



Stormwater Drainage

Property Owners Responsibilities

Existing Buildings

Property owners are responsible to construct and maintain their stormwater drainage systems, including roof water drainage, stormwater pipes, gutters, downpipes, subsoil drains, gully pits etc on their property.

Property owners should have stormwater drainage systems connected and maintained to the appropriate lawful discharge point where possible, so as not to cause nuisance to adjoining property owners.

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.

Stormwater is therefore to be drained to one of the following points:

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

Overland Flow

Council does not regulate natural overland flow on private property or from Council land. 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



The construction of solid fences, retaining walls, garden beds, landscaping and the like can change or concentrate the path of overland flow to the detrimental effect on adjoining properties. **Council has no jurisdiction over these matters and cannot take enforcement action against any of the parties concerned.**

Where buildings or works trigger assessable development under relevant Building or Planning legislation, Council can only take appropriate action for these specific works alone. Affected landowners will need to undertake their own civil action for impacts or damages caused in these instances.

Council encourages landowners to talk to their neighbours about the water flow and seek a mutually agreeable solution. You may also seek independent advice from an appropriately qualified drainage specialist.

Registered Drainage Easements

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 check registered easement documents over their property and any restrictions regarding the building of fences, garden beds, or other structures over a drainage easement.

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 and Construction Commission (QBCC) 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.

Rainwater Tank Overflow

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 (Queensland Development Code MP 4.2, acceptable solution A13).

Water Seepage and Groundwater Springs

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 private seepage drains. 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

The standard of drainage provided in Rural Zoned Areas, is generally lower than that provided in Low Density Residential Areas. Roadside table drains are usually provided for the purpose of lowering water table levels adjacent to the road pavement to protect the road pavement. 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

Council is responsible for inter-allotment drainage installed as a requirement of the development and these are usually (but not always) mostly accompanied by a drainage easement. Maintenance for privately owned inter-allotment drainage systems is the responsibility of the properties utilising them. Interference causing a negative impact on surrounding properties becomes a civil matter between property owners.

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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