

Policy title	Stormwater Disposal – Urban Land
Responsible manager(s)	Divisional Manager, Technical Services
Contact officer(s)	Design Coordinator
Directorate	Infrastructure Services
Approval date	11 October 2022
Outcome area	4 Our connected community through reliable and safe infrastructure networks
Strategy	4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
Delivery Program	4.1.4 Deliver a functional stormwater network guided by the asset management plan
Operational Plan	4.1.4.1 Build and renew the stormwater network

Purpose

This policy establishes Council’s position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

Policy aims

- Promote an integrated framework for dealing with stormwater disposal;
- Ensure consistency and fairness in the manner in which the Council deals with developers and landowners;
- Ensure compliance with legislative requirements under the Local Government Act 1993, the Roads Act 1993, the Environmental Planning and Assessment Act 1979 and the Protection of the Environment Operations Act 1979;
- Take such steps as are appropriate to ensure the incidence of inundation of development from uncontrolled stormwater disposal; and
- Make the Council's policies and requirements for stormwater disposal readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all new urban subdivisions, all infill development and existing development.
2	Legislation This policy ensures Eurobodalla Shire Council’s compliance with the Local Government Act 1993 and Roads Act 1993

Implementation

Requirements		Responsibility
1	Consent process	Council officers

	Provision for stormwater controls should be implemented as part of the development consent process to minimise off-site impacts, post development.	
2	<p>New Subdivision Development</p> <p>All new urban subdivisions shall be required to provide inter-allotment drainage to blocks that cannot discharge stormwater by gravity directly to a suitable drainage system.</p>	Council officers
3	<p>For Infill Development</p> <p>For single residential development, dwellings shall be connected to the street and/or to inter-allotment drainage via a gravity line where available.</p> <p>Where this is not achievable, property owners are encouraged to negotiate an inter-allotment stormwater drainage easement through the adjoining lot to allow connection to the street below.</p> <p>Where this is not achievable, single residential properties may connect to a suitably sized absorption trench, subject to the provision of a rainwater tank (4500L minimum) being plumbed into service the toilet and washing machine of the dwelling.</p> <p>For other than single residences, all infill development shall be required to discharge stormwater (over and above that captured for re-use) by way of an approved gravity line to the street and/or inter-allotment drainage line.</p> <p>This may require the creation and piping of an inter-allotment stormwater drainage easement.</p>	Council officers
4	<p>For Existing Development</p> <p>In cases where improved Council property (including roads) is not unusually adding to the stormwater discharge problems, Council declines to become involved in resolving stormwater discharge problems from one or more private blocks to one or more private downstream blocks.</p> <p>Council may give advice on possible solutions that might be adopted by the landowners affected. Landowners may choose to fund inter-allotment drainage schemes and connect to Council's stormwater system subject to approval of Council. An order or notice may be utilised such as under the <i>Environmental Planning and Assessment Act 1979</i> (development control) or <i>Protection of the Environment Operations Act 1979</i> (pollution control) where appropriate.</p> <p>Where damage to property is occurring or is likely to occur Council has discretionary power to issue notices or orders (Order No. 12) under Section 124 of the <i>Local Government Act 1993</i>.</p> <p>In cases where buildings and/or constructed hard surfaces on improved Council property is significantly adding stormwater discharge, Council develops a priority listing of remedial measures that will reduce the problem. These priority works will be progressively funded. Such works may include kerb and gutter and piping of stormwater easements.</p>	Council officers
5	Staff	Council officers

	Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	
6	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
7	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages stormwater disposal on urban land.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: *The next general local government election is expected to be held in September 2020.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
<i>Local Government Act 1993</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030
<i>Roads Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/

<i>Environmental Planning and Assessment Act 1979</i>	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389
<i>Protection of the Environment Operations Act 1979 POEO Act</i>	www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
Stormwater Fact Sheet	https://www.esc.nsw.gov.au/
Infrastructure Design Standard	www.esc.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated. Report O13/56
3	27 Jun 2017	Council	17/214	E16.0297 E16.0375	Reviewed and updated at start of new Council term Report GMR17/021
4	11 October 2022	Council	22/266	S004-T00060	Reviewed and updated at start of new Council term Report

Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Minute	22/266	Report	GMR22/100	Effective date	11 October 2022
File	S004-T00060	Review date	11 October 2022	Pages	4