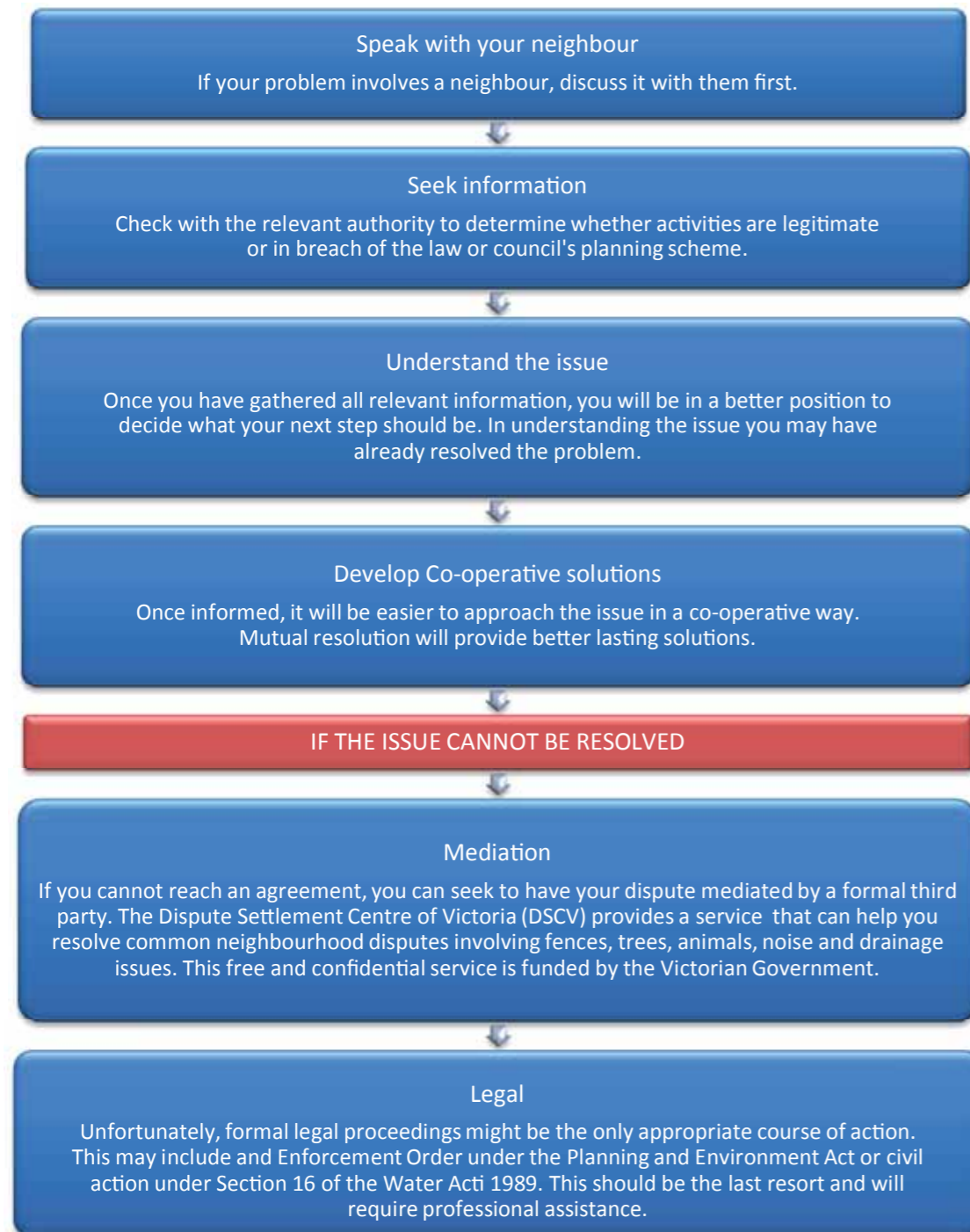


Drains on Private Property

Koo Wee Rup Longwarry Flood Protection District

Resolving a drainage issue



To contact the **Dispute Settlement Centre of Victoria (DSCV)**, call 1800 658 528 or visit the DSCV website: www.reachingagreement.disputes.vic.gov.au for more information.

Content contributed by West Gippsland CMA

Although most drains within the District are managed by Melbourne Water or the local council, many drains within farms and other private properties are the responsibility of the landholder. It is the individual landholder's responsibility to maintain their property and ensure it drains effectively.

Who manages drainage?

