



Natural Resources Access Regulator

Guide to completing and submitting a new or amended controlled activity approval

industry.nsw.gov.au/nrar

Published by NSW Department of Planning, Industry and Environment

Natural Resources Access Regulator

Title: Guide to completing and submitting a new or amended controlled activity approval

First published October 2019

More information

Natural Resources Access Regulator

industry.nsw.gov.au/nrar

PUB19/500

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2020) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

Introduction	1
What is a controlled activity?	1
What is waterfront land?	1
What kinds of activities are controlled activities?	1
Do I need an approval?	2
What are the exemptions?	2
Can my approval be amended?	2
Can my approval be extended?	2
How to use this guide.....	3
How to fill in the form	3
How to submit the form.....	3
How to pay the application fee.....	4
Fee amount.....	4
Payment options	4
Sections in the application form	4
Required Supporting Information (page 2)	4
Section A: Payment of application.....	6
Section B: Applicant details.....	6
Section C: Contact person for application.....	7
Section D: Property owner's details and consent	7
Section E: Details of property on which proposed controlled activity will occur.....	7
Section F: Details of controlled activity.....	8
Section G: Declaration of applicant/s	8
Providing the right information for assessment.....	8
Works on Crown Land	8
Works with development consent	8
Environmental assessments/reports	9
Small excavations (for example, stormwater outlets)	9
Bridge or culvert	9
Weir, rock ramp, bed level control structure.....	9
Erosion control structures	10
Cuttings in banks for access tracks, boat ramps, supply channel off takes, bridge or culvert	10
Large excavations or extractive industries	10
Survey information.....	10
Plans.....	11
Cross-sections	11

Survey control	12
Photos.....	12
Security—bonds or bank guarantee.....	12
Maintenance periods	12

Introduction

What is a controlled activity?

Controlled activities are certain types of activities that are:

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

What is waterfront land?

'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.

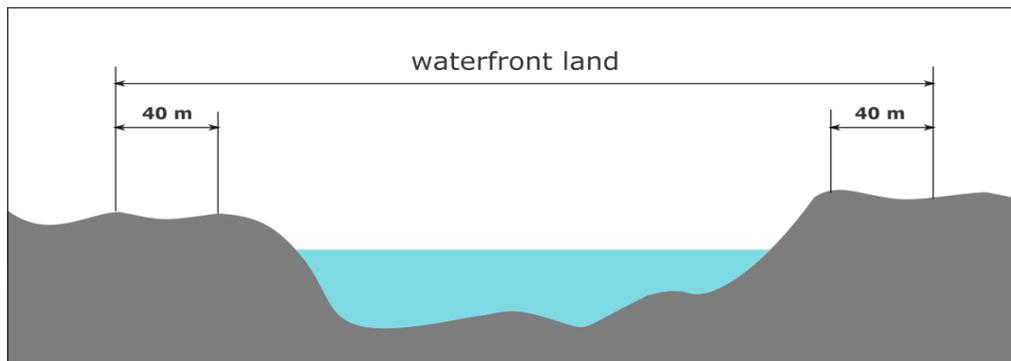


Figure 1. Waterfront land means the bed of any river, lake or estuary, and the land within 40 metres of the river banks, lake shore or estuary mean high-water mark.

What kinds of activities are controlled activities?

'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 that 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.

Do I need an approval?

You need a controlled activity approval to carry out a controlled activity on waterfront land unless an exemption applies.

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 that does not comply with the terms and conditions of an approval.

What are the exemptions?

You do not need a controlled activity approval if an exemption applies, such as:

- for major projects that are state significant development or state significant infrastructure
- in certain circumstances specified in the regulations, for example:
 - activities carried out by public authorities
 - activities carried out by network operators in certain circumstances
 - certain types of activities to enable a person to take water under their domestic and stock rights, such as installing a water pump and water pipe
 - constructing and using a harvestable rights dam
 - activities relating to a residential dwelling in certain circumstances.

For information about exemptions, go to industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.

You can also download the fact sheet *Controlled activity approval exemptions* at the following link: [industry.nsw.gov.au/ data/assets/pdf_file/0004/172093/Controlled-activity-approval-exemptions-fact-sheet.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0004/172093/Controlled-activity-approval-exemptions-fact-sheet.pdf)

Can my approval be amended?

You can apply to amend your controlled activity approval by altering, removing, adding or reducing any of the activities or land specified in the approval.

Can my approval be extended?

