FACT SHEET
Stormwater Drainage
(System and Surface Water on your Property)

The following information is provided to help residents be aware of (and proactive about) stormwater drainage systems and surface water requirements or procedures on their property. If all residents are fully prepared ahead of major rain events, it will make us better equipped to cope.

Stormwater drainage systems for buildings and structures

Owner’s responsibilities

Property owners have a range of responsibilities, which, if carried out correctly, will minimise the threat of surface water entering a home in the event of heavy rain.

Amongst these are effectively managing stormwater drainage and surface water on the property, and maintaining stormwater pipes, gutters, downpipes, gully pits and any other components of the approved stormwater system on your property.

Property owners generally need to ensure that roof water and stormwater is drained to one of the following to comply with AS/NZS 3500.3:2003 Plumbing and Drainage Part 3: Stormwater Drainage:

a. kerb and channel,
b. an inter-allotment roof water pipe system, or
c. Council-controlled drainage easement or drainage reserve.

Buildings currently under construction

Complaints about buildings under construction that are subject to a current building approval should, in the first instance, be referred to the private builder certifier. The details for the builder certifier should be visible on the building sign on the front of the premises.

The individual builder remains responsible for all stormwater installations permitted under a building approval until the building agreement is finalised, or has lapsed. In the event of a complaint, the private building certifier has enforcement powers and must take appropriate action under relevant legislation.

Buildings already established/existing

Council may direct a property owner to connect a building or structure to Council’s stormwater drainage system where available and practical to do so, if:

- the building approval is finalised or no longer current, and the property has a stormwater installation (roof gutters, downpipes, subsoil drains and stormwater drainage), and
- there is constructed Council drainage (either roadside kerb and channelling or an inter-allotment drainage network) within the specified distance and site conditions are appropriate.

However, there are situations where Council has no power to intervene.

This occurs when there is no constructed Council drainage within the specified distance, or site conditions are not suitable – for example, because the property slopes downhill and away from the street, and there is no inter-allotment drainage network at the rear of the property.

Please note: Surface stormwater water flow that is not from a building or structure is generally a civil issue (please see over).
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Overland surface water flow

Overland surface water flow between private properties usually occurs when:

- the natural contours are sloping, or
- surface water is being concentrated, diverted or redirected on to other property.

Ideally, run-off should be directed towards the street or a drainage system, if provided. Cut-off drains and perimeter banks are also helpful in directing run-off towards the street or into a private drainage system.

Property owners are required to accept natural water overland flow from adjoining properties or public land.

Surface water flows to the lowest point. An upstream property owner cannot be held liable merely because surface water flows naturally from his land on to the lower land of a neighbour. It is the responsibility of a downstream property owner to manage and protect the lawfully constructed building structures on their property. This could be achieved by installing private drainage to protect a property (please refer to the previous page).

Please be aware that landscaping can change the topography of a property and the way it sheds water.

Disputes between neighbours

If neighbouring properties have a dispute about overland water flow, but the buildings and structures are constructed and connected lawfully and adhering to guidelines, it is a civil matter and Council has limited powers to intervene.

Council would always encourage neighbours to communicate with each other about any problem and attempt to reach a mutually satisfactory solution. If this is not possible without a third party, the services of a mediator may also be sought through the Department of Justice mediator (see inset blue box for contact details).

Finally, if one or both parties feel that the situation cannot be resolved through mediation, and that a property has suffered or been exposed to potential damage, legal advice about the feasibility of taking civil action against the party creating the problem can be sought.

Water becoming stagnant

A person must not restrict or redirect the flow of water over land in a way that may cause the water to pond and become stagnant.

This does not apply to water collected in a dam, wetland, tank or pond if no offensive material is allowed to accumulate.