



Controlled activity exemption e-tool

This controlled activity exemption e-tool has been developed to help controlled activity applicants and consultants determine if a controlled activity approval is required under the provisions of the Water Management Act 2000. The tool can be used to help identify:

- if there is an exemption that applies to the site or proposed activity and
- provide support in the interpretation of exemptions
- the CAA exemption e-tool should be used in conjunction with the Waterfront land e-tool that helps you to identify if you are located on waterfront land. Please use the below link to use the Waterfront land e-tool.
https://docs.google.com/forms/d/1YtVIPpmxVdum8ZxZm_lmKQTqPYPmtAhr8u4CnF0ndVA/viawform?edit_requested=true
- If you require more information on controlled activities please use the below link:
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals>

Using the tool

Multiple exemptions may apply to your property and/or proposed works. You must complete this e-tool separately for each applicable exemption.

You can go back at anytime after reading the further information provided in the questions.

Some of the questions in this tool can be answered using materials online. Depending on your circumstances, you may also need to visit the site of the proposed work in person to gather supporting evidence. There is a PDF factsheet on exemptions available that you can download and take into the field at:

https://water.nsw.gov.au/_data/assets/pdf_file/0009/386190/Controlled-activity-approval-exemptions-fact-sheet.pdf

Members of the general public who are planning works near waterfront land should seek professional advice.

When you complete the tool, **you must click Submit to save or print a pdf copy of your answers and your result**, which you must keep as a record of your decision-making. You must also keep all reference material and information used—including maps, photos and observations to answer the tool questions.

The Department of Planning and Environment—Water may request copies of the controlled activity exemption e-tool answers and supporting documents from landholders where works are carried out without a controlled activity approval under the Water Management Act 2000.

The controlled activity exemption e-tool will store your answers but it will not identify your location or any other personal details.

More Information

- about this tool, contact Department of Planning and Environment—Water via lodging an enquiry through Water Assist

<https://www.dpie.nsw.gov.au/water/water-assist>

- about controlled activity approvals, visit

<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals>

Disclaimer

- This tool is intended for guidance purposes only and cannot be used as evidence of compliance with the Water Management Act 2000.
- Users of this tool will be responsible for making their own assessment of the material and should verify all relevant representations, statements and information with their own professional advisers.
- 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.
- This is not an approval to undertake work on waterfront land and you will still need to obtain relevant approvals as required under the Water Management Act 2000 (WM Act).
- The use of this tool does not remove the obligation to obtain approval under any other relevant legislation.
- Users should also refer to the disclaimer on the department's website at:

<https://www.industry.nsw.gov.au/disclaimer>

Entity Types

1

Are you any of the following? *

- ☐ a Public Authority
- ☐ a State or Commonwealth body
- ☐ a Network operator
- ☒ None of the above

4.1 Leases and Licences

2

Is the proposed activity being undertaken in accordance with any of the following? *

