

Stormwater Drainage

February 2024

This fact sheet provides information relating to the legislative provisions that regulate 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 an existing building was constructed after the commencement of the *Building Act 1975* and the Standard Building by law, Appendix 4, commencement date 8 March 1981, then Council may require the connection of existing stormwater installations such as roof gutters, downpipes, subsoil drains and stormwater drains to a Council

stormwater drain (either roadside kerb and channelling or an inter allotment drainage system). 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 may require the stormwater installations to disperse into a subsoil rubble pit which is designed to adequately control the flow.

Existing buildings which were constructed prior to the commencement of the *Building Act 1975* and the Standard Building by law, Appendix 4 commencement date 8 March 1981, are not subject to the requirements of this legislation and Council will not intervene. However, property owners need to be aware that a potential case of civil law nuisance may exist where substantial and unreasonable interference by one person with the use and enjoyment of another persons' land is proven from the release of stormwater.

Any new connections to Council drainage systems require an approval. Please contact Infrastructure Services on 07 5540 5111 for information.

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 vicinity 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. A 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).

Before connecting to a Council-controlled drain, approval must be obtained from Council. Please contact Infrastructure Services on 07 5540 5111 for further information.

Stormwater from a new building must be addressed at the time of final inspection by the Licensed 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. 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 referenced below).

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 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

It is a matter of practice that the standard of drainage provided in Rural Zoned areas, is generally lower than that provided in Urban 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

The development of estates may include one or more inter-allotment drainage systems, due to industry best practices and standards, to improve lot drainage and prevent nuisance from stormwater. The inter-allotment drainage systems may be accompanied by an easement to protect and identify the infrastructure. Residents must avoid encroachments or any construction activity without approval from the Council, which may inhibit access, maintenance activities and ultimately impede the normal function of the infrastructure (for example the construction of garden beds, sheds and planting).

Any interference with the inter-allotment drainage system may have a negative impact on adjoining properties which could result in disputes between property owners. Please be aware that the presence of an easement does not alleviate maintenance requirements.

Using a Rubble Pit for Roofwater Drainage

Rubble pits are used as a form of stormwater disposal and management. When the stormwater cannot be discharged to the street/kerb and channel.

What is a rubble pit?

A rubble pit is a trench filled with blue metal gravel and topped with sand to help disperse and remove roofwater. The pipes (stormwater) connect to the pit with a section of slotted pipe (in the pit) dispersing water through the gravel (see Figure 1).

When do you need to use a rubble pit?

There are several different ways to remove roofwater:

Option 1 (preferred): You can connect the downpipe and roofwater lines from the new addition out to the street kerb and channel. If your property slopes away from the road you may need to consider option 2.

Option 2 (if option 1 is not possible): If your neighbour's property slopes towards the road you may be able to place roofwater piping through their property out to the kerb and channel. You must gain written approval from the owners to do this.

Option 3 (if option 1 and 2 are not possible): If your neighbour does not allow you to connect to the kerb through their property you can construct a rubble pit.

What does a rubble pit look like?

The pit should be:

- positioned towards the lower end of the site;
- at least 3 metres from buildings or footings;
- at least 3 metres from side and rear boundaries;
- 1m³ per 40m² of roof area (for >40m² a hydraulic engineer should be used to design the system); and
- shown on the building plans and including the size and location.

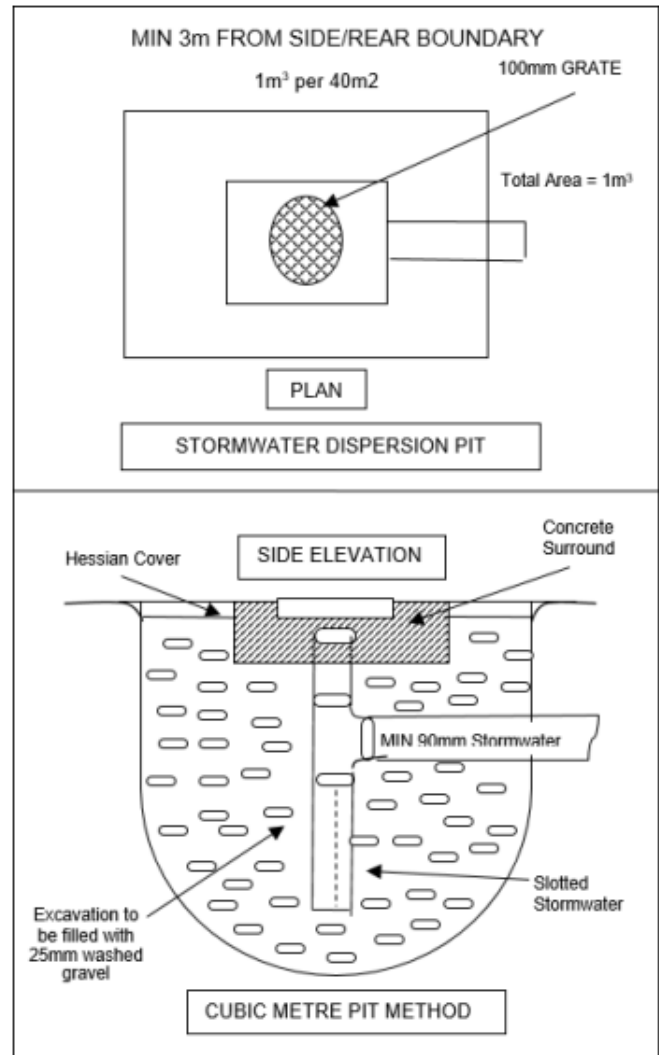


Figure 1: Rubble Pit - One (1) Cubic Metre Pit Method per Downpipe

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 South Queensland Dispute Resolution Centre on 07 3738 7000 or 1800 017 288.