

Addendum to Outcomes Report – Exhibition September 2024

Feedback

If Developers are carrying out stormwater works on behalf of Sydney Water as they have not implemented prior to or since the zoning of the Mamre Road Precinct land in 2020, then all associated costs with Sydney Water stormwater works should be reimbursed to Developers as if Sydney Water were carrying out the works.

Maintenance bonds should only be for an industry standard 12 months defects liability period, not 24 months proposed. Also, clarity on bond calculation to be provided.

Reimbursement of costs to developers should be in accordance with certified developers' principal contractors' works claims (typically monthly) and not relative to staging and contributions.

In the instance that a developer has already tendered the stormwater infrastructure works as part of overall site civil works, how can they utilise the policy and enter into a Developer Works Agreement prior to the final policy and registration of a DSP? How would the process consider tenders which include the total civil works package for the site?

Insufficient information has been provided in the policy, notably the individual schedules and the standard Stormwater Developer Works Agreement have not been included in the Policy for review.

It is noted that the S73 application lodgement timing now aligns with industry processes, however still concerned that NoRs are only issued after a DA has been determined.

Sydney Water Response

The Stormwater Developer Works Policy provides a mechanism for reimbursement of the reasonable costs of delivering stormwater infrastructure on behalf of Sydney Water. The scope of reimbursement is outlined in Attachment A of the policy. A detailed scope of works for reimbursement would form part of a Developer Works Agreement to be entered into once a DSP is registered. Each development proposal will be considered on a case-by-case basis in accordance with the terms of the policy.

The maintenance bond must cover vegetation/landscaping which requires over 12 months to mature/establish. Typical maintenance bonds for landscaping/revegetation are 24 months. The maintenance bond will be calculated as per Section 3.2.3 of Sydney Water's bonding of works policy (seen here), which requires three quotes from a qualified landscape architect. The average of these would be multiplied 1.5x to include contingency.

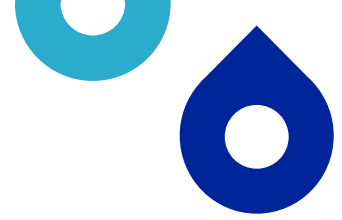
Reimbursement will occur after S73 cert is issued once works are completed to Sydney Water's specifications.

Sydney Water is committed to working with developers in advance of the finalisation of the policy and the registration of the DSP to ensure development is not delayed by these processes. Prior to the registration of the DSP, works can proceed at the developers risk on the basis of a Letter of Intent issued by Sydney Water (Section 1.3 of the policy). Once the DSP is registered, this Letter of Intent would be superseded by a Developer Works Agreement.

Accurate costs of stormwater infrastructure would be required in any case for reimbursement. Therefore tenders which include the full civil package would need to break down the costs of delivering stormwater infrastructure.

As mentioned in the Outcomes report, the Stormwater Developer Works Agreement & Schedules are under preparation and will be provided once available. Sydney Water will work with individual developers in the meantime to support the process.

Sydney Water can issue a Notice of Anticipated Requirements to provide guidance on stormwater infrastructure prior to development consent. Sydney Water encourages all developers to submit a Feasibility Application at the earliest opportunity to allow us to provide input to stormwater design prior to lodgement of a DA.



Sydney Water should also integrate its process diagram with the entire development process by including critical milestones such as Subdivision Works/Construction Certificate, Subdivision/Occupation Certificates, and subdivision plan registration. This will enable Sydney Water to ensure their processes align with typical development timings and industry processes.

A detailed flow diagram aligning the stormwater approvals process with the planning approvals process will be provided once agreed with NSW Department of Planning, Housing and Infrastructure and relevant Councils.

Whilst the Final Draft Policy acknowledges that an offset process and accounting mechanism as alternative method of reimbursement is under investigation, we recommend that Sydney Water resolve this before finalising the Policy.

Sydney Water has committed to investigating alternatives to reimbursement however this process will take time to resolve. We are committed to regular review of the policy as these investigations progress however, it is important that the delivery of stormwater infrastructure to service is not delayed by this process. The final policy provides a mechanism for development to proceed whilst further efficiencies in the process continue to be explored.

We note that some of the matters raised in the September 2024 submissions were the same as those raised in the initial exhibition. We therefore recommend referring to the original Outcomes Report ([Engagement Outcomes Report](#)) published on the Sydney Water Talk page for a more comprehensive coverage of issues. If you have any further queries/concerns, please reach out to us directly at AeroStormWater@sydneywater.com.au.