

Planning and Development (Draft Variation No 354) Consultation Notice 2018

Notifiable instrument NI2018—526

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification) and s 64 (Public consultation—notice of interim effect etc)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 354) Consultation Notice 2018*.

2 Draft variation to the Territory Plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 354 – Waterways: water sensitive urban design general code review and associated consequential amendments (the **Draft Variation**) to vary the Territory Plan. The Draft Variation seeks to implement the planning outcomes of the ACT Government’s Water Sensitive Urban Design Review Report which was released in 2014 (WSUD Review). The WSUD review called for a revision of the WSUD provisions in the Territory Plan and for these provisions to be supported by a WSUD practice guideline.

3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
 - (a) the Draft Variation; and
 - (b) the background papers relating to the Draft Variation.
- (2) Copies of the documents mentioned in section 3(1) are available for inspection and purchase at Access Canberra, Environment, Planning and Sustainable Development Directorate Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on Friday 9 November 2018 (the **Consultation Period**).
- (3) Copies of the documents mentioned in section 3(1) are also available for inspection during the Consultation Period online at http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/draft_variations_to_the_territory_plan

4 Invitation to give written comments

- (1) The Authority invites written comments about the Draft Variation during the Consultation Period. Comments should include reference to the Draft Variation and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (**EPSDD**). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.
- (2) Written comments should be provided to the Authority by:
 - (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to Access Canberra, EPSDD Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

5 Public inspection of written comments

- (1) Copies of written comments about the Draft Variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends, at Access Canberra, EPSDD Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at www.planning.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the **Act**) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the Draft Variation

Section 65 of the Act does not apply in relation to the Draft Variation and therefore it does not have interim effect. The current Territory Plan will continue to apply while the Draft Variation remains in draft form.

7 Obtaining further information

Further information about the Draft Variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at Terrplan@act.gov.au, a reference to the Draft Variation should be included in any email.

8 Meaning of *draft plan variation No 354 – Waterways: water sensitive urban design general code review and associated consequential amendments*

In this instrument:

Draft plan variation No 354 – Waterways: water sensitive urban design general code review and associated consequential amendments means the draft plan variation in the schedule.

Note 1: Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPSDD Information Privacy Policy* which are available through the EPSDD website.

Kathy Cusack
Delegate of the planning and land authority
19 September 2018



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

**Draft
Variation to the
Territory Plan
No 354**

Waterways: water sensitive urban design
general code review and associated
consequential amendments to
Territory Plan codes

September 2018

Draft variation for public consultation prepared
under s63 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

This draft variation revises the waterways: water sensitive urban design general code (WSUD code) and proposes a number of associated consequential amendments to Territory Plan codes. The WSUD code has been reviewed in response to the ACT Government's WSUD Review Report which was released in 2014 (WSUD Review). The WSUD review called for a revision of the WSUD provisions in the Territory Plan and for these provisions to be supported by a WSUD practice guideline.

The associated consequential Territory Plan amendments ensure that the water sensitive urban design provisions applying across all zones will now be located in the one place, being the WSUD general code. This excludes any site specific provisions which are contained in the relevant suburb precinct codes and the mains water reduction targets for single dwellings and secondary residences which will be retained in the single dwelling housing development code.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment Planning and Sustainable Development Directorate (EPSDD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 Public Consultation

Written comments about the draft variation are invited from the public by **Friday 9 November 2018**

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable Environment, Planning and Sustainable Development Directorate (EPSDD) to contact you in relation to your comments, if required. Personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to EPSDD's Customer Service Centre at 16 Challis Street, Dickson
- made on the 'Have Your Say' website: <http://haveyoursay.planning.act.gov.au>

Copies of written comments will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at EPSDD's customer service centre in Dickson and may be published on EPSDD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and the draft water sensitive urban design guideline (WSUD guideline) are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Access Canberra and the EPSDD Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The ACT Government's WSUD Review Report was released in 2014 (WSUD Review). It is available on the EPSDD website at:

http://www.environment.act.gov.au/water/water-strategies-and-plans/water_sensitive_urban_design

The WSUD review identified eight priority projects. The Priority Project 1 called for a revision of the WSUD provisions of the Territory Plan and for these provisions to be supported by a WSUD practice guideline. The intent is to provide greater clarity and consistency in interpretation and implementation of the WSUD provisions. It is also intended to promote innovation and to increase flexibility in options for meeting the various WSUD targets.

