





STORMWATER MANAGEMENT POLICY

Policy Number	C 045
Responsible Officer	General Manager
Approval Date	January 2024
Review Date	January 2028
Resolution No#	12/01.2024C

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

Contents

1. Purpose	3
2. Scope	3
3. Statutory Requirement	3
4. Definitions	4
5. Background	6
6. Policy Statement	7
7. Approved Policy	15

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

1. Purpose

This policy:

- Sets out requirements for the management of stormwater that connects to, interferes with, or has the potential to interfere with, the operation of the Council stormwater system and requires General Manager consent under section 14(1) of the *Urban Drainage Act 2013*.
- Provides a framework for Council to assess changes in stormwater behaviour that result from development to ensure these changes are managed in the absence of a Stormwater Management Code in the Tasmanian Planning Scheme - Tasman.
- Defines the approach and measures adopted by Council to ensure that stormwater runoff generated by new development is of an acceptable quality, does not exacerbate flooding and can be accommodated by the Council stormwater system.
- Sets out the requirements and responsibilities for constructing and maintaining stormwater property connections.
- Sets out the requirements and responsibility for assessment and granting consent for building work over or in close proximity to the Council stormwater system or within a service easement.

2. Scope

This policy has been prepared to ensure stormwater management and the protection of the Council stormwater system is appropriately considered and applies to:

- All development within the Tasman municipality;
- All properties with, or requiring, a stormwater property connection; and
- All proposed building work for Class 1 to Class 10 structures situated over or within one (1) metre of a Council stormwater system or within a service easement.

3. Statutory Requirement

Acts

Building Act 2016

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Occupational Licencing Act 2005


Occupational Licencing Amendment Act 2016

Regional Land Use Strategies.

State Policy on Water Quality Management 1997

Tasmanian Planning Scheme - Tasman.

Tasmanian State Stormwater Strategy 2010

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

Tasmanian Stormwater Policy Guidance and Standards for Development

Urban Drainage Act 2013

Regulations

Building Regulations 2016

Australian/International Standards

Australian Rainfall and Runoff (<https://arr.qa.org.au>)

Australian Standard AS/NZS3500.3:2015 Plumbing and Drainage

4. Definitions

Annual Exceedance Probability (AEP) means the chance of a flood of a given size, or larger, occurring in any one year

Applicant means an owner or an agent of the owner making any type of application before Council that may affect Council's stormwater system

Building means a building, part of a building, a structure or part of a structure or a proposal for any of these

Boundary Box means generally, a cover to protect the Inspection Opening from damage which provides access for cleaning and maintenance purposes

Class 1 or 10 means a building classified as being of Class 1 or 10 as defined in the National Construction Code Volume 2

Class 2 to 9 means a building classified as being of Class 2 to 9 as defined in the National Construction Code Volume 1

Council Stormwater System has the same meaning as a public stormwater system under the *Urban Drainage Act 2013*


Developer means an owner of a property undergoing development or a person(s) authorised to act on behalf of a property owner

Development means any use or development which requires a planning permit under Section 51 of the *Land Use Planning and Approvals Act 2003*

Development Engineering Officer means a person appointed as the Development Engineering Officer (or equivalent) by the Tasman Council

General Manager means the person appointed as the General Manager by the Tasman Council or their delegate

Hard Standing Areas means hard compacted areas that generate runoff, and includes driveways, parking and turning areas and paths

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

Inspection Opening (IO) means generally, an access opening in a pipe or pipe fitting, arranged to facilitate inspection, testing, or clearing of obstructions and fitted with a threaded cap or plug or an access cover

Manager Development and Environment Services means a person appointed as the Manager Development and Environment Services (or equivalent) by the Tasman Council

Major Stormwater Drainage System means the combination of overland flow paths (including roads, watercourses and table drains) and the underground reticulation system designed to provide safe conveyance of stormwater runoff and a specific level of flood mitigation

Minor Stormwater Drainage System means the stormwater reticulation infrastructure designed to accommodate more frequent rainfall events (in comparison to major stormwater drainage systems) having regard to convenience, safety, and cost.

