

Australian Capital Territory

Planning and Development (Plan Variation No 296) Notice 2009

Notifiable Instrument NI2009-108

made under the

Planning and Development Act 2007, section 76(3)

1 Name of instrument

This instrument is the *Planning and Development Act 2007 (Plan Variation No 296) Notice 2009*.

2 Plan Variation No. 296

On 5 March 2009, the Minister for Planning approved a draft of the attached plan variation under s 76 (3).

Neil Savery

Delegate of the Planning and Land Authority

17 March 2009



Planning and Development Act 2007

Draft Variation to the Territory Plan No. 296

Amendments to Water Use and
Catchment General Code

March 2009



Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1. EXPLANATORY STATEMENT

1.1 Summary of Proposal

Draft variation no. 296 (DV 296) proposes to amend the Water Use and Catchment General Code at section 11.8 of the Territory Plan. The Water Use and Catchment General Code identifies the purposes for which water may be used in different parts of the ACT. The changes are to enable the implementation of a range of stormwater harvesting and reticulation projects under the auspices of the National Water Initiative. These approaches to water management were not envisaged when the water use policies in the Territory Plan were originally formulated.

1.2 Background

The ACT Government in 2007 received a \$10 million grant from the National Water Commission to develop water harvesting and reticulation projects, with the ACT Government providing funding in excess of this amount. The Territory and Commonwealth Government jointly announced the overall objective of achieving a 3 GL/annum potable water saving target by 2015.

The Department of Territory and Municipal Services and Infrastructure Planning Section of the Planning and Land Authority of the ACT (ACTPLA) are working to implement this program.

The Commonwealth Scientific and Industrial Research Organisation, in its draft of the Canberra Integrated Waterways Feasibility Study – Stage 1, identified the most cost effective options to develop a non-potable water supply as:

- harvesting and reticulation of stormwater as a non potable water supply.
- pumping of some harvested water into underground aquifers during wet periods (where technically feasible) and extraction from those aquifers during dry periods. The process is called Aquifer Storage Transfer Recovery or Aquifer Storage Recovery, or generically Managed Aquifer Recharge.

To enable these outcomes to be achieved it is proposed to amend the Territory Plan to ensure that the Water Use and Catchment General Code will accommodate these activities.

DV 296 proposes to amend the Territory Plan, 11.8 Water Use and Catchment General Code. The Code identifies the purposes for which water may be used in different parts of the ACT. These new water saving initiatives were not fully envisaged in the current Plan.

1.3 The National Capital Plan

Under the National Capital Plan (the Plan), streamflow and water quality of the Murrumbidgee and Molonglo Rivers in the ACT are protected under section 8.6.3(b) of Policies for River Corridors. This section of the Plan calls up specified designation of water uses under Appendix E for these major river corridors.

Commonwealth law states that the Territory Plan shall have no effect to the extent of any inconsistency with the Plan. The plans are not inconsistent if they are able capable of operating concurrently. The changes proposed in DV 296 would impact on water uses in catchment areas throughout the ACT and the newly introduced Tarpaulin catchment. NCA has raised no objection to this variation and the plans are capable of operating concurrently.

1.4 Applicability

DV 296 is applicable to all water catchments within the ACT.

1.5 Changes to the Territory Plan

The changes to the Territory Plan Written Statement are detailed in section 2 of this document.

1.6 Consultation on the Exhibited Draft Variation

DV 296 was released for public comment on 31 July 2008 and a consultation notice under section 63 of the *Planning and Development Act 2007* was placed in the ACT Legislation Register on 30 July 2008. A notice was published in the Canberra Times on 2 August 2008 and the Chronicle on 5 August 2008 inviting public comments on DV 296 to be submitted by 11 September 2008. Three written public submissions were received during the consultation period.

Main issues raised by submitters related to:

- the oversight role of Environment Protection Authority;
- the need to filter the stormwater that is to be injected into aquifers; and
- the potential to reduce flows into rivers and the impact on catchments.

Each of these issues has been addressed in the consultation report prepared by ACTPLA.