Previously, the ACT Government released the Waterways WSUD Guidelines in 2007. This was given further effect when it was incorporated into the Territory Plan through the introduction of the Waterways: WSUD general code in 2009. However, the format of the WSUD code is not in keeping with the standard rules and criteria format of the other Territory Plan codes.

Additionally, there are WSUD provisions contained in a number of the zone and development codes. These provisions are presented in rules and criteria format and the rules stipulate quantifiable requirements to meet targets. However, the criteria leave the discretion to proponents to demonstrate that a particular method achieves the target.

Lastly, some precinct codes also contain site specific WSUD provisions and requirements.

The WSUD review concluded that:

- The WSUD Code and the related WSUD requirements in development codes in the Territory Plan may inhibit innovation by limiting the options available to meet the rules.
- The rules and criteria in development codes require revision to clarify WSUD requirements to reflect contemporary industry best practice.
- Other jurisdictions have developed comprehensive WSUD guidelines that are responsive to the changing environment and allow for innovation.
- WSUD requirements need to recognise changes in development form including a trend to smaller block sizes, and the need to adapt the urban form in terms of green streetscape, waterways, overland flow paths and drainage corridors.

2.2 Current Territory Plan Provisions

The current Territory Plan provisions for water sensitive urban design are contained in the existing waterways: water sensitive urban design general code in addition to existing provisions in the following codes:

- Residential zones development code
- Multi-unit housing development code
- Commercial zones development code
- Industrial zones development code
- Community facility zone development code
- Transport and services development code
- Parks and recreation zones development code
- Estate development code

The existing site specific water sensitive urban design provisions contained in various precinct codes are not intended to be amended by this draft variation. Additionally the existing water reduction target provisions contained in the single dwelling housing development code will remain in place.

2.3 Proposed Changes to the Territory Plan

It is proposed to replace the existing waterways: water sensitive urban design general code with a revised general code. It is also proposed to consequentially amend the various other zone and development codes to remove water sensitive urban design provisions. These provisions will now be consolidated into the revised WSUD general code with the exception of any site specific provisions in the precinct codes and the existing provisions of the Single Dwelling Housing Development Code which will remain unamended.

2.4 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- The ACT Government WSUD Review Report 2014 called for a revision of the WSUD provisions in the Territory Plan and for the development of a WSUD Practice Guideline.
- The structure of the current WSUD general code and the related WSUD requirements in various zone development codes in the Territory Plan present a limited range of options and solutions to meet the code requirements.
- The rules and criteria in development codes require revision to clarify WSUD requirements to reflect contemporary industry best practice.
- Other jurisdictions have developed comprehensive WSUD guidelines that are responsive to the changing environment and which promote innovation.

2.5 Planning Context

2.5.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.5.2 Territory Plan

Statement of Strategic Directions

The proposal is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles particularly in relation to principle no. 1.7 stipulating that land and water resources are to be planned in accordance with the principles of integrated catchment management and water sensitive urban design.

2.6 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.7 Consultation with Government Agencies

EPSDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council
- the Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The National Capital Authority provided the following comments on 10 November 2016:

“Please note that the National Capital Authority supports the WSUD Code draft variation.”

Response

The comments are noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 14 November 2016:

“In accordance with Section 61 (b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 354, Waterways: water sensitive urban design general code review and associated consequential amendments to the Territory Plan and I have no comments to provide other than to note my support.”

Response

The comments are noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 27 February 2017:

“The Environment Protection Authority (EPA) supports the Territory Plan variation in its current form”

Response

The comments are noted.

Heritage Council

The Heritage Council provided the following comments on 10 November 2016:

“The Council does not object to the changes proposed by DV354, as Heritage Act 2004 provisions will continue to guide the management of heritage places and objects that may be affected by any water sensitive urban design code changes.”

