

Existing asset easements & issuing clearance advice

1. Overview

1.1. At a glance

What

This document applies when:

- an eDeveloper application is received and there is an existing Sydney water asset affected by the application and
- Group Property need to signify that their requirements have been met when a new easement is required over a Sydney Water asset.

1.2. Scope

Who

This document can be used by:

- Development Services Officers (DSOs)
- Networks officers
- Group Property officers
- Water Servicing Coordinators.

1.3. Objective

Why

This document will make sure that:

- any existing Sydney Water asset is properly investigated and managed when a new eDeveloper application is received
- all people identified above are aware of what is needed by Group Property to signify that their requirements have been met when an new easement is required to be created over a Sydney Water asset.

2. Procedure in detail

This document is split into two procedures:

2.1. Easement over an existing Sydney Water asset

First, if the situation is an existing asset located outside the development area (in private lands including Council or Crown) without an easement for protection, the Section 73 Certificate cannot be used to acquire this easement. In these situations, the DSO (Sydney Water) must contact Group Property (Sydney Water) for advice.

In situations where the asset is within the development area, the instruction is:

All roles:

1. The possible need for such an easement is identified at the work step '*Investigate Requirements*' where the DSO:
 - says YES to the question "Is there a proposed easement that may be affected by the development?"; then
 - retrieves the appropriate "Easement Requirements Form – W1 (or W2 or W3)" from iConnect (go to Applications / Asset Creation Process / Easements / Land / Forms), completes the Project Description (Part 1) of the form and saves it to the Case folder;
 - says YES to the question "Is more information required from Operations?"
 - describes the situation in the memo field.... Eg. "Existing main within road to be closed/ private road.... please provide your requirements on Easement Requirements Form-W1 emailed to you today";
 - emails the "Easement Requirements Form" to the appropriate Networks officer together with a HYDRA print; and
 - releases the work item when complete.
2. At *Provide Requirements - Product Delivery (Water/ Waste Water)*, Networks to:
 - Decide if they require the easement and if so, advise they have no objection to the creation of that easement and complete the work step "You do/not object to the relinquishing or reinstatement of the easement" appropriately i.e. if there is NO objection to the creation of the easement, click the NO radio button;
 - As the *System Advice* document, retrieve the "Easements Requirements Form - W1" emailed by the DSO and complete all remaining parts of the form and save (liaison with the DSO may be required); and
 - Attach that as the *System Advice* document to the *Provide Requirements - Product Delivery (Water)* form then release.

No further action is required from Networks unless an issue arises.
3. At *Provide Requirements - Group Property*, Group Property provides an appropriate comment (generally, advising that all easement details will be posted to the WSC after the Notice has issued) then releases form.
4. At *Determine Requirements*, to address this easement requirement, the DSO to:

- view the Operations response (including the “Easement Requirements Form” attached to the *Systems Advice* field) and save *System Advice*;
 - view the Group Property response and save any response;
 - at “Determine Servicing requirements”, after selecting asset, select “Financial only” stream (only if there is no other requirement to create an asset, otherwise, select appropriate stream); then
 - release form.
5. At *Create Draft Notice*, the DSO to:
- Select appropriate template and the relevant wording appears (for editing and completing) and attach; then
 - Release form.
6. At *Review Draft Notice*, the DSO to process as normal.
7. At *View Requirements*, WSC processes as normal. Note that the easement advice will only contain basic information with more detail to be supplied by Sydney Water’s Group Property.
8. Once the WSC has accepted the requirements and released the work item (and the “Financial only” work stream has been selected earlier by the DSO), if the application is for a:
- *Road Closure*, the case ends in e-Developer and proceeds outside that system as follows; or
 - *S73 Development*, the case proceeds in e-Developer to *Compile Section 73 Certificate* work item. The DSO will retain this item in their work queue but step outside e-Developer as follows.

(NOTE: If a work stream other than “Financial Only” has been selected, the DSO treats the easement creation process separately and also follows the remaining steps set down below.)

9. The developer may then engage the WSC to manage the easement acquisition process (utilising the standard Sydney Water Easements/ Land guidelines on the Sydney Water website and liaising with Group Property).
10. Group Property prepares the:
- Easement Notice of Requirements.
 - Annexure.

