

Community title subdivisions

1. Objective

Sydney Water seeks to facilitate the flexible development objectives of the Community Title legislation by ensuring that this form of development is appropriately serviced. Further, future owners are provided with servicing arrangements that are suitable and clearly understood on purchase.

2. Background

Development under the Community Title legislation complements conventional and strata subdivision methods of subdividing land to allow flexible development proposals. It provides for the creation of common property within conventional subdivisions and facilitates the progressive development of medium density housing, planned communities and industrial estates.

Community Titles developments may combine elements of conventional and strata subdivisions. They can have from 1 to 3 levels of management. They vary from the single development of a small number of lots on a relatively small parcel of land to the staged development over a lengthy period of time of a whole community including residential, commercial, industrial and community uses.

3. Development referral

Consent authorities, primarily councils, are required to refer Community Title developments including subdivisional component and Development Application component(s) to Sydney Water to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. To obtain a Certificate the developer must satisfy Sydney Water's servicing requirements.

The referral process is the same as for Torrens Title subdivisions and other development proposals. However, separate certification of the Community Title plan and individual stages (developments) may be necessary depending on the development timetable.

4. Servicing requirements

The guidelines in the following sub-sections provide the broad framework for determining Sydney Water's requirements. A flexible approach is to be taken, with practical application to be a prime determinant of requirements.

4.1 Developer Charges

Developer Charges are levied to recover the cost of infrastructure such as pumping stations, reservoirs and large water and sewer reticulation mains. They are appropriate for all Community Title development as the new dwellings, community facilities etc take up capacity funded by Sydney Water or other developers. See Developer Charge Policy and Guidelines documents for more detail.

The developer prior to issue of the Section 73 Certificate must pay the assessed charges.

4.2 Local amplification works

Where a development necessitates the provision of works principally benefiting that development, the developer should pay or construct up-front as usual, unless these works can be staged, in which case payment or developer construction may also be staged under certain conditions. If the works will benefit other development, Sydney Water will fund the upsizing component, see Connections Policy and Developer Charges Guidelines section 1.6.

When works are being staged, Sydney Water will need to make sure future stages meet our requirements. This may be achieved by a variety of means such as limitations on water draw-off, bonding of future stages and/or appropriate arrangements with Councils re development/building approvals.

The prediction of future stage requirements for large developments will be difficult with the possibility of changes in scope. Accordingly, the arrangements made with developer and council will need to emphasise the possibility of changes in requirements, with particular emphasis on the need to inform future purchasers of the arrangements.

4.3 Reticulation mains provision

4.3.1 General

Development in general must be provided with services in accord with Sydney Water's Connections Policy. That is, extensions of Sydney Water's reticulation mains must be designed and constructed at the developer's expense to provide satisfactory points of connection for each lot.

However, Sydney Water's requirements for Community Title provides four servicing scenarios with the developer having some choice, viz:

- A. a developer may extend Sydney Water's existing water and sewer mains to Sydney Water standards to provide a point of connection for each lot as defined in the Connections Policy; or
- B. a developer may provide private services within the bounds of their development to provide a point of connection for each lot, covering maintenance and renewal of these services within their management plans unless Sydney Water requires servicing as per scenario C; or
- C. Where a future extension to other properties through the Community Title development is likely, then this line must be provided as a Sydney Water reticulation main as per A whilst the other lines are private; or

- D. A developer may provide a combination of Sydney Water mains and private services, provided that any likely future extensions to other properties must be Sydney Water mains as per C.

The requirement to provide a Sydney Water reticulation main in C and D above is made to protect the interests of all customers, ensuring continuity of supply/service to all. It thus enables Sydney Water to meet its customer contract obligations.

It follows that at investigation stage Sydney Water will need to determine whether any lines through the development will form part of the ultimate Sydney Water network of services for the catchment or zone. To facilitate such investigations, it will be necessary for Product & Asset Planning to determine the network of systems required and prepare appropriate plans.

4.3.2 Sydney Water services

When a developer is to provide Sydney Water services, as determined in 4.3.1, then appropriate easements as indicated in section 5 'Services Access' must be created when necessary. For example, a basic principle for water mains is that they must be constructed in community property or commonly administered private property or dedicated roadway, with 24-hour vehicular access and covered by an easement.

