

# Guideline

## Stormwater Management



### Introduction

The following information is provided to assist residents with concerns regarding stormwater drainage and to understand requirements for stormwater disposal and overland stormwater flow within the Mareeba Shire.

### Roof discharge from new buildings and buildings under construction

Current building codes set out the requirements for new buildings and renovations to address stormwater drainage for the property in a way that protects buildings and structures for the adjoining land users.<sup>1</sup>

Stormwater installations from buildings and yard drains should be drained to one or more of the following points:

- Kerb and channel / roadside drainage
- An inter-allotment drainage system
- Infiltration drainage pits
- Engineer designed on-site disposal systems
- Rainwater tanks
- Natural watercourse

Stormwater from new buildings and additions must be addressed by the relevant Building Certifier who has approved the building works. The certifier must not finalise the development application until an approved stormwater system has been installed. If the certifier has not properly addressed the stormwater drainage for the property, the matter will be referred to the Queensland Building and Construction Commission.

Individual builders are responsible for all stormwater installations permitted under a building approval until the application is finalised. Builders are also responsible for stormwater discharge on site during

construction which includes erosion and sediment control.

### Stormwater drainage systems for buildings

Property owners have a responsibility to maintain the stormwater drainage systems on their property. This means maintaining and managing stormwater drainage and overland flow of surface water on the property. This includes gutters, downpipes, yard gullies, water tank overflow and subsurface absorption drainage systems.

Council does not regulate natural overland water flow on private properties. 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.

If the water is the result of heavy rain such as experienced from time to time in Mareeba Shire, drains do not always cope. The legislation and regulations covering the dimensions of pipes and stormwater systems are written with average rainfalls in mind and do not make allowance for excessively heavy deluges. For this, even approved stormwater disposal systems may appear inadequate on occasion due to extreme weather conditions. A licensed plumber drain layer or hydraulic engineer can provide advice on pipes and drains.

### Overland stormwater flow

Overland surface water flow between properties usually occurs when the natural contours of the land are sloping. Surface water flows to the lowest point, an upstream property owner cannot be held responsible merely because surface water flows naturally from a property to the lower land of a neighbour. It is the responsibility of the downstream property owner to

<sup>1</sup> See *National Construction Code*, Volume one: Part F1 Stormwater Drainage - available online.

manage and protect the lawfully constructed buildings on their property.

In certain situations, the construction of fences, retaining walls, garden beds and 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 action for, on behalf of, or against any of the parties concerned. Affected owners need to undertake their own civil action in these instances. Council would encourage property owners in this situation to firstly talk to their neighbours about water flow and seek a mutually agreeable solution.

## Water seepage

Seepage water, or ground water 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 properties 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.

## Rural Drainage

In general, it is a matter of practice that the standard of drainage provided in Rural Settlement and Rural zoned areas is lower than that provided in residential 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 undertaking of works on rural properties which result in changes to the land surface drainage contour can impact upon roadside table drains. Rural property owners are encouraged to speak with Council on any intentions for works to assist in identifying possible impacts.

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 table

drains will overflow, and the excess run-off will resume its natural overland flow path.

## Stormwater drainage concerns

Council may investigate and take action on stormwater drainage complaints where it relates to the flow of surface water from a property and where the following criteria has been met:

- The surface water is the result of defective roof drainage from a dwelling or outbuilding<sup>2</sup>

## When no action can be taken

Mareeba Shire Council can take action only where there is legislative power to do so. The following points outline where Mareeba Shire Council cannot take action:

- The surface water is natural runoff from the property due to the uninterrupted topography and is not intentionally or unintentionally redirected in any manner.
- Surface water is unintentionally flowing down existing hard surface areas such as driveways, tennis courts, and concrete slabs of paved areas.
- Where the location of a compliant dwelling or outbuilding affects surface runoff.
- Where surface water runoff occurs only in periods of exceptionally heavy rain.
- The surface water is a result of overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of building roof water to Mareeba Shire Council stormwater drainage system.
- The stormwater runoff is from new development work that is the subject of a development consent and has been constructed in accordance with that consent.

## Further reading

*Queensland Urban Drainage Manual: Fourth Edition - available for purchase from Institute of Public Works Engineering Australasia (Queensland).*

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<sup>2</sup> See *Local Government Act 2009*, Sections 76-77, 80 - available online via Queensland Legislation website.