



Community title subdivision

1. Overview

1.1 At a glance

Community title developments may combine elements of conventional and strata subdivisions. They can have from one to three 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 a whole community including residential, commercial, industrial and community uses.

1.2 Scope

Our policy provides servicing requirements for community title developments.

1.3 Objective

Our policy will help you understand the options for servicing these types of development.

2. Policy in detail

2.1 Development referral

Most councils, or other development consent authorities, require community title developments to be referred to us for a Section 73 Compliance Certificate. This is part of the Sydney Water Act 1994 and applies to both development applications and subdivision components. To obtain a Section 73 Certificate, you must satisfy our servicing requirements for the proposed development.

2.2 Servicing requirements

All developments must be provided with services in line with Connecting to Sydney Water systems.

If you're developing a community title development, you have four choices on how it can be serviced:

- A. You can extend our existing mains, adhering to our standards, to provide a point of connection for each lot as defined in the Connecting to Sydney Water systems policy. You pay for the design and construction of the extension, but we maintain ownership and maintenance.
- B. You can construct private service mains, within the bounds of your development, to provide a point of connection for each lot. Under this option, maintenance and renewal of these services remains your responsibility (unless we require servicing as per scenario C).
- C. However, where a future extension to other properties (that are not part of the community title) is likely, then the main passing through the community title must be provided as an extension of our main as per scenario A. However, the other mains in the development can be private as per scenario B.
- D. You can provide a combination of extensions to our mains and construction of private services at the discretion of the developer, provided the planning considers scenario C.

The requirement to provide an extension of our mains in options C and D above, rather than allowing private mains, protects the interests of all customers by ensuring continuity of supply/service to all while addressing the needs of the community title development. This allows us to meet our Customer Contract obligations.

During the investigation stage, we'll 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 us to determine the network of systems required and prepare appropriate plans.

2.3 Developer charges

You'll be charged a developer charge if your community title is in within our recycled water area. These charges are to recover the costs of infrastructure for urban development. These charges are in accordance with the determinations set by the Independent Pricing and Regulatory Tribunal.

2.4 Local amplification works

If the works will benefit other development, we'll fund the upsizing component. See Connecting to Sydney Water systems and Developer charges for more information.

Where amplification works are required, that only benefit your development, you must pay or construct them up-front in line with our normal processes. Unless the amplification works can be staged, in which case the payment and developer construction can also be staged, under certain conditions.

When works are being staged, we'll need to make sure future stages meet our requirements. This may be achieved in various ways, such as limitations on water draw-off, bonding of future stages and/or appropriate arrangements with councils regarding development/building approvals.

The prediction of future stage requirements for large developments can be difficult because of the possibility of changes in scope. Accordingly, the arrangements made with developers and councils must emphasise the possibility of changes in requirements, with emphasis on the need to inform future purchasers of the arrangements.

2.5 You're extending our services

If you choose to extend our services, then appropriate easements must be created when necessary. These are explained in Section 2.9 Services access. For example, a basic principle for water mains is that they must be constructed in community property or commonly administered private property or a dedicated roadway, with 24-hour vehicular access and covered by an easement.

2.6 You're creating private services

The private services arrangement is only accepted under the following conditions:

1. Mains constructed as private services must comply with the Plumbing Code of Australia. Private services that include a wastewater (sewage) pumping station will only be accepted if storage/treatment before discharge will meet our requirements to prevent odours.

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 for our approval.
 - When connecting to our 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.
2. We make no representation that the private water-related services intended to be provided are suitable.
 3. 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 the applicant must construct the extension at Sydney Water standards including appropriate easements, fund it and transfer ownership.
 4. We generally won't provide maintenance services to the private services.

5. Conditions 1 to 5 shall not be deleted, varied or modified without the written consent from us.
6. You are 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.

According to condition 1, you must provide us with discharge rate and quality of effluent details, so we may determine if we will accept any pumping station proposed.

According to conditions 2 to 5, we'll only issue the Section 73 Compliance Certificate after the inclusion of appropriate clauses in the Community Management Statement. Such clauses must be approved by us and, as provided in condition 5, they may only be deleted with our consent. This is required to safeguard us from future claims of inadequate service provision and pressure to extend our mains.

2.7 Fire hydrants

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

When private services are being provided, private hydrants and firefighting services are a matter for the developer, council and NSW Fire Brigades.

Note: All works including surface fittings, hydrants and maintenance hole lids, must be to the *National Plumbing Code* and not be marked as our fittings.

2.8 Metering requirements

All lots within a community title development must be metered according to our requirements.

All meters must adhere to our Water meter installation guidelines.

2.9 Service access

Section 36 of the Community Title legislation provides for the creation of statutory easements. These are generally adequate for private services and should be created for our proposed services. However, we also require easement details to be included in the Community Plan and Management Statement. These details must adhere to our guidelines and cannot be changed without our approval.

The reason statutory easements are not satisfactory to us, is because they confer rights on us, but do not impose the restrictions necessary to enable operation and maintenance of the services to our standards. The requirements set out in the Community Plan and Management Statement will reflect our operational requirements to meet the specific needs created by the development with particular emphasis on access.

You must pay all costs associated with us establishing our 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.

2.10 Notice of Requirements

The Notice of Requirements will reflect the foregoing sections. We'll provide you with information in your Notice of Requirements under the Community title – water and sewer works section.

2.11 Section 73 Compliance Certificate

We won't issue your Section 73 Compliance Certificate until all requirements are satisfied.

We'll issue the Section 73 Compliance Certificate after checking that any appropriate clauses have been included 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.

Note that development of community land (always lot 1) may not be fully covered in staged applications. This land will commonly be located throughout the development in several separate parcels and progressive servicing may be appropriate as needs are identified.

To accommodate staged applications, we'll also issue a separate letter to council advising them as to what the certificate covers and what future development applications we must see. This will assist councils in meeting their legal obligations to refer development applications and subdivisions to us and at the same time avoiding unnecessary referrals.

2.12 Our records

When we receive the private servicing details from the you, we'll update our records into our system including the drainage diagram.

3. Definitions

Term	Definition
Easement	Defines an area of land over which certain parties (specified in a Section 88B Instrument) have rights.
88B Instrument	Is the part of a deposited plan which upon registration creates easements.
drainage diagram	A plan showing building located on a property and their connection to the SWC sewer system. Also known as SSD.
Notice of Requirements	Notice of Requirements: a formal notice issued to the Developer by Sydney Water under Section 74 of the <i>Sydney Water Act 1994</i> , in response to an application for a Section 73 Certificate. Also known as NOR and Notice Letter.
Section 73 Compliance Certificate	A Subdivider/Developer Compliance Certificate issued under Division 9 Section 73 of the <i>Sydney Water Act, 1994</i> . Also known as S73.
Services	Our drinking water, recycled water, wastewater and stormwater reticulation services.