

Building over or adjacent to Sydney Water assets

1. Overview

1.1 At a glance

This policy explains what:

- we require to maintain safe access to our assets and protect them from damage
- you must do to avoid damaging or compromising safe access to our assets
- restrictions that apply when building over or adjacent to our assets.

1.2 Scope

This policy applies to:

- anyone who plans to build, excavate, bore, or do maintenance work near our assets, both on private and public property
- our staff and contractors who plan, design, build, maintain or operate assets.

1.3 Objective

We must protect assets from damage to ensure their continuing performance, staff and public safety, protection of the environment and to meet our corporate objectives.

This policy aims to:

- protect our assets and other property from damage and prevent personal injury
- ensure we can readily and safely access our assets for construction, operations, maintenance and rehabilitation.
- ensure land development doesn't compromise the operation and maintenance of our assets
- support orderly urban renewal in Sydney and enable us to work collaboratively with developers to fairly balance the objectives of this policy with their property development ambition.

2. Policy in detail

2.1 Build over or adjacent assessment

You must have our written approval to build over or adjacent to our assets before you start.

We won't allow you to build:

- over pressure mains for water or wastewater, including pressure and vacuum wastewater (sewer) pipelines or stormwater pressure mains
- over gravity wastewater (sewer) mains that have nominal diameters equal or greater than 750 mm, and other critical assets such as tunnels, oviform, heritage-listed assets, etc over stormwater assets
- Adjacent to our easement unless you meet the requirements of our *Building over or adjacent to Sydney Water assets technical specification*.

We recognise that many properties in Sydney already have buildings over or immediately adjacent to our critical assets. We'll work with homeowners/developers towards rebuilding properties over or adjacent to critical Sydney Water assets if:

- there's an existing council approved dwelling or structure already located over or adjacent to the asset and it's not feasible to relocate the asset to a location clear of the proposed building or structure, and building over the asset is the only feasible solution to enable reasonable use of the land. Refer to the *Building over or adjacent to Sydney Water assets technical specification*.
- the potential re-use of the site is a like-for-like replacement (ie single dwelling to single dwelling), doesn't prevent ongoing access for maintenance and repairs (needed for the asset to perform its function without significant additional risk to Sydney Water, the community or the environment) and there is no encroachment over any easements over the asset (existing or proposed)
- you complete an updated assessment of impacts – identifying and quantifying the extent of impact from previous and future development, using our Specialist Engineering Assessment (SEA) guidelines and checklist templates
- we're considering moving or amplifying the current asset to cater for growth (especially where redevelopment is within an easement or adjacent to our land)
- we consider the risk of further development will have too great an impact on our ability to continue operating and maintaining the assets, and the constructors/property owners and developers and their agents can't adequately quantify, design and insure against the risks
- we give no assurance or guarantee that any previous approvals granted for construction over or adjacent to our critical assets for a customer's property or neighbouring properties will be progressed or will influence our future approval of re-development proposals
- we reserve the right to challenge any development proposal at Development Approval stage. You must adhere to the requirements of the related guideline and technical specification documents listed in Section 2.4.

Costs

Unless otherwise agreed in writing, you bear all costs for project investigation, design, construction, protection and rectification of damage, including consequential losses (for example, EPA fines) and time spent by Sydney Water to review your building plans.

Unauthorised works

If we become aware that unauthorised works on your property are adversely impacting our asset or could do so in the future, we may instruct you to remove or modify the unauthorised works and repair any damage to our assets.

If you don't comply with our instructions, we may remove or modify the unauthorised works and repair any damage to our assets then recover costs from you.

2.2 Building plans and supporting documents

You must provide plan drawings with all the necessary documents to clearly describe your proposed building and any associated development. These shall clearly represent the relationship of the proposed works and any nearby Sydney Water assets and describe any measures you will take to meet the objectives of this policy.

This may include specifications, specialist engineering assessment, monitoring plans etc. Plans must be certified by a suitably qualified, competent and experienced person that the building is:

- outside any easement in favour of, or land owned by us
- clear of the asset according to our requirements
- independently structurally supported to protect the asset and ensure the building is still supported should the asset fail.

2.3 Flood impacts

For stormwater assets, proposed buildings should not obstruct overland flow paths that would otherwise operate during very severe storms. Obstructing a flow path would likely increase flooding impacts and damage upstream or downstream properties, creating a demand on us for increased flood mitigation.

Where the land is flood-affected, you will need to complete a flood study to determine any additional requirements, such as floor level controls, provision for an overland flow path or need for stormwater asset amplification.

3. Definitions

Term	Definition	Source
Adjacent	Building works and/or foundations located partly or wholly near (over/adjacent/below/above) an asset that can have adverse impact on the asset. This may include excavations adjacent to Sydney Water land or assets.	<i>Building over or adjacent to Sydney Water assets technical specification</i>
Assets	Includes but is not limited to all water/wastewater (sewer)/stormwater pipes, channels, chambers, maintenance structures (maintenance holes, shafts, vents, etc.) and pumping stations.	Sydney Water
Building works	Includes but is not limited to any buildings, additions, garages and carports, outhouses, granny-flats, swimming pools, retaining walls, hard landscaping, demolition works and excavation.	<i>Building over or adjacent to Sydney Water assets technical specification</i>
Critical assets	Assets such as tunnels, oviform, heritage-listed assets, etc. that are potentially a high risk to our operation and maintenance activities.	<i>Building over or adjacent to Sydney Water assets technical specification</i>