



Natural Resources Access Regulator

Guidelines for controlled activities on waterfront land

Riparian corridors

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Guidelines for controlled activities on waterfront land—Riparian corridors

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More information

Natural Resources Access Regulator

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Guidelines for controlled activities on waterfront land

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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.

The NRAR seeks to ensure effective, efficient, transparent and accountable compliance and enforcement measures through the natural resources management legislation and, in doing so, maintain public confidence in the enforcement of natural resources management legislation.

Controlled activities on waterfront land

Controlled activities carried out in, on, or under waterfront land are regulated by the *Water Management Act 2000* (WM Act). The NRAR administers the WM Act and is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary.

This means that applicants must obtain a controlled activity approval from the NRAR before commencing the controlled activity.

What is a riparian corridor?

A riparian corridor (RC) forms a transition zone between the land, also known as the terrestrial environment, and the river or watercourse or aquatic environment. Riparian corridors perform a range of important environmental functions such as:

- providing bed and bank stability and reducing bank and channel erosion
- protecting water quality by trapping sediment, nutrients and other contaminants
- providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)
- providing connectivity between wildlife habitats
- conveying flood flows and controlling the direction of flood flows
- providing an interface or buffer between developments and waterways
- providing passive recreational uses.

The protection, restoration or rehabilitation of vegetated riparian corridors is important for maintaining or improving the shape, stability (or geomorphic form) and ecological functions of a watercourse.

Changes to controlled activities within riparian corridors

On 1 July 2012, new rules commenced regarding controlled activities within riparian corridors. The new rules amend the riparian corridor widths that apply to watercourses, providing more flexibility in how riparian corridors can be used and making it easier for applicants to determine the NRAR-controlled activity approval requirements. Key aspects of the changes include:

- provision of greater flexibility in the allowable uses and works permitted within riparian corridors
- the core riparian zone and vegetated buffer have been combined into a single vegetated riparian zone (VRZ)
- the width of the VRZ within the riparian corridor has been pre-determined and standardised for first, second, third and fourth-order and greater watercourses
- where suitable, applicants may undertake non-riparian corridor works or development within the

outer 50 per cent of a VRZ, as long as they offset this activity by connecting an equivalent area to the RC within the development site

- a new 'riparian corridors matrix' enables applicants to determine what activities can be considered in riparian corridors.

These changes will simplify the controlled activities application and assessment process; provide greater flexibility; help make more land available for housing; support floodplain, stormwater and bush fire management; and allow riparian corridors to be used for public amenity whilst continuing to deliver environmental outcomes required under the WM Act.

The riparian corridor consists of:

- the channel which comprises the bed and banks of the watercourse (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

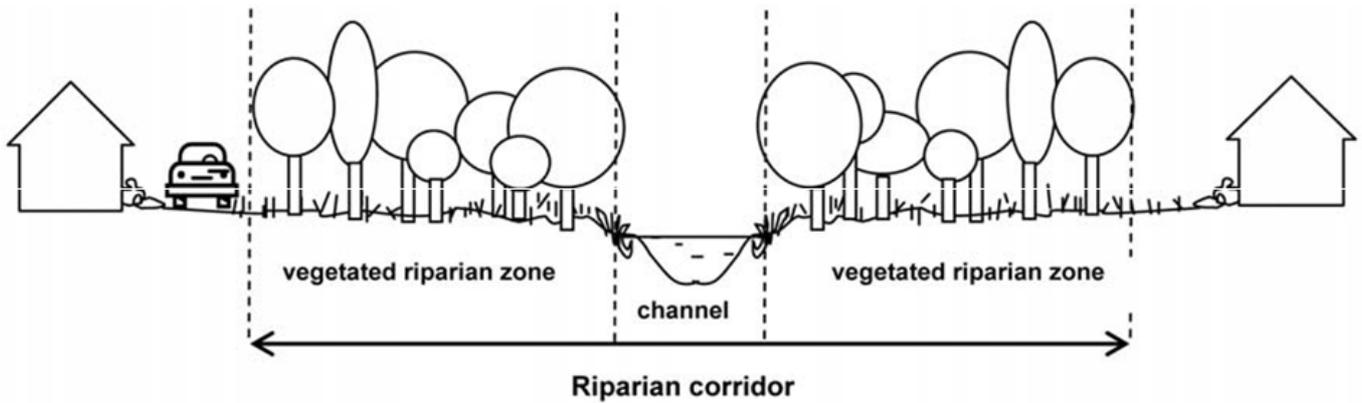


Figure 1. Riparian corridor

Riparian corridor widths

The NRAR recommends a VRZ width based on watercourse order as classified under the Strahler System of ordering watercourses and using Hydroline Spatial Data which is published on the department's website . The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse (see Figure 2 and Table 1).

