



Stormwater Drainage

This fact sheet provides information relating to the legislative provisions that regulates stormwater runoff from private properties.

Property Owner Responsibilities

Property owners are responsible to construct and maintain stormwater drainage systems on their property.

Council does not regulate natural overland flow on private property. It is the property owner's responsibility to ensure that any alteration to the natural surface water runoff does not impact on the common law rights of adjoining property owners as any nuisance or damage that results may lead to the possibility of civil action.

A registered easement for stormwater drainage purposes is provided to protect the integrity of overland flow and or underground pipe drainage systems. The easement must be maintained by the property owner and open drains must be kept free of debris and vegetation to allow stormwater to flow. Owners should ensure that they are aware of any registered easement documents over their property and the requirements regarding the building of fences, garden beds, or other structures over a drainage easement.

Council Responsibility – Existing Buildings

If a property has a stormwater installation such as roof gutters, downpipes, subsoil drains and stormwater drains Council can require, using powers under the *Local Government Act 2009*, that the property owner connect the installation to a Council stormwater drain (either roadside kerb and channelling or an inter-allotment drainage system).

However, if there is no available Council stormwater drain or the site is not suitable, for example if the property concerned slopes away from the street and there is no inter-allotment drainage, Council will not intervene.



Discharge for New Buildings

The *Building Act 1975* requires that if a development approval permits a building or land to be drained, the drainage must be carried out in a way that protects land, buildings and structures in the neighbourhood of the building.

Council's position is that stormwater is therefore to be drained to one of the following points:

- a) Kerb and channel;
- b) An inter-allotment drainage system;
- c) Council-controlled drainage easement or drainage reserve;
- d) A Council-controlled table drain; and/or
- e) Engineer (RPEQ)-designed on-site disposal system (i.e. an absorption trench or the like).

However, before connecting to a Council-controlled drain, approval must be obtained from Council. Please contact Infrastructure Services on 1300 79 49 29 for further information.

Stormwater from a new building must be addressed at the time of final inspection by the Building Certifier who has approved the building work. If the Certifier has failed to have due regard for this, then a complaint can be made to the Queensland Building Services Authority for an investigation of the Certifier's conduct in the matter. The outcome of this investigation will

determine the extent of Council's ability to take any enforcement action.

In addition, if a new rainwater tank is to be installed on a residential property and the tank overflow pipe is proposed to be drained to an on-site stormwater dispersion system, Council must approve the system before installation (refer to the Queensland Development Code MP 4.2, acceptable solution A13).

Overland Flow

In certain situations, the construction of fences, retaining walls, garden beds, landscaping and the like can change the path of overland flow to the detrimental effect on adjoining properties. Council has no jurisdiction over this issue and cannot take enforcement action against any of the parties concerned. Affected landowners will need to undertake their own civil action in these instances.

Council would encourage landowners in this situation to firstly talk to their neighbours about the water flow and seek a mutually agreeable solution. For example, a landowner of the uphill property may choose, with the written permission of the owner of the lower property, to run a stormwater pipe through the lower property to the kerb and channel, which would help to minimise the amount of water experienced by the lower property. This is however, a civil matter for neighbours to negotiate.

Water Seepage

Seepage water, or groundwater that comes to the surface, is the responsibility of the individual property owner and should be controlled by the installation of seepage drains. Council does not provide drainage infrastructure for private property for naturally occurring water. Groundwater seepage can occur where sloping blocks have been excavated to create a flat yard or building site, or can occur at the natural ground level. Property owners are encouraged to liaise with neighbours to deal with such issues and if possible, direct water to the Council stormwater system if one is constructed or available.

Rural Drainage

In general, it is a matter of practice that the standard of drainage provided in Rural Zoned Areas, is lower than that provided in Low Density Residential Areas. In fact, roadside table drains are provided for the purpose of lowering water

table levels adjacent to the road pavement to protect the road pavement from saturation and subsequent failure under traffic. There is generally no intention for table drains to provide a drainage system that decreases stormwater discharge onto private rural properties, although this may be a side benefit.

The amount of water conveyed in a table drain is consistent with relatively small intensity storms only. It is expected that in heavier downpours, that the table drains will overtop and the excess run-off will resume its natural overland flow path.

Inter Allotment Drainage

In some instances the development of estates has included one or more inter-allotment drainage systems. Some of these are a requirement of Council while others are a result of the developer identifying a need to improve lot drainage. Council is responsible for inter-allotment drainage installed as a requirement of the development and these are usually (but not always) accompanied by a drainage easement. If the system was constructed by the developer for the improvement of the allotments, these become privately owned inter-allotment drainage systems, the maintenance of which is the responsibility of the properties utilising them. Any interference to the system which has a negative impact on surrounding properties becomes a civil matter between property owners.

Contact with Council can assist with the identification of the system to determine who is responsible. Please call 1300 79 49 29 for more information.

Disputes Between Neighbours

Problems with overland stormwater flow between neighbouring properties are generally a civil matter to be resolved between the respective owners. Council has limited powers to intervene.

Should a dispute develop between neighbours over this issue that cannot be resolved, the free mediation services provided by the Department of Justice may be able to assist, without the need for expensive legal proceedings. For more information, please contact the Wide Bay Dispute Resolution Centre on (07) 4125 9225 / 1800 681 109.

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