

## Documentation of standards for easements over private service lines

---

### OBJECTIVE

The purpose of this policy is to advise of

- the documentation acceptable to Sydney Water when, to service a property, it permits an easement over a private service line encroaching on another property in lieu of an extension of Sydney Water mains; and
- the process for the creation of an easement.

#### *NOTE:*

A private service line is the pipe work that connects a private property to Sydney Water's main provided in accordance with the National Plumbing Code.

### ACCEPTABLE EASEMENT DOCUMENTATION

The easement must be created under Section 88B of the Conveyancing Act 1919 and the Section 88B Instrument is known as an 'Easement for Sewerage/Water Supply Purposes over Existing Line of Pipes'. To further protect the integrity of that line and easement, a 'Restriction on the Use of Land' is to be created with that easement by an appropriate notation on the subdivision plan.

The wording that is acceptable to Sydney Water for that Instrument and plan is in generic documentation titled *Notes on Creation of Sewer/Water Supply Easement* available from the Water Servicing Coordinator engaged by the developer.

Note: This documentation includes a) Sydney Water not to be included as a beneficiary b) the easement is to include a notation that it cannot be varied, modified or extinguished without the written consent of Sydney Water.

### PROCESS FOR THE CREATION OF THE EASEMENT

Initially Sydney Water will require all lots in a development to be served by extensions as provided in its policy 'Connections: Responsibility for Provision of Reticulation Mains'. The developer may then request that an easement over a private service line encroaching on another property be permitted as an alternative, detailing the circumstances why this alternative is being requested.

Sydney Water may agree to the use of an easement on the basis that the circumstances meet the 'Connections' policy guidelines. After agreement, the developer is assisted to create the easement by provision of documentation by the Water Servicing Coordinator.

Once the easement has been created to the satisfaction of Sydney Water by lodgement of documentation with council, and any other requirement met, the Section 73 Certificate can issue or security can be released, as appropriate.

Finally, Sydney Water records including Sewerage Service Diagrams for the affected properties are notated and such records are kept permanently.