

Stormwater

What do I need to know?

This fact sheet provides information to assist residents to be aware of their stormwater drainage and surface water responsibilities on their property.

Property Owner responsibilities:

Property owners are responsible to construct and maintain stormwater drainage systems on their property and to ensure that any alteration to the natural surface water runoff does not impact on the common law rights of adjoining property owners. In certain situations, the construction of fences, retaining walls, garden beds, landscaping and the like can change the path of overland flow to the detrimental effect on adjoining properties.

Affected landowners will need to undertake their own civil action in these instances e.g QCAT, Mediation, Solicitor etc. Council would encourage landowners in this situation to firstly talk to their neighbours about the water flow and seek a mutually agreeable solution.

Council Responsibilities:

Council receives many complaints each year about stormwater runoff and overland flow of water, however our powers to intervene are limited to illegally constructed buildings/structures.

- For existing buildings constructed after the commencement of the Building Act 1975 and the Standard Building by law, Appendix 4, commencement date 8 March 1981, Council may require the connection of existing stormwater installations to a Council stormwater drain.

- Existing buildings constructed prior to the commencement of the Building Act 1975 and the Standard Building by law, Appendix 4 commencement date 8 March 1981, are not subject to the requirements of this legislation and Council are not able to intervene.



However, property owners need to be aware that a potential case of civil law nuisance may exist where substantial and unreasonable interference by one person with the use and enjoyment of another persons' land is proven from the release of stormwater.

Water flow problems caused by the natural lay of the land or from overland water flow are a civil matter that is handled through the State Government's Dispute Resolution Centre:

Mackay – Whitsundays Dispute Resolution Centre
Email: drc.mkkywhit@justice.qld.gov.au
Phone: 4889 8402 or 1800 501 576

Try to chat to you neighbour first to see if you can reach an agreeable solution.

Council are unable to assist with stormwater disputes between neighbours.