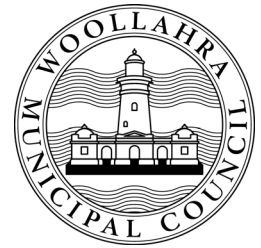


Fact Sheet No.2



Information required when lodging a Sewer &/or Stormwater claim against Woollahra Council

Last Updated: September 2022

If your property has been damaged and you believe it was caused in some part by Council, before lodging a claim against Council, it is important to consider your responsibilities.

As the property owner you are responsible for maintaining the drainage system and pipes. In relation to sewerage this includes all system infrastructure between your property and the Sydney Water Mains (which will usually be under the middle of the road). It is important to understand that this applies to parts of your system that run under public land (you need to apply for and obtain a road opening permit prior to commencing any digging or under-boring in the road reserve). Similarly, your maintenance responsibility for your stormwater line continues to the point of water discharge to the gutter in the street.

Tree roots entering pipes is a common problem in most urban areas of Sydney. If pipes become blocked due to tree roots or other objects, it will usually be the responsibility of the property owner to deal with this. Generally, blockages contributed to by tree roots will only happen if the pipe is already damaged or breaking down and reaching the end of its useful life. As it is up to property owners to maintain their drainage systems, in many cases Council won't consider providing compensation to a property owner when the roots of Council-owned trees enter private drains. If you would like further information relating to home maintenance of drains and pipes a good source can be found at Sydney Water – Home Maintenance web page.

There are some cases where Council may consider providing compensation to a property owner such as:

- Your drains have been damaged by Council action. An example of this would be road or footpath works breaking pipes;
- If damage is proven to be caused by a problem with Council managed drains;
- If it is proven that Council knew there was a problem and within a reasonable time frame failed to abate the problem by addressing its cause.

What information will I need to provide when making a claim?

If you're claiming for damage of a sewer line or a stormwater drain, for you claim to be given full consideration it is required that you provide the following in support of your claim:

- A copy of the sewer services with the alleged issues highlighted. This is available from Sydney Water Tap in - <https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html>
- Recent aerial images from Google Maps (or similar) clearly showing your property, structures, and vegetation, as well as surrounding neighbours.
- Tree root samples from the blocked line. Put the sample aside, on site, for inspection by Councils Tree Specialist.
- A report from a licensed plumber. This report should include:
 - Their business name and details.
 - The address of the property they inspected, and a description of the inspection methods they used.
 - Details about the type and age of pipes, their condition, factors that contributed to any damage, and options to repair it.
 - A clear plan of the property's sewer, showing the location of all pipes, flow directions, the location of the damage, and entry points used for inspection.
 - Camera footage of the sewer system that shows the damage or blockage. This camera footage should have all pertinent information visible including date, time, distance measurement and point of line access.

What further information may I be asked to provide?

- Copies of any guarantee provided by a licenced plumber or product manufacture relating to the works that are the subject of your claim.
- CCTV footage of a completed works.
- Any other reasonable request for pertinent information that will help with the consideration of your claim.

How do I provide Council with information related to my claim?

Email: records@woollahra.nsw.gov.au

Mail: General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Fax: (02) 9391 7044

Please note that in requesting the material referred to in earlier in this document, Council is not making any admission to liability but merely obtaining factual evidence to enable an appropriate investigation to occur.

You are only required to submit documents or information in support of your claim if it has not previously been provided.

What can I expect after I submit my claim?

You should expect to receive an email acknowledging receipt of your claim or requesting further information within 10 business days.

When you have provided sufficient information in support of your claim, an investigation will be undertaken by the Council. The standard investigation time is a period of 4 to 6 weeks.

From time to time it is reasonable to expect that claims involving high levels of complexity and the need for multiple technical expert reviews may exceed this timeframe.

You may be required to provide a signed statutory declaration outlining the allegations made against Council.

In the process of considering your claim Council may appoint a suitably qualified expert to assist with its investigation. If this is required, Council will contact you to make the necessary arrangements.

Your claim may need to be referred to a contractor or another service utility such as Sydney Water, Telstra, Ausgrid etc.

If your claim is referred to another organisation not associated with the Council you can expect to be advised in writing as soon as possible and provided with the relevant contact details for you to pursue directly with them.

Once we've investigated your claim we will write to tell you the outcome.

Determination by Council

When the investigation is completed you will be notified of Council's decision in writing.

Each Claim is investigated and determined based on its individual facts and circumstances. Council decision may be based on the relevant provisions of the *Civil Liability Act 2002* (NSW), specifically Sections 42 and 45 of this Act.

Other factors or legal issues may also be relevant to your claim and we will advise you of these in writing when the investigation is complete.

If:

- You dispute a decision made by Council you can request a re-investigation by providing written reasons outlining why you dispute the decision.
- Council is prepared to accept your claim, we will send you a Deed of Release which needs to be signed in the presence of a witness and returned to Council, following which payment will be to the owner or authorised person of the damaged property.

Please note that Council reserves the right to recover all or any costs that have been unnecessarily or unreasonably incurred while defending claims.

The Council is a publicly funded organisation and all claims are investigated thoroughly to ensure validity.

Role of the Mayor and/or Councillors

Please note that the Mayor and/or Councillors have limited ability to assist residents or claimant in response of a Claim.

This is because the Mayor and/or Councillors:

- have no role in the determination of claims
- cannot direct Council staff regarding the acceptance or payment of a claim; and
- cannot direct any Council staff or Council regarding the way in which a claim is handled or whether an agreement is reached.

Contact Details of major Service Providers

Alternatively, Council has summarised the contact details of a number of major Service Providers in the municipality as follows:

Ausgrid

<https://www.ausgrid.com.au/Contact-Us/Make-a-claim-Step-1>

Telstra

<https://say.telstra.com.au/customer/general/forms/report-damage-to-telstra-equipment#:~:text=If%20you%20think%20damage%20to,other%20property%20involving%20our%20equipment>

Sydney Water

<https://www.sydneywater.com.au/water-the-environment/what-you-can-do/claim-for-damages.html>

NBN Co

https://www.nbnco.com.au/corporate-information/contact-us/contact-us-form?enquirytype=reporting_damage