

Planning and Development (Technical Amendment—Single Dwelling Housing Development Code) Plan Variation 2019

Notifiable Instrument NI2019—451

Technical Amendment No 2019-13

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Single Dwelling Housing Development Code) Plan Variation 2019*.

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 Single Dwelling Housing Development Code plan variation is a technical amendment to the Territory Plan.

4 Meaning of *Single Dwelling Housing Development Code plan variation*

For this instrument:

Single Dwelling Housing Development Code plan variation means the technical amendment to the Territory Plan, variation 2019-13, in the schedule.

Note: No consultation was required in relation to the Single Dwelling Housing Development Code plan variation under section 87 of the Act.

Kathy Cusack
Delegate of the planning and land authority
5 July 2019



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2019-13

Correction to Rule R43 of the Single Dwelling
Housing Development Code

July 2019

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1. INTRODUCTION

1.1 Purpose

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

Single Dwelling Housing Development Code

- Correct Rule R43 to include reference to ‘Option C’ in the options to which a development must comply, which was inadvertently omitted when TA2019-06 commenced

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 section 1.2 above.

1.4 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.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2019-13 has been prepared in accordance with section 87(1)(a) of the Act.

2. EXPLANATORY STATEMENT

2.1 Background

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

2.2 Variation to the Single Dwelling Housing Development Code

Rule R43 – Water Sensitive Urban Design

Technical Amendment TA2019-06 made various minor changes to the Territory Plan including changes to Rule R43 of the Single Dwelling Housing Development Code. The amendments clarified the provisions for achieving the requirements for water sensitive urban design within a development. However, when TA2019-06 took effect, the reference to Option C in the initial list of options was inadvertently omitted.

This technical amendment resolves this error by including 'Option C' in the list of options to correspond with the rest of the rule.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (a) a variation (an <i>error variation</i>) 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;	Compliant. This amendment corrects a formal error in the Single Dwelling Housing Development Code Rule R43 by rectifying an omission to 'Option C' in the text of the provision.

3. TECHNICAL AMENDMENT

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

3.1 Variation to the Single Dwelling Housing Development Code

1. Element 6: Environment: Item 6.1 Water Sensitive Urban Design; Rule R43

Substitute

Rules	Criteria
<p>R43</p> <p>This rule applies to</p> <ul style="list-style-type: none"> a) all new single <i>dwelling</i>s b) <i>secondary residences</i> and c) extensions and alterations but does not apply to: <ul style="list-style-type: none"> i) <i>extensions</i> of a size 50% or less of existing floor area or ii) development where no new plumbing is proposed <p>The development complies with one of the following:</p> <ul style="list-style-type: none"> i) Option A ii) Option B iii) Option C <p>For this rule Option A is:</p> <ul style="list-style-type: none"> a) on compact blocks - <ul style="list-style-type: none"> i) no minimum water storage requirement ii) minimum ★★★ WELS rated plumbing fixtures b) on <i>mid-sized blocks</i> - <ul style="list-style-type: none"> i) minimum on site water storage of water from roof harvesting is 2,000 litres ii) 50% or 75m² of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>connection will require a pump where it cannot be elevated sufficiently to give adequate pressure.</p> <p>c) on <i>large blocks</i> up to 800m² -</p> <ul style="list-style-type: none"> i) minimum on site water storage of water from roof harvesting is 4,000 litres ii) 50% or 100m² of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The connection will require a pump where it cannot be elevated sufficiently to give adequate pressure. <p>d) on <i>large blocks</i> 800m² or greater -</p> <ul style="list-style-type: none"> i) minimum on site water storage of water from roof harvesting is 5,000 litres ii) 50% or 125m² of roof plan area, whichever is the lesser, is connected to the tank iii) the tank is connected to at least a toilet, laundry cold water and external taps that are attached to the house. The connection will require a pump where it cannot be elevated sufficiently to give adequate pressure. <p>Option B is:</p> <p>A greywater system captures all bathroom and laundry greywater and treats it to Class A standard. The treated greywater is connected to all laundry cold water, toilet flushing and all external taps.</p> <p>Option C is:</p> <p>Evidence is provided that the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003, using the on-line assessment tool or another tool. The 40% target is met without any reliance on landscaping measures to reduce consumption.</p> <p>Note: The online Single Residential Waterways Calculator can be found at:</p> <p>https://www.planning.act.gov.au/topics/design_buid/design-and-siting/water_efficiency/residential_calculator</p>	
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