

Our Section 73 requirements for secondary dwellings

Why are we providing this information?

Customers building secondary dwelling or granny flat developments are not sure when they need to apply for a Section 73 Compliance Certificate. In most cases, they don't need to apply.

Some customers have spent time and money applying for a Section 73 Compliance Certificate that isn't needed.

What is a secondary dwelling or granny flat?

According to State Environmental Planning Policy (Affordable Rental Housing) 2009 or AHSEPP, a secondary dwelling is a self-contained dwelling that is:

- established in conjunction with another dwelling (the main dwelling),
- on the same lot of land as the main dwelling (and not an individual lot in a strata plan or community title scheme)
- within, attached to, or separate from the main dwelling.

When is the Section 73 Certificate required?

A Section 73 Compliance Certificate is required if the secondary dwelling or granny flat:

- has a floor area greater than 60m²
- Is located within a priority sewer program area, or where the property is served by one of our pressure sewer systems.

When is the Certificate not required?

If the secondary dwelling or granny flat has been approved under the complying development provisions in AHSEPP, it **doesn't** require a Section 73 Compliance Certificate from Sydney Water unless it is within a Priority Sewerage or Pressure Sewer Scheme.

A Section 73 Compliance Certificate is also not required if the secondary dwelling or granny flat has been approved by council unless it is within a Priority Sewerage or Pressure Sewer Scheme.

This includes granny flats:

- with a maximum floor area up to and including 60m².
- That have been combined with minor alterations or additions to the existing dwelling
- That have been combined with a 'knock-down rebuild' of an existing dwelling

What types of approvals do you need from Sydney Water?

Sydney Water still needs to assess building plans for any building or excavation work. You can apply for Building Plan Approval online at sydneywater.com.au/tapin.

Where can you get more information?

For more information you can call us directly on 1300 082 746 or go to sydneywater.com.au/section73.