

PRIVATE INTER-ALLOTMENT DRAINAGE FACT SHEET

INTER-ALLOTMENT DRAINAGE

Inter-allotment drainage lines are installed within dedicated easements by the developer at the time of construction of the subdivision to facilitate the draining of surface water from lots that are unable to drain to the street.

These private inter-allotment drainage easements and their maintenance are the responsibility at law of the respective beneficiaries of the easements and not the responsibility of Council. Moreover, the liability arising from the damage caused by lack of maintenance and up keep of the inter-allotment stormwater networks lies with the beneficiaries of the easement.

Council is not responsible for the maintenance and control of these inter-allotment drainage systems unless listed as a benefiting authority on the Section 88B Instrument (Planning instrument setting out terms of easements) and as such Council will not become involved in disputes between neighbours regarding the obstruction of interallotment drainage easements.

WHAT ACTION WILL BE TAKEN BY COUNCIL

1. Council will receive and record any private inter-allotment drainage easement complaint.
2. Council will thoroughly investigate any complaint regarding private interallotment drainage easements to identify the validity or legitimacy of the complaint and any actual or likely damage that might arise or be caused as a result of the inter-allotment drainage issue.
3. Following Council's investigation, Council will write to all the properties that are burdened and benefited by the private inter-allotment drainage easement informing the property owners of:
 - i. the complaint;
 - ii. Council's finding in relation to the complaint;
 - iii. their respective obligations as beneficiaries to maintain the easement,
4. Council will offer to facilitate a meeting of all affected land owners in an attempt to co-ordinate an amicable and just resolution to the inter-allotment drainage issue.

Property buyers should make themselves aware of the provisions for stormwater drainage from both their prospective property and potential run-off from upstream properties prior to purchase.

If you are not sure if you have inter-allotment drainage on your property or if you are entitled to drain to an inter-allotment drain, contact Land and Property Information NSW for details on your property entitlements/burdens.

OTHER DRAINAGE COMPLAINTS

Council's Development Monitoring Team will investigate and take action on stormwater drainage complaints where it relates to the flow of surface water from one property across the common land boundary onto another property and where the following criteria has been met:

- there is evidence that the water has caused or is likely to cause significant soil erosion or physical damage to a building on the other land; and
- that surface water has been directed to and/or concentrated in a particular area by a man-made structure or drain; and/or
- the surface water is the result of defective roof drainage from a dwelling or outbuilding.

NO ACTION WILL BE TAKEN IN CIRCUMSTANCES WHERE:

- the surface water is natural runoff from the property due to the topography and is not redirected in any manner;
- surface water is flowing down existing hard surface areas such as driveways, tennis courts, concrete slab or paved areas;
- where the location of a dwelling or outbuilding impacts on surface runoff;
- where surface water runoff occurs only in periods of exceptionally heavy rain;
- the surface water is a result of overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of a building's roof water to Council's stormwater drainage system;
- the runoff is from new development work that is the subject of a development consent and has been constructed in accordance with that consent;
- the drainage problem involves discharges from defective or blocked private interallotment drainage easement.

(Note: Private inter-allotment easements are the responsibility of the property owners who are burdened by and/or benefited by the easement.)

FURTHER INFORMATION

For further information please contact Council's Customer Service Centre:

Customer Service Centre:

3 Columbia Court, Norwest NSW 2153

Phone: 9843 0555

Duty Town Planner: 9843 0469

Hours: 8:30 am to 4:30 pm, Monday to Friday

Website: www.thehills.nsw.gov.au