



Community title subdivision

1. Overview

1.1 At a glance

This policy explains our approach to connecting water and wastewater services to developments on a community title subdivision. It includes:

- [Your servicing options](#)
- [Fire hydrants](#)
- [Service access](#)
- [Section 73 compliance certificate.](#)

1.2 Scope

Our policy provides servicing requirements for community title developments. A community title development has at least two lots that share a common area such as a driveway or recreational land.

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.

1.3 Objective

Our policy allows you, the developer, flexibility in how you connect to our services while ensuring future owners have suitable servicing arrangements.

2. Policy in detail

A management statement must be lodged for each community title scheme at [NSW Land Registry Services](#) and the approved statement must be submitted to us when you apply for a Section 73 Certificate.

For more information about getting a Section 73 Certificate go our [Section 73 Compliance Certificates](#) page on our website.

2.1 Your servicing options

You have four choices on how your development can be serviced:

1. Extend our existing mains, adhering to our standards, to provide a point of connection for each lot as defined in the [Connecting to our systems policy](#). You pay for the design and construction of the extension, but we maintain ownership and maintenance.
2. 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 3).
3. 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 1. However, the other mains in the development can be private as per scenario 2.
4. 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 3.

The requirement to provide an extension of our mains in options 3 and 4 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.

If you decide to extend our services

Appropriate easements must be created when necessary. These are explained in [Section 2.3 Service 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.

If you decide to create private services

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

- 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. We'll tell you if this is a requirement when you apply for a Section 73 Certificate.

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. We'll tell you if this is a requirement when you apply for a Section 73 Certificate.
- 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.
- We make no representation that the private water-related services intended to be provided are suitable.
- If at any time in the future, the developer or future owner makes a request 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.
- We generally won't provide maintenance services to the private services.
- 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.
- We'll only issue the Section 73 Compliance Certificate after the inclusion of appropriate clauses in the [Management Statement](#). Such clauses must be approved by us. This is required to safeguard us from future claims of inadequate service provision and pressure to extend our mains.

2.2 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.

2.3 Service access

Section 34 of the [Community Land Development Act 2021 No.6](#) 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 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 [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.

2.4 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 has been completed or is 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.

3. Definitions

Term	Definition	Source
Community management statement	As required by Schedule 3 of the Community Land Development Act 1989. A management statement must be lodged with each community, precinct and neighbourhood scheme. It sets out by-laws to assist the efficient running of the scheme.	NSW Land Registry Services
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.	Sydney Water
Services	Our drinking water, recycled water, wastewater and stormwater reticulation services.	

4. Context

4.1 Accountabilities

Position	Accountabilities
General Manager, Business Development	<ul style="list-style-type: none">• Implementation, review and update of Policy
Head of City Growth & Development	<ul style="list-style-type: none">• Ensure availability of resources to implement the Policy• Hold managers accountable for implementing the requirements of the Policy
All relevant staff	<ul style="list-style-type: none">• To be aware of the policy and adhere to its objectives

4.2 References

Document type	Title
Compliance obligations	Sydney Water Act 1994 Water Supply Code of Australia – Sydney Water Edition WSA03-2011-3.1 Community Land Development Act 2021 No.6
Policies and procedures	Connecting to our systems policy