On-site Stormwater Detention (OSD) means the storage with controlled discharge of stormwater runoff, designed to reduce the peak flow from a site resulting from a storm event

Owner has the meaning given in the *Building Act 2016*

Permissible Site Discharge (PSD) means the maximum rate of discharge for the total site that the existing downstream stormwater system can handle

Policy means this policy

Runoff means the portion of rainfall that does not infiltrate into the soil, resulting in the presence of surface water

Service Easement means land the subject of an easement reserved for the installation and maintenance of services including water, drainage, electricity, gas and telecommunications

Stormwater Main means a Council owned stormwater line

Stormwater System means a drainage system designed to drain excess rain and ground water, including underground reticulation systems and above ground overland flow paths


Structural Engineer means a person who holds a current "Building Services Provider" licence as a structural engineer (Civil) under the *Occupational Licensing Act 2005*

Suitably Qualified Person means a professional engineer currently practising with relevant CPEng, NPER or accreditation under the Scheme for the Accreditation of Building Practitioners in Tasmania with an appropriate level of professional indemnity and public liability insurance

Site Storage Requirement (SSR) means the minimum storage volume that is needed to temporarily store and offset the excess stormwater run-off due to the development

Stormwater Property Connection means a point provided for the connection of private stormwater to Council's stormwater system

Tasmanian Planning Scheme - Tasman (TPST) means the planning scheme in force in the Tasman municipality that incorporates the State Planning Provisions

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

Water Sensitive Urban Design (WSUD) means a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal

5. Background

The Tasmanian Planning Scheme - Tasman (TPST) does not contain provisions requiring development to connect to the Council stormwater system nor does it include provisions to manage changes to stormwater quality and stormwater quantity arising from development.

The Interim Planning Schemes for Southern Councils included a Stormwater Management Code, which was used to assess impacts on the Council stormwater system through the assessments of applications for planning permits and to attach conditions to planning permits to manage stormwater impacts. There is no equivalent code in the TPST.

The TPST includes Clause 6.11.2, which is a broad head of power to allow conditions to be applied to a planning permit regarding erosion and stormwater volume and quality controls. No additional guidance is provided in the TPST on what these controls should be or how changes in stormwater behaviour that result from development are to be assessed.


The *Urban Drainage Act 2013* provides Council with the power to regulate impacts on the Council stormwater system through the requirement of Section 14(1) to obtain General Manager's consent to connect to or interfere with a public stormwater system. All changes to stormwater behaviour that result from development have an impact on the Council Stormwater System and therefore interfere with the operation of that system.

The *Tasmanian Stormwater Policy Guidance and Standards for Development* has been developed to provide guidance around these controls, to provide a consistent state-wide approach to managing stormwater under the Tasmanian Planning Scheme, and to help improve stormwater management while allowing for sustainable development.

The purpose of this Policy is to formally adopt the *Tasmanian Stormwater Policy Guidance and Standards for Development* and to specify the levels of service in relation to stormwater management which are required under the *Tasmanian Stormwater Policy Guidance and Standards for Development*.

This policy provides the framework for Council to:

- Ensure that buildings, works, subdivisions and stormwater drainage systems generate stormwater of a quality and quantity that enables protection of natural assets, infrastructure, and properties.
- Ensure pollutant types and/or loadings are managed appropriately to protect natural values, infrastructure, and properties.
- Manage inundation and flood risk to new developments and existing urban areas.
- Ensure that surface flow paths convey floodwaters within suitable velocity/depth limits that don't become a risk to human life or properties.
- Fulfil the requirements of the relevant policies, strategies, and Acts in relation to stormwater management.
- Provide developers and designers with clarity on how they can meet permit requirements and contribute to best practice stormwater management.

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

- Ensure public stormwater systems can be managed and maintained appropriately, without causing unnecessary burden to the wider community.

Under the *Urban Drainage Act 2013*, Council is required to provide such public stormwater systems as may be necessary to effectively drain the urban areas of the Council's municipal area.

- It is acknowledged that the typical practice is to collect stormwater from a developed property via a private stormwater system, internal to the property and discharge to a stormwater property connection, usually a 150mm diameter pipe, from the legal stormwater discharge point. The legal discharge point may be a kerb outlet, a table drain, the public stormwater main or a natural water course or body.
- Within Tasman there are some existing developed properties which have no stormwater property connection. In other cases, the connection may exist, but it is inadequately drained or misconnected.
- This policy provides clarification on the proportional costs sharing between Council and property owners when new connections or upgrades of existing connections are required.

