



Natural Resources Access Regulator

Guide to the application form for a new or amended controlled activity approval

industry.nsw.gov.au/nrar

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Introduction

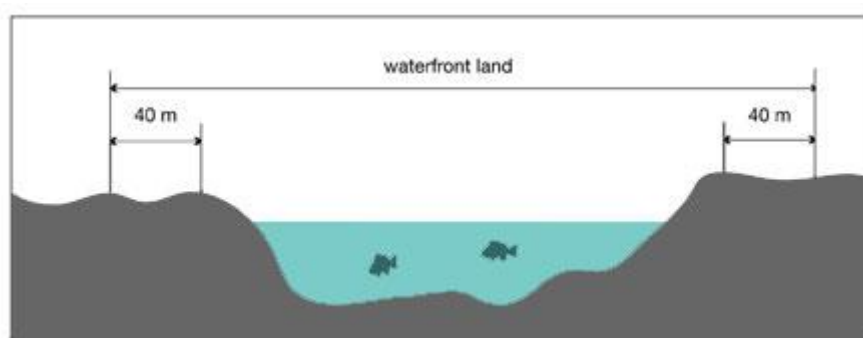
What is a controlled activity?

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*.

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.



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 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.

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 which 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 which 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 www.industry.nsw.gov.au/water > Licensing & trade > Approvals > Controlled activity approvals.

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.

How to use this guide

Use this guide to assist you in completing the *Application form for a new or amended controlled activity approval*.

This guide has two parts:

- Sections in application form
- Getting it right – providing information for assessment.

Sections in application form

The application form has a number of 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.

The department may contact you to request further information in relation to your application.

SECTION A: Applicant details

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

A1-13 Name address and other contact details for 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 **registered** business address must be provided.

A14 If applying as a company, please provide your Australian Company Number (ACN). Note that an ABN (Australian Business Number) is not permitted.

A15 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.

A16 This is to verify the ownership of the property. If you are not the legal owner of the property please tick NO.

SECTION B: Property owner's details and consent

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

B1 The owner of the land is any person with freehold title to land.

B2-10 The complete details – address, contact number etc - 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.

B11 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.

B12-13 All land owners must sign and date the application or the application may be delayed or rejected.

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 etc - of the agent(s).

SECTION D: Details of property on which proposed controlled activity will occur

D1 The name of the property, if applicable.

D2-D5 Seeks details of the street address or location of the property on which the controlled activity will occur.

D6 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.

D7 Refers to the name of the Council where the development application was lodged, or the local government/Council area in which the land is located.

D8 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 etc.) from Council is enclosed.

D9 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.

D10 Asks if the property or any part thereof is subject to a Native Title claim and requests details.

SECTION E: Planning controls and other approvals

This section details how the controlled activity approval application will be dealt with in relation to the planning instruments that apply. All planning instruments can be obtained from your local council as well as advice on which may apply to your application.

If a controlled activity approval is required, we recommend you lodge your development application as integrated development. Please check with Council for further information on the processing requirements of integrated development applications.

- E1** Council (or the consent authority) will advise if development consent is required for your proposal. A copy of the development consent must be provided with the controlled activity approval application form.
- E2** If you have obtained development consent please read the Notice of Determination as this contains the consent conditions under which the development proposal may proceed. Please read the document carefully.
- E3** If you have applied to this or any other government agency for a permit, approval or licence for other work(s) on this site, please complete this section. If possible, provide the approval number, date issued and date of expiry together with details of the agency issuing the relevant approval. Alternatively, attach a copy of any permits, approvals or licences to the controlled activity approval application form.
- E4** If development consent is not required then your proposal may be subject to the planning requirements of an environmental planning instrument such as a SEPP, or LEP. A SEPP is a State Environmental Planning Policy and details of SEPPs can be found at the following website www.legislation.nsw.gov.au or speak to your local Council. An LEP is Council's Local Environment Plan and you can obtain details of your LEPs from your local Council's website.
- E5** If your development proposal does not comply with a SEPP or LEP you must supply information stating why it does not comply and why an exception was made for your development. This 'exception' must be obtained via Council (or the consent authority).
- E6** Zoning details may be obtained from Council, or from your rates notice.
- E7** Prohibited developments within a zone are detailed within your local Council's LEP. It is unlikely that a controlled activity approval will be issued for a prohibited development.
- E8** Council will advise if the development is complying development. A copy of the complying development certificate must be provided. Complying developments may still require a controlled activity approval if works within the bed or banks of a watercourse are involved.
- E9** If relevant, the name of the Floodplain Management Plan should be inserted here (for example, Edward/Wakool Floodplain Management Plan Stage 1).

SECTION F: Description of site and environs

To aid in the assessment of your application, please attach several (good quality) colour photos of the waterfront land on site.

- F1** Description of the site may be supported by the photos supplied or by reference to the Review of Environmental Factors, Statement of Environmental Effects or any other environmental assessment provided. Please indicate the relevant page numbers where the required information can be found.

Good quality photographs of the watercourse (on site) showing bank(s) and views upstream and downstream should be provided. Please orient the photographs (location and direction) on a sketch plan and ensure the top of bank is clearly identified. We recommend that the photo points be surveyed or identified by Global Positioning System (GPS) coordinates. (This is particularly important for future

reporting when a vegetation management plan (VMP) or rehabilitation plan is being implemented.)

- F2** Please indicate the condition of the riparian area or waterfront land (not always apparent in photographs) on the site. Further information on riparian corridors can be obtained from the *Guidelines for riparian corridors on waterfront land*.
- F3** Upstream refers to the direction from which the water enters your site.
- F4** Downstream refers to the direction water leaves or flows from your site.
- F5** You are required to describe the area surrounding the site of the proposed works. This may be your land or your neighbour's land. It should be a description that covers at least 20 – 30 meters either side of the site as well as the opposite side of the watercourse (from your site).
- F6** A description of the neighbouring land uses allows for assessment of (i) the impact(s) your proposal may have on other water users, or (ii) any changes to the watercourse which may result from your proposal.
- F7** Details of any threatened species or ecological communities (flora or fauna) on or near the site should be provided here.

SECTION G: Details of water source – surface water and groundwater

This section asks you to identify the type of watercourse within, or adjacent to your proposal.

- G1** Please indicate the type of watercourse that will be affected by the proposal. You may tick more than one box in this section.
- G2** The name of the watercourse should be provided (if known). If an unnamed tributary then enter 'unnamed tributary' as a descriptor.
- G3** The name of the catchment is required here. This catchment name will appear on the public register.
- G4** Groundwater can occur at many levels and there can be more than one aquifer present on a site. If, during an excavation, you are likely to encounter any groundwater please answer YES to this question and provide details. If an 'environmental' report has been prepared that includes details of the interception of an aquifer, please provide the page number(s) or indicate where (within the report) this information may be found.
- G5** IF YES, confirmation on the proposed size of the dam or water storage and the maximum harvestable right for the area will be required. Information on farm dams and harvestable rights can be obtained at www.waternsw.com.au. A registered survey showing the dimensions (length, width and depth) of the excavation must be provided.
- G6** Answer YES if any form of extractive industry (removal of sand, gravel, rock, clay or shale) is proposed.

SECTION H: 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).

- H1** Describe the activity to be undertaken. Include work schedules, erosion and sediment control plans and vegetation management plans. These plans should be stamped by Council and attached together with relevant (Council-approved) engineering plans or sketch diagram of the proposal.
- H2** Describe the purpose of the proposal as well as any outcomes that will be achieved in terms of increased riparian areas or bank stability.
- H3** 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.
- H4** Provide confirmation that the proposed works will result in no more than *minimum harm* to the water source or waterfront land.
- H5** Include the area, in square metres, of the waterfront land that will be affected by the proposal. This should also be clearly **indicated on a site plan** attached to the controlled activity approval application form.
- H6** The cost of the proposal should be supported by appropriate documentation (such as quotes from contractors and suppliers) and should be similar to the cost indicated on your development application to Council.
- H7-8** 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 (2) years.
- H9** Describe how the watercourse or waterfront land will be protected while the proposed works are carried out. If an environmental report has been prepared, please identify the sections or page numbers where this information can be found. An environmental report includes a Statement of Environmental Effects (SEE), a Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS).
- H10** Refers to the risk(s) associated with carrying out the proposed works and how each risk will be mitigated or minimised in relation to the objects and principles of the Water Management Act, 2000. Ensure that all questions in this section are answered.

If the expected risk is minimal please provide the reasons for the low risk. For example in relation to soil erosion, the risk might be minimal because an erosion and sediment control plan has been prepared and this plan explains how the erosion will be controlled, contained on site or prevented from occurring.

If the answer is **other than** 'min', ensure details of the expected consequence of carrying out the controlled activity are provided. If an environmental report has

been prepared, identify the relevant section for each of the identified risks and attach a copy of the report.

SECTION I: Extraction or mining of sand, gravel, rock, clay or shale

This section is to be completed **ONLY** by applicants undertaking an extractive operation or operating an extractive industry, for example **sand mining**.

- I1** Describe, in detail, the activities proposed to be undertaken (particularly if this information was not provided in Section G). If an environmental report has been prepared, then just identify the relevant section(s) or page numbers where this information can be found.
- I2** Provide approximate dates for the commencement (start) and termination (end) of the activity. These dates will aid in assessing the duration of the approval required.
- I3** Identify, as accurately as possible, what material will be extracted. If a combination of materials is to be extracted, attach additional information or indicate where, within the environmental report, this information can be found.
- I4** Indicate the location of the extractive work (in relation to the watercourse) or indicate where, within the environmental report, this information can be found. Ensure all site plans clearly show location of proposed works. All plans must be stamped by Council (or the consent authority).
- I5** Method of extraction should be detailed. If using more than one method of extraction, please ensure all methods are clearly identified. If the information is contained in an attached environmental report, please identify the relevant section or page number.
- I6 – 8** Indicates the exact extent of the intended extraction. If described in an attached environmental report then please identify the relevant page or section. This information should also appear on the (Council stamped) plans for the proposal.
- I9 & 10** Details the amount of extractive material and the period of extraction. For example, if 100 cubic metres of material is to be removed over 10 years, this would be shown as 10 m³/year.
- I11** All information is to be supplied for this checklist, if not supplied the application may be rejected.

SECTION J: 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.

SECTION K: Payment of application

Specify how you would like to pay the application fee.

Information about how to pay the application fee is provided in the fact sheet *How to complete and submit an application form*.

Getting it right - providing 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.

Supporting information as hard copy is preferred.

All PLANS MUST be legible, A3 size or greater and provided as hard copy. All plans must include a 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 Industry – Crown land 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 Department of Industry – Crown land.

Works with development consent

A letter from Council (or the consent authority) confirming either development consent (and including the attached conditions); or complying development, or existing use rights; or that no consent is required, must be provided.

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, a copy must accompany this application. Applicants should ensure the report addresses 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, and
- 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 department 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 the department's 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). 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) must be attached.

On 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 DPI 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 etc.

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 pre excavation, final landform post 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), an approval and/or licence under the *Water Act 1912* or *Water Management Act 2000* must also be obtained.

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. Two (2) copies of an accurately surveyed plan and cross sections, to an appropriate scale, must be provided showing features of the site as listed below.

Plans must be legible and should generally be presented in hardcopy as A3 size or greater. If the proposal involves significant works, these requirements should be discussed with the department before proceeding with any surveys.

PLANS: Plans must show the following:

<ul style="list-style-type: none"> • title, scale bar and north arrow 	<ul style="list-style-type: none"> • contours at a one metre interval except within the exposed channel or lake bed where a 0.5 metre interval is required
<ul style="list-style-type: none"> • works area divided into stages to show progression 	<ul style="list-style-type: none"> • cross sections and survey pegs
<ul style="list-style-type: none"> • property boundaries 	<ul style="list-style-type: none"> • names of land owners
<ul style="list-style-type: none"> • high and low banks, shorelines of existing rivers and lakes 	<ul style="list-style-type: none"> • low flow and direction of flow
<ul style="list-style-type: none"> • existing erosion control works 	<ul style="list-style-type: none"> • gravel and sand deposits
<ul style="list-style-type: none"> • proposed sites for tree or shrub planting, listing species or refer to VMP 	<ul style="list-style-type: none"> • bore holes
And show the following only if present:	
<ul style="list-style-type: none"> • existing weirs, crossings, bridges and culverts 	<ul style="list-style-type: none"> • eroding banks or slopes
<ul style="list-style-type: none"> • vegetation and type 	<ul style="list-style-type: none"> • buildings
<ul style="list-style-type: none"> • major snags 	<ul style="list-style-type: none"> • access tracks
<ul style="list-style-type: none"> • water supply pumps and intake pools 	<ul style="list-style-type: none"> • bed rock outcrops

CROSS SECTIONS: The cross sections must:

<ul style="list-style-type: none"> • be spaced at 50 metre intervals or as otherwise specified by the department 	<ul style="list-style-type: none"> • run normal (perpendicular, at right angles) to the channel
<ul style="list-style-type: none"> • be plotted at a scale of 1:100 vertical and 1:500 horizontal or as specified by the department 	<ul style="list-style-type: none"> • show all changes in slope
<ul style="list-style-type: none"> • show all areas covered with water (must be sounded) 	<ul style="list-style-type: none"> • show all water levels at the time of the survey along with the dates they were surveyed
<ul style="list-style-type: none"> • extend at least three metres beyond any disturbed area 	<ul style="list-style-type: none"> • show all high and low banks, shorelines
<ul style="list-style-type: none"> • show depth of soil (if any) 	<ul style="list-style-type: none"> • 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

The department 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 impacts on the watercourse or waterfront land. If a security requirement is imposed, it will be required before the controlled activity can be commenced. 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 the department 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 department's standard wording for bank guarantees prior to arranging a bank guarantee. The standard wording must be used. Failure to utilise the standard wording may involve additional costs and a substantial delay in processing the bank guarantee.

Maintenance Periods

Applicants may need to allow for a minimum maintenance period of two (2) 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