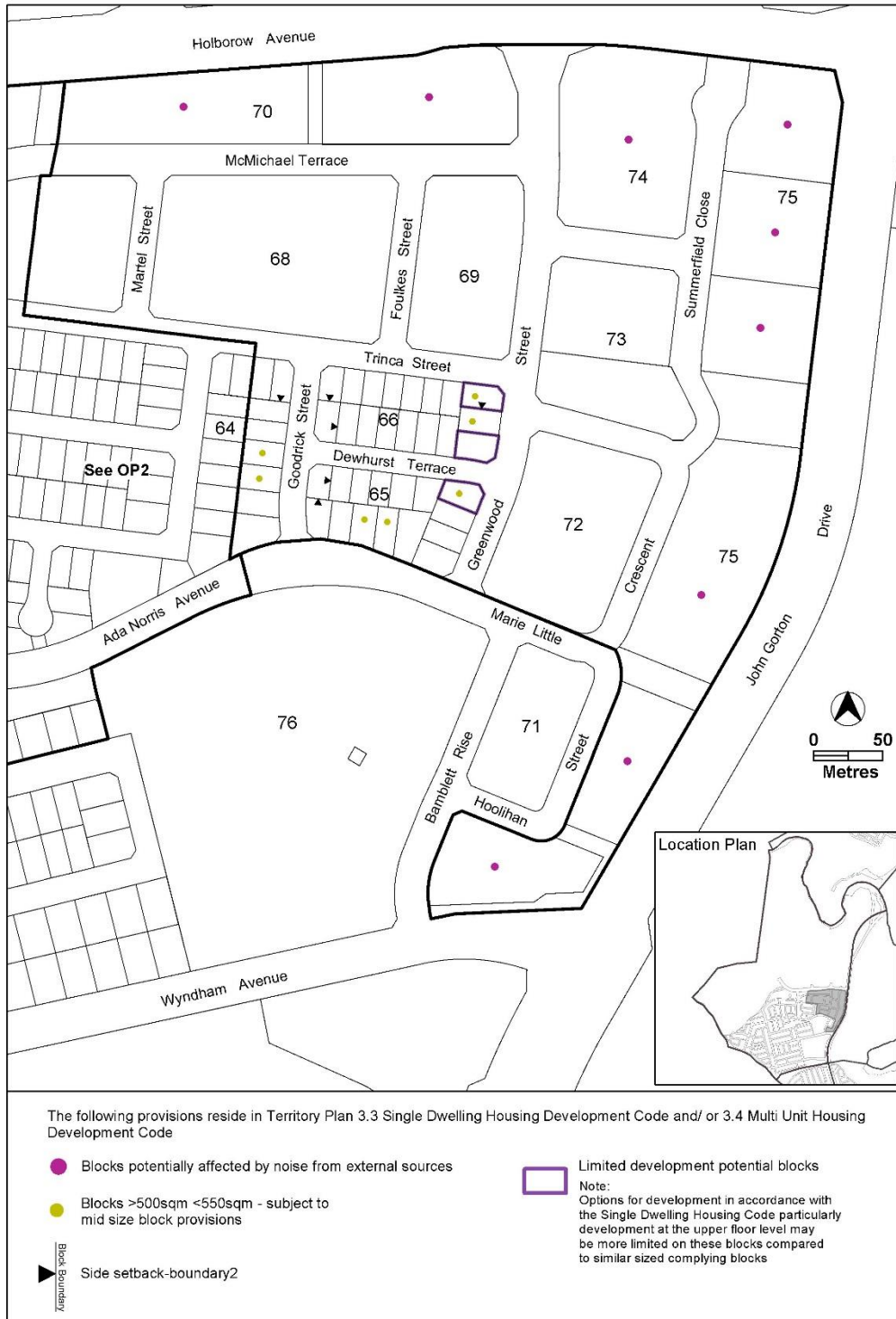


Figure 9 Denman Prospect residential area ongoing provisions