

# Appendix I

\_\_\_ / \_\_\_ / \_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_

## **Request for Drainage Easement at \_\_\_\_\_**

I am seeking to obtain a drainage easement through your property to allow the stormwater from my proposed development at \_\_\_\_\_ to connect to Council's drainage system. Please see the attached location plan.

A drainage easement is a legal arrangement that is registered on the title of the land that provides certain benefits to another party (your neighbor in this case). The drainage easement allows the beneficiary to direct stormwater through a property, typically with underground pipes.

The land containing the easement still belongs to you as owner, but has some restrictions. The landowner is not able to build on the easement, or restrict the flow of water through it. As most easements are along the side or rear boundaries where you cannot generally build anyway, the restriction preventing building over the easement is normally not significant. Paths, driveways, lawns and gardens are all permitted over the easement, though large trees should be excluded. Notwithstanding this the owner in providing the easement is entitled to reasonable compensation.

Council views an easement as the best method of draining my development and requires me to make every effort to obtain one. Pumps are sometimes considered, but these can be unreliable due to breakdowns, or blackouts. Council receives many complaints from downstream owners like yourself when pump systems fail. An easement provides the best long term solution. Some larger developments are not permitted to have pumps because of the likelihood of significant drainage problems.

If you agree to the easement and the system is viable you are entitled to compensation. By investigation of local values it is recommended that \$ \_\_\_\_\_ is a reasonable amount of compensation for this easement. If you are agreeable to this amount please include your solicitor's details so that the legal paperwork can be processed. I will pay all survey and registration costs. I will also pay any reasonable legal costs of your solicitor if your offer is accepted.

Every effort will be taken to protect your property from unnecessary damage during construction. Where it is impossible to avoid damaging paving or gardens it is agreed that these will be restored at my cost to at least a similar standard.

I hope that this letter has answered any concerns you may have and encourage you to accept my offer. If you have any questions I can be contacted on (h) \_\_\_\_\_ (w) \_\_\_\_\_. If you would like to contact Rockdale City Council's Floodplain and Stormwater Engineer for advice please phone 02 9562 1652.

It would be appreciated if you could complete and return the response form within two weeks.

Yours sincerely

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## Appendix 2

\_\_\_ / \_\_\_ / \_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_

### **Request for Drainage Easement at \_\_\_\_\_**

I am seeking to obtain a drainage easement through your property to allow the stormwater from my proposed development at \_\_\_\_\_ to connect to Council's drainage system. Please refer to the attached sketch plan to indicate the proposed location of the drainage easement.

This request to has been made to you as part of a proposed multi property scheme. This means that I have to drain through your property and an additional property to get the drainage system to work. Because of this, the easement will only have a very minor impact on your property and several advantages that I will detail later.

A drainage easement is a legal arrangement that is registered on the title of the land that provides certain benefits to another party, (your neighbor in this case). The drainage easement allows the neighbour to direct stormwater through the property, typically with underground pipes.

The land containing the drainage easement still belongs to you as owner, but has some restrictions. The owner is not able to build over the easement, or restrict the flow of water through it. As most easements are along the side or rear boundaries where you cannot generally build anyway, the restriction preventing building over the easement is not significant. Paths, driveways, lawns and gardens are all permitted over the easement, though large trees should be excluded. Notwithstanding this the owner in providing the easement is entitled to reasonable compensation.

Council views an easement as the best method of draining my development and requires me to make every effort to obtain one. Pumps are sometimes considered, but these can be unreliable due to breakdowns, or blackouts. Council receives many complaints from downstream owners like yourself when pump systems fail. An easement provides the best long term solution. Some larger developments are not permitted to have pumps because of the likelihood of significant drainage problems.

If you agree to the easement and the system is viable you are entitled to compensation. By investigation of local values it is recommended that \$ is a reasonable amount of compensation for this easement. If you are agreeable to this amount please include your solicitor's details so that the legal paperwork can be processed. I will pay all survey and registration costs. I will also pay any reasonable legal costs of your solicitor if your offer is accepted.

Every effort will be taken to protect your property from unnecessary damage during construction. Where it is impossible to avoid damaging paving or gardens it is agreed that these will be restored at my cost to at least a similar standard.

There are additional benefits to you in providing the drainage easement to me. I will design the drainage system in the property downstream of you to be big enough to convey all your water as well as the water from my proposed development and provide you with an inlet pit so that your stormwater can be connected to it once completed. I will also ensure that you have a benefit in the downstream easement so that if you need to undertake extensions or build a new house in the future you won't have problems with Council in draining your water. This could also improve the resale value of your property.

I hope that this letter has answered any concerns you may have and encourage you to accept my offer. If you have any questions I can be contacted on (h) \_\_\_\_\_ (w) \_\_\_\_\_. If you would like to contact Rockdale City Council's Floodplain and Stormwater Engineer for advice please phone 02 9562 1652.

It would be appreciated if you could complete and return the response form within two weeks.

Yours sincerely

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\_\_\_\_\_  
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## Appendix 3

\_\_\_ / \_\_\_ / \_\_\_

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\_\_\_\_\_

Dear \_\_\_\_\_

**Request for Drainage Easement at** \_\_\_\_\_

I refer to my previous letter dated \_\_\_ / \_\_\_ / \_\_\_ that requested permission for a drainage easement at the above address - copy enclosed. This previous letter may have gone astray or misplaced, or perhaps you are still thinking through your options.

As this letter states I am prepared to offer an amount of \$ in compensation to you for granting the easement as well as covering all other costs.

I would appreciate if you would give this matter your earliest consideration. If possible could you complete the attached response form and return it within two weeks.

I would encourage you to accept my offer for the easement. Once again if you have any questions I can be contacted on (h) \_\_\_\_\_ (w) \_\_\_\_\_.

If you would like to contact Rockdale City Council's Floodplain and Stormwater Engineer for advice please phone 02 9562 1652.

Yours sincerely

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## Appendix 4

# Response to Drainage Easement Request

Please tick one or more of the following boxes to indicate your position in relation to providing the easement for the benefit of the development at:

(insert address) \_\_\_\_\_

Being the registered owner/s of the property at:

(insert address) \_\_\_\_\_

- I/We agree to provide the easement for the compensation figure offered on the previous page and accept that you will be responsible for all other costs.
- I am/We are considering the easement, but I have some concerns regarding the location of the easement, or it's impact on my property.
- I am/We are considering the easement, but I have some concerns regarding the amount of compensation being offered.
- I/We do not agree to provide the easement.

### Owners (all owners need to sign this form)

Name	Name
Date ____ / ____ / ____	Date ____ / ____ / ____
Tel (Home/Work/Mobile)	Tel (Home/Work/Mobile)
Tel (Home/Work/Mobile)	Tel (Home/Work/Mobile)
Tel (Home/Work/Mobile)	Tel (Home/Work/Mobile)
Signature	Signature

### Solicitor Details

Name	
Address	
Company Name (if applicable)	
Mailing Address (if different)	
Tel (Work/Mobile)	Fax

Two copies of this response form have been forwarded to you. One copy is for your records.

Please return the completed second copy in the enclosed envelope within two weeks.

Thank you again for your assistance.