In considering applications involving the construction of buildings (including structures and placement or removal of fill material) situated over Council stormwater systems or within one metre laterally from the outer edge of Council's stormwater systems or within service easements, Council must:

- Ensure protection of Council's stormwater system or service easement;
- Ensure that ready and timely access by Council can be gained to the Council stormwater system or service easements so repair, replacement, upgrade, extension or maintenance works can be carried out;
- Ensure the dead and live loads of a building are not transferred onto Council stormwater system
- Minimise the number of building failures that are reported to Council;
- Provide a consistent application of provisions contained within the *Building Act 2016*, *Land Use Planning and Approvals Act 1993*, and the *Urban Drainage Act 2013*; and
- Minimise conflict and uncertainty for future owners on the use of the land over and within one metre of Council's stormwater system or within service easements. A concise policy is required to ensure the above objectives are achieved.

6. Policy Statement


1. Council's responsibilities

Council as planning authority is responsible for assessing and determining applications for planning permits in accordance with the requirements of the TPST and the *Land Use Planning and Approvals Act 1993* and for recognising the *State Policy on Water Quality Management 1997*. Council is also responsible for managing the Council stormwater system and protecting those stormwater assets in accordance with the requirements of the *Urban Drainage Act 2013*.

2. Compliance with industry standards

Stormwater design in new developments is to be in accordance with the current versions of the industry standard documents *Australian Rainfall and Runoff*, and *Australian Runoff Quality*, and the *Tasmanian Stormwater Policy Guidance and Standards for Development*.


3. Stormwater System Design Requirements

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028


- (a) The minor stormwater drainage system for new development shall be designed to accommodate a storm with a 5% AEP.
- (b) The major stormwater drainage system for new development shall be designed for the safe conveyance of the 1% AEP storm event with an allowance for climate change.

4. Stormwater Disposal Method Requirements

- (a) Stormwater must be disposed of by gravity to the Council stormwater system where practicable.
- (b) Where disposal of stormwater by gravity to the Council stormwater system is not practicable:
 - (i) For land within the Rural Living or Low Density Residential zones, stormwater disposal must be consistent with the current disposal method; or
 - (ii) For land within all other zones, a report prepared by a Suitably Qualified Person demonstrates that the site is suitable for onsite stormwater disposal, and that the onsite stormwater disposal system is designed, and will be maintained and managed, to minimise the risk of failure to the satisfaction of the Development Engineering Officer; or
 - (iii) For land in all zones, stormwater may be disposed of to the Council stormwater system via a pump system. Pump systems are not to be connected directly to a kerb connection. Pump systems must be designed by a Suitably Qualified Person and must be maintained and managed to minimise the risk of failure to the satisfaction of the Development Engineering Officer. Where this disposal method is used, a Form 46 (Schedule of Maintenance - Prescribed Essential Building Services) is to be attached to the Occupancy Permit issued for the building on the land.
- (c) Where stormwater is discharged to a watercourse, rivulet or creek the impacts of increased water velocity or volume must be mitigated by adequate capacity energy dissipation to the satisfaction of the Development Engineering Officer.
- (d) All stormwater property connections downstream of the Boundary Box or Inspection Opening are classed as Council assets and will be maintained by the Council. However, Council may request that property owners contribute the cost of repairing damaged Council property connections if man-made damage is found. Note that Boundary Box and Inspection Openings are part of the private stormwater system and it is the property owner's responsibility to maintain them.
- (e) Each lot will typically have only a single property connection. For those properties where Council determines that a single property connection is insufficient, multiple connection points into the Council stormwater system may be provided at the Development Engineering Officer's discretion. The cost of providing such connections is to be paid by the property owner before the work is undertaken.
- (f) For any new multiple dwelling developments, Council may allow up to two dwellings to discharge via a single property connection (minimum 150mm diameter circular or equivalent) direct to a kerb outlet or table drain provided that the calculated concentrated runoff does not exceed the hydraulic capacity of the kerb and gutter, or table drain. A stormwater connection from any development which has a total catchment size more than 1,500m² will be connected directly to the Council stormwater system or other approved watercourse.

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

- (g) If an existing developed property does not have a stormwater property connection, Council will provide one as funds become available and as other funding priorities allow. Council will consider any such installations through the budget process and assess their priority in Council's capital works program.
- (h) If a property owner wishes to develop a property other than a single residential dwelling, they will be responsible for paying the cost of installing a stormwater property connection or upgrading the existing property connection to meet the needs of the development to the satisfaction of the Development Engineering Officer. The upgrade of a stormwater connection associated with development is to be completed prior to a plumbing permit being granted. For all new and upgraded stormwater connections a Stormwater Connection Request Form must be submitted to Council and all relevant fees paid.
- (i) Council will require a developer to provide a registered easement (at developer's cost) giving free and unfettered access to Council or its agents or nominees to any stormwater assets that become vested in Council.
- (j) If a property owner wishes to develop a property, they shall be responsible for all the matters associated with gaining a suitable stormwater property connection. This includes:
 - (i) Design of the connection;
 - (ii) Negotiating and compensating easements with affected property owners;
 - (iii) Providing title plan to the Council, including any easement required, ready to be lodged with the Land Title Office and payment for associated legal cost; and
 - (iv) All construction and associated costs.