Your controlled activity approval must be extended if works will not be completed before the expiry date. Works include any maintenance period required by the controlled activity approval. You can apply to extend your controlled activity approval by completing the application form *Extend a controlled activity approval*. See the *Guide to the application form to complete and submit an extension to a controlled activity approval* available for download at the following link: industry.nsw.gov.au/water/licensing-trade/approvals/applications-fees

How to use this guide

Use this guide to help you complete the application form for a new or amended controlled activity approval.

This guide has five parts:

- how to fill in the form
- how to submit the form
- how to pay the application fee
- sections in the application form
- getting it right—providing information for assessment.

How to fill in the form

Download the new or amended controlled activity approval application form from the following link: industry.nsw.gov.au/water/licensing-trade/approvals/applications-fees

There are two options for completing the downloadable controlled activity application form. You can choose to complete the form electronically before printing, or by hand after printing.

1. Electronically before printing:
 - a. download and complete the electronic application form
 - b. print the completed form
 - c. all applicants must sign the completed form
 - d. scan and save the application in PDF format
2. By hand after printing:
 - a. download and print the application form
 - b. complete the printed application form by hand in capital letters with a blue/black pen
 - c. all applicants must sign the completed form
 - d. scan and save the application in pdf format.

How to submit the form

All applications should be lodged by email to nrar.servicedesk@industry.nsw.gov.au The email is to include:

- subject title: CAA application – address
- short email applying for controlled approval application, including your contact details
- scanned PDF of your completed and signed application form
- all supporting documents and reports attached in PDF format. If the total file size exceeds 10 MB then the supporting documents should be provided using a file sharing link (or in multiple emails).

If you do not have email access, call the Natural Resources Access Regulator on 1800 633 362.

How to pay the application fee

The Natural Resources Access Regulator (NRAR) charges fees to cover the cost of assessing controlled activity applications. Most application fees are set at a standard rate. Application fees for controlled activity approvals are calculated based on the amount of time taken to assess the application.

For information about application fees for a new approval, to amend or extend an existing approval, or to release a security deposit or bank guarantee, go to:

industry.nsw.gov.au/water/licensing-trade/approvals/applications-fees

Fee amount

You can pay a standard application fee at the same time as you submit your application form, or pay the fee that has been previously advised by an NRAR assessing officer. You need to pay the application fee before your application can be assessed.

Additional fees may apply where the initial application fee selected was incorrect or where additional assessment time is required to complete your controlled activity approval. NRAR will advise you if an additional fee applies to your application. You will need to pay the additional fee before your application can be determined.

Payment options

You can pay the application fee by credit card as follows:

- After you have submitted your application form and completed Section A, we will call you to take payment over the phone.
- Do not write your credit card details in your application form or any other correspondence you send to us. This is a security risk if your correspondence is seized by someone else on its way to us.

Sections in the application form

The application form has several sections. In each section are questions identified by a number on the left hand side of the form (for example, B4 is question 4 in section B).

The information provided in the guide corresponds to these numbers in the application form.

Ensure you provide all the information requested in this application form. If your application form is incomplete it will not be accepted.

NRAR may contact you to request more information about your application.

Required Supporting Information (page 2)

PART 4—Required Supporting Information

Part 4 controlled activity applications are applications that have previously been lodged as Integrated Development with your local council. As part of council's assessment, the development application is referred to NRAR for assessment and issue of general terms of approval.

After development consent is granted by council, you can apply for a controlled activity approval. NRAR's general terms of approval will be included within the council development consent or attached to it.

Provide all supporting information in electronic PDF format. The following information is required to support your controlled activity approval application for Part 4 matters:

1. a copy of development consent from council
2. a copy of the council stamped plans for the consented development application
3. prepare and provide all additional plans and documents requested in NRAR's general terms of approval. The plans and reports submitted should be the final versions that will be submitted for your construction certificate. The plans should be prepared in accordance with NRAR's Guidelines listed below:
 - Riparian corridors
[industry.nsw.gov.au/ data/assets/pdf file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf)
 - In-stream works
[industry.nsw.gov.au/ data/assets/pdf file/0018/160461/licensing_approvals_controlled_activities_instream_works.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0018/160461/licensing_approvals_controlled_activities_instream_works.pdf)
 - Laying pipes and cables in watercourses
[industry.nsw.gov.au/ data/assets/pdf file/0019/160462/licensing_approvals_controlled_activities_laying_pipes_cables.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0019/160462/licensing_approvals_controlled_activities_laying_pipes_cables.pdf)
 - Outlet structures
[industry.nsw.gov.au/ data/assets/pdf file/0020/160463/licensing_approvals_controlled_activities_outlet_structures.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0020/160463/licensing_approvals_controlled_activities_outlet_structures.pdf)
 - Vegetation management plans
[industry.nsw.gov.au/ data/assets/pdf file/0006/160467/licensing_approvals_controlled_activities_veg_mgt_plans.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0006/160467/licensing_approvals_controlled_activities_veg_mgt_plans.pdf)
 - Watercourse crossings
[industry.nsw.gov.au/ data/assets/pdf file/0019/160471/licensing_approvals_controlled_activities_watercourse_crossings.pdf](http://industry.nsw.gov.au/data/assets/pdf_file/0019/160471/licensing_approvals_controlled_activities_watercourse_crossings.pdf)
4. if a security deposit or bond is required in the general terms of approval, then itemised costings for civil, drainage and vegetation management plan works will be required. An NRAR assessing officer will contact you during the assessment phase of your application to give you instructions on how to provide the security.

