

Water flooding from next door



Responsibility for stormwater - private land

Council receives a number of complaints each year regarding stormwater run-off and over flow from private land causing a nuisance to an adjoining or downstream property. In such instances Council's intervention powers are very limited.

Natural overland flow

Natural overland flow is water that flows across properties before any excavation, development or building on the land has taken place.

An upstream property owner cannot be held liable merely because the surface and seepage water flows naturally from the land onto the lower land of a neighbour.

The upstream owner may be liable if the water is made to flow in a more concentrated form than would occur naturally. Runoff should be directed to the street or to an internal drainage system if provided.

Concentrated overland flow

Concentrated overland flow is water that flows from hardstand (hard surfaced) areas eg driveways, paths, paved areas, landscaped areas roofs, drains from roofs, open drains and cut-off drains.

Owners must consider the consequences of water runoff when constructing hardstand areas which may impact on the property below and cause damage to the land or buildings on the land.

Seepage water (Ground water)

Seepage water is the responsibility of individual property owners and should be controlled by installing seepage drains. Where sloping blocks have been excavated to obtain a flat yard or building site, seepage drains should be constructed to redirect water to a stormwater drainage system.

Disputes between neighbours

Problems with overland stormwater flows between neighbours are generally a civil matter to be resolved between the respective land owners. Respective land owners should discuss the situation to try and find a mutually agreeable solution. If a solution is not reached, the matter can be referred to the Department of Justice for mediation.

For more information regarding stormwater pipes, gutters, downpipes and stormwater pits contact the Plumbing Industry Commission.

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Owner's responsibilities

You are required by law to maintain the stormwater pipes, gutters, downpipes, stormwater pits and any other components of your approved stormwater drainage system in good condition and in compliance with any Council requirements. For more information contact the Plumbing Industry Commission.

You are also required to accept natural overland flow from adjoining properties or public land and must not divert or redirect the flow from its natural path onto neighbouring properties.

A downstream property owner cannot erect any type of barrier that interferes with the path of stormwater unless provision is made for the flow to discharge to an approved drainage system. If you are downstream, you must accept the 'natural' run-off onto your property. When constructing hardstand (hard surfaced) areas e.g. driveways, concrete and paved areas, landscaping and any other impervious surfaces or drains you must control the stormwater in order to prevent concentrated flows onto the adjacent property.

Council's responsibility

Council provides roads and drainage systems to collect and convey stormwater to creeks and rivers; they also maintain the stormwater mains owned by Council on private property. Council may direct a property owner to connect to Council's stormwater drainage system or other legal point of discharge, if available and practical to do so.

The Victorian Water Act 1989 makes provision for the control of stormwater and Council may issue property owners with a written notice if they are in breach of this Act.

Driveways

If you construct a driveway onto public land you must ensure that drainage along the road is not disrupted. The land owner is responsible for all damage caused to driveways from local flooding. You may also be required to apply for a Road Occupation Permit from Council.

Runoff from public land

You may experience drainage problems when stormwater runs off public land or roadways and forms ponds or flows through your property. All of these enquiries should be directed to Council's Customer Service Department on 1300 BCOAST (226 278) during office hours.