



DRAINAGE CONSTRUCTION SCHEMES

DATE/S APPROVED BY COUNCIL/EXECUTIVE:

REVIEW DATE/S:

FILE NUMBER: SUB/

1. Policy Aim and Objectives

The aim of the policy is:

- To allow Council to address drainage issues and the funding of the works to those properties that directly benefit.
- To provide Council with a basis for the implementation and funding of drainage schemes.
- To provide a basis for Council contributions to the schemes.
- To provide further consideration to the funding of works within established residential areas and other developed areas.

2. Definitions of Terms Being Used

Apportionment

- The basis of distributing the cost to persons (generally the owners of the properties) benefiting from works included in the Scheme.

Benefit, includes

- High side properties, contributing water to the drain and being afforded a point of discharge for stormwater.
- Low side properties being "protected" from the stormwater runoff from the properties above.

Benefiting Owners

- Those owners who receive a benefit from the works included in the Scheme that is considered over and above those owners not included in the Scheme. Benefit does not need to be equal to be included as long as there is a benefit.

Catchment Area

- Area of land taken into consideration for the drainage design.

Council Contribution

- Normally for works over and above that which is required to serve the benefiting owners.
- Where Council is a property owner or where Crown Land is involved.
- Where Council is unable to require a person to contribute e.g. because of previous contributions or previous agreements.
- Also refer to Items 3B and 3C below.

Equivalent Area

- Formula used in the design of drains where the design stormwater runoff from a property is multiplied by its area. The use of this sum in determining the scheme apportionment allows for the situations where there is a mixed usage/zoning.

Established Residential Areas

- Areas of the municipality that are zoned Residential in accordance with the Brimbank Planning scheme and
- Predominantly, houses have been constructed on each property within the catchment area affected by the proposed drainage construction scheme

High side properties

- Properties that contributes stormwater to the drain to be constructed.

Low side properties

- Those properties that will receive protection.

Minor Storm Events

- For residential areas may be 1 in 2 years Average Recurrence Interval (ARI) but will generally be 1 in 5 years ARI.
- For industrial areas will generally be 1 in 10 years ARI.

Normal Catchment Requirements

- The works required to serve the catchment area (i.e. properties within the Scheme), based on standard design practice as adopted by Council and in keeping with the recommendations of the Australian Rainfall and Runoff published by The Institution of Engineers, Australia.

Point of discharge

- As provided by Council in accordance with sub-regulation 5.9(2) of the Building Regulations 1994; and
- The property stormwater drainage system is connected to
 - a street kerb,
 - an underground drain vested in Council (i.e. the drain has been installed for and is maintained by and considered by Council to be an asset of Council),
 - a Melbourne Water main drain,and that connection is immediately adjacent to the property.

Protected (or protection)

- The drainage works to be included in the scheme are designed to collect stormwater from land (or works) higher in the catchment and reduces the stormwater from running onto the property.

Removal and reinstatement costs

- Includes
 - the cost of the removal and reinstatement of buildings and other structures, trees, landscaping etc. to provide for the installation of drainage.
 - costs associated with easement creation or widening; where those costs are reasonably in excess of the cost of the installation of a similar drain in a "green fields" area.
- Does not include the costs of removal and reinstatement of buildings or structures
 - where the owner has previously entered into a Building Over Easement agreement with Council and that agreement requires the owner to pay for the removal and reinstatement;
 - that do not comply with the Building Act 1993.

Special Rate/Special Charge

- A rate/charge imposed by Council in accordance with Section 163 of the Local Government Act 1989 by which costs may be recovered from persons benefiting from works undertaken or to be undertaken by Council.

Sub-catchment

- Part of total area of land taken into consideration for the drainage design.

The Act

- The Local Government Act 1989.

VCAT

- Victorian Civil and Administrative Tribunal, where owners liable under a scheme can apply for a review of the decision by Council to levy a Special Rate/Charge in accordance with section 185 of The Local Government Act 1989.