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028


5. Stormwater Quality Management Requirements

- (a) The following development is exempt from the Stormwater Quality Management Requirements set out in 5(b) to 5(e):
- (i) A single dwelling on a single lot that will be connected to the existing public stormwater system.
 - (ii) Development creating a total new impervious area less than 500m².
 - (iii) A subdivision creating new lots with no lot less than 5,000m² each in area, and with new roads and footpaths less than 500m² in area.
 - (iv) Subdivisions which are solely for the purpose of creating road reserve, public open space, public infrastructure, littoral or riparian reserve or minor boundary adjustments.

(b) Stormwater quality treatment designs for new developments are to meet the following treatment standards:


Target Level	Water Quality Treatment Target
1.	Site specific requirements at discretion of the Stormwater Service Provider (for example sites with, or draining to, areas with environmental values, potentially contaminating activities etc).
2.	90% reduction in the average annual load of litter/gross pollutants based on typical urban stormwater concentrations; AND 80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations; AND 45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations; AND 45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations

- (c) Stormwater quality treatment may be offset via a cash contribution. The cash contribution received will be assessed on a case-by-case basis depending on the amount of treatment required for the development.
- (d) If a staged development occurs within a 5-year period, treatment will be required for the total development prior to proceeding with more than 50% of the total development.
- (e) For staged developments, the developer shall maintain all the WSUD treatment train elements until the completion and sealing of the survey diagram for the final stage of the subdivision. Prior to Council taking over all the WSUD treatment train elements, the developer is required demonstrate to Council by providing evidence or documentation, to the satisfaction of Council's Development Engineering Officer, that all the WSUD treatment train elements are in a working condition as designed. The developer is also required to replace all consumable parts, such as filters and cartridges, no more than one month before Council taking over these WSUD treatment train elements.


	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

6. Stormwater Quantity Management Requirements

- (a) The following development is exempt from the Stormwater Quantity Management Requirements set out in 6(b) to 6(i):
- (i) Development that does not result in any increase in the impervious area for site.
 - (ii) Development comprising a one-off Class 10a structure with a roof area of no greater than 40m² where there are no other changes in the impervious area for site.
 - (iii) Development comprising a one-off extension to Class 1 building resulting in an increase in impervious area no greater than 40m² where there are no other changes in the impervious area for site.
 - (iv) Development with an increase in the total impervious area of no greater than 500m² that discharges stormwater directly to a non-piped rivulet or creek.
 - (v) Development that discharges stormwater directly to the sea.
 - (vi) Development that discharges stormwater to the downstream parts of the Council stormwater system which have been demonstrated to the satisfaction of the Development Engineering Officer to have sufficient capacity to cater for the fully developed catchment including the development.
 - (vii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Development Engineering Officer that if the total catchment containing the site were fully developed without any increase in capacity of the Council stormwater system, the detention of stormwater would not be of benefit in mitigating the impacts of downstream flooding or the performance of the downstream Council stormwater system. Note: The development proponent is responsible for undertaking the modelling the total catchment.
 - (viii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Development Engineering Officer that it is not practicable to provide stormwater detention on the development site and that to mitigate the impacts of downstream flooding or the performance of the downstream Council stormwater system, detention of stormwater can best be provided downstream of the development site AND a cash contribution has been paid to fully fund the cost of the detention to upgrade the downstream reticulation system to cater for 5% AEP events and the overall stormwater system to cater for 1% AEP events. Note: The development proponent is responsible for undertaking the necessary modelling.
- (b) Any increase in stormwater runoff must be accommodated:
- (i) Within an existing public stormwater system to the satisfaction Council; or
 - (ii) Public infrastructure upgraded by the developer as part of the development proposal to the satisfaction of Council; or
 - (iii) On-site detention is designed to offset the increase in stormwater runoff caused by the development, to the satisfaction of Council.

