



*South Gippsland
Shire Council*

Water Coming onto Land from Another Property

If you own a property, you are responsible for ensuring that water from roofs, paving and paths is collected in underground pipes and directed to the legal point of discharge so that water runoff does not affect other property owners. Problems with water flow between neighbouring properties are generally a civil matter to be resolved between the property owners. Any action you take depends on where the stormwater is coming from.

Water from pipes or damaged/missing guttering or rainwater tank overflow from another property:

If your neighbour's downpipes or guttering are damaged or missing or if your neighbour has not connected the overflow of a rainwater tank to the underground stormwater system, check with your neighbour to discuss the issues and if the pipes/guttering need to be unblocked. Council can investigate and request that any damaged or disconnected stormwater systems are restored. As this is a civil matter where the property owners need to find an amicable solution, if the matter cannot be resolved or if you cannot reach an agreement with your neighbour, you will need to contact the Dispute Settlement Centre of Victoria on 8765 5222 or get legal advice from a solicitor.

Water from a building site:

The builder is responsible for managing stormwater runoff on a building site during construction works. If a building permit for the works has been issued, the property owner is legally required to have a sign out the front which shows the permit details and the builder/building surveyor's contact details. If you believe that the builder has not managed the stormwater runoff appropriately, contact the builder or building surveyor during the construction stage.

Water from an illegal structure or unfinished building works:

If water is coming onto your property from what appears to be illegal building works or an illegal structure on another property, report it to our Building team on 5662 9200. If a building permit has been issued for the works, the property owner is legally required to have a sign out the front with the builder/building surveyor's contact details displayed.

Water from landscaping or concreting works:

If water is coming overland onto your property from another property because of landscaping or concreting works, this is not a Council matter – it is a civil matter between the two property owners. Contact the owner of the other property or contact the Dispute Settlement Centre of Victoria on 8765 5222 or get legal advice from a solicitor.

For more info:

Go to the 'Unreasonable flow of water between properties' web page:

<https://www.vcat.vic.gov.au/case-types/unreasonable-flow-of-water-between-properties> on the Victorian Civil Administration Tribunal (VCAT) website.