

Types of development that need a section 73 certificate

Introduction

Section 78 of the *Sydney Water Act* requires consent authorities to notify Sydney Water of Development Applications that can affect the delivery of its services. This notification is managed by the consent authorities inserting a condition in the development consent that the developer applicant obtains a Section 73 Compliance Certificate (certificate) from Sydney Water.

(A claim might be made against a consent authority if they fail to make this notification.)

The developer makes an application for that certificate to Sydney Water through an authorised Water Servicing Coordinator. Sydney Water tells them of any requirements that must be met before the certificate can issue.

Sydney Water issues updates of these guidelines to consent authorities to help them decide which types of development should be referred. The latest update was sent on 15 May 2012.

That update included lists of the types of development that do and do not need to be referred. It also included reminders that consent authorities no longer need to:

- see our Notice of Requirements before they release the Construction Certificate
- refer 'secondary dwellings' approved under the Affordable Housing State Environmental Planning Policy (AHSEPP) for our Section 73 Compliance Certificate.

Towns were added to Table C.

To see copies of those lists, go to Attachments 1 and 2 over the page.

To find out more about these guidelines, call Sydney Water on 13 20 92.

NOTE – Building plan approval:

Attachments 1 and 2 do **not** cover the types of development that need Sydney Water building plan approval. To find out more, visit the [Building plan approvals](#) page in the Plumbing, building and developing section of our website.

ATTACHMENT 1

Types of development to be referred for a Section 73 Compliance Certificate as a condition of Development Consent are shown below - there are specific exclusions for some of these types and they are shown in Attachment 2:

1. Subdivision by Torrens, Community, Strata and Stratum Title, and subdivision for lease purposes (**includes** Strata Title conversion to Torrens Title; any road closure requiring a Subdivision Certificate; and any boundary adjustment).
2. Dual occupancy development (**including** 'granny flat' development that **cannot** be approved under the State Environmental Planning Policy (Affordable Rental Housing) 2009), whether being subdivided as in 1. above or remaining unsubdivided.
3. Medium density (multi-unit) residential development ie applications for the erection of buildings including dual key apartments (please identify in development description).
4. Development in rural or non-urban zoned land or Residential Bushland Conservation or similar zoning (including single residential development).
5. Development where Council is considering the approval of servicing arrangements that could be independent of Sydney Water's water or sewer systems.

For example: Development serviced by rainwater tanks as a primary water supply and alternate wastewater treatment systems.

6. Vacant single dwelling development on lots created by subdivision **BEFORE** April 1964. This includes referral of development where development consent is required for the erection of structures only.

For example: existing undeveloped lots created prior to the Local Government Act, existing undeveloped lots previously rated with another lot (eg. former tennis courts), or the demolition of a single dwelling and construction of separate single dwellings on existing multiple lots.

This referral is required because some lots in established areas may not have been previously issued with a Compliance Certificate at the subdivision stage and therefore may not have direct access to water or sewer services.

7. Development on previously publicly owned land. For example: railway lands or land resulting from road closures.
8. New development of vacant land for industrial, commercial and special use.

'Special use' includes but is not restricted to schools, preschools, religious centres, sporting facilities, community facilities (Police, Fire Ambulance, SES), community halls, senior citizen centres, youth centres, parks/reserves where there will be water use, government and agency depots/substations, hospitals.

9. Industrial, commercial and special use re-development where new building is involved.
10. Industrial, commercial and special use development, where there is a change in use of existing buildings and facilities that may result in increased demand for water and/or the discharge of trade waste water from the premises. **The types which should be referred are included in tables A & B below.** Other changes of use need not be referred.
11. Crown development, Commonwealth and State. (Note: Generally falls into one of the above categories.)

