

IPSWICH CITY COUNCIL
LOCAL LAW NO. 45 (CONSTRUCTION OF DAMS)

Interpretation

1. In this local law, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:

‘**the Act**’ - means the Local Government Act 1993 and any further amendments thereto.

‘**Alignment**’ - means the boundary between any land and a road reserve, or between any land and a Reserve under Council’s control.

‘**Construct**’ - means:

- (a) construct or commence or continue to do work in the course of or for the purpose of constructing;
- (b) do or commence or continue to do work in the course of or for the purpose of constructing.

‘**Council**’ - means the Ipswich City Council.

‘**Dam**’ - means a bank wall or barrier of any kind of earth concrete masonry or other material constructed in such a way as to collect and confine water but does not include a dam the construction of which would be controlled by the Water Resources Act 1989 or by any other Act.

‘**Owner**’ - in relation to any land means any person having an estate or interest therein, or the occupier thereof, or any person who is a registered mortgagor or registered encumbrancer in respect thereof.

‘**Engineer**’ - means a civil engineer duly registered under the Professional Engineers Act 1988.

Where any term used in this local law is not herein defined, but is defined in the Act, the town planning scheme or any other local law, the term shall, for the purposes of this local law and unless the context otherwise indicates or requires, having the meaning assigned to it by the Act, the town planning scheme or any other local law as the case may be.

Approval Required

2. A person shall not construct a dam on any land without the approval of Council where:
- (a) the ponded water of the dam encroaches to within twenty (20) metres of the alignment of such land; or

- (b) the discharge from the spillway or other overflow outlet is not contained within the bed of the normal creek flow path of this catchment prior to the discharge flow crossing the alignment.

Maximum penalty - 50 penalty units.

Application to Council

- 3. An owner of land desiring to build a dam on the owner's land where approval is required as set out in section 2 above shall make application to the Council in accordance with the form of application required by the Council and shall at the time of making application lodge the relevant fee as fixed by the Council.

Proposal Plan

- 4. The application shall be accompanied by a proposal plan, in duplicate, which plan shall be prepared by an engineer or person acceptable to the Shire Engineer and will have shown thereon the following:
 - (i) the distance from the nearest point of such proposed dam to any alignment;
 - (ii) maximum height of embankment;
 - (iii) measures for the control of water from the spillway of such proposed dam;
 - (iv) the area to be inundated by water ponded by such dam.

Conditions of Approval

- 5. Upon an application for approval to construct a dam, the Council may, subject to this local law:
 - (a) give its consent;
 - (b) refuse to give its consent: or
 - (c) give its consent subject to lawful conditions.
- 6. Unless the Council otherwise determines and without in any way limiting the discretion of the Council, the Council may disapprove of an application for the construction of a dam if:
 - (i) the distance from the nearest point of any such proposed dam and any alignment is less than ten (10) metres.
 - (ii) the Council is of the opinion that satisfactory measures for the control of water from the spillway of such proposed dam have not been provided;

- (iii) the Council is of the opinion that the proposed dam might cause future flooding of any road, property or properties adjacent to the property on which the dam is proposed to be constructed;
- (iv) the Council is of the opinion that satisfactory measures for the control of ground soakage water affecting adjoining roads or properties have not been provided;
- (v) the proposed dam is to be located on land zoned other than 'Rural' or 'Non-Urban' under the Council's town planning scheme.