

Stormwater

INDUSTRY ASSOCIATION
OF QUEENSLAND INC.

IA. 173 66



PO Box 2100
Fortitude Valley BC
Qld 4006
Phone: 07 3000 2116
Fax: 07 3257 2392

20 October 2009

Russell Buckley
GHD
russell.buckley@ghd.com

Dear Mr Buckley

This letter provides a response to your recent request, on behalf of Logan City Council, for input on the management of roofwater and service easements in order to inform a review of relevant aspects of their planning scheme and policies. Specifically responses were sought on the following questions:

- (a) What are your requirements/ stance on easements that cross a number of lots to manage stormwater (e.g. who should take responsibility for it, typical standards etc)?*
- (b) Do you believe it is appropriate for Planning Scheme Policies to refer to the Queensland Urban Drainage Manual?*

The following response has been provided by Allan Herring, who is a member of the Stormwater Industry Association and was a member of the management committee for a number of years. Alan has had significant years of experience in the industry and was part of the Queensland Urban Drainage Manual (QUDM) review team.

Firstly, the issue of who controls waterways and overland flow paths is a vexed question and while Councils would ideally like to get rid of it, they are the most appropriate body to deal with the issues, which remain in perpetuity. As private owners come and go, control needs to rest with the entity that is most likely to survive long term. At the moment this is either the state or the council. The alternative to some form of Council control is a series of long and drawn out civil actions between adjoining and disputing property owners who could at any time divert flows and interfere with identified flow paths. While Council may not want to control/own and/or maintain these, it is in the overall interests of the community that they maintain some degree of control over them. The best way to do this is via an easement, because where there is no easement the matter usually has to be dealt with in court.

Secondly, while QUDM is not a code, it is regularly referenced by Queensland Councils as a generally agreed industry standard that defines minimum acceptable drainage practices. It refers to AR&R but even that is not a code as such. During the latest review of QUDM, the review committee carefully considered whether QUDM should be codified, i.e. whether it should be turned into a set of performance criteria with acceptable outcomes that could easily be incorporated into IPA and Council Planning Schemes.

The unanimous response to this, as agreed by the committee, is that drainage practice is regulated in Queensland by the requirements for work to be planned, designed and implemented under the supervision of professional engineers registered under the provisions of the Professional Engineers

Act. As such, Registered Professional Engineers Queensland (RPEQ) must, in their due diligence, have to give appropriate weighting to the standards outlined in QUDM and Australian Rainfall and Runoff (AR&R). Also, it was felt that, as QUDM applies to all of Queensland, not just Southeast Queensland, it would be impossible and restrictive to Professional Engineers to prescribe and codify drainage practice for the whole state where rainfall and runoff patterns and development pressures are markedly different.

Therefore, QUDM remains as a guideline. How it is interpreted and applied is still largely up to the interpretation and the adopted policies of Councils and the expertise and experience of the Professional Engineers who use it on a day to day basis.

The best way for a Council to call up QUDM and AR&R as appropriate standards is to call them up via an adopted Planning Scheme Policy that has some legal standing as part of the overall planning scheme documentation. An adopted planning scheme, once it has been through appropriate public consultation, and is approved and gazetted, has the weight of law, so a referenced policy in effect becomes part of Queensland law applicable to that Council area.

Also, remember that guidelines and standards do not prevent innovative new technologies and solutions from being developed. There is still an onus of proof on newly emerging practices and technologies to be properly tried and tested. QUDM and AR&R do not prevent this. Codifying QUDM or AR&R could.

Should you have any queries, Allan Herring's contact details can be provided by request.

Regards
Sarah Walker
President