

## Stormwater Drainage

This updates the previous *Practice Note 2005-04* issued June 2005.

### 1. Summary

There are two key areas of drainage that must be considered in the design of a property - stormwater and sewerage. The disposal of stormwater is a shared responsibility between the property owner and the municipal council. Municipal councils are responsible for the stormwater drain between the point of discharge and the kerb and channel, barrel drain or other council asset. Councils must report on an application for a building permit when it involves the design of a stormwater drainage and discharge system. The relevant building surveyor (RBS) is responsible for checking the design. The council can appeal to the Building Appeals Board (BAB) if an RBS does not implement any recommendation relating to a building permit.

### 2. Council's role

Regulation 610 of the *Building Regulations 2006* (the Regulations) does not limit council's powers under the Local Government Act 1989 to instigate a drainage scheme or require an owner to perform drainage work.

Councils have to report on an application for a building permit if the application involves the design of a stormwater drainage and discharge system. However, the council is not required to check the design. This is the responsibility of the RBS. The council is only required to report on the point of discharge of the drainage system. The council does not have the power to consent, or refuse consent to an application.

The council may make recommendations relating to the design of the drainage system. The RBS is not required to implement a recommendation made by the council unless it relates to the point of discharge as listed in Part 2 of Schedule 4 of the Regulations.

### 3. Appeals

If an RBS does not implement any recommendation relating to a building permit, the council can appeal to the BAB. This is done under section 138(5) of the *Building Act 1993* (the Act) within 10 business days

(*regulation 1601(a) of the Regulations*). Section 23 of the Act requires the RBS to notify the council if its recommendations are not implemented.

### 4. Drainage outside the allotment

The council is responsible for the drain between the point of discharge and the kerb and channel, barrel drain or other council asset. It may direct the owner to connect the point of discharge to its drainage system in a specified manner or may, at the owner's expense, arrange for the connection. If the connection is to be made by the owner, the council may ask for a security deposit.

### 5. Minor works

A council report about an alteration to an existing building, or an additional building, will only be required where the extent of the work may impact on the effectiveness of the existing system. The building surveyor should require the existing system to be upgraded if it is inadequate. In this case, a report on the point of discharge should be obtained from council.

The planning permit may set a specific discharge rate into the stormwater system. The RBS should assist the owner to comply by ensuring the design of the stormwater drainage system meets the required discharge rate.

### 6. Design basis

For residential applications, it is recommended that the RBS approve stormwater drainage systems that comply with Section F1.1 of the Building Code of Australia (BCA), Volume 1 (Performance Requirements FP1.1, FP1.2, FP1.3) and Section 3.1.2 of the BCA, Volume 2 (Performance Requirement P2.2.1).

### 7. Drainage rights

An owner can obtain drainage rights over an adjoining property in the absence of a drainage easement with the adjoining owner's consent. This can be done under the *Water Act 1989*.