1.7 Changes to the Exhibited Draft Variation

Revisions were made to the exhibited copy of DV 296 after further consultations with the Environment Protection Authority. The changes were:

- removing of the proposed subclauses for Elements 2, 5, 7, 10, 12 & 15;
- adding “IRRIG” to Scrivener Dam to LMWQCC*** in the **Water Uses and Environment Values** categories of Schedule 2, to facilitate capital works in future urban areas of Molonglo; and
- changes to variation instructions.

The revised copy of DV 296 and consultation report was submitted to the Minister.

1.8 Interim Effect

DV 296 does not have interim effect and therefore section 72 of the Planning and Development Act 2007 does not apply.

2. PLAN VARIATION

2.1 Variation to the Territory Plan Written Statement

The Territory Plan, Section 11.8 Water Use and Catchment General Code is varied as follows:

- 1 **At Part A Conservation Catchments, Part A(2) Policies Element 1 Water Use and Environment Values, Schedule 2: Conservation Catchment Policies**, add Tarpaulin catchment together with Description and Water Uses and Environmental Values, add “IRRIG” (to Scrivener Dam to LMWQCC*** in the Molonglo catchment) and add “Discharge – stormwater” to the **Water Uses and Environment Values** categories as shown underlined on the following page:

Schedule 2: Conservation Catchment Policies		
Catchment	Description	Water Uses and Environment Values*
Murrumbidgee	Angle Crossing to Molonglo River	DOM/1, IRRIG, STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – stormwater
	Molonglo River to ACT Border	STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – wastewater <u>and stormwater</u>
Paddys	Head to Cotter River	VIEW, REC/1, STOCK, DOM/1, AQUA/2, <u>Discharge – stormwater</u>
Gudgenby and Naas	Head to Murrumbidgee**	DOM/1, STOCK, VIEW, AQUA/1, AQUA/2, <u>Discharge – stormwater</u>
Cotter	Cotter Dam to Murrumbidgee	VIEW, AQUA/2, REC/1, REC/2, Hydro-electric power generation, <u>Discharge – stormwater</u>
<u>Tarpaulin</u>	<u>Head to Murrumbidgee</u>	<u>DOM/1, IRRIG, STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – wastewater and stormwater</u>
Molonglo	ACT–NSW Border to Queanbeyan River	STOCK, IRRIG, VIEW, AQUA/2, <u>Discharge – stormwater</u>
	Queanbeyan River to Fyshwick	STOCK, IRRIG, VIEW, AQUA/2, Discharge – wastewater and stormwater, REC/2
	Fyshwick to Dairy Flat Road	STOCK, IRRIG, VIEW, AQUA/2, Discharge – stormwater, REC/2, waterskiing
	Dairy Flat Road to Lake Burley Griffin	STOCK, IRRIG, VIEW, AQUA/2, AQUA/5, Discharge – stormwater, REC/2
	Lake Burley Griffin – East Basin	REC/2, VIEW, AQUA/1, FISH, Discharge – stormwater
	Lake Burley Griffin – Central Basin	REC/2, VIEW, FISH, Discharge – stormwater
	Lake Burley Griffin – West Basin to Tarcoola Reach	REC/1, REC/2, VIEW, FISH, Discharge – stormwater
	Yarramundi Reach	REC/2, VIEW, AQUA/1, FISH, Discharge – stormwater
	Scrivener Dam to LMWQCC***	STOCK, VIEW, AQUA/2, Discharge – stormwater, REC/2, <u>IRRIG</u>
	LMWQCC*** to Murrumbidgee River	VIEW, AQUA/2, Discharge – wastewater, REC/2, <u>Discharge – stormwater</u>
Queanbeyan	ACT Border to Molonglo River	STOCK, IRRIG, VIEW, AQUA/2, Discharge – stormwater, REC/2
Jerrabomberra	Canberra Ave to Lake Burley Griffin	VIEW, AQUA/5, Discharge – stormwater
* Fishing permitted in all waters ** Potential future Tennent Reservoir water supply scheme in this section *** Lower Molonglo Water Quality Control Centre Water use designations are set down in the National Capital Plan.		

Note: For water uses and environment values definitions, refer to the Environment Protection Regulation.

