

23 July 2024

Steven Head

General Manager  
Hornsby Shire Council  
296 Peats Ferry Road  
Hornsby NSW 2077

### **New drinking water main in your LGA**

Dear Mr Head

We're working in partnership with Confluence Water to upgrade and install new drinking water mains in multiple locations across North-West Sydney to service the growing community. As part of this work, we're carrying out some investigations on Quarry Road, Dural to confirm where our pipes and services are below the ground.

The information from the investigations will be used to inform our plans and save time when we start construction. Our investigations are planned to start on 7 August and take about 5 weeks to complete. We will keep the relevant Council teams updated as we progress.

We request that no fees, bonds or pre-payment charges be levied against the project for this work. We'll work with you to ensure that all areas impacted by our work are restored.

Sydney Water carries full responsibility under the Sydney Water Act for the work being done. Our partner acts as our agent and carries a Sydney Water Certificate of Authority to do this work. To clarify Sydney Water's obligations, I enclose relevant extracts of the Sydney Water Act 1994 referring to ownership, restoration and compensation.

Under this act Sydney Water has the power to open roads and footpaths for the purpose of working in relation to system or services under the Sydney Water operating license after giving reasonable notice to the persons likely to be affected including the appropriate roads authority (s42 of the Act). Sydney Water, will own the main and be responsible for the operation, repair, replacement and maintenance (s37 of the Act) that are necessary to ensure the works are used in an efficient manner for the purposes for which they were installed.

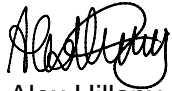
Should a problem occur that might be traced to inadequate work, Sydney Water has processes in place and legally binding agreements to ensure that any such issues are rectified (s42 of the Act).

Sydney Water understands and shares Council's priorities for good quality restoration and long-term asset management. Our objectives are to ensure work and restorations are completed in a timely manner and to agreed standards.

To know more, please contact me on 8849 3478 or [alex.hillany@sydneywater.com.au](mailto:alex.hillany@sydneywater.com.au)

Thank you for your cooperation during this essential work.

Yours sincerely



Alex Hillany  
Project Manager

## **Extract from Sydney Water Act 1994**

### **SECT 37 - Ownership of works**

(1) The Corporation is the owner of all works installed in or on land, at sea, in or on the seabed, in rivers and other waterways and in or on the beds of rivers and waterways by the Corporation and of all works in or on land or in water vested in or transferred to the Corporation (whether or not the land is owned by the Corporation).

(2) The Corporation may, subject to this Act, operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the Corporation, the works are used in an efficient manner for the purposes for which they were installed.

(3) The Corporation may sell or otherwise deal with works that it owns.

### **SECT 41 - Compensation**

(1) The Corporation, in exercising its functions under this Division, is to do as little damage as practicable and is, subject to this Division, to compensate all persons who suffer damage by the exercise of the functions.

(2) Compensation may be made by reinstatement, repair, construction of works or payment.

(3) If the Corporation installs a sewer on land in exercise of powers under this Division, the Corporation is required to pay compensation only if the sewer damages, or interferes with, a building or other structure on the land or causes other physical damage to property or if an access chamber or main ventilator is constructed on the land.

### **SECT 42 - Power to open roads**

(1) The Corporation may, for the purpose of exercising its functions in relation to systems or services in accordance with an operating licence and after giving reasonable notice to persons likely to be affected, including the appropriate roads authority under the Roads Act 1993, open and break up:

- (a) the soil and pavement of a public road or public reserve, and
- (b) any pipe, sewer, drain or tunnel in or under or any ground under a public road or public reserve.

(2) The person having the control and management of a public road or public reserve may require the Corporation to comply with conditions in exercising its powers under this section, including conditions for restoration of the surface and removal of rubbish.

(3) If a public road or public reserve is damaged by a malfunction of a main of the Corporation, the person having the control and management of the public road or public reserve may require the Corporation to make good the damage without delay.

(4) If the Corporation fails to comply with a condition under subsection (2) or a requirement under subsection (3), the person affected by the failure may remedy it and recover the cost of doing so as a debt owed to the person by the Corporation.

(5) A person desiring to connect premises with a water main or sewer main of the Corporation that is available for connection may (subject to such conditions as may be imposed by or under any Act or law) open and break up the soil and pavement of a public or private road or way or a footpath or public reserve to the extent required to make the connection.