Response

The comments are noted.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

Variation to the waterways: water sensitive urban design general code

1. Waterways: water sensitive urban design general code

Substitute the existing waterways: water sensitive urban design general code with

Appendix A – waterways: water sensitive urban design general code.

Variation to the residential zones development code

2. Element 14 Environment – 14.1 water sensitive urban design

Omit section 14.1 water sensitive urban design, including rules and criteria 57 – 60.

Variation to the multi unit housing development code

3. Element 4: Site design – 4.1 site design

Omit from rule 37 - item d) water sensitive urban design.

4. Element 8: Environment – 8.1 water sensitive urban design

Omit section 8.1 water sensitive urban design, including rules and criteria 86 – 89.

Variation to the commercial zones development code

5. Element 7: Environment – 7.1 water sensitive urban design

Omit section 7.1 water sensitive urban design, including rules and criteria 24 – 28.

Variation to the industrial zones development code

6. Element 6: Environment – 6.1 water sensitive urban design - mains water consumption – 6.3 water sensitive urban design – stormwater quantity

Omit sections 6.1 – 6.3 water sensitive urban design, including rules and criteria 38 – 41.

Variation to the community facility zone development code

7. Element 5: Environment – 5.1 water sensitive urban design

Omit section 5.1 water sensitive urban design, including rules and criteria 15 – 18.

Variation to the parks and recreation zones development code

8. Element 6: Environment – 6.2 water sensitive urban design – mains water consumption – 6.4 water sensitive urban design – stormwater quantity

Omit sections 6.2 – 6.4 water sensitive urban design, including rules and criteria 32 – 35.

Variation to the transport and services development code

9. Element 6: Environment – 6.2 water sensitive urban design – mains water consumption – 6.4 water sensitive urban design – stormwater quantity

Omit sections 6.2 – 6.4 water sensitive urban design, including rules and criteria 23 – 26.

Variation to the estate development code

10. Element 5: Environment – 5.1 water sensitive urban design

Omit section 5.1 water sensitive urban design, including rules and criteria 30 – 33.

Interpretation service

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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:
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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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Appendix A

DV354 - Draft Waterways: Water Sensitive Urban Design General Code

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1. Introduction

Name

The name of this code is **Waterways: Water Sensitive Urban Design General Code**

Application of the code

This code applies to development and redevelopment on sites across all zones of the Territory Plan that:

- are currently connected or intended to be connected to the mains water supply; or
- are likely to alter the stormwater regime of the site.

This code does not apply to any of the following:

- single dwellings and secondary residences subject to the single dwelling housing development code; and
- as excepted within the provisions of this code.

This code stipulates the outcomes sought in relation to water sensitive urban design primarily through a series of targets for mains water reduction, water quality and stormwater quantity. The ACT Practice Guidelines for Water Sensitive Urban Design provides guidance and options for compliance with this code for both private and public developments.

While the ACT Practice Guidelines for Water Sensitive Urban Design is external to the Territory Plan, it is called up in the various rules and criteria of this code. In this way a key element of the Guidelines is to provide information on the 'online assessment tools' and other contemporary methods for proponents to demonstrate compliance with the relevant code requirements. The ACT Government also has design standards for municipal infrastructure which is external to the Territory Plan.

Purpose

Water sensitive urban design (WSUD) is an approach to urban planning and design that aims to integrate the management of the water cycle including stormwater into the urban development process which considers integrated water cycle management. The importance of WSUD is acknowledged in the statement of strategic directions of the Territory Plan, which states that "land and water resources will be planned in accordance with the principles of integrated catchment management and water sensitive urban design".

In conjunction with other relevant codes, the ACT Practice Guidelines for Water Sensitive Urban Design will be used to assess development applications and outline the relevant requirements to intending applicants in designing development proposals and preparing development applications.

The WSUD general code aims to provide the necessary WSUD targets and strategies to be implemented to ensure improved environmental sustainability.

