

Road Closures - Water Servicing Coordinators' Instructions

1. Overview

1.1. Objective

To provide an improved process for managing cases in e-Developer where a road title is being subdivided or part excised (otherwise known as "road closures").

1.2. Scope

This applies to all *Section 73 Development* or *Road Closure* applications in e-Developer.

1.3. Background

In July 2002, the Department of Lands, Land & Property Information NSW (LPI) began requiring that (under Section 109J (1)(e) of the EP&A Act 1979) a Subdivision Certificate be obtained when a part of a road title was being subdivided. It is only now that this change is filtering down to other concerned parties.

That is, most State owned roads within NSW have land title and so, when the owner of that road (in Sydney it is usually the local Council) proposes to excise or subdivide a part of that road title, the LPI has ruled that a Subdivision Certificate will need to be obtained. *This situation then necessitates the Council obtaining a Section 73 Certificate from Sydney Water by applying for a **Section 73 Development** through a WSC and the e-Developer system.*

Alternatively, where the whole of a road title is proposed to be closed, no Subdivision Certificate is required rather the Council applies to Crown Lands NSW (Crown Lands) who will not approve of the closure until any objections to the proposal are lifted. *This situation necessitates the subdivider lodging an application for a **Road Closure** with Sydney Water through a WSC and the e-Developer process.*

Notes:

1. It is not up to the WSC (or Sydney Water) to determine which of the two paths the application should follow - the Council, in their liaison and application with Crown Lands, determines the nature of the closure and whether a Subdivision Certificate is required
2. Upon Council's application to Crown Lands, Crown Lands send a notification to all statutory bodies enquiring as to any objection - see the attached notice and plan sample following this instruction. If they do not receive a reply within 30 days Crown Lands

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assume there is no objection. Conversely, if they receive an objection from Sydney Water, they will not, in the case where a Subdivision Certificate:

- **is** required, release the subdivision plan until they see the plan suitably noted (and thus assume a Section 73 Certificate has issued); or
 - **not** required, release the subdivision plan until they receive a letter from Sydney Water advising of no objection
3. The Council's application through e-Developer is often preceded by a direct preliminary enquiry to Sydney Water to determine the feasibility of their proposal to which they are given a quick and brief response and
 4. Sydney Water investigates *Road Closure* applications in a similar fashion to a standard land subdivision/*Section 73 Development* application and so, because of this, when the application is lodged details are required of the applicant's proposed future use for the new lots.

Finally, until e-Developer is enhanced to cater for the above changes in process as well as deficiencies in the workflow, the following instruction will be used.

2. Work Instruction

If the road closure requires a *Section 73 Development* application in e-Developer then it proceeds along the same workflow as a standard application of its type.

However, if the closure requires a *Road Closure* application then following instructions apply:

1. At the '*View Requirements*' work step, if the developer is not required to enter into an agreement or there is no private line easement action but there is another requirement, the case ends in e-Developer and steps outside the e-Developer workflow.

Therefore, you will need to liaise with the e-Developer case Development Services Officer (DSO) with regard to the developer satisfying any other requirements before proceeding to complete the application. **If you do not initiate this liaison with the Sydney Water Representative the application will stall.** (Note that where the requirement may have been the creation of a Sydney Water easement over an existing Sydney Water asset refer to the Work instruction - *Processing a Sydney Water Initiated Easement Requirement*.)

Once all requirements are met, the DSO will issue a letter to Crown Lands via email to your company lifting Sydney Water's objection. This letter can then be downloaded and taken by the developer to Crown Lands to complete our part in the process. However,

2. If the DSO's investigation determines that there are no requirements, they will issue a letter to Crown Lands via email to your company advising that Sydney Water has no objection. This letter can then be downloaded and taken by the developer to Crown Lands to complete our part in the process. (The DSO's e-Developer system action will complete the case.)

If you have any questions regarding this instruction, please contact your e-Developer case DSO.

Sample Crown Lands Notice-

YOUR REF
OUR REF MN03H187
CONTACT OFFICER Carmen Hennessey
TELEPHONE NO 9895 6247

Department of Lands

Land Administration & Management
Property & Spatial Information

Sydney Water Corporation
PO Box 555
ROCKDALE NSW 2216

ROADS ACT, 1993

Notice is hereby given that the Minister for Lands proposes to consider the closing of the roads illustrated on the diagram attached.

