

Building Practice Note SD-01: Stormwater drainage systems

This Practice Note provides guidance on complying with the stormwater drainage requirements under the Building Act 1993 and the Building Regulations 2018.

The content below provides guidance on:

- General requirements
- Design compliance
- Other related matters

Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993, Building Regulations 2018 or the National Construction Code.

- **Act** – Building Act 1993
- **BAB** – Building Appeals Board
- **Municipal council**- Local Government Authority
- **NCC** – National Construction Code 2019
- **RBS** – Relevant Building Surveyor
- **Regulations** – Building Regulations 2018

General requirements

Stormwater drainage is a key area that must be considered in the design of a Structure. The appropriate disposal of stormwater is a shared responsibility between the property owner and the local municipal council.

The municipal council is responsible for the stormwater drain between the legal point of discharge from an allotment and the kerb and channel, barrel drain or other council drainage system. The property owner is responsible for a stormwater drainage system up to the legal point of discharge.

Design compliance

The stormwater drainage system must comply with the relevant Performance Requirements of the National Construction Code 2019 (NCC) as prescribed under Part F of NCC Volume One and Part 2.2 of NCC Volume Two.

Regulation 133(2) of Building Regulations 2018 (Regulations) requires that the report of the relevant council is obtained for an application for a building permit where building work includes a stormwater drainage system. The report identifies the location of the legal point of discharge for the allotment. The RBS must approve the stormwater drainage system ensuring that the point of discharge is consistent with the point of discharge from the report.



A point of discharge report should be obtained if the existing stormwater drainage system is to be altered or there will be an impact on the effectiveness of the existing stormwater drainage system such as, an increase in volume or flow rate of stormwater.

Appeals

As part of the regulation 133(3) report, the council may make recommendations relating the allotment's stormwater drainage design.

If the council's recommendations are not followed, section 23 of the Building Act 1993 (Act) requires the RBS to notify the council without delay if its recommendations in relation to a building permit are not implemented. If the RBS fails to implement council recommendations, the council can appeal to the BAB.

The appeal may be made pursuant to section 138(5) of the Act within 30 days after the day the council receives notification of the issue of the permit from the RBS, as prescribed in regulation 271(1)(g).

Other related matters

Local Government Act 1989

The relevant council has powers under section 200 of the Local Government Act 1989 to give notice to the owner or occupier to carry out any work for the drainage of a building, surface, or storm water on any land. If the owner or occupier does not carry out the work or the work is not to the satisfaction of the council, the council may carry out the work and recover the cost from the owner or occupier.

A planning permit may limit the discharge rate into the council stormwater system. The RBS should ensure that the design of the stormwater drainage system is consistent with the required discharge rate.

Water Act 1989

An owner may obtain access to an adjoining property for drainage purposes in the absence of a drainage easement in accordance with Part 12 of the Water Act 1989.

Section 16 of the Water Act 1989 creates a liability for the flow of water from land onto another person's land that is not reasonable and causes injury or damage.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- Local Government Act 1989
- Water Act 1989

List of Amendments

- Update format to new VBA style guide.
- Minor amendments to improve readability

Version History

- Version 1.0, published 28 June 2022, supersedes Practice Note PN-04-: Stormwater Drainage Design issued 28 June 2018.



Contact Us

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