

What you need to know about stormwater

What is natural overland flow?

Natural overland flow is water that flows across properties before any excavation, development or building occurs on the land.

An upstream property owner cannot be held liable merely because the surface and seepage water flows naturally from their land onto the lower land of a neighbour.

However, the upstream property owner may be liable if the water is made to flow in a more concentrated form than it would naturally flow. Ideally, runoff should be directed to the street or to an internal drainage system if provided.

What is concentrated overland flow?

Concentrated overland flow is water that flows from hardstand areas such as driveways, paths, paved areas, landscaped areas, roofs, drains from roofs, open drains and cut off drains.

An upstream property owner must consider the consequences of water run off when constructing hardstand areas as these can impact on the property below.

What about seepage water?

Seepage water (ground water) is the responsibility of individual property owners and should be controlled by the installation of seepage drains. Where sloping blocks have been excavated to obtain a flat yard or building site, seepage drains should be constructed to redirect water to a stormwater drainage system.

Residents should liaise with neighbours to deal with such issues. If possible, drainage easements should be created to direct water to the Council stormwater system.

What are the legal points of discharge for stormwater?

There are two ways of connecting stormwater to a legal point of discharge:

1. Roof and surface water is conveyed in an approved method to Council's street drainage system.
2. A connection to a Council approved drainage system in accordance with the Australian Standard, AS/NZ 3500.3

However if neither is available, a stormwater absorption/ dispersion trench may be installed with approval from Council.

A building application, plans and fees are required to obtain approval for a stormwater drainage system.

Stormwater may not be discharged to a sewer. If this occurs, you may be fined.

What if the stormwater is coming from a development site?

If the flow is coming from a property under development, your concerns should be directed to the Building Certifier assessing the development as silt and stormwater control is a condition on all building permits.

Are you building a new home?

If you are building a new home check with your builder that:

- Surface and soakage drains have been installed to protect rooms and garages built below ground level.
- Surface drains and paths are diverting overland stormwater away from your building, especially from doorways, driveways and paths.
- Driveways built on the topside of houses do not concentrate water towards your house and if they do, adequate drainage is provided.

If you have any doubts about these issues please discuss them with the Council before you start any outside paving or landscaping. These problems are easier to rectify before the work is finished.

Driveways and landscaping

If you construct a driveway onto a public road you must ensure that drainage along the road is not disrupted. The property owner is responsible for all damage caused to their driveway from local flooding. Landscaping can change the topography of a property and the way it sheds water. Stormwater run off should be directed towards the street or to a drainage system.

Disputes between neighbours

We recommend that landowners contact Council when an issue arises so we can investigate the source. After this you should talk to your neighbours and seek a mutually suitable solution. This would be the best outcome for both parties involved and removes the need for legal proceedings.

Problems with overland stormwater flow between neighbouring properties are generally a civil matter to be resolved between the respective owners. Council has limited powers to intervene.

What is the property owner's responsibility?

Property owners are required by law to ensure the stormwater pipes, gutters, downpipes, stormwater pits and any other components of the approved stormwater system on their property are in good condition and comply with all Council requirements. Property owners must accept natural overland flow from adjoining properties or public land and must not divert or redirect the flow from its natural path onto neighbouring properties. A downstream property owner cannot erect any type of barrier that interferes with the path of stormwater unless provision is made for the flow to discharge to an approved drainage system. However, when constructing hardstand areas such as driveways, concrete and paved areas, landscaping and drains, property owners must control the stormwater in order to prevent concentrated flows onto adjacent properties.

What is the Tasman Council's responsibility?

Council provides roads and drainage systems to collect and convey stormwater to creeks and rivers. It also maintains the stormwater pipes in easements on private property.

Council may direct a property owner to connect to Council's stormwater drainage system or another legal point of discharge, if it is available and practical to do so.

The Drains Act 1954 makes provision for the control of stormwater and Council may issue property owners with a written notice if they are in breach of this Act.

Run-off from roads or public land

If you experience drainage problems where stormwater runs off public land or roadways and forms ponds or flows through your property please contact Council