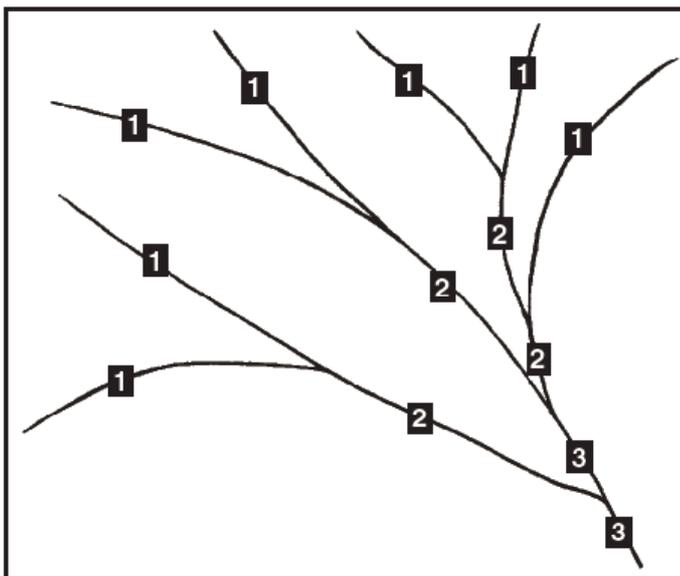


Figure 2. The Strahler System

Table 1. Recommended riparian corridor (RC) widths

Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 st order	10 metres	20 metres + channel width
2 nd order	20 metres	40 metres + channel width
3 rd order	30 metres	60 metres + channel width
4 th order and greater (includes estuaries, wetlands and parts of rivers influence by tidal waters)	40 metres	80 metres + channel width

Note: Where a watercourse does not exhibit the features of a defined channel with bed and banks, the NRAR may determine that the watercourse is not waterfront land for the purposes of the WM Act.

Objectives for riparian corridor management

The overarching objective of the controlled activities provisions of the WM Act is to establish and preserve the integrity of riparian corridors.

Ideally, the environmental functions of riparian corridors should be maintained or rehabilitated by applying the following principles:

- identify whether or not there is a watercourse present and determine its order in accordance with the Strahler System
- if a watercourse is present, define the RC/VRZ on a map in accordance with Table 1
- seek to maintain or rehabilitate a RC/VRZ with fully structured native vegetation in accordance with Table 1
- seek to minimise disturbance and harm to the recommended RC/VRZ
- minimise the number of creek crossings and provide perimeter road separating development from the RC/VRZ
- locate services and infrastructure outside of the RC/VRZ. Within the RC/VRZ provide multiple service easements and/or utilise road crossings where possible.
- treat stormwater run-off before discharging into the RC/VRZ.

NRAR however, does allow for a range of works and activities on waterfront land and in riparian corridors to better meet the needs of the community, so long as they cause minimal harm as outlined in the riparian corridor matrix below.

What is the averaging rule?

Non-riparian corridor works and activities can be authorised within the outer riparian corridor, so long as the average width of the vegetated riparian zone can be achieved over the length of the watercourse within the development site. That is, where appropriate, 50 per cent of the outer vegetated riparian zone width may be used for non-riparian uses including asset protection zones, recreational areas, roads, development lots and infrastructure. However, an equivalent area connected to the riparian corridor must be offset on the site (see Figure 3) and the inner 50 per cent of the vegetated riparian zone must be fully protected and vegetated with native, endemic, riparian plant species.

Bridges, cycleways, paths, stormwater outlets and other essential services do not need to be offset, but must comply with the requirements set out in the riparian corridor matrix (Table 2) and other relevant controlled activities guidelines. Offline detention basins do not need to be offset so long as

there is an equivalent VRZ for the corresponding watercourse and they are built in compliance with *Controlled activities: Guidelines for watercourse crossings* and *Controlled activities: Guidelines for in-stream works*.¹

If a proposed basin will not have an equivalent VRZ for the corresponding watercourse, it may still be built in the outer 50 per cent of the VRZ but must be offset.

The averaging rule should generally be applied to cleared waterfront land. Development proposals involving waterfront lands that contain existing native vegetation should seek to preserve that riparian vegetation in accordance with the minimum riparian corridor requirements outlined in Table 1.