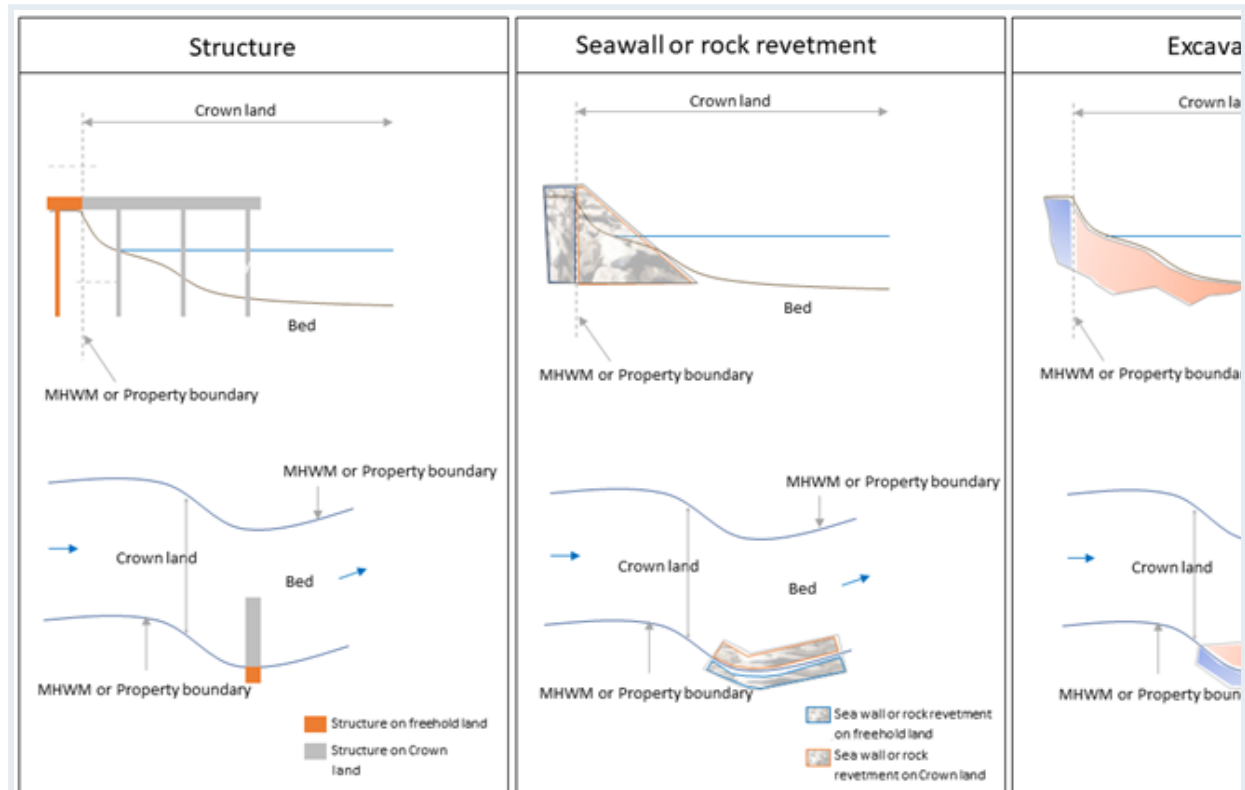
- ☐ a lease, licence or permit under the Mining Act 1992
- ☐ a lease, licence or permit under the Petroleum (onshore) Act 1991
- ☐ a lease, licence or permit under the ownership or control of Transport for NSW or the Port Authority of NSW
- ☐ a lease, licence or permit under the Ports and Maritime Administration Act 1995, under the ownership or control of a port operator
- ☐ where the minister administering the Ports and Maritime Administration Act 1995 is the consent authority under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- ☒ None of the above

4.3 Leases and Licences

MHWM - Mean High Water Mark

Crown land - The diagrams below relate to Crown waterways where the bed is typically Crown land. Many waterways are freehold land.

Before answering the below question you will require the land title details for your property.



3

Refer to the information and diagrams above for Crown waterways and the land title information for your property. Is the proposed activity located entirely on crown land?

Larger copies of the diagrams are available at the below link:

<https://drive.google.com/file/d/1GN0NjXsefKBd9EgWtqncraKqAsB6CnDJ/view?usp=sharing>

*

☐ Yes

☒ No

5.1 Water Supply Works

4

Are you proposing to excavate the bed of a river, lake or estuary in accordance with a water supply work approval under the Water Management Act 2000? *

☐ Yes☒ No

5.3 Stock and Domestic Water Supply

5

Does your proposed activity involve works in a watercourse for the purposes of extracting water for stock and domestic purposes? *

☐ Yes☒ No

5.6 Stock and Domestic Dams

6

Are you proposing to construct a dam? *

☐ Yes☒ No

5.9 Part 2 - Water Act 1912

7

Are you proposing to undertake an activity in connection with the construction or use of a work in accordance with a Licence under Part 2 of the Water Act 1912? *

☐ Yes☒ No

5.11 Part 8 - Water Act 1912

8

Are you proposing to undertake an activity in connection with the construction or use of a controlled work in accordance with an approval under Part 8 of the Water Act 1912? *

☐ Yes☒ No

6.1 Rouse Hill Regional Centre

9

Refer to the pdf link below:

https://drive.google.com/file/d/1WqcDc8QwVMEkb61-RIEbyM_7a39TImO7/view?usp=sharing

Are the proposed works located within Rouse Hill Regional Centre of The Hills Development Control Plan 2012 (being land bounded by Windsor Road, Commercial Road and Withers Road, Rouse Hill)?

*

☐ Yes☒ No

6.2 Oran Park or Turner Road

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Refer to the pdf link below:

<https://drive.google.com/file/d/1v7303GghT6Ks5wd6HRns43U0U7Y0ACgt/view?usp=sharing>

Are the proposed works located within the area defined by the Oran Park and Turner Road Waterfront Land Strategy 2009, as published in the Gazette on 17 July 2009?

*

☐ Yes☒ No

6.3 Waterfront Land Maps



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Is your property located on a watercourse, lake or estuary within the area marked in orange in any of the Department of Planning and Environment—Water waterfront land maps above?

