



## Fact Sheet

### Stormwater Issues

**As a result of the Nambucca Valley's climate and topography, flooding and nuisance issues from stormwater are common problems for some of Council's 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.

#### **Who can I contact if my property is flooding?**

For emergency help in flood events, contact the State Emergency Service on 132 500.

#### **When Council will take action**

Council 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 the following criteria have been met:

- a) Erosion of land is occurring from the flow of surface water.

- b) Physical damage to a building is or has occurred or there is sufficient evidence to suggest that it is likely to occur.
- c) Surface water flows across the land boundary onto other land.

Situations where these criteria may apply include, but are not limited to:

- a) Water from defective guttering, down pipes or drainage (including underground drainage pipes).
- b) Water from roofs not fitted with guttering.
- c) Emptying or backwashing swimming pools.
- d) Surface water that has been purposely redirected away from its natural direction of flow towards other land.

#### **How to report a stormwater drainage issue**

When reporting a stormwater drainage issue on private land, please include the following information:

- Describe what is occurring;
- When did it occur and on how many past occasions;
- Have you made contact with Council about this issue previously;

- What is the source on the neighbouring land that is causing the problem;
  - Describe how your land and/or building are being damaged (include a written report from a suitably qualified person stating the land or building is likely to or is being damaged);
  - Have you obtained professional advice as to the source of the stormwater issue;
  - Have you liaised with your neighbour to address this matter;
- Have you sought advice or initiated mediation with your neighbour through the Community Justices Centre; and
- Do you have photos of the stormwater problem as it is occurring (include them if you do)

#### **When the 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) above due to the topography and isn't redirected in any manner;
- Surface water is flowing down/across existing hard surface areas such as driveways, tennis courts, concrete slabs or paved areas;
- The location of a 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 the council's stormwater drainage system;
- The drainage problem involves discharges from defective or blocked private inter-allotment; and drainage easement infrastructure (eg pipes and drainage pits).

Please note: Private inter-allotment easements are the responsibility of the property owners who are burdened by and/or benefited by the easement.

#### **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 any problems. If possible, drainage easements can be created to direct water to a council stormwater drainage system.

#### **Disputes resolution**

If you wish to formally manage discussions, you may also consider contacting the Community Justices 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)

#### **Further Information**

Please call Council on (02) 6568 2555 or refer to Council's *Local Orders Policy* available on Council's website at [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au).