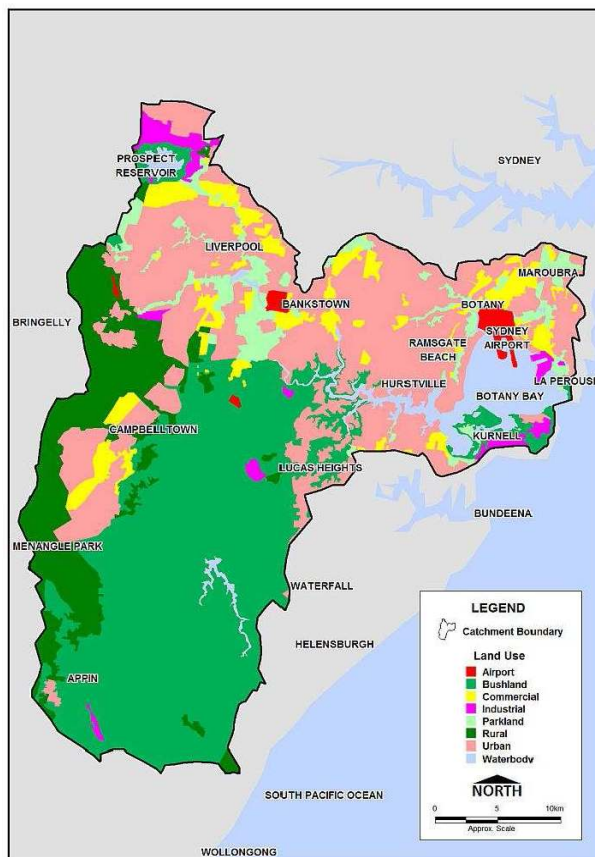




# Incorporating Appropriate Stormwater Management/WSUD Requirements in Local Environment Plans (LEPs)

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# **Incorporating Appropriate Stormwater Management/WSUD Requirements in LEPs**

## **Background**

The management of urban stormwater is a key issue in the protection and enhancement of waterways within and downstream of urban areas. Uncontrolled stormwater discharges from urban catchments have significant harmful effects upon the environmental health and amenity of creeks, rivers, wetlands, groundwater systems, estuaries and lagoons.

It is therefore important that clauses are incorporated into local councils' environmental planning instruments to promote improved urban stormwater management and water sensitive urban design (WSUD). Action 2.1.1 of the Metropolitan Strategy requires that stormwater and catchment objectives and targets be incorporated into local planning instruments. DECC and the Department of Planning are currently finalising guidance in relation to this LEP requirement.

It is anticipated that Council could meet the intent of this requirement through incorporation of the following elements in its planning instruments.

## **Principal LEP**

Local councils are encouraged to incorporate provisions relating to the following matters in their LEP:

- the stormwater impacts of proposed urban land uses and zonings upon waterways
- promotion of the principles of water sensitive urban design in the design and assessment of new urban developments (including re-developments)
- the adequacy and suitability of stormwater management systems proposed for new urban developments, in terms of complying with stormwater objectives or targets detailed in a consolidated council DCP.

This level of detail is required in the LEP in order to provide the statutory power to enforce specific provisions contained in supporting planning instruments and policies, such as the WSUD component of a council's consolidated DCP.

The following model clause has been drafted for consideration and possible inclusion in a local council's LEP. It deals with the potential environmental impacts of stormwater discharges on the environmental values of waterways. The ANZECC 2000 Guidelines define environmental values as 'particular values or uses of the environment that are important for a healthy ecosystem or for public benefit, welfare, safety or health and that require protection from the effects of pollution, waste discharges and deposits'. Several environmental values may be designated for a specific waterbody. Environmental values have been defined as "NSW water quality objectives" for specific catchments and marine waters by the NSW government, following community consultation (see: [www.environment.nsw.gov.au/ieo](http://www.environment.nsw.gov.au/ieo) )

The following Stormwater/WSUD LEP clause could be located in Council's LEP, either in Part 3: Special Provisions or possibly in Part 2: General Restrictions on Development.

### Planning to protect downstream environments

1. *The objective of this clause is to minimise the impacts of urban development on the environmental values of waterways, groundwater systems and bushland areas.*
2. *For all development in existing or proposed urban areas consent will not be granted for development unless the consent authority is satisfied that:*
  - (a) *the stormwater management system includes all reasonable management actions to minimise impacts on, and contribute to the achievement or protection of relevant environmental values;*
  - (b) *water sensitive urban design principles are incorporated into the design of the development; and*
  - (c) *the stormwater management system complies with council's requirements.*
3. *For the purposes of Clause 2(b) above, the principles of water sensitive urban design can be summarised as follows:*
  - (a) *protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems);*
  - (b) *protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments;*
  - (c) *minimisation of harmful impacts of urban development upon water balance and surface and groundwater flow regimes;*
  - (d) *integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity; and*
  - (e) *reduction in potable water demand by using stormwater as a resource.*

### **Definition**

**environmental values of water** means the environmental values of water specified in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*, published by the Australian and New Zealand Environment and Conservation Council and the Agriculture and Resource Management Council of Australia and New Zealand, as in force from time to time.

*Taken from: Protection of the Environment Operations Act 1997*