

## Rural stormwater guidelines

The Buller District Council (BDC) provides this information as property owners are, sometimes, not fully aware of the requirements and the responsibilities for dealing with stormwater.

### **Stormwater - what is it?**

Stormwater is rainfall that falls or finds its way onto your property.

### **What organisation consents or controls stormwater?**

Most rural property stormwater discharges, consents and disputes are dealt with by the West Coast Regional Council. For our ratepayers, BDC is happy to be involved if information or advice is needed, and if a referral to another agency is needed.

### **What are your responsibilities?**

As a landowner, you are required, by law, to accept and responsibly deal with water that arrives on your property. This could be rainwater falling directly onto your property, or water flowing from a neighbouring property at a higher elevation (referred to, in law, as Natural Servitude).

Exceptions for allowing Natural Servitude occur when the neighbouring property has introduced additional water, has altered or concentrated the natural flow, or altered the property's soakage or run-off capabilities.

For example, your neighbour installs a roadway, re-contours their land, digs a ditch or erects a shed on your boundary that causes water to flow "unnaturally" or differently onto your property.

Similarly, you will need to discuss any alterations to your property with BDC and potentially affected neighbours before you undertake any work that may affect how stormwater leaves your property.

You are also required to take all reasonable steps to contain or deal with stormwater on your property.

This may include creating or maintaining soak pits or detention tanks to manage water from your roofs, directing stormwater into a roadside ditch and minimising any run-off to a neighbouring property.

Discharges to waterways (streams, creeks and rivers) will often require consents and conditions being obtained and met to lessen or eliminate environmental impacts. Care must be taken, when spraying herbicides or disturbing your land, that debris and chemicals are not being discharged into water ways or onto neighbouring properties.

The planting of trees, shrubs and gardens etc. will increase the amount of stormwater your property can absorb so, when possible and practical, this is encouraged.

## **What are your rights?**

You have legal recourse if any activity increases or concentrates stormwater onto your property, or if damage occurs or is threatened. For example, on a neighbouring up-hill property, a pond is created that you believe may burst, chemicals are being stored there or a large concrete driveway has been constructed that backs onto your boundary.

## **Common problems**

Most of our rural stormwater systems are generally trouble free. There are a mixture of BDC owned and maintained drains, along with road-side drains owned by Waka Kotahi, while KiwiRail also maintain their rail corridor drains and culverts.

However, not all rural drains are maintained or owned by BDC. Many are farm drains and some townships have drains and culverts that are either privately owned or are a legacy from other activities or land use.

Confusion often arises when a storm drain becomes clogged or overgrown and ditches fill up or overflow.

Please call BDC or raise a service request that identifies the problem drain and we will do our best to alert the appropriate owner or agency to restore flow.

Disputes also arise between neighbours when water flows increase, change or become a nuisance.

As outlined, in the responsibilities section, these are best avoided by neighbours discussing any changes and raising them with BDC or the West Coast Regional Council if there are any concerns before any work is done. Legal disputes are costly, seeking advice beforehand will usually cost nothing.

## **Questions or concerns?**

There is a huge amount of information and advice on stormwater detention and ground soakage on the internet. But, if you can't find an answer, or need some assistance, please contact Buller District Council or the West Coast Regional Council directly.