

COMMON DRAINAGE LINES

FACT SHEET



What is a common drainage line?

A common drainage line (CDL) or inter-allotment drainage lines are installed in private easements at the time of development by the developer. They are designed to help manage stormwater on private properties where the land formation does not allow the stormwater to be discharged to the road gutter.

Who is responsible for maintaining and addressing any concerns with common drainage lines?

Under Section 59A of the *Local Government Act 1993*, Council is only responsible for maintaining Council installed lines. The property owner is responsible for maintaining CDLs on their property. This is the case whether the property is connected to the CDL (benefitting lot) or not connected (burdened lot). The property owner (or beneficiary) is also liable for any damage caused by lack of maintenance and upkeep of the CDL.

What role does council have in relation to common drainage lines?

Council is not responsible for any maintenance or investigations associated with CDLs.

Council does not become involved with any disputes or mediation between property owners related to CDL. The only circumstances where Council becomes involved are:

- where Council is one of the beneficiaries of the drainage line
- the issue is causing a health and environmental concern that is causing a property to be in an unhealthy or unsafe condition, or
- where the issue involves water pollution matters.

How do I find out information on the common drainage line on my property

Information on where CDLs run is shown on your Section 88B Instrument document, which you should have received upon purchasing your property. Alternatively, you can obtain a copy of this instrument by contacting the NSW Land Registry Services at <https://www.nswlrs.com.au/>

What happens if the blockage is located on land owned by Council?

Even if the blockage is on Council land, Council will only be involved in resolving an issue if Council is a beneficiary of the drainage line. However, if a contractor needs access to a CDL on Council land, certain permits may be required.

Further information on permits can be found on Council's website: <https://www.penrithcity.nsw.gov.au/services/other-services/roads-paths-driveways#quick-link-2>

Customer advice about common drainage line issues

- Organise for a plumber to inspect the drain on your property, to see if they can identify the problem.
- If the plumber is able to identify the issue and it is on your property, you are legally required to undertake any necessary works to ensure the CDL is in good working order.
- If the problem is found, and is not on your property, you will need to speak to the property owner where the issue has been identified.
- If the problem has not been found, or you are unsure which property owner to speak to, you may choose to write to all properties associated with the CDL.
- Should the CDL issue continue to remain unresolved, Council recommends that any property owners or beneficiaries involved attend mediation at the Community Justice Centre. The Community Justice Centre can be contacted on 1800 990 777.

Website: <https://www.cjc.justice.nsw.gov.au/>

What if I am affected by a common drainage line but I am neither a beneficiary nor a burdened landowner?

- Firstly, you should speak to the owner of the property that is affecting yours and request them to remedy the issue.
- You can lodge an official customer request (in an email) to Council if the issue is causing a health and environmental concern that is making your property unhealthy or unsafe. This email must outline what health, environmental or safety concerns are arising from the CDL.
- Should the CDL issue continue to remain unresolved, Council recommends you contact the Community Justice Centre (as mentioned above) or seek private legal advice.