



Mā tō tātou takiwā  
**For our District**

**Stormwater** | Te wai āwhā



**Western  
Bay of Plenty**  
District Council

# Stormwater | Te wai āwhā

## What is stormwater?

Stormwater refers to the water that results from rain that does not soak into the ground and instead flows over surfaces such as roofs, driveways, roads, and footpaths. This runoff collects in gutters, drains, and other collection points, and is directed into the stormwater system.

The stormwater system consists of various components designed to manage and direct the flow of stormwater. These components include kerbs, channels, and underground pipes. Kerbs and channels are typically found along the edges of roads and footpaths, and they help guide the stormwater toward the drains. Underground pipes are used to transport stormwater from the drains to larger collection points, such as streams, rivers, or eventually the ocean.

In the rural environment, the management of stormwater differs slightly. Rather than being directed to the drainage system, stormwater is often disposed of onto the land through soakage or controlled dispersal trenches. This method allows the water to infiltrate the ground gradually, replenishing groundwater supplies and reducing the risk of flooding. Moreover, swale drains and culverts are employed alongside roads to carry the water towards natural gullies and waterways. This natural flow path aids in maintaining the ecological balance and prevents excessive accumulation of water in the surrounding areas.

## Purpose of the Stormwater System

The purpose of the stormwater system is to prevent flooding by efficiently draining excess water away from urban, rural and developed areas. By collecting and directing stormwater runoff, the system helps to mitigate the potential damage caused by heavy rainfall. Additionally, the stormwater system plays a crucial role in managing water quality by filtering out pollutants and preventing them from entering natural water bodies.

## What can I do about a stormwater run-off from a neighbour's property flooding my property?

It is generally true that stormwater can flow from other properties naturally, either through overland flow paths, swales, or streams. In such cases, it is the responsibility of the property owner to manage the stormwater that falls or flows onto their site.

The “natural servitude” of drainage recognises that water naturally flows from higher to lower areas, and landowners in lower-lying areas should not be obstructed from receiving this natural flow. This helps prevent the accumulation of water on lower-lying properties, which could lead to flooding or waterlogging issues.

Under this principle, landowners at higher elevations have a corresponding duty not to impede or divert the natural flow of water to lower-lying properties. They should refrain from constructing barriers or taking actions that could disrupt the natural drainage patterns.

**The key points to remember, appear to be that:**

- The higher landowner is entitled to discharge to lower land any water which falls naturally on the higher water land, as long as it done “naturally”.
- The higher landowner can even use an artificial structure to discharge this water, so long as it does not appreciably increase the burden upon the lower land.
- The higher landowner is not entitled to discharge “foreign water” (*water which has been brought onto the land from a different water source*) onto a lower land.

Therefore, it's advisable to consult the relevant legal provisions and seek professional advice if you require specific information regarding this principle.

Not every stormwater problem is a council issue and maybe something landowners need to resolve. Here are a few points for landowners to note:

- **Open Communication:** If you encounter any water flow issues caused by natural ground seepage on your private property, or if you are diverting or blocking the natural flow of water from landscaping, fences, walls, or a small trench, it is advisable to first discuss the matter with your neighbour. Similarly, if excessive rainfall causes pool overflows, addressing the situation by talking to your neighbour is recommended.
- **Seek a resolution:** Work together to find a mutually agreeable solution. This may involve making changes to your property or collaborating on a drainage plan that diverts the stormwater in a way that minimizes the impact on both properties.
- **Legal advice:** If a resolution cannot be reached through discussions, it may be necessary to seek legal advice. A lawyer specializing in property law or water rights can provide guidance on the applicable laws in your area and help determine your rights and responsibilities.

It's important to note that certain activities, such as raising the ground level, increasing impermeable areas, or blocking flow paths, can potentially increase the amount of stormwater flowing onto your neighbour's property. If you have made alterations or

modifications to your property that result in flooding on your neighbour's property, it is suggested to either discontinue the activity or implement a system to prevent the extra stormwater from flowing across your boundary. Taking these steps can help maintain a good relationship with your neighbour and avoid potential conflicts.

## Stormwater and your home

If you are a landowner, it is your responsibility to manage the stormwater on your property. As well as managing the problem of flooding, there is also the need to protect the environment from the impact of stormwater run-off and the pollution and sediment that the stormwater picks up as it flows over hard surfaces. Fortunately, the measures will reduce your flood risk and often help the environment too:

### **Be flood-wise - build with nature, not against it.**

- **Stormwater Flow:** Take into account how stormwater will naturally flow over the ground on your property. Identify any dips or channels where water tends to collect. By understanding these natural patterns, you can plan your construction in a way that minimises the impact of stormwater.
- **Permeable Surfaces:** Reduce the use of impermeable surfaces such as concrete or asphalt, which prevent water from being absorbed into the ground. Instead, opt for permeable surfaces like permeable pavement, gravel, or green spaces that allow water to infiltrate. This helps to reduce the risk of flooding and minimises pollution caused by runoff.
- **Overland Flow Paths (including gullies, streams, or swales):** Avoid obstructing overland flow paths, which are natural pathways that stormwater follows. Blocking these flow paths can lead to increased flooding in the surrounding areas. Ensure that any construction or landscaping activities do not interfere with the natural flow of water.
- **Habitable Floor Height:** It is essential to ensure that the habitable floors of your building, such as kitchens, bedrooms, and living rooms, are situated at a sufficient height above ground level. This helps prevent stormwater from entering the living areas during flooding events. The specific height requirement may be outlined in your local District Plan or building regulations.
- **Maintenance of Stormwater Systems:** It is crucial to regularly maintain stormwater systems on your property. This includes cleaning and inspecting gutters, drains, and any other stormwater management infrastructure you have in place. Proper maintenance helps ensure that these systems function effectively and prevent flooding and environmental damage.

### **Where can I find information about stormwater flooding on a property?**

When you buy a property or build a house or business, you can ask about local flooding issues and purchase a Land Information Memorandum (LIM) on a property you are considering buying. The LIM will record any flooding of habitable floors.

If you are building, you can site your home out of any floodable areas, raise the habitable floor levels or make your house using materials better able to withstand floods. For more information regarding your responsibilities, District Plan/Building requirements, Code of Practice and flood modelled maps – see *below*.

#### **For more information:**

[Land Information Memorandum \(LIM\)](#)

[Flooding & Your Responsibilities](#)

[For Council Maps with Accurate Flood Modelling](#)

[District Plan](#)

[Resource Consents](#)

[Building Consents](#)

[Development Code of Practice](#)