

Waterfront land e-tool

Frequently asked questions

July 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*. NRAR currently focuses on water regulation, a key part of which is to prevent, detect and stop unlawful water activities.

NRAR is responsible for issuing all controlled activity approvals in accordance with the *Water Management Act 2000* (WM Act) for work carried out on waterfront land.

Waterfront land is the bed of any river, lake or estuary, and the land within 40 metres of the highest bank of the river, the shore of the lake or the mean high-water mark of the estuary.



What is the Waterfront land e-tool?

The e-tool is a simple and easy-to-use online tool that helps users determine if their proposed development is located on waterfront land, and will need a Controlled Activity Approval (CAA) from NRAR.

The tool is a series of questions and evidence-based answers with a simple email result answering the question, 'Am I located on Waterfront Land?'

Access the Waterfront land e-tool at www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities/waterfront-land-e-tool

A PDF version of the tool is also available.

Who should use the tool?

All applicants, developers, consultants and local councils wishing to check if they need a controlled activity approval from NRAR should use the tool. The tool can be used:

- as part of a preliminary site investigation or assessment
- at the pre-development application stage to understand if the proposal is considered to be integrated development and must be referred to NRAR
- to provide evidence to council to determine if the proposal is considered to be integrated development and must be referred to NRAR
- as a tool to support riparian mapping and watercourse assessment for major land releases and re-zonings.

Why should I use it?

Using the Waterfront land e-tool could save you money, time and effort.

NRAR currently receives approximately 900 integrated development referrals for CAAs each year. Of these, 50% are not required.

For many of the referrals, no controlled activity is taking place, the works are not located on waterfront land, or the works are exempt from the need to obtain a CAA.

NRAR's processing of these unrequired referrals results in significant costs and time delays for applicants.



How does it work?

The tool has three main components:

- desktop assessment
- field-based assessment
- results.

Once the desktop assessment and field-based assessment is complete, the tool will direct you to a result, for example, 'Controlled Activity Approval not required—no watercourse'. The tool contains all the photos, diagrams and links required to answer each question.

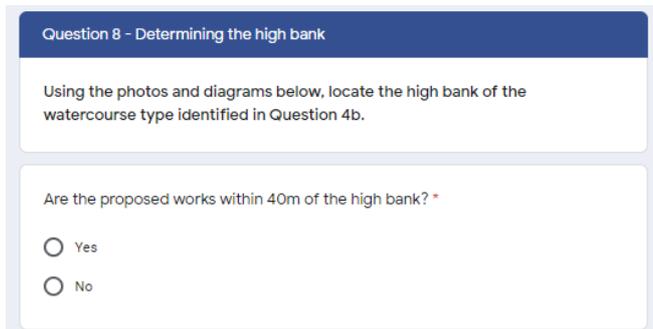


Figure 1. A question from the tool

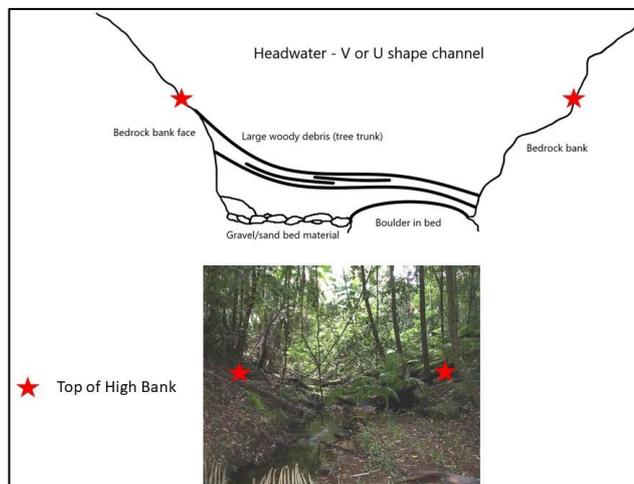


Figure 2. A diagram and photo from the tool

Each question asked within the tool requires supporting evidence. The evidence required is listed in the tool.

You must keep a record of all supporting evidence you gather to answer the questions. NRAR may request copies of the completed tool and supporting documents

from the landholder where works are carried out without a CAA.

When should I not use it?

You should not use this tool as evidence of compliance with the *Water Management Act 2000* (WM Act). Users are responsible for making their own assessment and should verify all relevant representations, statements and information with their own professional advisers.

The tool is not an approval to undertake work on waterfront land and you will still need to obtain relevant approvals as required under the WM Act and other relevant legislation.

This tool only applies to controlled activities on waterfront land—it does not apply to water access licences or water supply work and/or water use approvals.

Users should also refer to the disclaimer in the e-tool.

Exemptions

Your proposed activity may be exempt from the need to obtain a Controlled Activity.

For more information about exemptions visit www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities/exemptions

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 links:

- www.industry.nsw.gov.au/nrar
- www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities

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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