

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.)

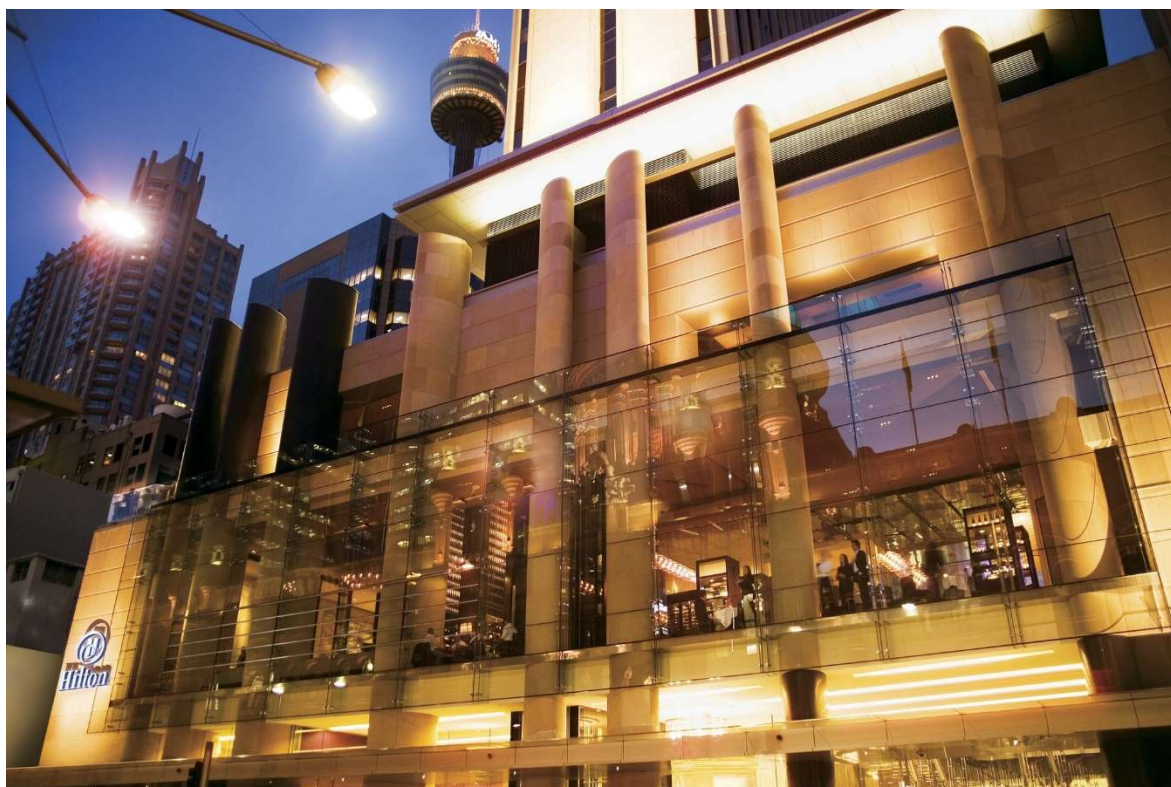
Table A: Industrial

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 Glen
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