

## **STORMWATER FACT SHEET**

The following information is provided for residents to explain stormwater drainage systems and surface water requirements and procedures for all properties located within the Gympie Regional Council area.

### **Overland flow**

Overland flow between private properties usually occurs when:

- The natural contours are sloping;
- A site has been excavated to build a concrete slab, eg. cut and fill style construction;
- Retaining walls, garden beds, re-contouring, drains or other structures have been built that result in stormwater being concentrated, diverted or redirected on to other property.

Natural flow is the flow path that occurs before any excavation, development or building on the land. Landscaping can change the topography of a property and the way it sheds water. Ideally, run-off should be promoted towards the street, or to a drainage system if provided. Cut-off drains, diversion mounds and perimeter banks are also helpful in directing run-off towards the drainage system.

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. However the upstream property owner may be liable if the water is made to flow in a more concentrated form than it would naturally flow.

### **Owner's responsibilities**

Property owners have a range of responsibilities, which, if carried out correctly, will minimise the threat of surface water entering a home in the event of heavy rain. It is important that new buildings are designed to manage overland flow from properties above. You must maintain the stormwater pipes, gutters, downpipes, gully pits and any other components of your approved stormwater system on your property in good condition, and in compliance with any Council requirements.

Generally, this means that property owners need to ensure that roof water and stormwater is drained to one of the following to comply with the requirements of AS/NZS 3500.3 - 2003 (Plumbing and Drainage Part 3: Stormwater Drainage):

- (a) kerb and channel,
- (b) an inter-allotment roof water pipe system, or
- (c) Council-controlled drainage easement or drainage reserve.

In some instances, a suitably design absorption trench system may also have been approved for installation.

Properties are 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. It is important to note that a downstream property owner cannot erect any type of barrier that blocks or "dams" the path of stormwater. To put it more simply, if you are downstream, you must accept the 'natural' run-off from those properties that naturally slope towards your property.

Surface water flows to the lowest point. 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. It is the responsibility of a downstream property owner to manage and protect the lawfully constructed building structures on their property. This could be achieved by installing private drainage to protect a property.

When constructing hardstand areas you must control stormwater in order to prevent it from flowing on to adjacent property. It is preferable to minimise the area of water-resistant surfaces such as concrete or paved areas and driveways.

If there is an easement on your property for stormwater purposes, it must be maintained and kept clear of debris to allow the natural flow of stormwater to the field gully.

### **Council's responsibilities**

If the property has a stormwater installation, defined under the *Local Government Act 2009* as roof gutters, downpipes, subsoil drains and stormwater drainage for the premises, Council may direct the property owner to connect to Council's stormwater drainage system if such a system is available and it is practical to do so. Council can enforce its powers where:

- a building approval is finalised or no longer current, and the property has a stormwater installation (roof gutters, downpipes, subsoil drains and stormwater drainage), and;
- there is constructed Council drainage (either roadside kerb and channelling or an inter-allotment drainage network) provided to the lot and site conditions are appropriate.

However, there are situations where Council has no power to intervene. This occurs when there is no constructed Council drainage provided to the lot, or site conditions are not suitable – for example, because the property slopes downhill and away from the street, and there is no inter-allotment drainage network at the rear of the property.

**Please note: Surface stormwater flow that is not from a building or structure is generally a civil issue.**

### **Localised flooding**

Local flooding can occur 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.

### Seepage water

Seepage water (ground water) is the responsibility of individual property owners and should be controlled by the installation of seepage drains. Where sloping blocks have been excavated to obtain a flat yard or building site, seepage drains should be constructed to redirect water to a stormwater drainage system. Residents should liaise with neighbours to deal with such issues. If possible, drainage easements should be created to direct water to the Council stormwater system.

### 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.

Landowners are encouraged to talk to their neighbours about the problem and to seek a mutually suitable solution. If this is not possible, the Dispute Resolution Centre provides a non-legal mediation service. They may be able to assist without the need for expensive legal proceedings. They can be contacted via the Department of Justice on 1800 017 288 (toll free).

The services of a mediator may also be sought through the State Government Community Justice Program (contact the Local Magistrates Court for details).

<u>Department of Justice</u>
<b>Street Address:</b> Level 1 Brisbane Magistrates Court 363 George Street, Brisbane QLD 4000
<b>Postal Address:</b> GPO Box 149 Brisbane QLD 4001
<b>Phone:</b> (07) 3006 2518 or 1800 017 288 (toll free)
<b>Internet:</b> <a href="http://www.justice.qld.gov.au/justice-services/dispute-resolution">http://www.justice.qld.gov.au/justice-services/dispute-resolution</a>

Finally, you can seek personal legal advice about the feasibility of taking civil action against the party creating the problem if you feel your property has suffered or been exposed to potential damage.

### Further Information

For further information, please contact the Building Section of Council's Planning and Development Department by telephoning (07) 5481 0400.

Alternatively, you may send an email to: [building@gympie.qld.gov.au](mailto:building@gympie.qld.gov.au)