


Working on waterfront land

Fact sheet

March 2020 Natural Resources Access Regulator



The Natural Resources Access Regulator (NRAR) is an independent regulator established under the NSW *Natural Resources Access Regulator Act 2017*. The current regulatory focus of NRAR is water regulation, a key part of which is to prevent, detect and stop illegal water activities.

NRAR manages potential impacts from activities on waterfront land in various ways, including through controlled activity approvals.

The health of river corridors and other waterfront land is vital for communities and industries, as well as for native plants and animals.

Controlled activities are works that are carried out on waterfront land and defined as controlled activities in the *Water Management Act 2000*.



Controlled activities

Controlled activities are certain types of activities which are:

- carried out on waterfront land, and
- defined as a controlled activity in the *Water Management Act 2000*.

Controlled activity means:

- erection of a building
- carrying out a work
- removing material from waterfront land, such as vegetation or extractive material
- depositing material on waterfront land, such as extractive material
- carrying out an activity which affects the quantity or flow of water in a water source.

Examples of controlled activities include:

- modifications to a watercourse, such as erosion control works and channel realignment
- construction of bed control structures
- construction of watercourse crossings such as bridges, causeways and bed level crossings, and ancillary works such as roads
- construction of stormwater outlets and spillways
- construction of boat ramps and sea walls
- laying pipes and cables
- sand and gravel extraction.

You must hold a valid approval before carrying out a controlled activity.

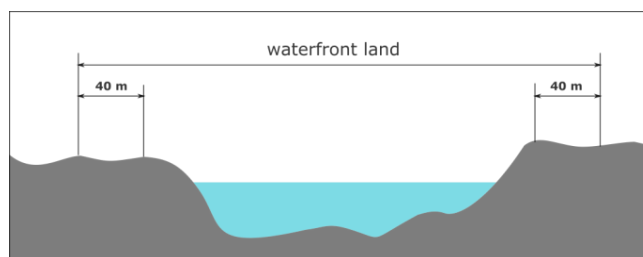


Figure 1 Waterfront land means the bed of any river, lake or estuary, and the land within 40 metres of the river banks, lake shore or estuary mean high-water mark.



Applying for a controlled activity approval

Application forms are available at industry.nsw.gov.au/water/licensing-trade/approvals/applications-fees.

NRAR will review your application and assess the potential impacts of the proposed structure or activity. We may grant an approval if there is only minimal harm to waterfront land. Controlled activity approvals will include conditions to minimise the impacts to waterfront land.

Effects of unapproved controlled activities

Unapproved controlled activities can cause bed and bank erosion and increase sediment in the water. This can result in the loss of productive land, reduce the quality of water available for stock and domestic use and cause algal blooms and weed infestations. Decreases in water quality also affect commercial and recreational uses of waterways, like fishing, and are detrimental to native wildlife.

Penalties for unapproved controlled activities

NRAR monitors waterfront development to detect unapproved controlled activities. It is an offence to carry out a controlled activity without an approval. It is also an offence to carry out a controlled activity in a manner which does not comply with the terms and conditions of approval.

High penalties can apply for carrying out controlled activities without an approval or in an unauthorised manner. The maximum penalty for a corporation is \$2.002 million and a further \$132,000 for each day the offence continues. For individuals, fines of up to \$500,500 may be applied, with a further \$66,000 for each day the offence continues.

Exemptions

Some activities are exempt from the need for a controlled activity approval, for example:

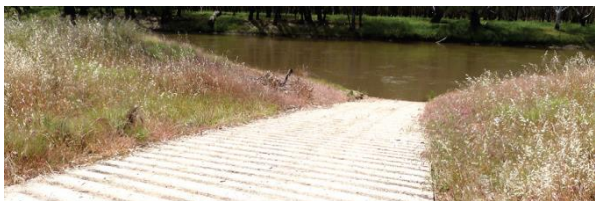
- work on waterfront land that relates to a river channel that is fully concrete lined or is a fully enclosed pipe channel
- constructing fencing, a vehicle crossing or an access track on waterfront land on a 'minor stream'—as defined in the Water Management (General) Regulation 2018—in a rural zone if it does not impound water
- erecting, demolishing or making alterations or additions to single dwellings or dual occupancy houses that have development consent or are exempt or complying development, if no works occur in the bed or banks of the waterway
- works/activities undertaken in accordance with:
 - a water supply work approval under the *Water Management Act 2000*
 - harvestable rights or domestic and stock rights in certain circumstances
 - a licence for a work issued under Part 2 of the *Water Act 1912*—for example, for a weir, lock well, excavation or tunnel
 - any mining, Crown Lands or Western Lands lease licence or permit
- if you are a network operator or pipeline licensee and you construct, modify, repair, maintain or complete emergency work on water or gas infrastructure or licensed pipelines
- constructing pontoons, jetties or mooring poles that satisfy certain conditions.

More information

For more information, including exemptions and guidelines, visit industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.



Sample controlled activities



Boat ramp



Sand extraction



Culvert crossing on a river



Splash crossing on a river



Erosion control works

More information

This fact sheet is one in a series explaining water management, compliance and associated issues. You can find this series and more information about licensing, approvals and compliance on the NRAR website at www.industry.nsw.gov.au/nrar

Copies of the Acts and associated Regulations are available on the NSW Government legislation site at www.legislation.nsw.gov.au

For enquiries call NRAR on 1800 633 362 or email at nrar.enquiries@nrar.nsw.gov.au.

For more information on the Natural Resources Access Regulator visit industry.nsw.gov.au/nrar



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