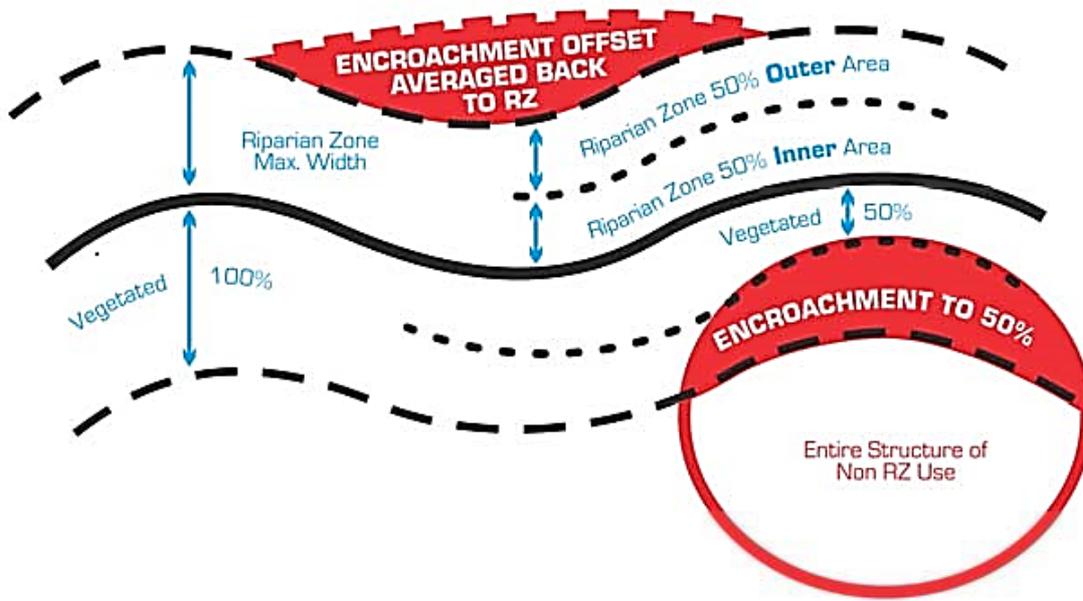


Figure 3. Averaging rule

Riparian corridor matrix

The riparian corridor matrix enables applicants to identify certain works and activities that can occur on waterfront land and in riparian corridors. Applicants should note that the matrix relates to controlled activity approvals under the WM Act only. Applicants are still required to comply with other relevant government legislation, such as threatened species, flood planning levels and fisheries guidelines.

¹ www.industry.nsw.gov.au/nrar

Table 2. Riparian corridor matrix

Stream order	Vegetated riparian zone (VRZ)	RC offsetting for non-RC users	Cycleways and paths	Detention basins		Stormwater outlet structures and essential services	Stream realignment	Road crossings		
				Only within 50% outer VRZ	Online			Any	Culvert	Bridge
1 st	10 m	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
2 nd	20 m	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
3 rd	30 m	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes
4 th	40 m	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes

Key

Stream order: The watercourse order as classified under the Strahler System using Hydrospatial data as published on the Department's website. A full list is provided at Part 2, Schedule 2 of the Water Management (General) Regulation 2011.

Vegetated riparian zone (VRZ): The required width of the VRZ measured from the top of the high bank on each side of the watercourse.

Riparian corridor (RC) off-setting for non RC uses: Non-riparian uses, such as Asset Protection Zones are allowed within the outer 50 per cent of the VRZ, so long as offsets are provided in accordance with the averaging rule as seen in Figure 3.

Cycleways and paths: Cycleways or paths no wider than four metres total disturbance footprint can be built in the outer 50 per cent of the VRZ.

Detention basins: Detention basins can be built in the outer 50 per cent of the VRZ or online where indicated. Online basins must:

- be dry and vegetated
- be for temporary flood detention only, with no permanent water holding
- have an equivalent VRZ for the corresponding watercourse order
- not be used for water quality treatment purposes.

Stormwater outlet structures and essential services: Stormwater outlets or essential services are allowed in the RC. Works for essential services on a fourth order or greater stream are to be undertaken by directional drilling or tied to existing crossings.

Stream realignment: Indicates that a watercourse may be realigned

Road crossings: Indicates permitted road crossing methods

Applications for controlled activity approvals

Applications for controlled activities approvals should be informed by the riparian corridor matrix shown in Table 2 and prepared using the *Application for a Controlled Activity Approval* for works on waterfront land form and the Guideline for completing an application for a Controlled Activity Approval.

Other controlled activity guidelines are available on the NRAR website and outline relevant considerations for applicants when proposing activities and works on waterfront lands.

Streamlined assessment

Where applications are presented in accordance with the riparian corridor matrix (Table 2) and other controlled activity guidelines, the NRAR will assess them under a streamlined process. This may decrease the amount of time it takes the NRAR to make a determination, saving applicants time and money.

Applications that do not conform to the matrix and/or relevant controlled activity guidelines will continue to be subject to merit assessment to ensure that the proposals meet the requirements of the WM Act. All applications will still need to demonstrate that minimal harm will occur to waterfront land before the NRAR will issue a controlled activity approval.

More information

Find out more about controlled activities on the NRAR website at www.industry.nsw.gov.au/nrar

Contact us

By phone on 1800 633 362 or by email at nrar.enquiries@nrar.nsw.gov.au