

Stormwater on your property

Water that is unable to enter the underground drainage system will find its natural way to the nearest watercourse via overflow paths. These overflow paths are typically roadways, public reserves, pathways and often through private property.

Owner's responsibilities

You must maintain the stormwater pipes, gutters, downpipes, gully pits and any other components of your approved stormwater system on your property in good condition and in compliance with any Council requirements.

You are responsible for maintaining your stormwater system to the kerb and gutter and if maintenance is needed you will need to lodge an application to carry out work within the road reserve. Applications are available at Council offices or on the website.

Accepting natural overland flow from adjoining properties or public land is necessary and you must not divert or redirect the flow from its natural path on to neighbouring properties

It is important to note that a downstream property owner cannot erect any type of barrier that interferes with the path of stormwater. To put it more simply, if you are downstream, you must accept the 'natural' run-off on to your property. When constructing hardstand areas you must control stormwater in order to prevent it from flowing on to a neighbouring property. It is preferable to minimise the area of water-resistant surfaces such as concrete or paved areas and driveways. If there is an easement on your property it must be maintained and kept clear of debris to allow the natural flow of stormwater to the field gully.

Council's responsibilities

If the property has a stormwater installation, defined under the Local Government Act 1993 such as roof gutters, downpipes, subsoil drains and stormwater drainage for the premises, Council may direct the property owner to connect to Council's stormwater drainage system, if

available and practical to do so. The Local Government Act 1993 makes provisions for the control of stormwater, and Council is empowered to issue property owners with written orders if they are in breach of this Act.



Diversion banks can be effective in diverting water from infrastructure.



Roof gutters not connected to approved stormwater outlets can cause damage to your property and neighbouring properties

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.`

1. Roof and surface water is conveyed to the kerb and channel;
2. An inter-allotment drainage system in accordance with Australian Standard AS/NZS 3500.3.2: 1998 (Clause 1.8).



Approved outlet to Council's stormwater drainage system.

Overland flow

Overland flow between private properties usually occurs when:

- The natural contours are sloping;
- A site has been excavated to build a concrete slab, eg. cut and fill style construction;
- Retaining walls, drains or other structures have been built that result in stormwater being concentrated, diverted or redirected on to other property.

Landscaping can change the topography of a property and the way it sheds water. Ideally, runoff should be promoted towards the street, or to a drainage system if provided. Cut-off drains and perimeter banks are also helpful in directing runoff towards the drainage system.

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. 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.



Stormwater gully pit landscaped to collect surface water.

Legal points of discharge

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

Disputes between neighbours

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. Landowners are encouraged to talk to their neighbours about the problem and to seek a mutually suitable solution. If this is not possible, the Community Justice Centre provides a non-legal mediation service. They may be able to assist without the need for expensive legal proceedings. They can be contacted on 1800 671 964.

Finally, you can seek legal advice about the feasibility of taking civil action against the party creating the problem if you feel your property has suffered or been exposed to potential damage.



Structures including fences should be clear of field gully inlets. Suitable landscaping along with grid tops to inlets and regular maintenance assists with filtration into council's stormwater system.

Definitions

Cut-off drain: an open drain designed to catch overland flow and redirect it into an acceptable stormwater system.

Gully inlet/pit: A pit covered by a grate, situated at the lowest point in the property, which connects either to the household stormwater system or the inter-allotment drainage system.

Grass swale: an indentation in the ground to direct water flow to a gully or collection point.

Inter-allotment drainage system: the stormwater system provided by the developer and positioned at the rear of the property, with a slotted grate and a grass swale to guide some of the excess overland flow into the system.

Kerb and channel: the concrete structure between the road and Council's verge (nature strip).

Natural watercourse: a watercourse that has been created naturally and has not been significantly modified.

Perimeter bank: a protection mound (grassed to prevent erosion) that surrounds assets of the property such as the house, garage, pool, entertainment areas, etc.

Stormwater: rain that accumulates in natural or constructed storage and stormwater systems during and immediately following a storm event.

Stormwater concentration: where surface flow, as distinct from that in a natural watercourse, is diverted or collected and as a result the flow is concentrated.

Surface run-off: the rainfall that moves over the ground towards a lower point and does not soak into the soil.

Surface water: water that remains on the surface of the ground.

Watercourse: every open stream, creek, culvert, channel through which stormwater flows, whether continuously or not.

Contact details

Complaints regarding stormwater within or outside the property boundaries contact Council's Customer Contact Centre:

Telephone: 1300 87 83 87

Fax: 02 66250 400

Lismore City Council

PO Box 23A, LISMORE NSW 2480

Email: council@lismore.nsw.gov.au

Web: lismore.nsw.gov.au