PART 5—Required supporting information

Part 5 controlled activity applications are applications that did not require a development application with your local council.

All supporting information is to be provided in electronic PDF format. The following information is required to support your controlled activity approval application for Part 5 matters:

1. confirmation from local council that no development consent is required. This can be an email or other supporting information if the matter is complying or exempt development.

2. a topographic map and/or aerial photo(s) showing
 - where the work or controlled activity is to occur
 - the location of waterfront land
 - the map can be an annotated google map satellite image
3. photographs of the site and waterfront land
 - position the photographs (location and direction for example looking east) on a sketch plan and ensure the top of bank is clearly identified.
4. construction plans for any work or controlled activities in, on or under waterfront land are attached. If not available, include a sketch diagram of the proposed work or controlled activity.
5. assessment or report detailing the environmental impacts of the work or controlled activity on waterfront land is attached. Alternatively, for minor works, complete section E only with a list and description of all works within waterfront land.
6. a map that clearly shows the boundary of all tenures (properties) relating to the proposed development
7. evidence (such as a copy of the licence or approval) that you have conferred with any other relevant government agency
8. for extractive industry works such as sand extraction, you must also complete the Part 5 Extractive industries—details of works form available at the following link: industry.nsw.gov.au/water/licensing-trade/approvals/applications-fees

Section A: Payment of application

A1-5 Name and contact details for the person or company making payment of the application fee. The application fee can be paid by credit card (direct deposit is not currently available). More information about how to pay the application fee is included in the *How to pay the application fee* section on page 6 of this Guide.

Section B: Applicant details

These are the details of the applicant(s) that will appear on your approval.

B1-6 Name of the person(s) applying for the controlled activity approval. Name can be a person's name or a legal entity, such as a corporation. The controlled activity approval application must be made by an individual(s), a company, a body corporate or a public authority but not a partnership or joint venture. If the approval is to be registered under the names of more than two people, provide the additional applicants' details on a separate sheet of paper and attach it to the application form.

If the application is being made by a company, then the Australian Company Number (ACN) must be provided. Note that an ABN (Australian Business Number) is not permitted.

B7-13 Address and other contact details for the person(s) applying for the controlled activity approval.

If the application is being made by a company then the **registered** business address must be provided.

B14 Applies only if there is a second (or more than one) applicant. Details of all additional applicants must be supplied or the application may be rejected. If space provided is insufficient, please photocopy or print multiple copies of this page.

Section C: Contact person for application

This section need only be completed if a person other than the applicant or owner will be dealing with the application.

C1-3 The name of the agent or contact person appointed by the applicant to deal with the controlled activity approval application.

C4-9 The complete details—address, contact number—of the contact person(s).

Section D: Property owner's details and consent

This section need only be completed if the owner or the land is different to the applicant(s).

D1 The owner of the land is any person with freehold title to land.

D2-10 The complete details—address, contact number—of the owner(s) of the land must be included as it may be necessary for us to contact the owner(s) and verify consent has been provided. If the owner is not contactable, the controlled activity approval application may be rejected.

D11 Applies only if there is a second (or more than one) land owner. Details of all additional land owners must be supplied or the application may be rejected. If space provided is insufficient, please photocopy or print multiple copies of this page.

D12-13 All land owners must sign and date the application or the application may be delayed or rejected.

D14-18 If the owner is a company/corporation(s), complete the name, registered business address and signatories.

Section E: Details of property on which proposed controlled activity will occur

E1 The name of the property, if applicable.

E2-D5 Seeks details of the street address or location of the property on which the controlled activity will occur.

E6 Refers to the individual identifier or *real property description* for the land. This information can be found on the rates notice or the title documents for the property.

E7 Refers to the name of the council where the development application (DA) was lodged, or the local government/council area in which the land is located.