These documents are then forwarded to the WSC by post generally within 21 days for either their or the developer’s management of the easement acquisition process (utilising the standard Sydney Water Easements/Land guidelines and in liaison with Group Property).

11. The WSC (or the developer) submits the required easement documentation to Group Property for their approval.
12. Once Group Property approve of the documentation and plan they will issue advice to the DSO. That is, for a:

- S73 Development - an Easement Clearance Certificate; while
 - Road Closure - a clearance advice (to enable the objection to be lifted).
13. The DSO then progresses, subject to the meeting of any other requirement, to the release of the S73 Certificate or uplifting of Sydney Water's road closure objection and then case completion as follows:
- *S73 Development* - The Compile Section 73 Certificate work item is already in the DSO work queue and, once the Easement Clearance Certificate is received, the DSO clicks the "Yes" radio button (only) at the question "Did Group Property approve the new easement?" before releasing the work item. The case then proceeds to completion as set down in the User Guide; while
 - *Road Closure* - upon receipt of the clearance advice, the DSO retrieves and completes the template "Advice Letter - Road Closure - Lifting Objection" before saving to the case folder in the local directory. That letter is then emailed to the WSC with all actions noted in the Case Diary. Once the WSC receives the letter it is saved to their records then copied for the applicant to provide to Crown Lands. The case is then complete.

2.2. Processing the 'Audit Easement Documents' eDeveloper work item

Due to current functional e-Developer limitations, Group Property cannot attach the required documentation to the 'Audit Easement Documents' work item for return to the WSC.

These steps apply:

1. Group Property receives the 'Audit Easement Documents' work item and keeps it before preparing the:
 - Easement Notice of Requirements
 - Annexure
 - Marked up version of the plan.

These documents are forwarded in hard copy to the WSC.

2. Group Property complete the 'Audit Easement Documents' work item indicating that the documents are not satisfactory and noting in the memo field that advice on specific amendments have been forwarded in hard copy to the WSC.
3. This cycle of review and re-submission will continue until the documentation has been deemed by Group Property to be satisfactory. When the documentation meets Group Property requirements they will attach the clearance letter to the work item and released it to the WSC.

NOTE: If Group Property receive a design variance application in their eDeveloper work queue, they will release the work item pending their receiving any easement requirements being met.

If you have any questions about this procedure, please contact the e-Developer case Development Services Officer (Urban Growth).

3. Definitions

Term	Definition
Development Services Officer (DSO)	Development Services Officer of the Urban Growth team, a Sydney Water employee who manages the Managing New Development Process.
Development	any activity relating to land that needs approval as specified in Section 69 of the <i>Act</i> .
Easement	a document that sets out the rights of one party to use land owned by another party.
e-Developer	An Internet deployed software application that manages and distributes APP work items to all users according to pre-defined rules.
Group Property	The team in Sydney Water that manages it's lands and assets.
Networks	The team in Sydney Water that manages it's water, recycled water and wastewater assets.
Notice of Requirements (NOR)	a formal notice issued to the Developer by SWC under Section 74 of the Sydney Water Act 1994, in response to an application for a Section 73 Certificate. Also known as NOR and Notice Letter.
Section 73 Certificate	A Subdivider/Developer Compliance Certificate, issued under Division 9 Section 73 of the Sydney Water Act, 1994.
Water Servicing Coordinator (WSC)	Water Servicing Coordinator, accredited by Sydney Water and engaged under contract to act as an intermediary between Sydney Water and developers.

4. Context

4.1. Accountabilities

Position	Accountabilities
DSOs, Networks and Group Property officers	Play their role in the process
Manager, Urban Growth - Assurance	Maintain this document

4.2. Training and competencies

Position	Training or competency
DSOs, Networks and Group Property officers	Awareness training only

5. Document control

Complete the details in the tables below. Consultation and Change history are optional.

5.1. Document details

Record	Detail
Procedure title	Existing asset easements & issuing clearance advice
BMIS Doc no.	ACDP0413

5.2. Change history

Version	Key changes
1	New document (amalgamates ACDP0131 and ACDP0118)