All persons interested are hereby called upon to set forth in writing addressed to this Office, within one month from the date of the posting of this notice, any objections which may appear to them to exist to the closing of such road.

A copy of any objection lodged may at the discretion of the Minister or his delegate be referred to the proposer and/or Council.

To save the need for further correspondence, it will be assumed after expiry of that period if no objections are received, that you have no objections to the proposal.

Yours faithfully,



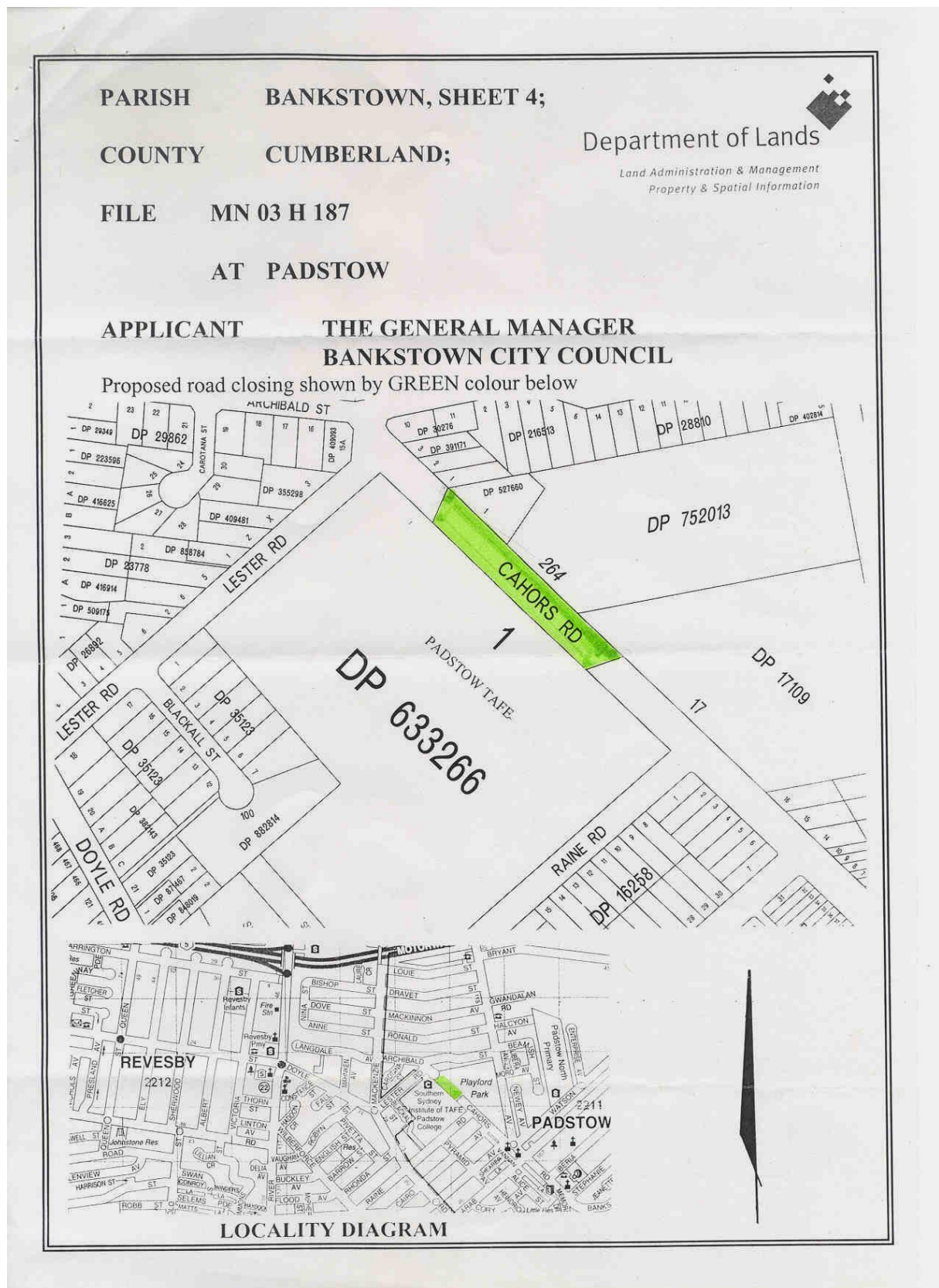
CARMEN HENNESSEY
Roads Officer,
for Manager, Business Services
Sydney Metropolitan
17 November, 2003

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Sample Crown Lands Plan-



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