

Inter-allotment Stormwater Drainage Networks on Private Property Policy

1 Purpose

Inter-allotment stormwater drainage (ISD) networks are private drainage systems installed on private properties by developers during subdivision construction to enable stormwater drainage from lots that cannot drain to the street. As these systems are private, all control, management and maintenance (including liability arising from damage caused by lack of maintenance or upkeep) is the responsibility of the relevant beneficiaries of ISD networks.

Council is not responsible for the control, management and maintenance (including liability arising from damage caused by lack of maintenance or upkeep) of ISD networks unless Council is listed as a beneficiary on the relevant Section 88B Planning instrument. In this case, Council will have the same liability as any other beneficiary. Whilst council can assist in facilitating resolution of ISD network issues (e.g. obstruction or damage of ISD networks), council will cease involvement where disputes between neighbours arise.

This policy details the extent of Council's assistance in ISD network complaints and issues.

2 Policy

The following details Council's role in ISD network complaints and issues:

1. Council will receive and record private ISD network complaints.
2. Council will investigate complaints regarding private ISD network to identify the validity of the complaint and any actual or likely damage that might arise or be caused as a result of the ISD network issue.
3. Following investigation, Council will write to all properties benefited and burdened by the private ISD network informing property owners of:
 - The complaint
 - Result of Council's investigation in relation to the complaint
 - Their respective obligations as beneficiaries to maintain the easement
4. Council will offer to facilitate a meeting of all benefited and burdened land owners in an attempt to co-ordinate an amicable and just resolution to the ISD network issue.
5. Where a dispute between relevant parties arises regarding ISD network issues, Council will cease involvement and the parties will need to seek third party mediation.
6. Private ISD networks are the responsibility of the property owners who are burdened by and/or benefited by the easement. Council will not undertake any construction or maintain inter-allotment stormwater drainage networks which solely serve the purpose of stormwater drainage of private allotments.

If property owners are unsure whether their property is subject to a private ISD network, or if the property is entitled to drain to an ISD, they can contact Land and Property Information NSW for details of their properties entitlements/burdens. 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.

3 Definitions

Maintain: To undertake such repairs as to keep the asset in a safe fit for purpose condition.

Beneficiary: The property that derives advantage from the ISD network (e.g. the property is connected to the system).

Burdened: The property that derives no advantage from the ISD network (e.g. the network passes through the property boundary, but the property is not connected to the system).

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with this policy and guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy and guidelines.
Directors	All Directorates	To communicate, implement and comply with this policy and related guidelines.
Council Leaders	All Directorates	To implement this policy and related procedures.
All Council officials	Council	To comply with this policy and related procedures.

5 References

- Local Government Act 1993 No 30,
- Local Government General Regulation 2005
- Environmental Planning and Assessment Act 1979 No203
- Environmental Planning and Assessment Regulation 2000

6 Details of Approval and revision

- **Approval date:** 9/11/2017
- **Responsible Section:** Roads and Open Space
- **Superseded policies/procedures:**
- **Next review date:** 9/11/2021

Table of amendments

Amendment	Authoriser	Approval ref	Date