



## Community Enforcement Factsheet

# STORMWATER ISSUES ON PRIVATE PROPERTY

*As a result of the climate and topography, flooding and nuisance issues from stormwater is a common problem for many residents, especially if they believe the water is coming from another property. Council understands that this can cause disputes between neighbours, and Council does its best to ensure that proper action is taken if required and/or legislatively possible.*

### WHEN COUNCIL WILL TAKE ACTION

Council's Community Enforcement officers investigate and take action on stormwater drainage complaints only where it relates to the flow of surface water from one property across the common land boundary onto another property, and where all of the following criteria have been met:

- Evidence being produced that substantiates the surface water has caused or is likely to cause physical damage to land or building/s on the other land
- Surface water has been directed to and/or concentrated in a particular area by a man-made structure or drain
- Surface water is the result of defective roof drainage from a dwelling or outbuilding (e.g. garage).

### HOW TO REPORT A STORMWATER ISSUE

Stormwater issues that meet the criteria above can be reported to Council's Community Enforcement Team by calling (02) 6626 7050, emailing [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au) or using the online ['Report It'](#) form. When reporting a stormwater drainage issue on private land, please include the following information:

- Describe what is occurring.
- When did it occur?
- Has it occurred in the past? If so, please provide details, including the number of times it has occurred, and dates (or estimated dates).
- What is the source on the neighbouring land that is causing the problem?
- Describe how your land and / or building are being damaged (a written report from a suitably qualified expert stating the land or building is likely to or is being damaged).

- Provide supporting information identifying the problem (photographs/video).
- Have you obtained professional advice as to the source of the stormwater issues?
- Have you liaised with your neighbour to address this matter?
- Have you sought advice or initiated mediation with your neighbour through the Community Justice Centre? (details below).

### WHEN COUNCIL WILL NOT TAKE ACTION

Officers have the discretion to take no action, or are unable to take action in circumstances where:

- The surface water is natural run-off from the property or properties due to the topography and isn't redirected in any manner.
- Surface water is flowing down or across existing hard surface areas such as driveways, concrete paths or paved areas.
- The location of an approved dwelling or outbuilding impacts on surface run-off.
- Surface water run-off occurs only in periods of exceptionally heavy rain.
- Surface water is a result of overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of a building's roof water to Council's stormwater drainage system.
- The run-off is from new development work that is the subject of a development consent and has been constructed in accordance with that consent.
- The drainage problem involves discharges from defective or blocked private inter – allotment drainage easement infrastructure; eg pipes and drainage pits.

## SLOPING BLOCKS

If you're a resident living on a sloping site, you should be aware that natural surface water run-off flows down the slope following the contours of the block. Unless the cause of the surface water meets the criteria above, you carry the responsibility to install surface water controls. Any diversion of surface water must be carried out in a way that doesn't have detrimental impact on any other properties further down the slope.

## SEEPAGE WATER

Seepage water is the responsibility of individual property owners. 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. You should liaise with neighbours to address if drainage easements can possibly be created to direct water to a Council stormwater drainage system.

## DISPUTES RESOLUTION

If you wish to formally manage discussions you may consider contacting the Community Justice Centre. The Centre offers free advice and mediation services and can be contacted on 1800 990 777 or through their website [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au).

## WHO CAN I CONTACT IF MY PROPERTY IS FLOODING?

For emergency help in flood events, contact the State Emergency Services (SES) on 132 500.

## Further Information

Byron Shire Council

PO Box 219, (Station Street)

Mullumbimby NSW 2482

P 02 6626 7000 F 02 6684 3018

W [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

E [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)

**Important note:** *This Factsheet does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this Factsheet.*

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