E8 Refers to the number issued by council for your development application. The DA number appears on the front of the determination sent to you by council. If development approval/consent was not required, please ensure that a letter (or complying development certificate) from council is enclosed.

E9 Refers to the tenure (or ownership status) of the land. If the land is owned by individual(s) or a company, the land will be freehold. If the land is leased (by you) from the Crown or a third party and is held as leasehold land, this should be clearly indicated. Land owned by the Crown and administered by a trustee, such as a council, is still Crown Land. **You must provide a copy of land owners consent if the works site is located on leasehold or Crown land.**

E10 Asks if the property or any part thereof is subject to a Native Title claim and requests details.

Section F: Details of controlled activity

This section should provide details of the controlled activity proposed to be undertaken on, under or over waterfront land (being the bed, bank or land within 40 metres of the watercourse).

- F1** Describe the activity to be undertaken. Include a list of all proposed works on waterfront land and a brief description. Provide a detailed description and explanation of works as supporting documents. Please refer to the section *Required supporting information* in this guide.
- F2** Describe the purpose of the proposal as well as any outcomes that will be achieved for increased riparian areas or bank stability. Outline your reasons for undertaking the activity. If an environmental report has been prepared, please indicate the relevant section(s) that address these issues and attach a copy of the report.
- F3-4** Dates for the proposed work should be as accurate as possible. These dates will help to determine the duration of the approval. If a rehabilitation plan or vegetation management plan (VMP) is to be implemented, ensure that a maintenance period is included in the estimated timeframe. The minimum maintenance period is two years.

Section G: Declaration of applicant/s

Ensure that all applicants sign the application form. If there is insufficient room for the signatures, please attach additional pages. Companies must also stamp the application with the company stamp.

Providing the right information for assessment

All information supplied must meet the following requirements. Any information that does not meet these requirements may be returned or the application may be rejected.

Provide supporting information in electronic PDF format.

All plans must be legible and include a legend and scale bar.

Works on Crown Land

If part of the proposed works are proposed on or over Crown land, a letter from the Department of Planning, Industry and Environment confirming its consent (as land owner) should be provided.

Works entirely on Crown land are exempt from the need to obtain a controlled activity approval **only** if a lease, licence or other approval for the works has been or will be issued by the Department of Planning, Industry and Environment.

Works with development consent

You must provide a letter from council (or the consent authority) confirming:

- development consent (and including the attached conditions), or
- complying development, or
- existing use rights, or
- that no consent is required.

Environmental assessments/reports

If an environmental assessment or report such as a Statement of Environmental Effects (SEE); Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS) was prepared for this proposal, you must include a copy with this application. The report must address the environmental impacts of the proposed development on waterfront land.

The report (prepared by a suitably qualified person) must identify the risk involved in carrying out the controlled activity and how that risk will be minimised or mitigated, particularly in relation to the following issues:

- land degradation, including soil erosion and compaction
- geomorphic instability (or the size, shape and condition of the channel)
- contamination
- acidity
- salinity
- water logging
- the decline of native vegetation
- rehabilitation of the water course, floodplain and any dependent ecosystems.

Cumulative effects and the impacts of carrying out the controlled activities on other water should also be addressed.

Small excavations (for example, stormwater outlets)

All small excavations should conform to the relevant NRAR guidelines.

Please supply a plan showing the location and size of the proposed excavation in relation to both banks of the river. Indicate the length, width and depth of the excavation and the width of the river between the highest banks.

The location of the proposed excavation should be identified with GPS coordinates.

Bridge or culvert

Bridges and culverts should conform to NRAR guidelines for watercourse crossings.

Please ensure that survey information (as detailed below) includes the completed extent of the river crossing (plan) and a cross-section showing the designed river bed, banks and structure along the crest or road centre line.

Describe the proposed erosion control(s). You must attach a report detailing the hydraulic calculations used to assess the effect of the proposed structure on the water level for natural bank-full discharge (prior to degradation if any).

On the cross-section, show the lowest water level for a flow event that would be carrying debris and indicate the maximum length of such debris.

Weir, rock ramp, bed level control structure

Please ensure that survey information (as detailed below) includes the completed extent of the structure (plan) and a cross-section showing the designed river bed, banks and structure along the crest centreline.

Describe the proposed erosion control(s). Attach a report detailing the hydraulic calculations used to assess the effect of the whole structure on the water level for natural bank-full discharge (prior to degradation if any).

Attach a copy of any letter received from NSW Department of Primary Industries—Fisheries and include details of the proposed design of any fish passage required.

Erosion control structures

Please ensure that survey information (as detailed below) shows the location of the proposed erosion control works (plan and cross-sections).