4.3.3 Private services

The private services arrangement, option B in 4.3.1, is only accepted under the following conditions, of which a-e below must be included in the Notice to the developer and subsequently b-e must be included in the Community Title Management statement. In addition, f must be included in the Notice as an advisory note so that the developer is encouraged to give notice to purchasers. The conditions are:

- a. mains constructed as private services by the developer must accord with at least the National Plumbing Code standards. Private services that include a sewage pumping station will only be accepted if storage/treatment prior to discharge to prevent odours will meet Sydney Water requirements.

Notes:

- For water services, in unusual situations such as low pressure water areas, steep terrain or for long lengths of service line, upsizing of the line(s) above that required by the National Plumbing Code may be necessary;
 - In connecting to Sydney Water's system, it may be appropriate for one connection to be made to the main and a single service laid to the property boundary where individual services can then be laid off this pipe to serve individual properties.
- b. Sydney Water makes no representation that the private water-related services intended to be provided are suitable;
 - c. if a request is made at any time in the future by the developer or future owner to Sydney Water for a Sydney Water extension to replace the private services for any reason, then such extension at Sydney Water standards including appropriate easements must be constructed, funded and transferred by the applicant;
 - d. Sydney Water generally will not provide maintenance services to the private services;
 - e. clauses b-e shall not be deleted, varied or modified without the written consent of Sydney Water Corporation; and
 - f. the developer is encouraged to do all that is reasonably necessary to inform purchasers of lots in the community title about the existence and implications of the private service.

In accordance with condition a, Sydney Water must be provided with discharge rate and quality of effluent details so it may determine if it will accept any pumping station proposed.

In accordance with conditions b-e, Sydney Water, to be safeguarded from future claims of inadequate service provision and pressure to extend its mains, will only issue the Section 73

Certificate after the insertion of appropriate clauses in the Community Management Statement. Such clauses must be satisfactory as determined by Development Services staff. As provided in condition e, they may only be deleted with the consent of Sydney Water.

4.3.4 Fire Hydrants

If services are to be owned by Sydney Water, fire hydrants must be provided to our standards. However, the provision of fire fighting services is a matter for the developer, council and the NSW Fire Brigades.

When private services are being provided the provision of private hydrants and fire fighting services are a matter for the developer, council and NSW Fire Brigades.

Note: All works including surface fittings, hydrant and maintenance hole lid, must be to the National Plumbing Code and in particular the surface fittings must not be marked as Sydney Water fittings.

4.3.5 Metering

All lots within a Community Title development must be metered in accordance with Sydney Water's requirements. Examples are a single meter on each single cottage, a single meter on each dwelling strata lot on a horizontal block of strata units (villas, town houses), a single meter on a single vertical block of strata units, and community property metered as required. Location of meters must meet the accessibility requirements.

5. Services Access

Section 36 of the Community Title legislation provides for the creation of statutory easements to facilitate access to services for maintenance and renewal purposes. Whilst these easements will be generally for private services, they may also be proposed by a developer for water-related services that they propose to be part of Sydney Water's network.

Statutory easements are **not** satisfactory to Sydney Water. They confer rights on Sydney Water but do not impose the restrictions necessary to enable operation and maintenance of the services to Sydney Water standards.

Therefore, Sydney Water requires that its easement details as defined in its Easements Operational Guidelines be included in the Community Plan and Management Statement including a provision that these details cannot be changed without the approval of Sydney Water. The requirements will reflect Sydney Water's operational needs to meet the specific needs created by the development with particular emphasis on access.

Developers must pay all costs associated with Sydney Water establishing its easement requirements and must lodge a bond to ensure the satisfactory registration of easements after works have been completed and located by survey. However a bond for early issue of certificate is not permitted, as completion of the works is required to allow definition of the easement.

6. Notice of requirements

The Notice of Requirements will reflect the foregoing sections. In particular Development Services staff must include the optional paragraphs "Community Title - Water & Sewer Works".

7. Section 73 Certification

A Section 73 Certificate will not be issued until requirements are satisfied.

Where a developer is using the private services arrangement, Notice clauses 4.3.3 b-d must be satisfied by the insertion of an appropriate clause in the Community Management Statement.

