

SAMPLE LETTER TEMPLATE ONLY – please take care if using this letter and always seek your own professional advice when developing a property and entering into legal agreements etc.

Dear .....

I/we ..... are

proposing to redevelop our property at .....

Description of Proposed Development:

.....

Before we can proceed with this proposal, Council has advised us that we have need to address stormwater disposal from our property in accordance with the provisions of Council's DCP (Chapter G2). Two options for the drainage of stormwater are available, the first, which is Council's preferred method, is to obtain a drainage easement to convey the stormwater runoff from our property to the nearest public stormwater drainage infrastructure or Council approved discharge point, being .....

This has the potential advantage of removing any overland flow of stormwater into your property that you may be currently experiencing.

This would rely on you granting me/us a drainage easement through your property with all legal and survey costs for the creation of the easement as well as all costs associated with the design, construction and future maintenance of the stormwater infrastructure, being borne by us. We would like to engage an independent property valuer to determine a reasonable amount of compensation for the use of your property (the easement) as determined by the independent valuation. We will pay for the valuation, any damage incurred in the installation of pipework and rectification of landscaping and ongoing maintenance.

The other possible alternative is to install an underground absorption system or level spreader (if appropriate for this site) to spread and disperse the stormwater flow. As the runoff and seepage from this system *may* flow towards your property because of the slope of the land, the best solution would be to have a drainage system that will convey our stormwater via an interallotment drainage pipe to .....

We understand that if Council determines that the only way for the drainage of stormwater is via an easement through your property, I/we may be forced to use section 88K of the *Conveyancing Act 1919*. We understand that this is a legal process.

Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress. I /We would be happy to discuss this with you. Alternatively, you can write to me/us at the below address or fill in the blanks below and return this letter to me / us. Thank you for taking time to read this.

Yours sincerely,

Name:

Address:

**YES** I/we are willing to consider the grant of a drainage easement subject to an agreement of suitable compensation.

.....

Name

Address

**NO** I/we are not willing to grant you a drainage easement.

.....

Name

Address