

Stormwater on your property

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

Owner's responsibilities

Property owners must maintain the stormwater pipes, gutters, downpipes, gully pits and any other components of the approved stormwater system on a private property in good condition and in compliance with any Council requirements. If your property contains a stormwater easement it must be maintained and kept clear of obstructions to allow the natural flow of stormwater.

Property owners are responsible for maintaining the stormwater system on their property to the kerb and gutter and if maintenance is needed within the footpath area an application to carry out work within the road reserve is required. Applications are available at Council's Customer Service Centre or on Council's website.

Accepting natural overland flow from adjoining properties or public land is necessary and the flow of water must not be diverted or redirected from its natural path onto neighbouring properties.

It is important to note that a downstream property owner cannot erect any type of barrier that interferes with the flow path of stormwater. To put it more simply, if your property is located downstream, you must accept the 'natural' run-off onto your property.

When constructing hardstand areas stormwater must be controlled in order to prevent it from flowing onto a neighbouring property. It is preferable to minimise the area of water-resistant surfaces such as concrete or paved areas and driveways.

Council's responsibilities

If the property has a stormwater installation, as 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 repair or connect it 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.



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

Legal points of discharge

There are two ways of connecting stormwater to a legal point of discharge, roof and surface water can be conveyed to:

1. the kerb and gutter;
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, run-off should be promoted towards the street, or to a drainage system if provided. Cut-off drains and perimeter banks are also helpful in directing run-off towards the drainage system.

An upstream property owner cannot be held liable merely because surface water flows naturally from the 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.

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.

For further information

Further information on protecting our waterways, please contact Council's Environmental Health Officer on:

Phone: 02 9330 6400

E-mail: mail@georgesriver.nsw.gov.au

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