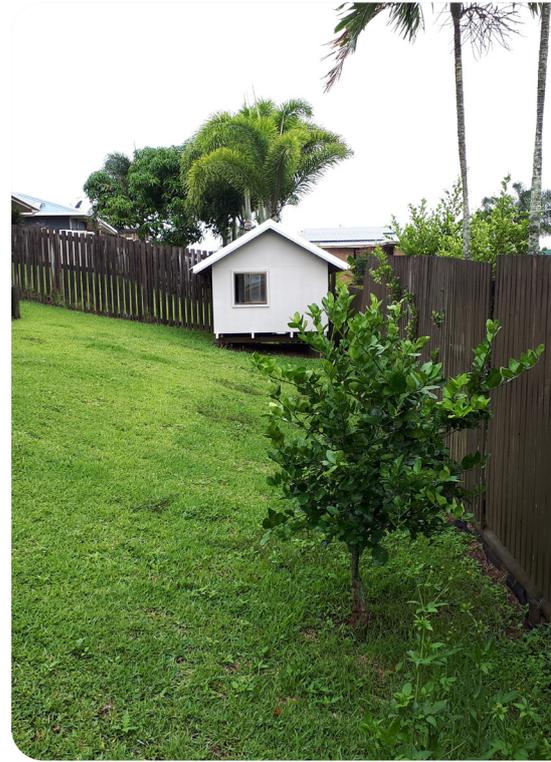


# Stormwater drainage easements



**Mackay Regional Council provides roads and drainage systems to collect and convey stormwater to creeks and rivers. The management of easements are an important aspect of stormwater management.**

There are more than 2900 separate stormwater drainage related easements, which collectively cover about 400 hectares of the council's Local Government Area.

A drainage easement is an area of privately owned land that council has the authority to carry out works required on drainage infrastructure within the easement.

The infrastructure can include open drainage channels, below ground pipe systems and grated inlets that are designed to accept

allotment and roof water together with larger upstream catchment stormwater flows.

Generally, no structures or improvements (such as dwellings, buildings and landscaping treatments including earthworks, retaining walls and fill) are permitted within the easement boundaries.

## Maintaining the easement

The property owner is responsible for vegetation maintenance, including the clearing of weeds and trees or any other maintenance of overgrown vegetation, to watercourses or easements located within private property.

However, council may carry out maintenance work to stormwater drainage infrastructure located

within drainage easements on private property, as deemed necessary, to ensure the efficient operation of the system – for example, pipes and concrete headwalls.

Property owners can complete work within the drainage easement area, such as improve its amenity or make it easier to maintain, but they must obtain approval from council prior to work occurring.

Property owners cannot build any structures in the easement area. However, they can put fencing across the drainage flow path at the property boundaries. This fencing must not stop the flow of water. All fencing, and any damage caused by the flow of water, is the responsibility of the property owner. It is particularly

# Stormwater drainage easements



important to note that restrictions to flow which create backwater impacts or diverts flow into neighbouring properties could be subject to civil action from the neighbouring property owners and cost recovery if damage occurs and may negate the ability for insurance coverage in these instances.

If the easement area includes a natural creek, it is likely that natural processes will occur. These include ponding, meandering, erosion, siltation, and fallen or dense vegetation and it is unlikely that council would approve intervention to natural processes.

## Easement compliance

Property owners must make sure the water flow capacity of the drain is not reduced by any action or inaction. For example, you cannot:

- construct any buildings or structures in the easement area
- add any fill or complete earthworks (without formal approval), or
- allow the easement to become overgrown.

Failure to comply can result in legal action to rectify the situation along with any costs to the land (this will be charged on a property's rates account).

## To find out more

For a copy of your stormwater drainage easement documents, please visit the Department of Resources (DOR) website [titlesqld.com.au](https://titlesqld.com.au).

To talk to us about the impacts of stormwater or to find out if there is a plan for your property, email us at [council@mackay.qld.gov.au](mailto:council@mackay.qld.gov.au).

For more information phone council on **1300 MACKAY (1300 622 529)** or visit the website [mackay.qld.gov.au](https://mackay.qld.gov.au)