

Entry onto third party property – Water Servicing Coordinators (WSCs)/Developers

1. Purpose

When altering or extending Sydney Water (us, we, our) services, it may be necessary in some cases for the developer or person representing the developer (you) to enter another customer's property to do so. To do this, agreement is needed by all parties. As this is sometimes hard to get, this work instruction will help you coordinate our Permission to Enter (PTE) process.

This work instruction will help us achieve a balance between our statutory function to provide water and sewer services and the common law rights of our existing customers who are affected by a development.

2. Before you start

Is there an alternative way to minimise impact?

If the works are going to make more than a slight impact, you must think about whether there are different designs, construction work and operation methods that could be used instead. The idea behind this is to cause as little damage as possible and to help ensure there are no problems for the owner/occupier.

You'll need agreement by all parties

You or the person representing you will negotiate with the owner / occupier. You must use the letter provided by Sydney Water as your first engagement with the owner/occupier. This letter outlines to the owner/occupier the type of work that you are looking to do and provides them with the contact name and number of your case manager within Sydney Water so they can speak to us about this request.

You need to ensure you've identified all the important issues and have them documented clearly and correctly.

Negotiated options

You can enter negotiations with the owner/occupier and we will support these conversations by providing customers with information about why access is required for the best outcome. We will not participate or mediate conversations about compensation in any way.

3. Work instruction

Important information

IMPORTANT: If the owner or occupier engages a legal representative at any stage of the process all activity must stop and contact us.

Task #	Work instruction details
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1	You need to access a neighbouring property
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If there's no other option but to enter a third-party property to adjust or extend services, you must engage with the owner/occupier using the *PTE – Access for WSC letter*. This can be provided to you by your case manager.

You must provide this to the owner/occupier on three separate occasions using different delivery methods, such as hand delivery, email and/or registered post. Please keep records to demonstrate the different dates and methods you have used, as this will be required to progress.

It is encouraged to give the owner/occupier a few weeks between each attempt. Please don't attempt more than one engagement per week. ***(Please allow more time for holiday periods such as Christmas, Easter and School Holiday periods as some owner/occupiers could be away for several weeks during this time.)***

If the owner/occupier agrees to your request, they will sign the *PTE – Permission to enter Owner/Occupier form*. This form outlines specific details about the access and times and has all parties' signatures. Once this has been signed by all parties, it can be returned to your case manager.

If the owner/occupier is not responding, please go to step 2.

2	Owner or occupier is not responding
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Once you have attempted engagement three times, please talk to the case manager, and provide information about the three attempts made. Your case manager will review this information and will attempt to speak to the owner/occupier over the phone before we proceed to Notice of Entry.

(Please allow more time for holiday periods such as Christmas, Easter and School Holiday periods as some owner/occupiers could be away for several weeks during this time.)

Go to step 3.

3	Notice of Entry
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Once a decision is made to proceed to Notice of Entry, your case manager will prepare the Notice of Entry letter that will be issued to the owner/occupier.

The case manager will also issue a Certificate of Authority, which will list the contractors who will be entering the site. This must be a physical copy that is taken to the site by those listed. You must have both the Notice of Entry and Certificate of Authority before you access a property.

The case manager will have received approval by an authorised manager within Sydney Water to proceed to this step.

Appropriate notes must be logged in the e-Developer case, to outline attempts that have been made to contact and engage with the owner/occupier.

End of process	
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4. Definitions

Name	Meaning
Act	The <i>Sydney Water Act 1994</i> and any regulation in force under it.
Development	Any activity relating to land that needs approval as specified in Section 69 of the <i>Act</i>
Notice of Entry	A notice issued under Section 40 of the <i>Act</i>
Permission to Enter	A form that is used when an applicant wants to go onto another person's property as detailed in Section 38 – 40 of the <i>Act</i>

5. References

Document type	Title
Policies	Entry onto third party property
Forms and checklists	Permission to enter (owner/occupier)
Other documents or references	<i>PTE – Access for WSC letter – provided by Case Manager</i>