Melbourne Water is responsible for the construction and maintenance of over 500 kilometres of carrier and precept drains within the District. Carrier drains originate outside the District and carry water from both outside the District and from the precept drains. Precept drains originate from within the District and drain local areas.

Local councils are generally responsible for the construction and maintenance of the local drainage system. These drains usually receive stormwater from local properties. The local council is also responsible for nominating for the landholder the legal point of discharge for a site, which is normally either a council or Melbourne Water drain.

Landholders are responsible for providing stormwater drainage within their property boundaries and connections to the district drainage system. The proper maintenance of private drains is important to ensure that during wet weather events localised flooding is minimised on your land and on neighbouring properties.



Private drain connecting into a precept drain

Private drainage

The management and regular maintenance of drainage systems assists on-farm productivity and benefits the health of local waterways. While private on-farm drainage is the responsibility of landholders and land managers, it often requires advice from, or the involvement of, a responsible authority.

This factsheet provides information about who to contact regarding on-farm drainage issues and what to consider when contemplating work on a drainage system. It provides hints for anyone wanting to know more about local stormwater management and the impact of drainage on catchment health.

What does the law say?

The Water Act 1989

Under Section 16 of the Water Act 1989, a person may be liable to pay for damages if they cause or interfere with the reasonable flow of water onto any land.

Landholder responsibilities

Management and maintenance

The management and regular maintenance of private drains is the responsibility of the landholder. As a landholder, you must:

- Ensure that any works carried out on your property do not negatively impact on your neighbours by changing the flow of water across property boundaries;
- Contact the relevant authority, usually Melbourne Water or council, if you are planning to undertake works on any drains on your property.

Existing culverts

Property owners are responsible for ensuring their driveway culvert is of sufficient size, located in the correct position and clear of debris. It is recommended that driveway culverts are checked regularly by residents and any debris removed, particularly following storm events. Council may assist residents with culvert clearing as part of drain clearing activities happening adjacent to their property. Residents are reminded that under the Road Management Act 2004, the responsibility of the maintenance of driveways and culvert crossings that service private property rests entirely on the owner of the property to which they serve. It is incumbent on the property owner to ensure that water flow through their culvert crossing is not impeded in any way.

Missing or undersized culverts

To allow sufficient flow of water through the drainage system, councils recommend a minimum size and type of pipe to be used beneath driveway crossings. Pipes that are undersized or of low structural integrity may compromise access to and from your property and the optimal functionality of the drainage system. Residents wishing to install or upgrade their driveway culvert must obtain consent to undertake works within a road reserve prior to the commencement of any works. This can be obtained by contacting your council.

Responsible authorities

There are a number of authorities with roles relating to drainage. Consider your drainage issue and determine which authority to contact for information, advice and/or issuing of permits.

Melbourne Water

Melbourne Water manages the regional drainage system for the Port Phillip and Westernport catchments and works closely with local councils, which have responsibility for local drains, road networks and street and property drainage that feed into the regional drains, rivers and creeks.

Under the Water Act (1989), Melbourne Water has responsibility for the bed and banks of the waterway as well as a role in managing the area of land immediately adjacent to the waterway.

Connections into Melbourne Water controlled drains and waterways require Melbourne Water approval. Before beginning work on any waterway, contact Melbourne Water regarding the need for a Works on Waterways Permit. Ph: 131 722.

Local Council

Local councils are responsible for drainage issues within urban zones – such as within Koo Wee Rup Township. Councils are the local planning authority, responsible for local drains, road networks, and street and property drainage that feed into regional drains, rivers and creeks.

Baw Baw Shire	(03) 5624 2411
Cardinia Shire	1300 787 624
City of Casey	(03) 9705 5200

Note: highways and major roads are the responsibility of VicRoads (Ph: 131 171).

Southern Rural Water

Southern Rural Water is the responsible authority for the issuing of farm dams and groundwater licences. Ph: 1300 139 510.

Environment Protection Authority (EPA Victoria)

EPA Victoria acts as an authority to ensure the protection of beneficial uses of the environment; its water, groundwater, air and land from the adverse impacts of wastes and unwanted noise. Report pollution or any activity potentially harmful to the environment to the 24 hour EPA pollution hotline: 1300 372 842 (1300 EPA VIC).

Department of Environment & Primary Industries (DEPI)

DEPI is the referral authority under the Planning and Environment Act 1987 for land use matters such as the removal of native vegetation. They can provide advice and assistance on the planning and selection of indigenous native plants. This may be useful information when planning for maintenance works to on-farm drains. Ph: DEPI Customer Service Centre 136 186.