



Law & Order for the Maintenance of Stormwater Treatment Assets

Ocean Protect Webinar
12 May 2022

Panelist event with:

- Dr Andrew Thomas, Cooks River Alliance
- Ben Penhallurick, Healthy Land & Water
- Brad Dalrymple, Ocean Protect
- Daniel Rider, Blacktown City Council
- Liza Dicks, Sea Shepherd Australia
- Grahame Lloyd, Sea Shepherd Australia
- Murray Powell, Optimal Stormwater

- 🌀 Ocean Protect turns 20 next month
- 🌀 Ocean Protect Podcast Episode #129: *Human consumption of microplastics with Dr Garth Covernton*
- 🌀 Upcoming webinars:
 - **26th May:** *Achieving better practice stormwater treatment asset maintenance* with Fotos Melaisis & Lachlan Shackcloth-Bertinetti
 - **14th July:** *The role of buildings in sustainable stormwater management* with Ian Adams





-  Introduction (by Brad)
-  Panellist Q&A

- 🌀 Dr Andrew Thomas – Executive Officer @ Cooks River Alliance
- 🌀 Ben Penhallurick – Principal Scientist, Water By Design @ Healthy Land & Water
- 🌀 Daniel Rider – WSUD Compliance Officer @ Blacktown City Council
- 🌀 Liza Dicks – National Marine Debris Campaign Coordinator @ Sea Shepherd Australia
- 🌀 Grahame Lloyd – Remote Marine Debris Campaigner @ Sea Shepherd Australia
- 🌀 Murray Powell – General Manager @ Optimal Stormwater





- 🌀 Please put any questions in the 'Q&A' panel
- 🌀 If you want to speak (with audio & video on), click on 'raise hand' (& wait to be unmuted)



- ~1580 kg/hour of plastic entering Australian waters
- Vast majority of this is land-based & from Australia (via **stormwater**)
- Stormwater** is the #1 source of pollution in urban waterways
- Hundreds of thousands of stormwater treatment assets installed in Australia
- Vast majority of installed stormwater treatment assets **do not receive appropriate maintenance**



"A well maintained stormwater measure will operate more closely to its intended design than a poorly maintained one. Measures that are not maintained are unlikely to perform effectively ..."



To function properly, stormwater treatment assets **MUST** be maintained

Gross Pollutant Trap





Gully basket





Gully baskets



Bioretention
basin



Springfield, QLD





**“I think this question is best fielded
by a lawyer or similar”**

“Yes”

**“In principle, yes ... sort of ... (Given) there is there is very little in the
way of pro-active regulation & effectively zero policing from a
practical perspective, the answer is no”.**

“Absolutely”

“Of course”

**“The NSW EPA is a toothless tiger ... All the legislation to back them up, but
no will to enforce it ... the situation remains untested in a court of law”.**



Yes

It is illegal to not maintain stormwater treatment assets

- ⦿ Council/ regulator DA conditions typically mandate appropriate maintenance of stormwater treatment assets

13.4.6

Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices including the rainwater tank. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The maintenance schedule is to contain a requirement that either the filter cartridges are to be replaced no later than two years after the date of installation, or a flow test is to be undertaken on the filter chamber in accordance with Council's WSUD Handbook. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

13.4.7

Written evidence is to be provided that the registered owner/ owners corporation has entered a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods and Stormfilter Chamber. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard or with a differing entity (e.g. owners' corporation).



Blacktown
City Council



Amendment VC154 - Stormwater management

Planning Advisory Note 75

OCTOBER 2018

- 🌀 Clause 56.07-4 of the *Victoria Planning Provisions* requires urban stormwater management systems be "*designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority*"



Authorised Version No. 005
Environment Protection Act 2017
No. 51 of 2017

25 General environmental duty

(1) A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.

- ④ Maintaining stormwater treatment assets is consistent with maintaining this environmental duty



Environmental Protection Act 1994

Chapter 7 Environmental management

Part 1 Environmental duties

Division 1 Duty to prevent and minimise environmental harm

319 General environmental duty

- (1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the *general environmental duty*).

