

Appendix 2 Sample Easement Letter

Dear Jane Brittan

I/we David & Patricia Stanners
are proposing to redevelop our property at 78 Chisholm Avenue, Avalon Beach

Before we can proceed with this proposal Council has advised us that we have two options for the drainage of stormwater. 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 Hilltop road

This will require you to grant me/us a drainage easement through your property with all legal and survey costs for the creation of the easement being borne by us, together with any consideration for the use of your property as determined by an independent valuation or agreement. (Attach independent valuation or agreement to this form)

The 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 inter-allotment drainage

pipe to Hilltop road

You are advised that if Council determines that the only way to drain stormwater is via an easement through your property, I/we may have to use Section 88K of the Conveyancing Act 1919 to request the Supreme Court to grant me/us the drainage easement. This will probably result in legal expenses and time spent for both you and I/us.

Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress.

YES I/we are willing to grant you a drainage easement.

Name Address

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

JANE BRITTAN 71 HILLTOP ROAD, AVALON BEACH
Name Address NSW 2107
Jane L A. Brittan