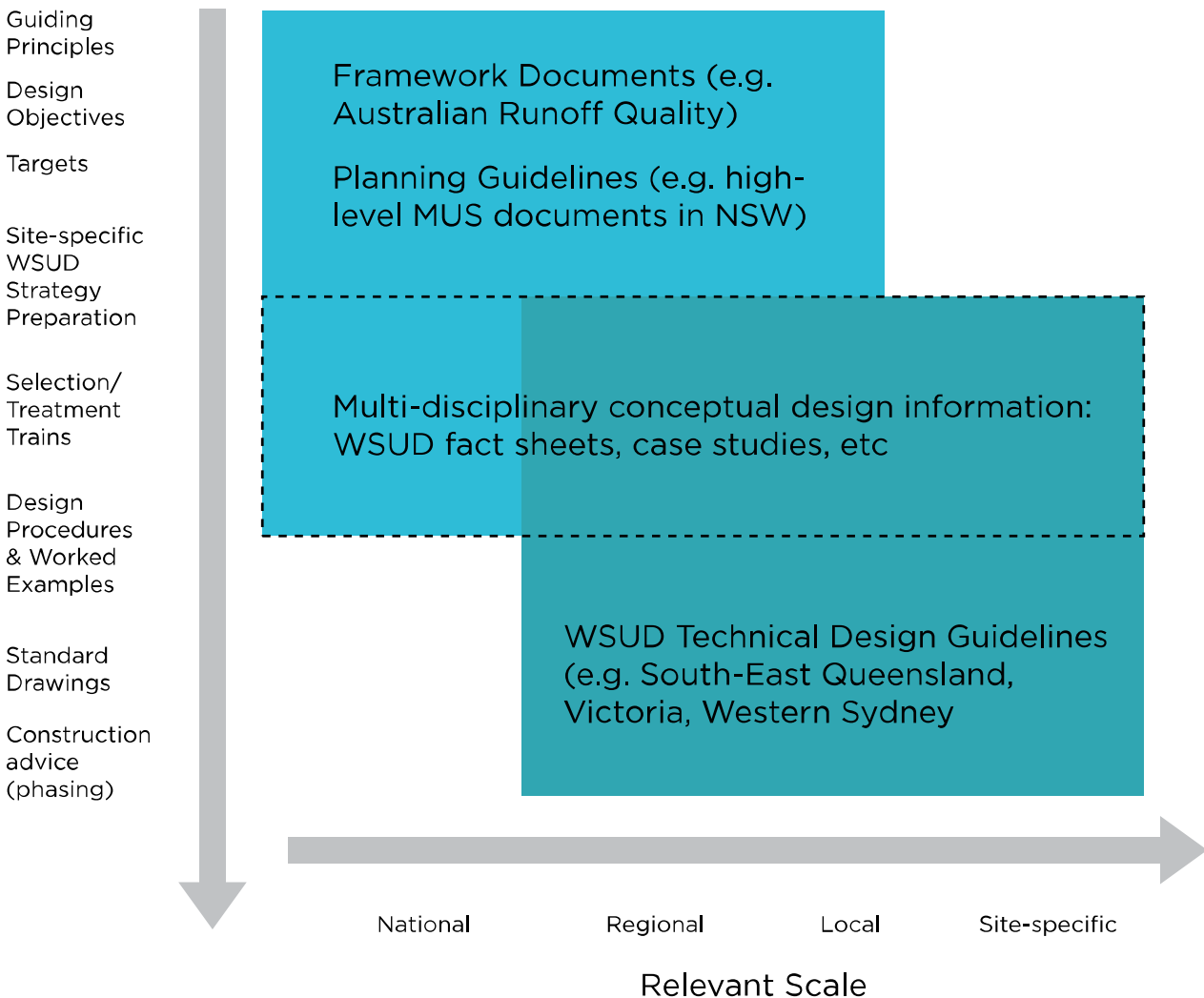


WSUD Legislative and Policy Tools

The following content was sourced (sections 4.1 and 4.4) from the Discussion Paper [Water Sensitive Urban Design Implementation Framework for](#) (2009). Prepared for the Northern Territory Department of Planning and Infrastructure as part of the Darwin Harbour WSUD Strategy, supported by funding from the Australian Government.

In Australia, the statutory and policy initiatives driving WSUD can be summarised as shown in Figure 1.



Hierarchy of technical information available to support WSUD

At the Commonwealth level, the National Water Initiative (NWI) provides a clear national strategic action plan for the sustainable management of Australia's water resources.

In relation to WSUD it provides a clear intent to create Water Sensitive Australian Cities using the principles and practices of Water Sensitive Urban Design (Paragraph 92 of the Intergovernmental Agreement on a National Water Initiative).

Specific actions under the NWI include:

- Development of national health and environmental guidelines for priority elements of WSUD (initially recycled water and stormwater) by 2005;
- Development of national guidelines for evaluating options for WSUD, both in new urban subdivisions and high rise buildings by 2006;
- Evaluating existing “icon” WSUD projects to identify gaps in knowledge and lessons for future strategically located developments by 2005 (status of this work unknown);
- Reviewing of the institutional and regulatory models for achieving integrated urban water cycle planning and management, followed by preparation of best practice guidelines by 2006; and
- Reviewing of incentives to stimulate innovation by 2006.

NSW State Government

The adoption of WSUD in NSW is not enacted by any State legislation or policies.

The Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Local Government Act 1993, establish the framework within which planning and local government operate. The EP&A Act establishes a planning control framework that is driven from top down using State Environment Protection Policies (SEPPs) and Regional Environmental Plans (REPs) to set objectives, policies and requirements in respect of development having state or regional significance.

The SEPPs and REPs guide the development of local planning instruments such as Local Environment Plans (LEPs) and Development Control Plans (DCPs) to achieve consistent outcomes. The main WSUD related SEPP is the BASIX scheme, which requires a 40% reduction in potable mains water use for all new residential developments and redevelopments.

Local Councils

Local Council are responsible for the development of LEPs which establish landuse and broad principles for development, while a councils DCP typically establishes objectives and targets for issues such as WSUD.

The Local Government Act, 1993 requires councils in NSW to properly manage, develop, protect, restore, enhance and conserve the environment in a manner that is consistent with and promotes the principles of ESD. The Local Government Act 1993 places a strong onus on local councils to prepare planning controls that improve the sustainable management of the urban water cycle.

To assist local government in their adoption of WSUD the NSW Department of Environment and Climate Change (DECC) is currently preparing the Managing Urban Stormwater (MUS) Framework.⁺

The MUS Framework is a holistic suite of guidance documents and supporting “tools” aimed at delivering strategic structural and non-structural responses from regional and local planning authorities in relation to sustainable management of urban stormwater. The MUS framework encapsulates the full hierarchy of guidance documents from high level management considerations through to detailed guidance for both the urban design and detailed technical design and implementation of WSUD techniques for both the construction and post-construction phases of urban development.

As local councils are responsible for the majority of the stormwater systems, it is local government who have greatest control over the implementation of WSUD. The lack of consistent policy and direction at the state level has resulted in some local councils developing their own WSUD objectives through their DCP, whereas other council have no such provisions. Again there is a lack of direction many councils provisions vary in the actual objectives and their application to different landuses.

⁺ WSUD Program (31 October 2009). The MUS Document Framework remains incomplete and is currently being revised by the NSW Department of Environment and Climate Change. Refer www.environment.nsw.gov.au/stormwater/publications.htm for further information and potential release dates.