

# Types of development that need a Section 73 Certificate

## Introduction

Section 78 of the *Sydney Water Act* requires consent authorities to notify us if development applications could affect our services. The consent authorities do this by inserting a condition in the development consent that the developer applicant must obtain a Section 73 Compliance Certificate (certificate) from us.

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

The developer applies to us for that certificate through an authorised water servicing coordinator (WSC). We advise the WSC of any requirements the developer must meet before we'll issue the certificate.

Attachments 1 and 2, over the page, list the developments that do and do not need to be referred.

We update the guidelines to consent authorities to help them decide which types of development they should refer. Attachment 3 highlights areas within Sydney Water's area of operations that are not services and so do not need to be referred.

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

### **Building plan approval**

Attachments 1 and 2 don't cover the types of development that need our 'building plan approval'. To find out more, visit the Building plan approvals page on our website.



Consent authorities must notify us if development applications could affect our services.

## Types of development that need a Section 73 Certificate

## Attachment 1

Types of development to be referred **for a Section 73 Compliance Certificate** (as a condition of development consent) are shown below. Specific **exclusions** for some of these types 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 **can't** be approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*), whether being subdivided as above or remaining unsubdivided.
3. Medium density (multi-unit) residential development, that is, applications to erect buildings with 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 approving servicing arrangements that could be independent of Sydney Water's water or wastewater (sewer) systems. For example, a 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 referring development where development consent is required to erect structures only. For example, existing undeveloped lots created before the *Local Government Act*, existing undeveloped lots previously rated with another lot (such as former tennis courts) or demolishing a single dwelling and constructing separate single dwellings on existing multiple lots.
7. 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 so may not have direct access to water or wastewater (sewer) services.
8. Development on previously publicly-owned land. For example, railway lands or land resulting from road closures.
9. 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 water will be used, government and agency depots/substations, hospitals.
10. Industrial, commercial and special use re-development where new building is involved.
11. 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 wastewater from the premises. Examples of the types which should be referred are included in tables A & B below.
12. Crown development, Commonwealth and State. (Note: Generally, falls into one of the above categories.)

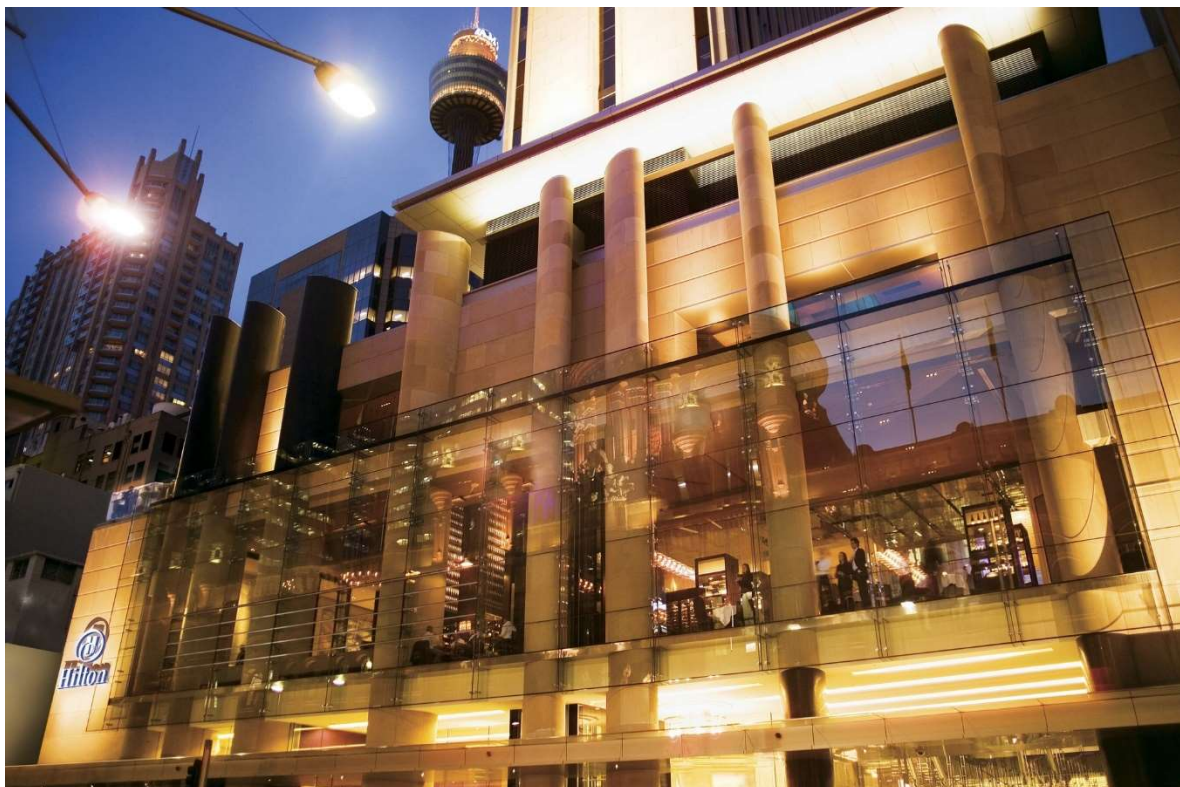
**Table A: Industrial**

You should refer any development to us that involves any change of use likely to generate trade wastewater, in addition to domestic wastewater (domestic wastewater is wastewater generated by persons for their personal hygiene). These include:

- food, beverage and tobacco manufacturing and 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	Pizza shops
Bars/ clubs	Hotels	Restaurants
Childcare	Medical centres	Schools
Commercial car washes	Mechanical repairs	Service stations
Commercial laundries	Motels	Take away food shops
Delicatessens	Nursing homes	Veterinary surgeons
Dry cleaners	Photographic processing	



Hotels are among the business developments you should refer to Sydney Water.

## Attachment 2

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

1. Strata subdivision plan for a building approved by an earlier development approval, that is, 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*)
  - 1.2 **after** April 1964 and covered by a Compliance Certificate issued on construction.
2. Development approvals (**except** for dual occupancy development that must be referred).
3. Consolidation of existing lots of land not involving subdivision of the existing lots.
4. Vacant single dwelling development on lots created by subdivision **after** April 1964 (that is, generally, where an earlier Sydney Water Compliance Certificate has been issued).
5. A new single residential dwelling replacing an existing dwelling.
6. Alterations, additions to an existing residential dwelling.
7. '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').
8. Carports on residential lots.
9. Non-habitable garages, sheds or outbuildings.
10. Swimming pools.
11. 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:
  - large-scale development where the developer has advised the consent authority that they may seek Sydney Water servicing
  - if the consent authority requires consultation with Sydney Water
  - if the consent authority considers a Compliance Certificate is required under the *Strata Schemes (Freehold Development) Act 1973*.



## Attachment 3: Suburbs within our area of operations but beyond water and wastewater service limits

### **The 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

### **Hawkesbury (cont)**

Grose Wold / Grose Vale  
Kurrajong Heights  
Kurrajong Hills  
Leets Vale  
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  
Cottage Point

### **Hornsby**

Berrilee  
Fiddletown  
Fishermans Point  
Forest Glem  
Laughtonedale  
Milson Island  
Singletons Mill  
Wisemans Ferry

### **Kiama**

Barren Grounds  
Broughton  
Budderoo  
Curramore  
Foxground  
Knights Hill

### **Kiama (cont)**

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

### **Wingecaribee**

All except Balmoral &  
Wattle Ridge

### **Wollondilly**

Darkes Forest  
Glenmore  
Mt Hunter  
Orangeville  
Razorback  
Wedderburn  
Werombi