

Storm Water Management

What is Stormwater

Stormwater is rainwater that runs off surfaces such as lawns, roads, roofs, car parks and natural ground surfaces.

Water that is unable to enter the underground drainage system will find its natural way to the nearest watercourse via overflow paths. These overflow paths are typically roadways, public reserves, pathways, including through private property.

Owner's responsibilities

The property owner 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. The property owner is required to accept natural overland flow from adjoining properties or public land. To put it more simply, if you are downstream, you must accept the 'natural' run-off onto your property. If there is a stormwater easement on your property it must be maintained and kept clear of debris to allow the natural flow of stormwater.

Council's responsibilities

If the property has a stormwater installation such 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 available and practical to do so. 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.

Legal points of discharge

There are three ways of connecting stormwater to a legal point of discharge:

- Roof and surface water is conveyed to the kerb and channel;
- An inter-allotment drainage system in accordance with Australian Standard AS/NZS 3500.3.2: 1998 (Clause 1.8).
- Where grade does not permit the stormwater to be piped to a system of inter-allotment or subdivision drainage or the street channel, via an underground pipe; a bubbler outlet of at least three (3) metres from the downstream side of building foundations and no closer than three (3) metres to any property boundary must be installed .

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;
- 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.
- An upstream property owner cannot be held liable merely because surface water flows naturally from their land onto the neighbouring land.

Water becoming stagnant



Fact Sheet

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A person must not restrict or redirect the flow of water over land in a way that may cause the water to pond and become stagnant. This does not apply to water collected in a dam, wetland, tank, or pond if no offensive material can accumulate.

Disputes between neighbours

If neighbouring properties have a dispute about overland water flow, but the buildings and structures are constructed and connected lawfully and adhering to guidelines, it is a civil matter and Council has limited powers to intervene.

Council would always encourage neighbours to communicate with each other about any problem and attempt to reach a mutually satisfactory solution. If this is not possible without a third party, the services of a mediator may also be sought through the Department of Justice mediator.

Finally, if one or both parties feel that the situation cannot be resolved through mediation, and that a property has suffered or been exposed to potential damage, legal advice about the feasibility of taking civil action against the party creating the problem can be sought through a Solicitors' Office.