- 2 At Part B Water Supply Catchments, Part B(2) Policies Element 6 Water Use and Environment Values, Schedule 4: Water Supply Catchment Policies, add “Discharge – stormwater” to the Water Uses and Environment Values categories as shown underlined below:

Schedule 4: Water Supply Catchment Policies		
Catchment	Description	Water Uses and Environment Values
Cotter	Headwaters to Corin Reservoir	VIEW, AQUA/1, <u>Discharge – stormwater</u>
	Corin Reservoir	DOM/1, VIEW, AQUA/6, <u>Discharge – stormwater</u>
	Corin Dam to Bendora Dam (incl. Reservoir)	DOM/1, VIEW, AQUA/1, AQUA/6, Hydro-electric power generation, <u>Discharge – stormwater</u>
	Bendora Dam to Cotter Reservoir	DOM/1, VIEW, AQUA/1, Hydro-electric power generation, <u>Discharge – stormwater</u>
	Cotter Reservoir	DOM/1, VIEW, AQUA/6, <u>Discharge – stormwater</u>

Note: For water uses and environment values definitions, refer to the Environment Protection Regulation.

- 3 At **Part C Drainage and Open Space Catchments, Part C(2) Policies Element 11 Water Use and Environment Values, Schedule 6: Drainage and Open Space Catchment Policies**, add “Discharge – stormwater” to the **Water Uses and Environment Values** categories as shown underlined on the following page:

Schedule 6: Drainage and Open Space Catchment Policies		
Catchment	Description	Water Uses and Environment Values*
Tuggeranong	Head to Lake Tuggeranong	Discharge – stormwater, IRRIG, VIEW, AQUA/2, AQUA/3
	South arm of Lake	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/3
	Kambah Wetland	Discharge – stormwater, VIEW, IRRIG, AQUA/3
	North arm of Lake	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/5
	Main basin of Lake	Discharge – stormwater, VIEW, REC/1, REC/2, IRRIG, AQUA/3
	Lake Tuggeranong Dam to Murrumbidgee River	Discharge – stormwater, VIEW, AQUA/4
Lower Stranger Pond	Head to Murrumbidgee River	Discharge – stormwater, VIEW, IRRIG, AQUA/3, AQUA/4
Point Hut Pond	Head to Murrumbidgee River	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/3, AQUA/4
Gooromon Ponds	NSW Border to Ginninderra Creek	<u>Discharge – stormwater</u> , STOCK, VIEW, AQUA/4,
Woolshed	Head to Molonglo River	<u>Discharge – stormwater</u> , STOCK, AQUA/2,
Jerrabomberra	ACT Border to Canberra Ave	STOCK, IRRIG, Discharge – wastewater and stormwater, AQUA/4
Sullivans	Head to Lake Burley Griffin	<u>Discharge – stormwater</u> , STOCK, IRRIG, VIEW, AQUA/4,
Yarralumla	Head to Molonglo River	Discharge – stormwater
Weston	Head to Molonglo River	Discharge – stormwater
Ginninderra	Headwaters to Lake Ginninderra	Discharge – stormwater, AQUA/2, AQUA/3, AQUA/4, VIEW, REC/2, IRRIG
	Lake Ginninderra – Upstream of Ginninderra Drive	Discharge – stormwater, IRRIG, AQUA/3, VIEW
	Lake Ginninderra – Eastern arm	Discharge – stormwater, AQUA/3, VIEW, REC/1, REC/2, IRRIG
	Lake Ginninderra – South basin	Discharge – stormwater, AQUA/3, VIEW, REC/2, IRRIG
	Lake Ginninderra – Main basin	Discharge – stormwater, AQUA/3, VIEW, REC/1, REC/2, IRRIG
	Dam to ACT border	Discharge – stormwater, AQUA/3, AQUA/4, VIEW, IRRIG
Halls	Headwaters to Ginninderra Creek	Discharge – stormwater, AQUA/3, AQUA/4, VIEW
* Fishing permitted in all waters		

Note: For water uses and environment values definitions, refer to the Environment Protection Regulation.

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-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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