



# STORMWATER DISPOSAL FOR RESIDENTIAL DEVELOPMENTS

## Introduction

A number of complaints are received by Council regarding stormwater run-off and/or overland flow from private land causing a nuisance to an adjoining or downstream property. Council's intervention powers are limited to resolve such issues and this information sheet outlines the role and responsibilities of Council and the responsibility of the property owner.

## Property owner's responsibilities

- A property owner is required by law to maintain to a good condition and in compliance with any Council requirements the stormwater pipes, gutters, downpipes, gully pits and any other components of your existing stormwater system.
- A property owner is required to accept natural *overland flow* from adjoining properties or public land and must not divert or redirect the flow from its natural path on to neighbouring properties.
- A downstream property owner cannot erect any type of barrier that interferes with the path of overland flow. If you are downstream, you must accept the 'natural' run-off on to your property.
- When constructing hardstand areas, driveways and landscaping you must control stormwater in order to prevent concentrated flows onto the adjacent property.
- If there is an easement on your property it must be maintained and kept clear of debris to allow the natural flow of stormwater to a legal point of discharge.

## Council's Role / Responsibilities

- Council provides (often through developer contributions) roads and drainage systems to collect and convey stormwater to creeks and rivers.
- Where a building exists and is interfering with the path of stormwater Council does not have any legal provisions to become involved. However, the Local Government Act 2009 has provisions with regard to the path of stormwater and makes it an offence where the flow of stormwater over land is restricted or redirected in a way that may cause the water to collect and become stagnant so as to cause unhealthy conditions.
- Council has no power under any Act to require a property owner to carry out new building work or alter building work to an **existing** building structure unless the stormwater installation does not comply with conditions of approval for the building development approval.
- Where a roof catchment system has been installed (gutters and downpipes) and there is constructed council drainage (either roadside kerb and channelling or an inter-allotment drainage system), then legislative provisions can be invoked to require the property owner to connect their roof catchment system to the constructed council drainage.
- Where a property owner has performed landscaping (ie constructed paths, cut-off drains, garden beds or mounds) which alter and/or diverts the path of natural overland flow and causes a nuisance, there are no regulatory intervention powers available to Council.



## Building development approvals

- It is not always a requirement or necessary to install gutters and downpipes to a building (for example small garden sheds). If they are installed, however, they must comply with the specified technical standard and be installed so as not to cause a nuisance to adjoining properties.
- It is the Building Certifier's responsibility for ensuring the stormwater catchment system has been installed to comply with the building development approval until the approval is finalised or has lapsed.
- Where a private certifier has issued the building development approval and it is still current, then the matter is to be referred to that certifier. If the work has been finalised or has lapsed, Council can only take appropriate action where the stormwater catchment system does not comply with the development approval.

## Dispute resolution

- Where no regulatory intervention powers are available to Council, then these matters are civil in nature. Landowners are encouraged to talk to their neighbours about the problem and to seek a mutually suitable solution.
- Where a resolution cannot be achieved or assistance is required in this matter, the Dispute Resolution Centre provides a non-legal mediation service. They can be contacted on 1800 017 288 (toll free) or by fax (07) 3239 6284. Postal address: GPO Box 149, Brisbane QLD 4001).

## Types of roof stormwater drainage systems

- Roof and surface water is conveyed in pipes to the kerb and channel, including "wet systems" which operate at negative grade;
- An inter-allotment drainage system in accordance with Australian Standard AS/NZS 3500.3.
- Consent may be issued to allow stormwater to be conveyed to a natural creek or public land.
- If none of the above is available, a stormwater absorption / dispersion trench may be required. Stormwater may not be discharged to the sewer, fines may be applied.

## Natural flow

- Natural flow is the flow path that occurs before any excavation, development or building on the land.
- An upstream property owner cannot be held liable merely because surface water flows naturally from his land on to the lower land of a neighbour.
- The upstream property owner may be liable if the water is made to flow in a more concentrated form that it would naturally flow. Ideally, runoff should be directed to the street, or to a drainage system if provided.

## Localised flooding

- Flooding occurs when rainfall intensity exceeds the design capacity of a stormwater drainage system or when flow paths, pipes or inlets are blocked.
- You can be liable for damages if any fill, structure or fence on your property blocks or concentrates natural flows and increases the flood levels or frequency to your neighbour's property.
- Dumping grass and tree clippings into drains may also cause blockages during heavy rain.

## Run-off from roads or public land

- You may experience drainage problems when stormwater runs off public land or the road and it forms ponds or runs through your property.
- All enquiries regarding run-off from public land or the road should be directed to Council's Customer Services Department, telephone 1300 22 55 77.
- Runoff from neighbouring properties—see section on Owners responsibility (front page).

## Driveways

- If you construct a driveway onto a public road you must ensure that drainage along the road is not disrupted. Details of standard designs are available from Council Offices and a construction permit is required prior to work commencing.
- The landowner is responsible for all damage caused to driveways from local flooding.

