

Stormwater drainage and overland water flow



Water that flows over private land, roadways and public reserves is referred to as overland surface water flow.

This occurs during high rain events and is usually because the water is unable to soak into the ground or evaporate. This causes the water to find its natural way to the nearest watercourse via overflow paths.

Owner's responsibility

Property owners have a range of responsibilities, which if carried out correctly, will minimise the threat of surface water entering a home because of a heavy rain event.

Some of these responsibilities are as follows

- Managing storm water drainage and surface water on the property
- Maintaining stormwater pipes, gutters, downpipes, gully pits and other stormwater components
- Ensure on-site alterations do not alter or intensify overland flow paths.
- Consultation with neighbours

Property owners generally need to ensure that roof water and stormwater is drained in a way that complies with Australian standards.

Buildings currently under construction

Complaints about buildings under construction that are subject to a current building approval should, in the first instance, be referred to the builder.

Details for the builder should be visible on the building sign at the front of the premises.

The builder remains responsible for all stormwater installations permitted under a building approval until the building contract is finalised. In the event of a complaint (during the building process) the private building certifier has enforcement powers and can take appropriate action.

Stormwater drainage and overland water flow

Buildings already established/existing

Council may direct a property owner to connect a building or structure to council's stormwater drainage system, where available and practical to do so, if the below applies:

- 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) within the specified distance and site conditions are appropriate for connection.

There are situations where council has no power to intervene. This can occur due to the age of the building or when there is no constructed council drainage located in a practical location for connection (ie: the property slopes downhill and away from the street, and there is no inter-allotment drainage network at the rear of the property). Over land surface water flow that is not caused from a building or structure is generally a civil issue.

Overland surface water flow

Overland surface water flow between private properties usually occurs when the following applies:

- The natural contours are sloping
- Surface water is being concentrated, diverted or redirected onto another property.

Ideally, run-off should be directed towards the street or a drainage system, if provided.

Cut-off drains and perimeter banks are also helpful in directing run-off towards the street or into a private drainage system. Property owners are required to accept natural water overland flow from adjoining properties or public land.

Note – you can be held liable for damages if changes on your property increase overland surface water flow on an adjoining property.

Surface water flows to the lowest point. An upstream property owner cannot be held liable merely because surface water flows naturally from another landowner's land onto 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.

Be aware that landscaping can change the topography of a property and the way it distributes water.

Water becoming stagnant

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 is allowed to 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 becomes a civil matter and council has limited powers to intervene. Landowners are encouraged to communicate with neighbours in an attempt to reach a mutually satisfactory solution. If this is not possible, the services of a mediator may be sought through the Department of Justice and Attorney General.

For more information phone council on **1300 MACKAY (1300 622 529)** or visit the website mackay.qld.gov.au