Table A: INDUSTRIAL

Any change of use where waste water is likely to be generated in addition to domestic sewage (ie in addition to waste water generated by persons for their personal hygiene):

- food, beverage and tobacco manufacturing & wholesaling
- textile and leather manufacturing
- plywood and paper product manufacturing
- printing, published and recorded media
- petroleum and chemical product manufacturing
- ceramic, cement and plaster product manufacturing
- metal product manufacturing
- industrial and transport equipment manufacturing
- motor vehicle retailing

Table B: COMMERCIAL

Butchers	Hospitals	Photographic Processing
Charcoal Chicken Shops	Hot Bread Shops	Pizza Shops
Commercial Car Washes	Hotels	Restaurants
Commercial Laundries	Medical Centres	Schools
Delicatessens	Mechanical Repairers	Service Stations
Dry Cleaners	Motels	Take Away Food Shops
Fresh Chicken Shops	Nursing Homes	Veterinary Surgeons

ATTACHMENT 2

Development types not to be referred for a Section 73 Compliance Certificate are:

1. Strata subdivision plan for a building approved by an earlier DA, ie strata title of an existing block of units where building was completed either:
 - 1.1 **Before** April 1964 (**except** if the consent authority considers a compliance certificate is required under the Strata Schemes (Freehold Development) Act 1973); or
 - 1.2 **From** April 1964 and covered by a Compliance Certificate issued on construction DA (**except** for dual occupancy development that must be referred).
2. Consolidation of existing lots of land not involving subdivision of the existing lots.
3. Vacant single dwelling development on lots created by subdivision **AFTER** April 1964 (ie. Generally where an earlier Sydney Water Compliance Certificate has been issued).
4. **A new single residential dwelling replacing an existing dwelling.**
5. **Alterations, additions to an existing residential dwelling.**
6. 'Secondary Dwelling' development approved under the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Wollondilly LEP 2011. (The Department of Planning & Infrastructure also refer to this development as 'granny flats'.)
7. Carports on residential lots.
8. Non- habitable garages, sheds or outbuildings.
9. Swimming pools.
10. Development in areas identified as being beyond Sydney Water's service limits but within its area of operations - **see Table C on the following page for a list of these areas.** Exceptions are:
 - a) large-scale development where the developer has advised the consent authority that Sydney Water servicing may be sought; or
 - b) if the consent authority requires consultation with Sydney Water; or
 - c) if the consent authority considers a compliance certificate is required under the Strata Schemes (Freehold Development) Act 1973.

Table C: List of areas beyond Sydney Water's water and wastewater service limits but within its area of operations

BAULKHAM HILLS

Berowra Waters
Cattai
Forest Glen
Leets Vale
Lower Portland
Maroota
Sackville North
South Maroota
Wiseman's Ferry

BLUE MOUNTAINS

Bell
Berambing
Hartley Vale
Megalong
Megalong Valley
Mt Irvine
Mt Wilson
Mt York
The Jungle
Tomah South

CAMPBELLTOWN

Wedderburn

HAWKESBURY

Berambing
Bilpin

Blaxlands Ridge
Bowen Mountain
Bucketty
Cattai
Central / Higher Macdonald
Colo **also** Colo Heights / Central
Colo / Upper Colo
Comleroy
Cumberland Reach
East Kurrajong
Ebenezer
Fernances
Gronos Point
Grose Wold / Grose Vale
Kurrajong Heights
Kurrajong Hills
Leets Vale

HAWKESBURY (cont)

Lower / Upper Macdonald
Lower Portland
Maraylya
Mogo Creek
Moran's Rock
Mountain Lagoon
Perrys Crossing
Sackville
Sackville North
St Albans
South Maroota
Ten Mile Hollow
Tennyson
The Devils Wilderness
The Slopes
Webbs Creek
Wrights Creek
Yarramundi

HORNSBY

Berrilee
Fiddletown
Fishermans Point
Forest Glen
Laughtondale

Milson Island
Singletons Mill
Wisemans Ferry

KIAMA

Barren Grounds
Broughton
Budderoo

Curramore
Foxground
Knights Hill
Rose Valley
Saddleback Mountain
Toolijooa
Willow Vale

LIVERPOOL

Greendale

PITTWATER

Coasters Retreat
Currawong Beach
Elvina Bay
Great Mackerel Beach
Lovett Bay
Morning Bay
Scotland Island
The Basin
Towlers Bay
West Head

SHELLHARBOUR

Calderwood
Macquarie Pass
Tongarra

WARRINGAH

Akuna Bay
Cottage Point

WINGECARRIBEE

All except Balmoral &
Wattle Ridge

WOLLONDILLY

Darkes Forest
Glenmore
Mt Hunter
Orangeville
Razorback
Wedderburn
Werombi

WOLLONGONG

Darkes Forest