
Entry onto Third Party Property

1. Background

Applicants altering or extending Sydney Water's services sometimes need to construct work on someone else's property so they can connect to Sydney Water's existing infrastructure. Sydney Water strongly prefers that applicants obtain permission to enter and construct the works from the property owner and any tenant.

Trying to negotiate entry to another property can lead to disputes that are often difficult to resolve. Applicants are trying to get their development finished, while property owners and tenants want to protect their rights.

Sydney Water has developed procedures to help with the process of gaining entry. These procedures are designed to help get the project completed and, at the same time, protect the rights of property owners and tenants.

2. Purpose and Objectives

The purpose of this policy is to help achieve a balance between:

- (a) Sydney Water's statutory function of providing water and sewer services; and
- (b) the common law rights of our existing customers who are affected by a development.

3. Scope

This policy applies to all applicants and suppliers who are altering or extending Sydney Water's services, and who need to enter someone else's property.

4. Definitions

Guideline: a Sydney Water document that sets out how a Sydney Water policy is applied.

Permission to Enter: a form that needs to be completed when an applicant wants to go on to someone else's property (see Sections 38 to 40 of the Act).

Policy: a Sydney Water document that sets out a plan of action for Sydney Water in a distinct area of its business. A Policy is read in conjunction with the related Guideline.

Sydney Water: Sydney Water Corporation constituted by the Act.

5. Policy Statement

Applicants (or the people representing them) have to use Sydney Water's Entry Procedures (and related documents) when they negotiate entry onto someone else's property with property owners and tenants.

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Applicants will need to plan carefully for this part of their development because they must find a way to balance competing interests. They must:

- (a) protect the rights of property owners and tenants;
- (b) avoid problems that can cause disputes;
- (c) make it possible for Sydney Water to manage public health and safety, environmental and financial risks;
- (d) manage the entry negotiations;
- (e) resolve any disputes fairly and efficiently

at the same time as getting their development finished.

Sometimes there are different designs and different ways to work that have less effect on other property owners and on Sydney Water. Applicants must use these methods if they are appropriate.