



Processing an application for Anticipated Requirements for a Section 73 Certificate before receiving the consent document

1. Purpose

This guide explains how to process an application for the 'Anticipated Requirements for a Section 73 Certificate'.

2. Scope

This applies to our Case Managers and Water Service coordinators (WSC).

3. Minimum requirements

To explain the requirements and process when working on this type of application.

4. Procedure in detail

This guide is for both WSCs (section 2.1) and Case Managers (section 2.2)

Water servicing Coordinators

Before you start:

- If the proposed application for 'Anticipated Requirements for a Section 73 Certificate' could be later lodged as a Complying Application once consent is granted then you must process the application as a Complying Application. That is, after the consent is issued, you can lodge the application as a 'S73 Complying Application' (after all application requirements have been met)
- If an 'Anticipated Requirements for a Section 73 Certificate' application is received by us that could be considered as a Complying Application after the consent is issued, we'll reject the application
- A development with a 'Deferred commencement' consent cannot be lodged as an 'Anticipated Requirements for a Section 73 Certificate' application unless it contains a condition that could affect one of our assets.

WSC process

When lodging these application confirm that the application could not be lodged as a Complying Application once the Development Consent is issued. If it can't, complete application as normal. If it could be lodged as a Complying Application, see the 'Work Instruction – Processing a Complying Application Package for a Section 73 Certificate' for both details of the process and exclusions to the Complying Application type.

In the Consent Information Section update the following fields:

1. Consent Authority field - select the Consent authority from the drop-down list
2. Consent Number field - type in the development application reference number or similar reference
3. Consent Date field – select the current date
4. Development type field – select the development type from the drop-down list
5. Attach Consent Document field - complete and attach details of why there is no consent, when that final consent is expected and what the consent authority reference is - you can use Attachment 1, or you can make your own form provided you give us this information. Submit the e-Developer application and upon your submission of this information the resultant action of the case manager will enable a 'Resubmit Consent' work item to appear in your work queue.

The Case Manager will then issue you with a 'Notice of Anticipated Requirements'. Your notice of anticipated requirements will be either:

- No Works – the notice of anticipated requirements does not require any assets to be created
- Minor Works – the notice of anticipated requirements requires Minor Works to be created
- Major Works – the notice of anticipated requirements requires Major Works to be created.

No works

If the requirements are No Works, the notice of anticipated requirements letter does not require any assets to be created. The Section 73 Certificate can't be issued until we receive the Development Consent. You will receive the Outstanding NOR Conditions work item in your e-Developer inbox. This will indicate that your outstanding condition is to submit the final Consent.

No works hold point

Once consent is granted you must submit it to us. From the 'Resubmit Consent' work item, update the following:

- Development Consent Number
- Consent date
- Attach the valid Council Consent.

You need to contact the Case Manager directly to tell them this has occurred and outlining what, if any, changes have occurred to the development since submission of the Anticipated Requirements application.

Note: You must now initiate (if applicable) the PPN and LUD process.

No works instruction ends.

Minor Works

The notice of anticipated requirements letter requires Minor Works to be created. You've received your notice of anticipated requirements. Upon release of the View Section 73 Work item you will receive the Submit Minor Agreement work item. The Developer Works Deed must not be released in e-Developer until the Development Consent has been submitted to Sydney Water.

Minor works hold point

Once consent is granted you must submit it to Sydney Water. From the 'Resubmit Consent' work item, update the following:

- Update the Development Consent Number
- Update the Consent date
- Attach the valid Council Consent.

You need to contact the Case Manager directly to inform them this has occurred and outlining what, if any, changes have occurred to the development since submission of the Anticipated Requirements application. The Case Manager will advise and issue a Confirmation email which is saved in the case enquiry document tab. Once you receive this email you can submit the Developer Works Deed.

After you receive the final Development Consent, if significant changes to the development have occurred, the Case Manager will advise you that the Anticipated Requirements application has been terminated and to submit a formal Section 73 applications in e-Developer.

Note: You must now initiate (if applicable) the PPN and LUD process.

Minor works instruction ends.

Major Works

The notice of anticipated requirements letter requires Major Works to be created. We'll allow the progression of the required design review (including that the Developer Works Deed is submitted without the constructor's signature). Progress the case through to the Submit Design Package.

As detailed in the Notice of Anticipated Requirements letter you do not have the authority to start construction of works. You must submit the design package as a 'Partial Package' with no nominated Constructor. In the 'Submit Design work item at the question 'Is this a complete package?' select the No radio button. A mandatory text box will display. Type in the field 'Anticipated Requirements Development'. Note: At the Submit Design work step ensure you request for funding if funding is required.

Upon your submission of the design details the Case Manager will review it and issue a Partial Job Specific Letter stating that the design is satisfactory but that the final development consent document is still required to allow you to start works. When you release the Partial Job Specific Letter work item you will receive the submit ITP work item in your inbox. You must not release this work step at this stage.

Major works hold point

Once consent is granted you must submit it to us. From the 'Resubmit Consent' work item, update the following:

- Update the Development Consent Number
- Update the Consent date
- Attach the valid Council Consent.

You need to contact the Case Manager directly to inform them this has occurred and outlining what, if any, changes have occurred to the development since submission of the Anticipated Requirements application. If the development consent document demonstrates no changes to the development since the original Anticipated Requirements application, the Case Manager will email you a 'Confirmation email'. If there are no design changes you can now submit the ITP work item (and include the Deed Poll executed by the Constructor).

If there are minor changes which could lead to a design change, you are required to submit a design variation. Once the design is reviewed and conforms (approved) to our requirements, the Case Manager will notify you when the Confirmation email is issued and updated in the case enquiry document tab. It is your responsibility to advise us of any changes.

If the Development Consent changes our requirements, then you will be required to reapply and lodge a new application.

Note 1: You must not release the ITP until you have received the Confirmation Letter.

Note 2: You must now initiate (if applicable) the PPN and LUD process.

Upon receiving your final development consent if significant changes to the development have occurred the Case Manager will advise you that the Anticipated Requirements application has been terminated and to submit a formal Section 73 applications in e-Developer.
Instruction ends.

Major works instruction ends.

Attachment 1:

Application information – ‘Anticipated Requirements for a Section 73 Development’

Please complete with application	
Case number WSC Reference number	
Development description	
Reason why there’s no final consent	
When is final consent expected?	
Consent Authority reference number	
Additional comments	

5. Definitions

Term	Definition
Complying Application	An application for the issue of a S73 Certificate submitted by the WSC after they have project managed the minor (low risk) requirements for a development.
Case Manager	a Sydney Water employee who manages the Developer Process.
e-Developer	An internet deployed software application that manages and distributes work items to all users according to pre-defined rules. Minor Works Sewer works of a less complex nature which may be constructed under an agreement for the Construction of Minor Works (Sewer).
Notice of Requirements (NOR)	A formal notice issued to the developer by Sydney Water under Section 74 of the Sydney Water Act 1994, in response to an application for a Section 73 Certificate. Also known as Notice Letter.
Section 73 Certificate (S73)	A Subdivider/Developer Compliance Certificate issued under Division 9 Section 73 of the Sydney Water Act, 1994.
Water Service Coordinator (WSC)	The Listed Provider who manages the application, design and construction of any water, wastewater or stormwater works for asset creation and asset protection.
Work As Constructed (WAC)	A Work As Constructed plan.