Where a developer is providing Sydney Water services that must be covered by easements, easements details as appropriate must be incorporated in the Community Plan and Management Statement.

Accordingly Development Services staff must only issue the Section 73 Certificate after checking that any appropriate clauses have been inserted and easement action completed or satisfactorily underway.

Requirements and certification will also depend on the development timetable.

An application for a Certificate may cover the entire development, including the Community Plan and development of all lots, so that the issue of one Certificate is appropriate. Alternatively, an application may cover only part of the development, with the initial application covering the Community Plan and the first lot(s) being developed, probably lot 2 onwards.

It should be noted that development of community land (always lot 1) may not be covered in full in the initial application as this land will commonly be located throughout the development in a number of separate parcels and progressive servicing may be appropriate as needs are identified.

Given the above, when issuing the initial Section 73 Certificate in a staged development, Sydney Water will also issue a separate letter to Council advising them as to what the Certificate covers and what future Development Applications Sydney Water must see. This will assist Councils in meeting their legal obligations to refer Development Applications and subdivisions to Sydney Water whilst at the same time avoiding unnecessary referrals.

8. Sydney Water records

Following receipt of private servicing details from the developer, Sydney Water shall enter the details into Sydney Water records (Hydra and drainage diagrams).

9. Customer contact

Any questions on the requirements for Community Title development should be directed to a Water Servicing Coordinator. For advice on available Coordinators, telephone 132092 or go to www.sydneywater.com.au/ Building Developing and Plumbing / Developing Your Land.

1. Overview

1.1. Objective

Sydney Water carries out community and stakeholder engagement activities in the planning, delivery, operation and maintenance phases of projects and programs.

This policy demonstrates Sydney Water's commitment to effective community and stakeholder engagement and customer focus.

The policy provides a framework for outlining Sydney Water's engagement aims and objectives. The policy is based on the belief that if Sydney Water engages well, better decisions are made and the effectiveness of the business is improved.

Engagement gives customers the opportunity to share their local knowledge, issues and concerns and provide input to projects and programs.

1.2. Scope

This policy, generally refers to community and stakeholders affected by a decision or project, or who have come together because of a shared concern or interest.

1.3. Summary

Community and stakeholder engagement provides an opportunity for Sydney Water to understand community and stakeholder views and incorporate these into decision making processes.

At the start of engagement activities, Sydney Water will advise the community and stakeholders on how their views will be considered in the decision making process. Sydney Water will outline what aspects of a strategy or project can be influenced by stakeholders.

2. Policy

Sydney Water provides water and wastewater services that are essential to the community. Community and stakeholder engagement provides an opportunity for Sydney Water to understand and incorporate community and stakeholder views into the decision making process. Other factors considered include safety, environmental, financial/economic, technical and asset operations.

Sydney Water is committed to developing effective working relationships with the community and stakeholders in carrying out its activities including planning, design, construction and operation of assets. Sydney Water will work with the community and stakeholders to resolve issues that occur while carrying out its activities. Sydney Water will explain proposals and provide the opportunity for informed input from the community and stakeholders.

At the start of engagement activities, Sydney Water will advise the community and stakeholders how their views will be considered in the decision making process and which aspects of a strategy or project can be influenced by them.

Sydney Water will engage all potentially affected¹ groups in a variety of ways. This includes engaging the broader community and stakeholders in developing plans and strategies, before making key decisions about projects.

We are committed to:

- being open and honest
- providing accurate and timely information
- listening to and responding to the opinions of community and stakeholder representatives
- providing feedback to the community and stakeholders on how their input was addressed in the decision making process
- honouring any commitments we make
- evaluating Sydney Water's performance in community and stakeholder engagement
- learning from past community and stakeholder engagement experiences and continuing to improve performance.

¹ This includes all relevant stakeholder groups and key government agencies

3. Context

3.1. Definitions

Term	Definition
Engagement	The broad spectrum of interactions between individuals and groups of people ranging from: <ul style="list-style-type: none">• one-way communication or information delivery• consultation• involvement and collaboration in decision-making• empowered action where the community or group makes the decision.
Stakeholder	A person or group who has an investment, share or interest in something and can be affected by the outcome.
Community engagement	A planned process of working with groups to address specific issues.
