

Fact Sheet

Stormwater Control

Water that is unable to enter the underground drainage system will find its natural way to the nearest watercourse via overflow paths. These overflow paths are typically roadways, public reserves, pathways and often through private property.

Legislation

Local Law 8 (Nuisances and Community Health and Safety) 2013, states that the occupier or owner of premises shall not discharge, deposit or permit the escape of any waste water or other fluid on to any adjoining land or road so as to cause a nuisance. The discharge can be the escape of waste waters, fluids like grey water from washing machine, rainwater overflow, the discharge from stormwater pipes not connected properly.

What Can Council do

On receipt of a complaint a council officer may visit the premises. If on reasonable grounds the officer believes that the owner or occupier require to take specific action to abate the nuisance a Notice to comply is issued. Failure to comply with the notice may result in Penalty Infringement. Also, the local government may itself have the work carried out and charge the owner for the same.

Owner's Responsibilities

- You must maintain the stormwater pipes, gutters, downpipes, gully pits and any other components of your approved stormwater system on your property in good condition and in compliance with any council requirements i.e. connected to Stormwater infrastructure or approved drainage pit.
- You are required to accept natural overland flow from adjoining properties or public land and must not divert or redirect the flow from its natural path on to neighbouring properties.
- It is important to note that a downstream property owner cannot erect any type of barrier by way of large walls or closed fencing that interferes with the path of stormwater. To put it more simply, if you are downstream, you must accept the 'natural' run-off on to your property.
- If there is an easement on your property it must be maintained and kept clear of debris to allow the natural flow of stormwater to the field gully.

Dispute Resolution

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 the problem and to seek a mutually suitable solution. If this is not possible, the South Queensland Dispute Resolution Centre provides a non-legal mediation service. They may be able to assist without the need for expensive legal proceedings. They can be contacted on (07) 3239 6007.

The services of a mediator may also be sought through the State Government Community Justice Program (contact the Local Magistrates Court for details). Finally, you can seek legal advice about the feasibility of taking civil action against the party creating the problem if you feel your property has suffered or been exposed to potential damage.

More information

For more information contact council on (07) 3810 6666 or visit ipswich.qld.gov.au.