Structure

The code requirements contain a number of elements. Each element has one or more rules and, unless the rule is mandatory, an associated criterion is provided. Rules provide quantitative, or definitive, controls. In 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" is found where a criterion only is applicable.

Assessment tracks

Assessment tracks for particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** or **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (ie. it has no related criterion). Where a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate **compliance with the criterion**.

Code Hierarchy

Where more than one type of code applies to a development, the order of precedence when there is inconsistency of provisions between codes as defined in the *Planning and Development Act 2007* is

1. precinct code
2. development code
3. general code.

Definitions

Defined terms and references to legislation and other documents are italicized throughout this code. Definitions of terms used in this code are either listed in part 13 of the Territory Plan or, for terms that are only applicable to this code, the meaning of the terms are spelt out within the respective rule or referred to in the ACT Practice Guidelines for Water Sensitive Urban Design.

2. Relevant development codes and general codes

Development codes that may be relevant to water sensitive urban design are:

- Residential Zones Development Code
- Multi Unit Housing Development Code
- Commercial Zones Development Code
- Industrial Zones Development Code
- Community Facility Zone Development Code
- Parks and Recreation Zone Development Code
- Transport and Services Zone Development Code
- Non-Urban Zones Development Code

Development must comply with all relevant codes (including precinct codes and other general codes), subject to the code hierarchy outlined in the introduction to this code. General codes are found in part 11 of the Territory Plan.

3. Code requirements

This part applies to all assessable development subject to this code, except where stated in the relevant provisions.

Element 1: Mains water use reduction

Rules	Criteria
1.1 Mains Water Use Reduction Target	
<p>R1</p> <p>This rule applies to all development currently connected or intended to be connected to mains water supply except:</p> <ul style="list-style-type: none">a) development subject to the estate development code;b) development for minor alterations or extensions involving 50% or less of the existing floor area. <p>Development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003.</p> <p>Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>	<p>This is a mandatory rule there is not applicable criterion.</p>

Element 2: Stormwater Quantity

Rules	Criteria
2.1 On-site stormwater retention	
<p>R2</p> <p>This rule applies to development for at least one of the following:</p> <ul style="list-style-type: none"> a) development on sites greater than 2,000m² involving works that have the potential to alter the stormwater regime of the site, including sites subject to the estate development code. b) development within existing urban areas which increases impervious area by 100m². <p>This rule does not apply to any of the following:</p> <ul style="list-style-type: none"> a) development of major roads b) sites identified in a precinct code that stormwater retention requirements for the site have been fully dealt with through an estate development plan. <p>Development complies with one of the following:</p> <ul style="list-style-type: none"> a) stormwater retention management measures are provided and achieve all of the following: <ul style="list-style-type: none"> i) Stormwater storage capacity of 1.4kL per 100m² of the total impervious area of the site is provided specifically to retain and reuse stormwater generated on site as a whole; ii) Retained stormwater is used on site; b) development captures, stores and uses the first 15mm of rainfall falling on the site. <p>For this rule, on-site stormwater retention is defined as the storage and use of stormwater on site.</p> <p>Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: ACT Practice Guidelines for Water Sensitive Urban Design defines acceptable uses of stormwater on site.</p> <p>Note: Any site specific stormwater retention requirements for new estates must be nominated on planning control plans submitted with the estate development plan.</p>	<p>C2</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) It is demonstrated that stormwater retention measures can be more successfully met offsite; b) development complies with at least one of the following stormwater retention management measures: <ul style="list-style-type: none"> i) An equivalent volume of stormwater is stored and used at an off-site location within the same catchment or a catchment in proximity to the site as part of a stormwater offset agreement. ii) If it is demonstrated that the above stormwater retention measures are unable to be provided, then a contribution to the construction of off-site measures within the same catchment or a catchment in proximity to the site as a means of offset may be approved by the Planning and Land Authority. <p>For this criterion, a stormwater offset agreement is defined as detailed in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>

