

Stormwater system maintenance

Policy, procedure, protocol	Policy
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Strategy	2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

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1. Purpose

The purpose of the Stormwater System Maintenance Policy is to outline Council's level of service and response to a range of stormwater system maintenance issues. The Policy is based on a risk management approach to provide a systematic method of identification, evaluation and prioritisation of maintenance works on Council's stormwater network that will assist Council's decision-making process.

2. Definitions

Hazard – A source of potential harm (AS/NZS ISO 31000:2009)

Risk - The effect of uncertainty on objectives (AS/NZS ISO 31000:2009)

3. Background/legislative requirements

Background

Clarence Valley Council has an extensive stormwater system network to manage. This network consists of the following elements:

- Pipes, pits and junctions;
- Kerb and gutter; and
- Open drains.

Council needs to manage these assets within the financial constraints and competing interests that are placed on every Council.

The majority of these stormwater assets are in public road reserves and therefore fall under the legislative requirements of the Roads Act 1993, but a number of the assets also exist on other public land for which Council is responsible.

Council has recognised that potential hazards to pedestrians and motorists resulting in public liability claims or injuries, place a significant burden on the community. There is also the potential for private property damage from flooding. Council must endeavour to manage the stormwater system network to assist in minimising these potential hazards. This requires a risk management approach to determine the best use of limited resources.

This Policy aims to provide guidance to Council staff and the community on the level of service that Council will provide in managing these assets and the procedures that Council will follow in making decisions on stormwater system associated issues.

Legislative Requirements

Roads Act 1993

Civil Liability Act 2002 – Sections 42, 43 and 45

42 Principles concerning resources, responsibilities etc of public or other authorities

The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings for civil liability to which this Part applies:

- a) the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising those functions,

- b) the general allocation of those resources by the authority is not open to challenge,
- c) the functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate),
- d) the authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate.

43 Proceedings against public or other authorities based on breach of statutory duty

- (1) This section applies to proceedings for civil liability to which this Part applies to the extent that the liability is based on a breach of a statutory duty by a public or other authority in connection with the exercise of or a failure to exercise a function of the authority.
- (2) For the purposes of any such proceedings, an act or omission of the authority does not constitute a breach of statutory duty unless the act or omission was in the circumstances so unreasonable that no authority having the functions of the authority in question could properly consider the act or omission to be a reasonable exercise of its functions.
- (3) In the case of a function of a public or other authority to prohibit or regulate an activity, this section applies in addition to section 44.

45 Special non-feasance protection for roads authorities

- (1) A roads authority is not liable in proceedings for civil liability to which this Part applies for harm arising from a failure of the authority to carry out road work, or to consider carrying out road work, unless at the time of the alleged failure the authority had actual knowledge of the particular risk the materialisation of which resulted in the harm.
- (2) This section does not operate:
 - (a) to create a duty of care in respect of a risk merely because a roads authority has actual knowledge of the risk, or
 - (b) to affect any standard of care that would otherwise be applicable in respect of a risk.
- (3) In this section:
"carry out road work" means carry out any activity in connection with the construction, erection, installation, maintenance, inspection, repair, removal or replacement of a road work within the meaning of the Roads Act 1993.

"roads authority" has the same meaning as in the Roads Act 1993.

Guidance Notes

The following manuals and guidance notes have been consulted in the formation of the policy and procedure:

Statewide Mutual Guidance Notes – Stormwater Infrastructure – Version 4: April 2015

4. Policy, protocol or procedure statement

The Stormwater System Maintenance Policy outlines Council's level of service for maintenance activities and details its procedures for the management of its stormwater system network and related infrastructure. In particular the Policy covers the following areas:

- Stormwater assets maintenance; and
- Open drainage audit.

The Policy aims to achieve the following objectives:

1. To provide a systematic method of identification, evaluation and prioritisation of maintenance works on Council's stormwater system that will assist Council's decision-making process;
2. To establish procedures that provide a simple, systematic and readily usable risk management approach to the maintenance of stormwater assets; and
3. The following further objectives are consistent with this protocol:
 - a) provide for the safe movement of pedestrians and motorists throughout the Council area and minimise potential damage to public and private assets from flooding;
 - b) preserve the stormwater assets of the Council area in a useable condition;
 - c) minimise liability claims against Council for injuries and damage.

This policy and associated procedures covers maintenance works on stormwater assets and any other physical item that has a foreseeable impact on the safety and amenity of pedestrians and motorists within road reserves, other public lands under the care and control of Council and private property.

5. Procedures

Stormwater Assets

Council will record all stormwater assets under their control in asset registers, together with an asset condition rating. The condition rating will be used in conjunction with other factors to determine the maintenance and renewal programs for the assets. Included in this will be the gradual assessment of the open drainage network for potential risks for injury or death from water flow and drain characteristics.

A list of all stormwater assets on Council's asset register will be updated on a scheduled basis to reflect the current condition of the asset in terms of hazard types and extent and the current risk assessment, taking into account the degree of hazard and user environment.

Stormwater System Maintenance

Council will co-ordinate the inspection and subsequent maintenance of stormwater assets with the risk management approach detailed in Council's *Stormwater Maintenance Risk Management Procedures*. These procedures will provide for periodic inspection and assessment of all kerb and gutter and open drains and targeted inspection of piped drainage networks. Priorities for maintenance work will be determined from the risk assessments and these priorities will also be used to inform Council of future maintenance and capital works.

This policy, together with the procedures, provides the guidelines for identifying the location, nature, inspection frequency, treatment options and repair priorities of potential hazards to stormwater assets. The implementation of this policy aims to minimise public liability exposure and provides a best value service to the community in relation to provision and maintenance of infrastructure services.

Council's objective is to repair or remove hazards on the stormwater network within the timeframes documented in Council's *Stormwater Maintenance Risk Management Procedures*. These timeframes vary according to the risk assessment of the hazard, with high risks being remedied in shorter timeframes than medium or low risk hazards. This timeframe will be dependent on:

- Assessed risk and priority;
- Workforce work load;
- Climatic conditions; and
- Available funding.

Budgeting

Council will assess, in formulating its annual maintenance budget (in the context of its overall budget), the appropriate allocation of funding to maintenance works in such a way as to generally achieve the best possible long term overall condition of the stormwater network.

Council will allocate human and financial resources in order to conduct inspections and assessments for the implementation of the policy and procedures within Council's budget constraints.

Responsibilities

The Manager Civil Services is responsible for implementing the policy outlined above. This includes:

- Notifying staff of the policy and subsequent amendments;
- With subordinate staff identifying training requirements; and
- Ensuring audits are undertaken to determine the implementation of the policy.