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

- (c) The impact of the stormwater quantity from the site may be offset via a cost contribution for a future improvement of the public stormwater system for infrastructure upgrades that are linked to an Urban Drainage Plan (or similar) created or accepted by Council.
- (d) The maximum allowed peak runoff set by the Council is equivalent to the calculated runoff resulting from an assumed runoff coefficient for the entire site of 0.55 at all rainfall events, temporal patterns and durations, subject to the fact that the existing public stormwater has the capacity to accommodate the increase.
- (e) Development that results in an additional impervious area of greater than 250m² and which exceeds the maximum allowed peak runoff must have Onsite Stormwater Detention (OSD) designed by a suitably qualified person and approved by Council.
- (f) Any OSD required by 6(e) must cater for the difference between the Permissible Site Discharge (PSD) and the peak discharge over the period of the design storm, and the OSD shall be designed to cater for 5% AEP storm events, and ensure that the development does not detrimentally impact on downstream properties in events more severe than 5% AEP.
- (g) Design Requirements to be submitted with OSD Proposal required by 6(e):
 - (i) Detailed hydraulic designs must be submitted in accordance with the *Australian Rainfall and Runoff (AR&R)* to achieve a peak discharge rate for the site equivalent to or less than an assumed runoff coefficient for the entire site of 0.55.
 - (ii) For the purposes of calculating the peak runoff, a runoff coefficient of 0.9 shall be used for impervious areas and a coefficient of 0.4 shall be used for pervious areas.
 - (iii) The impervious rates for calculating runoff from various surfaces are specified below:
 - i. Roofs, driveways and carports, and other impervious hard standing areas will be 100% impervious for drainage calculation purposes.
 - ii. Driveways constructed with gravel or "grass-crete" or pervious pavers will be 80 % impervious for drainage calculation purposes.
 - iii. Courtyards and paths paved with pervious pavers and proper subsurface drainage system constructed underneath will be 25 % impervious for drainage calculation purposes; and
 - iv. Unroofed decks constructed with open timber decking will also be 25% impervious for the overall runoff coefficient calculation purposes.
 - (iv) The PSD shall be calculated based on the critical storm duration of the entire catchment calculated by a suitably qualified person, unless specified otherwise by the Council's Development Engineering Officer.
 - (v) The Site Storage Requirement (SSR) shall be determined by calculating runoff volumes for the full range of site storm durations for the 5% AEP to determine the maximum SSR.
 - (vi) The following three (3) main elements shall be included in the OSD system design:

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

- i. Temporary storage: this may consist of an open surface pond/tank or underground tank. It is designed to contain the excess volume of stormwater resulting from limits on the peak discharge flow rate.
- ii. Discharge Control Pit: a flow control pit and litter and sediment removal component must be included in the OSD design. The outlet/orifice shall be a minimum internal diameter or width of at least 25 mm and protected by an approved mesh screen. An overflow structure must be designed to cater for flows exceeding the capacity of the OSD. The overflow structure must direct excess flows in a manner to minimise any detrimental effects on property downstream.
- iii. Maintenance Scheme: a maintenance schedule/plan for the OSD must be submitted to Council for approval with the OSD engineering design. The cleaning of below ground storage facilities should be conducted in accordance with the requirements and risk control measures specified in *AS2865-2009 Confined Spaces*.

(h) For developments where the additional impervious surface proposed is less than 250m², the following standard OSD sizes must be used:

Additional Impervious Surface Proposed	On Site Detention Required
40m ² to 65m ²	A minimum of 1.8m ³ (1,800L)
65m ² to 100m ²	2.5m ³ (2,500L)
100m ² to 150m ²	3.0m ³ (3,000L)
150m ² to 200m ²	3.5m ³ (3,500L)
200m ² to 250m ²	A minimum of 4.0m ³ (4,000L)
Over 250m ²	Engineering calculations required


(i) The maintenance of all OSD is the sole responsibility of the property owner.

7. **Building Over or in Close Proximity to Council Stormwater Systems or Within Service Easements**


(a) This section must be read in conjunction with Section 73 and 74 of the *Building Act 2016*, and Section 13 of the *Urban Drainage Act 2013*.