- 🌀 Maintaining stormwater treatment assets is consistent with maintaining this environmental duty



- ◉ Local Government are required to manage its infrastructure, under:
 - Sections 4(2)(b) & 104 of the *Local Government Act 2009*
 - Section 4(2)(b) of the *City of Brisbane Act 2010* infrastructure
- ◉ Stormwater treatment assets are part of this infrastructure



Protection of the Environment Operations Act 1997 No 156



- Section 116: a person must not *"wilfully or negligently causes any substance to leak, spill or otherwise escape (whether or not from a container) in a manner that harms or is likely to harm the environment"*
- Section 120: *"A person who pollutes any waters is guilty of an offence" (and) "pollute waters includes cause or permit any waters to be polluted"*



"As you rightfully cited, under section 120, (1) & (2) of the POEO Act, a person who pollutes any waters is guilty of an offence. In this section, pollute waters includes cause or permit any waters to be polluted.

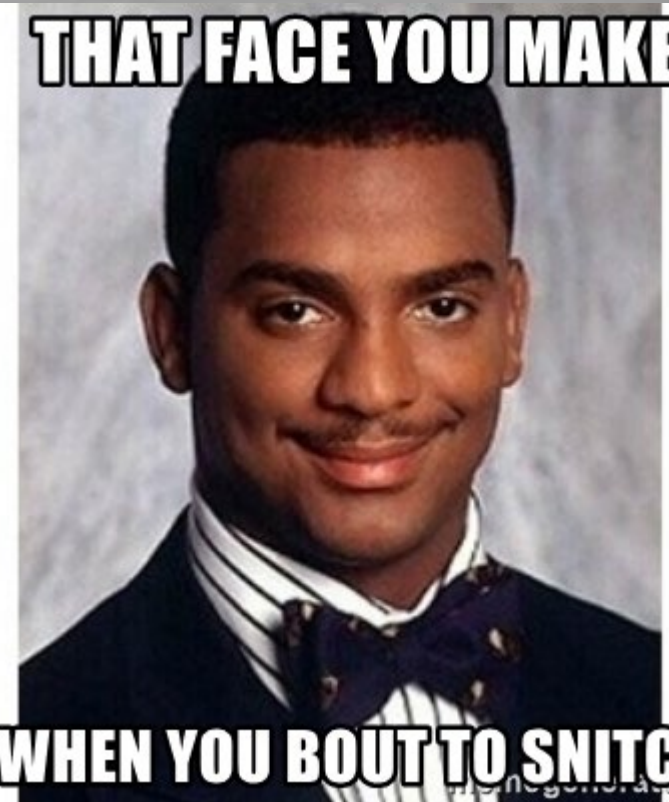
If you have evidence of water pollution arising from any activity please report it to the EPA Compliance Team using the contacts below for investigations.

Phone: 131 555

Email: info@epa.nsw.gov.au



THAT FACE YOU MAKE



WHEN YOU BOUT TO SNITCH

- Location: Lorikeet Grove,
Warriewood NSW
- Assets: GPT & bioretention
- Advised: NSW EPA & Northern
Beaches Council



- Location: Corner of Skipton Lane & Barcelona Drive, Prestons, NSW
- Assets: GPT
- Advised: NSW EPA & Liverpool City Council



- Location: Opposite 34 Marsh Road, Silverdale, NSW
- Assets: Bioretention
- Advised: NSW EPA & Wollondilly Shire Council



- Location: Export Street, Lytton, QLD
- Assets: Bioretention systems
- Advised: DES & Brisbane City Council



- Location: New Cleveland Rd,
Tingalpa, QLD
- Assets: Bioretention system
- Advised: DES & Brisbane City
Council





Queensland
Government



Responsibility



Brisbane
City Council



Brisbane
City Council



northern
beaches
council



LIVERPOOL
CITY
COUNCIL



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www.oceanprotect.com.au/webinars





www.oceanprotect.com.au

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THANK YOU