Describe materials to be used, including the diameter of any rock.

Provide details (consultant or engineer's report) of the calculations of flood flow velocities and information on the types of watercraft likely to use the river (if relevant).

Cuttings in banks for access tracks, boat ramps, supply channel off takes, bridge or culvert

Survey information (as detailed below) is not required. However, a sketch showing the location and size of the proposed excavation in relation to both banks of the river should be provided.

Show overall alignment of the bed of the river and describe the proposed erosion and sediment control(s).

Large excavations or extractive industries

Please ensure that survey information (as detailed below) includes natural landform before excavation, final landform after excavation, sedimentation ponds, reject material, stock piles, depth to be excavated, filled or otherwise disturbed.

Attach a copy of any other permit or approval obtained from any other government agency.

If water from a river (surface water) or an underground water source (groundwater) is being taken (or proposed to be taken), you must also obtain an approval and/or licence under the *Water Act 1912* or *Water Management Act 2000*.

Survey information

All survey information must be supplied as per the details in this section. Any information that does not meet our requirements may be returned or the application may be rejected.

Where the proposed works involve significant construction or excavation and/or ongoing works, survey plans must be provided. An accurately surveyed plan and cross sections, to an appropriate scale, must be provided showing features of the site as listed below.

All plans must be legible and include a legend, scale bar and be provided in electronic PDF format.

If the proposal involves significant works, these requirements should be discussed with the NRAR before proceeding with any surveys.

Plans

Plans must show the following:

- title, scale bar and north arrow
- works area divided into stages to show progression
- property boundaries
- high and low banks, shorelines of existing rivers and lakes
- existing erosion control works
- proposed sites for tree or shrub planting, listing species or refer to VMP
- contours at one meter interval except within the exposed channel or lake bed where an 0.5 metre interval is required
- cross-sections and survey pegs
- names of land owners
- low flow and direction of flow
- gravel and sand deposits
- bore holes

And show the following, only if present:

- existing weirs, crossings, bridges and culverts
- vegetation and type
- major snags
- water supply pumps and intake pools
- buildings
- access tracks
- bed rock outcrops.

Cross-sections

The cross-sections must:

- be spaced at 50-metre intervals or as otherwise specified by the department
- be plotted at a scale of 1:100 vertical and 1:500 horizontal or as specified by the department
- show all areas covered with water (must be sounded)
- extend at least three metres beyond any disturbed area
- show depth of soil (if any)
- run normal (perpendicular, at right angles) to the channel
- show all changes in slope
- show all water levels at the time of the survey along with the dates they were surveyed
- show all high and low banks, shorelines
- show proposed final rehabilitated surface.

Survey control

A permanent bench mark (as identified by survey or GPS) and recovery pegs for each cross-section must be installed in suitable locations so that the operation does not disturb them. The department may require resurveys of the plans and sections at regular intervals.

An assumed datum may be used where an Australian Height Datum (AHD) permanent mark is not readily available.

Photos

Please provide panoramic (multiple frame) photos of the watercourse (and waterfront land) showing both banks and views upstream and downstream. Please place the photographs (showing location and direction) on a sketch plan and ensure the top of the highest bank is clearly identified.

The department recommends that the location, or point from which the initial photographs are taken, be surveyed or identified by GPS coordinates to ensure that future photographic studies (of the site) can be properly referenced.

Security—bonds or bank guarantee

NRAR may seek 'security' (in the form of a cash bond or bank guarantee) when the proposed controlled activity is likely to cause significant harm or effects on the watercourse or waterfront land. If a security requirement is imposed, it will be required before the controlled activity can begin. The amount of security is usually based on the estimated cost of performing the approval holder's obligations under the controlled activity approval if (for some reason) the approval holder fails to perform those obligations.

Security sought by NRAR may be in addition to a bond or security sought by local council or another agency.

Security should be provided as a bank guarantee although cash (as a bank cheque) will also be accepted. Applicants should obtain a copy of the NRAR's standard wording for bank guarantees before arranging a bank guarantee. The standard wording must be used. If you do not use the standard wording there may be additional costs and a substantial delay in processing the bank guarantee.

Maintenance periods

You may need to allow for a minimum maintenance period of two years after practical completion of each stage or until site is stable. The maintenance period will depend on the scope (size) and level of risk.

Engineering certification may be required at the end of the maintenance period. Maintenance (until stable) includes sediment and erosion control; the replacement of any works, vegetation or areas damaged or destroyed by flows and flooding or vandalism; and any other requirements necessary to ensure a naturalised stable watercourse system is functioning by the end of the maintenance period.