

Stormwater on your property

FACT SHEET

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 overland flow paths. These overland flow paths are typically roadways, public reserves, pathways and often flow through private property.

Overland Flow

Usually stormwater runoff (overland flow) happens when water flows over properties on its way to a watercourse. Changes to the ground level of properties such as excavation, earth fill or construction of buildings or retaining walls alter stormwater flow and can cause nuisance to neighbours.

Property Owners Responsibilities

Private property owners must maintain the stormwater pipes, gutters, downpipes, gully pits and any other components of drainage systems in good condition and in compliance with any Council or building requirements.

If your property is downstream, you are required to accept the natural overland flow from adjoining properties or public land and must not divert or redirect the flow from its natural path onto neighbouring properties. If there is an easement on your property it must be maintained and kept clear of obstruction and debris to allow for the natural flow of stormwater.

In certain situations, the construction of fences, retaining walls, garden beds, landscaping and the like can change the path of overland flow to the detriment of adjoining properties. A downstream property owner cannot erect any type of barrier that interferes with the path of overland flow. When constructing hardstand areas, driveways and landscaping you must control stormwater in order to prevent concentrated flows onto adjacent properties. It is recommended property owners seek professional advice before commencing any new works.

Council's Stormwater Drainage System

Council's stormwater system comprises of infrastructure that is put in place to collect roofwater and overland flow water from properties as well as roads, reserves, parks etc. and carry it away from properties. Council's infrastructure includes kerb and channel (gutter), pipes, open drains, headwalls, catchpits etc. which Council maintains.

If private property has a stormwater installation such as roof gutters, downpipes, subsoil drains and underground drainage pipes for the premises, Council may direct the property owner to connect to Council's stormwater drainage system if available and practical to do so.

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 problems with overland stormwater flow and to seek a mutually suitable solution. If a resolution cannot be reached, assistance can be sought from the Dispute Resolution Centre. For more information visit www.justice.qld.gov.au or call 13QGov (13 74 68).