

Consent from neighbour to construct private drains



Under the Local Government Act 1974

Date received: _____ Application no: _____

Applicant's details

I/We: (name) _____

Owner/s of lot number: _____ DP number: _____

Mailing address: _____

Postcode: _____

Request consent to lay and connect drainage from the above property through or into your property as shown, to enable connections to be made into an approved drainage system.

Below is an indicator sketch – please see attached scaled plan:



Signature of applicant: _____ Date: _____

Affected land owners

I/We: (name) _____

Owner/s of lot number: _____ DP number: _____ S.O: _____

Mailing address: _____

Postcode: _____

grant permission to lay and connect drainage as requested.

Signature of affected land owner/s: _____ Date: _____

Any agreement on costs or reinstatement of properties is a matter to be resolved between the parties concerned and is not part of this consent or the council's responsibility.

If the applicant wants to drain under section 461 of the Local Government Act 1974, it becomes his/her responsibility to initiate the appropriate proceedings and advise the council accordingly.

Please refer overleaf for important notes

See reverse of this form for all rights conferred under section 461 of the Local Government Act 1974.

SECTION 461 OF THE LOCAL GOVERNMENT ACT 1974

Further provisions with respect to private drains

- (1) Where any private drain constructed with the consent of the owners of all the lands affected or constructed by the council pursuant to section 460 of this Act passes through or serves separately owned premises, there shall be attached to each and all of the lands served by that private drain the following rights, namely:
 - (a) A right to the free and uninterrupted use of that private drain; and
 - (b) A right for the occupiers or any of them to enter upon all lands served by that drain, or through which it passes, for the purpose of relaying or effecting necessary repairs to the drain; and
 - (c) A right to contribution from the owners or occupiers of other lands so served by that drain towards the cost of executing, providing, and doing all or any of the things required in respect of the drain by this Part of this Act or any bylaw; and
 - (d) A right to contribution from the owners or occupiers of those other lands towards the cost of all necessary relaying of or repairs to the drain; and
 - (e) A right to the recovery from the owners or occupiers of the other lands through which that drain passes but which are not served by the drain of the cost of any repairs to the drain necessitated by any wilful or negligent act of those owners or occupiers, -

and those rights, upon a certificate being furnished by the principal administrative officer that any of the lands is actually served by that drain, together with such plans (if any) as the District Land Registrar requires, shall be registered by the District Land Registrar against the titles to all the other lands so served by the drain, and also, in the case of the right to free and uninterrupted use of the drain and the right to enter upon land to effect necessary relaying or repairs, or to recover under paragraph (e) of this subsection the cost of any repairs to the drain, against the titles to the lands through which the drain passes.

- (2) The District Land Registrar, on the receipt by him of a certificate signed by the principal administrative officer that any of the said lands is actually served by that private drain shall enter on the register and upon the outstanding duplicate certificate of title for that land, which certificate of title shall be produced to him for that purpose, -
 - (a) Particulars of the certificate given by the principal administrative officer; and
 - (b) A memorandum that there are attached to the land the rights specified in subsection (1) of this section
- (3) If any question arises as to the liability of any owner or occupier under any provision of subsection (1) of this section, a District Court shall have jurisdiction to hear and determine the question, and the decision of the Court shall be final.