(b) Subject to obtaining advice from the Development Engineering Officer, or Manager Development and Environment Services, the General Manager may give consent in accordance with Section 13 of the *Urban Drainage Act 2013* and sections 73 or 74 of the *Building Act 2016* (with or without conditions) for the erection or extension of a Class 2 to 9 building or structure and certain Class 1 and 10 buildings and structures (set out in paragraphs (c) and (d) below) to be constructed over or within (1) metre of a Council stormwater system or within a service easement if:

- (i) There is no other reasonable alternative other than to build over a Council stormwater system or within a service easement;
- (ii) The existence of the Council stormwater system would otherwise impose a substantial impediment to the effective development of a substantial portion of the lot;
- (iii) A certified structural design of the footing system and access panel arrangement in the floor is submitted by a structural engineer and is approved by Council's Development Engineering Officer;

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

- (iv) A CCTV inspection of Council's stormwater system has been undertaken at the applicant's expense as directed by Council's Development Engineering Officer;
 - (v) The Development Engineering Officer is satisfied that the certified design provides satisfactory access to, and protection of, Council's stormwater system or a service easement and minimises the potential for future liability claims against Council. The certified design may need to include details for removal of the parts of the building over or within 1 metre of a Council stormwater system or within a service easement;
 - (vi) The consent must provide that the owner or future owners of the subject property cannot hold the Council liable for any damage or inconvenience arising from the erection or extension of a building or structure, or for any effort including associated costs necessary to provide Council unrestricted access to the Council stormwater system for repair, replacement, upgrade, extension or maintenance purposes. Council may require the owner to pay to Council any additional costs incurred in relation to the repair, replacement, upgrade, extension or maintenance of the stormwater system due to the granting of consent to erect or extend a building or structure over or within 1 metre of Council's stormwater system or within a service easement; and
 - (vii) Sufficient merit based on the above and other matters is clearly demonstrated and accepted as such by Council's Manager Development and Environment Services.
- (c) Consent may be provided only for the construction or erection of Class 10a, 10b and 10c buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement including carports, garages, sheds, decks, fences, masts, antennas, free standing walls or the like.
 - (d) Consent may be provided only for the construction or erection of Class 1 buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement where the part of the Class 1 building or structure situated over or within 1 metre of an existing Council stormwater system or within a service easement would, if constructed separately, be a Class 10 building or structure.
 - (e) The General Manager's consent would not be issued to drainage pipes/culverts with large diameters (>900mm) unless the assets can be accessed (> by heavy machinery without obstruction and replaced with no additional cost or risk to Council compared with the conventional method using open trenching and benching.
 - (f) To avoid any doubt, the General Manager's consent will not be given under this policy for the construction of the following buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement:
 - (i) A Class 1 building which is a dwelling (other than a part of a dwelling which, if built on its own would be a Class 10 building), or
 - (ii) A Class 10b structure which is a swimming pool, whether above or below ground.
 - (g) The General Manager may (on the advice of the Development Engineering Officer and Manager Development and Environment Services) exercise a discretion to give consent under (c) and (d) above where the Council stormwater system is situated below a proposed Class 2-9, Class 13, Class 10a, Class 10c and certain Class 10b structures or buildings where structural loads are not transferred to Council's

	COUNCIL POLICY	POLICY NUMBER
	Stormwater Management Policy	C045
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	January 2024	January 2028

stormwater system or associated trench. In such cases the Development Engineering Officer or Manager Development and Environment Services may require the applicant to provide details of a footing design showing the building footing, as a minimum, to be below the invert depth of the Council stormwater system. Design details may also be required to demonstrate how removal of the parts of a building designed to be built over or within 1 metre of a Council stormwater system or within a service easement can be undertaken to allow for access to the same.

- (h) The applicant is responsible for ensuring that Council's stormwater system and service easements are accurately located, horizontally and vertically, on plans provided with an application seeking consent to build over or within 1 metre of a Council stormwater system or within a service easement. If there is any doubt related to the location or depth of the Council stormwater system for any type of application before Council, the applicant may apply to the General Manager for Council to locate the system. Costs associated with this or any other investigation with respect to Councils stormwater system's condition or location will be borne by the applicant.
- (i) This policy applies irrespective of whether the Council stormwater system is (or is not) located within an identified service easement.
- (j) When implementing the provisions of this policy, the following legislative provisions must be taken into account:
 - (i) Sections 73 and 74 of the *Building Act 2016*;
 - (ii) Section 13 of the *Urban Drainage Act 2013*;
 - (iii) Section 90AB of the *Conveyancing and Law of Property Act 1884*;
 - (iv) Schedule 8 of the *Conveyancing and Law of Property Act 1884*; and
 - (v) Part 5 of the *Land Use Planning and Approvals Act 1993*.

7. Approved Policy

This policy was approved at the ordinary council meeting held on 24 January 2024, resolution number 12/01.2024C.

Blake Repine

Blake Repine
General Manager

Disclaimer:

That this policy be read in conjunction with any or all other Council and/or Management Policies.