Rules	Criteria
2.2 On-site stormwater detention	
<p>R3</p> <p>This rule applies to development for at least one of the following:</p> <ul style="list-style-type: none"> a) development on sites greater than 2,000m² involving works that have the potential to alter the stormwater regime of the site, including sites subject to the estate development code. b) development within existing urban areas which increases impervious area by 100m². <p>This rule does not apply to any of the following:</p> <ul style="list-style-type: none"> a) development of major roads b) sites identified in a precinct code indicating that stormwater detention requirements have been fully met. <p>Stormwater detention measures are provided and achieve all of the following:</p> <ul style="list-style-type: none"> a) capture and direct runoff from the entire site; b) Stormwater storage capacity of 1kL per 100m² of impervious area is provided to specifically detain stormwater generated on site; c) The detained stormwater is designed to be released over a period of 6 hours after the storm event. <p>For this rule on-site stormwater detention is defined as the short term storage and release downstream of stormwater runoff.</p> <p>Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: Calculating on-site detention can include 50% of the volume of rainwater tanks where stormwater is used on-site.</p> <p>Note: For new estates any stormwater detention must be nominated on planning control plans submitted with the estate development plan. In particular, where an estate development plan has partially achieved the stormwater detention measures, this can be taken into account for the detention measures on individual sites.</p>	<p>C3</p> <p>Stormwater detention measures are provided and achieve all of the following:</p> <ul style="list-style-type: none"> a) ensure that the peak rate of stormwater runoff from the site does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for the 1 Exceedance per Year (1EY). b) A maximum of 30% of the runoff from the site may bypass the onsite stormwater detention system where it can be demonstrated that at least one of the following circumstances applies: <ul style="list-style-type: none"> i) Difficult ground levels; ii) The nature of the receiving drainage system cannot receive runoff from the entire site; iii) The need to retain significant trees or vegetation; or iv) other demonstrated circumstances. <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: where an estate development plan has partially achieved the stormwater detention measures, this can be taken into account for the detention measures on individual sites.</p>

Rules	Criteria
2.3 Stormwater quantity for major road on sites over 2000m²	
<p>R4</p> <p>This rules applies to development of major roads involving sites greater than 2000m².</p> <p>Development complies will all of the following:</p> <ul style="list-style-type: none"> a) The capacity of existing pipe (minor) stormwater connection to the site is not exceeded in the 1 in 10 year storm event b) The capacity of the existing overland (major) stormwater system to the site is not exceeded in the 1 in 100 year storm event. 	<p>C4</p> <p>Development for major roads on sites greater than 2000m² complies with at least one of the following:</p> <ul style="list-style-type: none"> a) A reduction of the 1 in 5 year and 1 in 100 year stormwater peak run off flow to pre-development levels b) The capacity of the downstream piped stormwater system to its outlet with an open channel is not exceeded in the 1 in 10 year storm event. <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>
2.4 On-site stormwater detention for estate development plans	
<p>There is no applicable rule.</p>	<p>C5</p> <p>This criterion applies to estate development plans. Stormwater detention measures are provided and the peak rate of stormwater runoff from the estate does not exceed the peak rate of runoff from an unmitigated (rural) site of the same area for minor and major storms.</p> <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: The Major (1% Annual Exceedance Probability (AEP)) and Minor storms are as defined by TCCS.</p> <p>Note: Stormwater detention measures required for each individual block may contribute toward meeting the overall detention requirements for the estate as demonstrated in an estate development plan.</p> <p>Note: Any site specific stormwater detention must be nominated on planning control plans submitted with the estate development plan.</p>