Larger copies of the maps are available at the below link:

<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals/controlled-activity-exemptions>

*

- ☐ Yes, Botany Bay
- ☐ Yes, Brisbane Water
- ☐ Yes, Hunter River
- ☐ Yes, Lake Macquarie
- ☐ Yes, Lake Mulwala

- ☐ Yes, Port Hacking
- ☐ Yes, Port Jackson
- ☐ Yes, Port Stephens
- ☐ Yes, Tuggerah Lakes
- ☐ Yes, Wallis Lakes
- ☒ No, none of the above

6.4a Fencing, Crossings and Tracks

Vehicular Crossing Definition

- Is a bridge, box or piped culvert, bed level crossing, or causeway
- The crossing may be for the purposes of vehicles, pedestrians or stock

Access Track Definition

- Is any sealed or unsealed road or accessway
- The access track may be for the purposes of vehicles, pedestrians or stock

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Are you proposing to construct a fence, watercourse crossing or track? *

- ☐ Yes
- ☒ No

6.18 Concrete Lined or Piped Channels

What is a fully concrete lined channel?

- A watercourse where the entire bed and banks have been concrete lined

What is not a fully concrete lined channel?

- A portion of full or partial concrete lining for scour protection adjoining a bridge, culvert or crossing
- A partially concreted watercourse including channels with a concrete low flow channel, partial shotcreting of banks or where natural bed and bank material is still evident
- Watercourses that have bank protection works but retain a natural bed. Bank protection includes gabion baskets, brick, rock, or wood retaining walls

What is a fully piped channel?

- A watercourse where the entire section of the watercourse is piped

What is not a fully piped channel?

- A portion of piping associated with a bridge, culvert or crossing
- A partially piped channel where there are remaining open natural or modified portions of the channel within the site
- Piped drainage works to open channel watercourses

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Refer to the information above, are you proposing to carry out an activity adjoining a watercourse where the entire channel of the watercourse is concrete lined or piped? *

☐ Yes

☒ No

7.1 Dwelling, Dual Occupancy and Ancillary Facility

What is a dwelling?

- Typically this is a single residential house.
- It has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.

What is a dual occupancy?

- Means 2 dwellings on one lot of land either detached or attached within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental

Plans) Order 2006.

What is an ancillary facility?

- Minor structures or facilities associated with a single dwelling or dual occupancy including:
 - Swimming pool
 - Garage or carport
 - Hardstand or entertainment areas
 - Pergolas and cabanas
 - Minor retaining walls
 - Fences
 - Paths, driveways and staircases
 - Granny flats/Secondary dwelling
 - Small sheds (residential)
 - Boatsheds (not slip rails)

What is not an ancillary facility?

- Large sheds or garages associated with commercial or agricultural purposes
- Large hardstand spaces associated with commercial or agricultural purposes
- Filling and excavation not associated with constructing a dwelling or dual occupancy

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Refer to the informatioun above, are you proposing to construct or demolish a single dwelling or dual occupancy or ancillary facilities? *

☐ Yes

☒ No

7.8 Removal of Vegetation

15

Are you proposing to do nothing more than remove vegetation on waterfront land? *