3. Policy Statement and Principles

It is Council's intention to use the provisions of Section 163 of the Local Government Act 1989 (i.e. Special Rate and Special Charge) to fund drainage works e.g.

- fund the construction of new drainage infrastructure
- extend the existing drainage infrastructure
- upgrade the existing infrastructure,

where Council believes the drainage works provide a "Special Benefit" to those persons being required to pay the Special Rate and/or Special Charge.

Where Council intends to finance drainage construction under the provisions of Section 163 of the Act, it will consider the following:-

- A. Where properties form the total catchment of the drain/s to be constructed, costs based on normal catchment requirements shall be shared between the property owners.
- B. Council recognises that the costs of constructing drainage (for minor storm events) in an established residential area are likely to be greater than if the same drainage were constructed in a green fields area, due to, in part, to improvements that owners have made to their properties. Therefore, where Council proposes a Drainage Construction Scheme in an established residential area, Council will contribute 50% towards the cost of removal and reinstatement.
- C. In addition, where Council implements a Drainage Construction Scheme for constructing drainage (for minor storm events) in an established residential area, it will determine the area of each building on the high side properties that it considers has been correctly connected to a legal point of discharge nominated by Council. The amount of contribution to be made by the owner of the high side property towards the Drainage Construction Scheme will be reduced proportional to the roof area of the building/s. In these cases Council will contribute towards the scheme based on the roof area of the buildings.
- D. In other developed areas of the municipality, notwithstanding the requirements of section 163 of the Act, Council may give consideration to making a contribution towards Drainage Construction Scheme based on similar considerations as in items 3B and/or 3C above.
- E. Council will require owners who have entered into Building Over Easement agreements with Council to abide by that agreement.
- F. Where land use/zoning of properties is uniform within the area of the Scheme, a simple method of apportionment will be applied, i.e. by area.
- G. Where there are mixed land uses/zonings of properties within the scheme, a charge based on land value or "equivalent area" (design stormwater runoff x area) may be more appropriate than the simple formula of area only.

- H. Properties that either contributes water to the drain to be constructed (high side) or those that will receive protection (low side) are held to benefit from the works and will be included on an equal basis.
- I. The percentage area of protection or contribution of individual properties within a scheme, will need to be determined having due regard to likely stormwater flows etc., determined from contour plans, site analysis and usage.
- J. The drainage construction scheme include the cost of the provision of engineering services, administration, legal and other disbursements associated with the implementation of the scheme.
- K. For new subdivisions and/or new developments, the developer is responsible for all drainage construction and associated costs, including upgrading the existing drainage as a consequence of the development.

4. Specific Requirements

Administration Fees and Other Charges

- The percentage fee applicable for Engineering Services and for the Administration of a scheme is provided in the report which proposes a Special Rate or Special Charge.
- Legal fees and other disbursements are to be a direct cost to the Scheme.

Capping of actual contributions by property owners

- The actual lump sum costs to be contributed by property owners to a Drainage Construction Scheme are to be capped at no greater than 20% above the estimated contribution.

CPI adjustments

- Depending on the nature of a Drainage Construction Scheme e.g. if large or the implementation time is prolonged, Council may elect to include a provision for CPI adjustments in the estimate of costs.

Drainage Standards

- The drainage standards to be applied are to be generally consistent with the standards incorporated in the Council's Engineering Department's Subdivisional Development Guidelines.

Consultation with affected property owners

- The Act requires Council to communicate with persons affected by Council's proposal and following a declaration to impose Special Rates and/or Special Charges.
- In addition to the requirements of the Act, Council will further consult with affected property based on a level of impact defined as "Neighbourhood" by the Brimbank Community Consultation Charter. Such consultation will include: -
 - Conducting an Information session prior to Council considering a proposal for a Drainage Construction Scheme
 - Establish a consultation group (including ward councillor) or consult with an existing group

DELEGATION:

NEXT REVIEW DATE:
