

Frequently Asked Questions

Obligations of managers of land or infrastructure (Urban stormwater management)

In May 2024, obligations relating to the management of urban stormwater were set for councils in the [Obligations of Managers of Land or Infrastructure \(Urban stormwater management and On-site wastewater management\)](#) (the OMLI). The OMLI also contains obligations for councils and water corporations relating to onsite wastewater management.

Clause 5 of the OMLI continues the requirement from the now expired State Environment Protection Policy (Waters) for councils to develop stormwater management (or equivalent) plans. Specifically, it requires councils to:

- Develop and publish a plan that identifies risks posed by stormwater and actions to address those risks, in consultation with relevant stakeholders.
- Review and update the plan and report publicly on implementation at least every five years.

DEECA and the EPA have produced these FAQs to help councils understand their urban stormwater management obligations under the OMLI and how to meet them.

Q. What is an Order for obligations of managers of land or infrastructure (OMLI)?

An Order for Obligations of managers of land or infrastructure, or OMLI, is an Order made under the *Environment Protection Act 2017*.

OMLIs may apply to managers of land or infrastructure such as councils, public sector bodies or infrastructure managers. They can, among other things, require those managers to take specific actions relating to the land or infrastructure that they manage, operate or control to protect the environment.

For more information about [OMLIs visit the EPA website](#).

Q. Where did this OMLI come from and why has this been developed?

Under the Environment Protection Act 2017, State Environment Protection Policies (SEPPs) no longer have a formal legal role. The vast majority of SEPP (Waters) clauses were woven into the new environment protection framework from the outset. However, some clauses were saved in transitional regulations to allow additional time to assess whether a replacement instrument was required. This included the clause requiring councils to develop a stormwater management plan.

Following expert analysis, information from duty holders and public consultation on a regulatory impact statement and draft OMLI, this OMLI was 'made'. The stormwater management clause of the OMLI aims to ensure councils complete appropriate strategic and long-term planning and management to prevent harm and minimise risks from urban stormwater.

Q. Does the OMLI add new responsibilities or require changes from the SEPP for councils or water corporations?

The OMLI continues existing responsibilities for councils and water corporations covering stormwater and on-site wastewater management that were covered by the SEPP (Waters). It also requires you to review and update your plan and report on implementation at least every five years.

The SEPP (Waters) lapsed following the introduction of the *Environment Protection Act 2017* on 1 July 2021 and the majority of clauses were woven into the new framework. Transitional regulations, which saved some clauses, lapsed on 30 June 2023.

The OMLI aligns these responsibilities with the approach of the *Environment Protection Act 2017*, which requires duty holders that are undertaking an activity that may give rise to risk of harm to human health or the environment from pollution or waste to take reasonably practical actions to prevent or minimise those risks.

Where the alignment of the clauses with the environment protection framework or clearer articulation has resulted in slight adjustments to the obligations, duty holders will have time to adjust their plans and risk management actions based on their planning cycles.

If you were compliant with the SEPP (Waters) clause and engaged in good environmental planning and practice, it is unlikely you will need to do anything substantially different.

Q. If I'm a council and I already have a stormwater management plan, do I need to do anything?

Even if you already have a stormwater management plan or equivalent, e.g. an integrated water management plan, please still familiarise yourself with the requirements of the OMLI. This includes the content requirements outlined in sub-clause 5(1), consultation requirements in 5(2) and review, updating and implementation reporting requirements outlined in 5(3). Note the OMLI also requires you to publish your plan on your website, along with implementation reports.

If a council has an existing plan that is less than 5 years old that was compliant with the previous SEPP clause, the review and update can wait until your next scheduled update. For example, if a council stormwater management plan was updated three years before OMLI commencement, and it is compliant with the SEPP (Waters) stormwater plan requirements, it wouldn't be expected to be updated for a further two years (matching the 5-year intervals required by the OMLI).

The purpose of the plan is to minimise risks of harm to the environment and human health from urban stormwater. Council is best placed to know whether their current plan is adequate and fit for purpose. There may be cases where council chooses to update its plan at intervals more frequent than five years. That is at council's discretion.

Q. Would an Integrated Water Management plan be an acceptable way to comply with the OMLI?

Yes – an integrated water management (IWM) plan would be acceptable if it covers the requirements outlined in the OMLI clause. This includes identifying risks posed by stormwater and actions to address those risks, consultation with relevant stakeholders, and regular reviewing, reporting and publishing requirements.

Q. Is there a guidance document or template I can use?

There is no specific template plan required for councils to use. To meet the requirements related to stormwater management plans, you must follow the obligations articulated in the OMLI. The required content (see OMLI) must be included in the plan so far as reasonably practicable, including identifying risks of harm and actions to minimise the risks (see the requirements of the clause). Each council area is different, and a place-based approach will identify risks from urban stormwater in its municipality.

The [EPA Urban stormwater management guidance \(publication 1739.1\)](#) contains guidance about the risk of harm from urban stormwater, objectives and information to support risk minimisation, and example of common stormwater management options. There are many actions that can manage risks from urban stormwater, including engineering solutions, such as constructing stormwater treatment assets, and non-structural options, such as land use planning changes. Refer to the guidance for more information on implementing controls and example scenarios. Further guidance on what 'reasonably practicable' means can also be found on the [EPA website](#).

The Integrated Water Management Forums and working groups are also a great forum to share knowledge and seek support. Later this year (in 2024), IWM Planning Guidelines will be made available on the DEECA website. These guidelines will provide detailed and practical strategies to assist in improved planning and implementation, as well as insights into effectively integrating land use planning and IWM planning. Designed for practitioners, the guidelines aim to enhance the creation of IWM plans by fostering more consistent and effective outcomes across various scales of operation, and by guiding effective implementation through the land use planning pathways. It will also feature a toolkit for practitioners, including best practices, innovative methodologies, and real-world case studies, to support and enhance water management outcomes in Victoria.

Q. Is there funding or other support available?

Melbourne Water can provide funding and other support to councils to implement actions to improve stormwater management in the Port Phillip and Westernport Catchment. Contact the Waterway and Catchment Services team to discuss project ideas (phone: 131 722, email: incentives@melbournewater.com.au, or visit the website: www.melbournewater.com.au/services/grants/liveable-communities-liveable-waterways-program).

The IWM Forums and working groups are a great forum to share knowledge and seek support. Co-funding for IWM plans may be available through future IWM grant rounds. Note that all projects or plans applying for grant co-funding need to be endorsed by the relevant IWM Forum and that IWM grants may be competitively allocated. Announcements will be made through the forums and working groups.

Q. How is an OMLI enforced?

Compliance with an OMLI is mandatory and EPA will enforce the OMLI in line with its [Compliance and enforcement policy \(publication 1798\)](#). The policy describes EPA's compliance and enforcement approaches for supporting and directing compliance as well as principles and criteria for decision-making. This includes consideration of risk as well as behaviour and motivations for compliance.

EPA will use this compliance and enforcement policy to guide its regulatory activities in relation to the OMLI. If an OMLI is contravened, EPA can issue compliance advice or a remedial notice.

Councils are required to publish the plan and implementation reports on their website, so compliance with the OMLI will be visible. This will improve transparency, consistency and outcomes for councils, the environment and community.