☐ Yes

☒ No

7.17 Pontoons, Jetties and Moorings

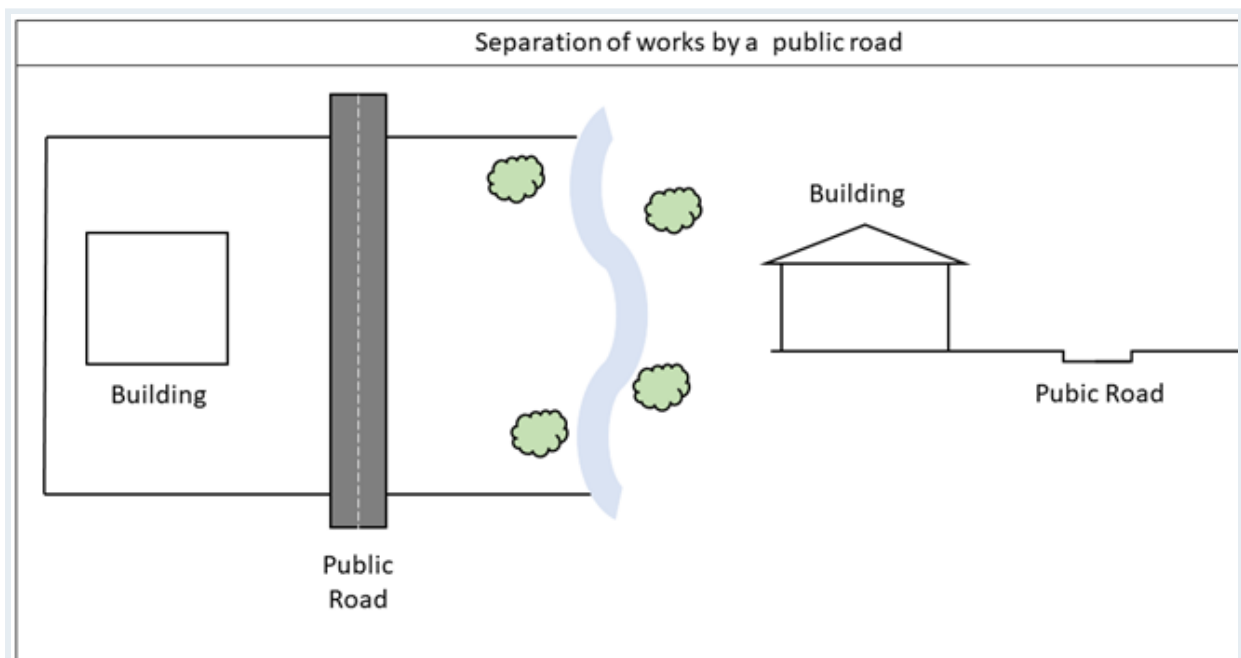
16

Are you proposing to construct a pontoon, jetty or mooring pole?

*

☐ Yes☒ No

8.1.1 Separation of Works



17

Refer to the above diagram. Are your proposed works separated from a river/creek or watercourse by a public road?

Larger copies of the diagram is available at the below link:

<https://drive.google.com/file/d/1j4VaH1fjCTKzr11ikSfSqUluWJcibRoK/view?>

[usp=sharing](#)

*

☒ Yes

☐ No

8.2 Separation of Works

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Open the link provided below for the Hydro Line spatial data map and enter your property address.

<https://trade.maps.arcgis.com/apps/webappviewer/index.html?id=07b967fd0bdc4b0099fc5be45b6d1392>

Using the link to the Department of Planning and Environment—Water Hydro Line layer. Are the works located near a blue line?

*

☒ Yes

☐ No

8.3 Separation of Works

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Read the Determining stream order fact sheet at the below link.

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/172091/Determining-Strahler-stream-order-fact-sheet.pdf

Then open the link below to the Hydro Line spatial data map.

trade.maps.arcgis.com/apps/webappviewer/index.html?id=07b967fd0bdc4b0099fc5be45b6d1392

Zoom out from your property on the map to work out the stream order of your watercourse.

What is the stream order? *

- ☒ 1st, 2nd or 3rd order stream
- ☐ 4th order or greater stream, a lake or estuary

8.3 Result – Separation of Works

Based on your answers, the result is:

EXEMPT - Controlled Activity Approval not required

Exemption under Schedule 4 Clause 31 of the Water Management (General) Regulation 2018

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0480#sch.4-sec.31>

Statements

- You are proposing to construct or demolish a building or structure.
- Your proposed works are separated from the watercourse by one or more of the following:
 - (a) a public road,
 - (b) a hard stand space (such as a car park or building),
 - (c) a levee bank,
- The works are located near a 1st, 2nd or 3rd order watercourse.

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Are ALL of the above statements are correct?

- ☒ Yes (Record keeping and disclaimer)
- ☐ No (Restart Tool)

12. Record keeping and disclaimer

You MUST click Submit to save or print a pdf copy of your answers and your result.

Please ensure you keep the electronic and/or printed copies of all supporting evidence used to answer questions in this tool and the saved PDF you receive after clicking submit.

NOTE:

- The results given by this tool are generated using the answers you have provided. If any answers are incorrect or incomplete, the result produced may be incorrect.
- This tool is intended for guidance purposes only and cannot be used as evidence of compliance with the Water Management Act 2000.
- Users of this tool will be responsible for making their own assessment of the material and should verify all relevant representations, statements and information with their own professional advisers.
- Users should also refer to the disclaimer on the department's website at: industry.nsw.gov.au/disclaimer.

If ANY of your assessments identify that a controlled activity approval is required for your proposed works, you must complete the following tasks:

- For matters requiring a development application (DA) from Council, you should lodge your DA as Integrated Development.
- For matters NOT requiring a DA, please refer to Water Assist for instructions on how to apply for a Controlled Activity Approval:

<https://www.dpie.nsw.gov.au/water/water-assist>

Reminder: Multiple exemptions may apply to your property and/or proposed works. You must complete this e-tool separately for each applicable exemption.

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You MUST click Submit to save or print a pdf copy of your answers and your result.

Please let us know whether you found this tool helpful and what we could do to make it better. Your comments will help us to improve the tool.

Thankyou for your feedback. *

☐ Provide feedback then submit

☒ Submit now



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