Element 3 – Stormwater Quality

Rules	Criteria
3.1 Stormwater Quality Target – sites greater than 2000m²	
<p>R6</p> <p>This rule applies to development for all of the following:</p> <ul style="list-style-type: none"> a) where the development site is greater than 2,000m² b) where development involves works that have potential to alter the stormwater regime for the site. <p>This rule does not apply to development of major roads.</p> <p>The average annual stormwater pollutant export is reduced when compared with an urban catchment of the same area with no water quality management controls for all of the following:</p> <ul style="list-style-type: none"> a) gross pollutants by at least 90%; b) suspended solids by at least 60%; c) total phosphorous by at least 45%; d) total nitrogen by at least 40%. <p>Note: Compliance with this rule is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the rule. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>	<p>C6</p> <p>It is demonstrated that at least one of the following applies:</p> <ul style="list-style-type: none"> a) stormwater quality measures can be more successfully met offsite b) a sensitive downstream environment will be negatively impacted. <p>Development complies with one of the following:</p> <ul style="list-style-type: none"> a) An equivalent load of pollutants is captured at an off-site location as part of a stormwater offset agreement; b) if the above stormwater quality measures are unable to be provided, then a contribution to the construction of off-site measures as a means of offset may be approved by the Planning and Land Authority. <p>For this criterion a stormwater offset agreement is defined as detailed in the ACT Practice Guidelines for Water Sensitive Urban Design.</p> <p>Note: Compliance with this criterion is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the criterion. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>

Rules	Criteria
3.2 Stormwater quality target – major roads	
<p>R7</p> <p>This rule applies to development of major roads, including the duplication of an existing major road in full or in part.</p> <p>The average annual stormwater pollutant export is reduced when compared with a road catchment of the same area with no water quality management controls for all of the following:</p> <ol style="list-style-type: none"> gross pollutants by at least 90%; suspended solids by at least 60%; total phosphorous by at least 45%; total nitrogen by at least 40%. <p>Note: Compliance with this rule is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the rule. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>	<p>C7</p> <p>If it can be demonstrated that the stormwater quality measures specified in the rule are unable to be provided, then a contribution to the construction of off-site measures as a means of offset may be approved by the Planning and Land Authority.</p> <p>Note: Compliance with this criterion is consistent with the ACT Practice Guidelines for Water Sensitive Urban Design and is demonstrated by a report by a suitably qualified person, using the MUSIC model. If a tool other than the MUSIC model is used then a report by an independent suitably qualified person must be submitted demonstrating and confirming compliance with the criterion. If parameters that are non-compliant are used then a report must also be submitted by an independent suitably qualified person stating how and why the parameters are appropriate.</p>

Element 4 – Climate change adaptation

Rules	Criteria
4.1 Nuisance flooding – sites greater than 2000m²	
<p>There is no applicable rule.</p>	<p>C8</p> <p>This criterion applies to development on sites greater than 2,000m² involving works that have potential to alter the existing drainage and overland flow regime for the site.</p> <p>Overland flow paths are provided and achieve all of the following:</p> <ol style="list-style-type: none"> accommodate overland stormwater flows up to the 1%AEP; reduce nuisance flooding. <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>

Rules	Criteria
4.2 Green/living infrastructure	
<p>R9</p> <p>This rule applies to at least one of the following developments:</p> <ul style="list-style-type: none"> a) Development on sites greater than 2000m² involving works that have potential to alter the stormwater regime for the site; b) Development within existing urban areas that increase the impervious area of the site by 100m² or more. <p>Development achieves a minimum of 20% of the site area to be permeable.</p> <p>Note: Compliance with this rule is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>	<p>C9</p> <p>It is demonstrated that the development achieves all of the following:</p> <ul style="list-style-type: none"> a) Increases permeable surfaces and living infrastructure through green spaces; b) Plants that require irrigation are supported by sustainable water systems such as onsite stormwater harvesting to achieve microclimate benefits; c) Promotes evapotranspiration to mitigate extreme temperatures, improve air humidity and overall human comfort. <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>

Element 5 – Entity (Government agency) Endorsement

Rules	Criteria
5.1 Water infrastructure	
<p>There is no applicable rule.</p>	<p>C10</p> <p>This criterion applies to development that will result in municipal water sensitive urban design infrastructure being handed to the ACT Government.</p> <p>An operation and maintenance plan is to be endorsed by the ACT Government for the water sensitive urban design assets that are to be handed to the ACT Government.</p> <p>Note: Compliance with this criterion is demonstrated through a report from a suitably qualified person consistent with the methods specified in the ACT Practice Guidelines for Water Sensitive Urban Design.</p>