

General terms of approval

Construction dewatering



This fact sheet provides applicants with information about the WaterNSW processes for integrated development applications (integrated DAs) as well as the general terms of approval (GTAs) that WaterNSW recommends to local government authorities to include on integrated development consents.

This fact sheet relates to development applications that are 'integrated' because the development needs an approval(s) under the *Water Management Act 2000* (WMA) to be carried out.

The integrated DA process seeks to streamline two different assessment processes:

1. that the local government authority (council) (as the usual consent authority for the integrated DA) undertakes for the development application
2. that WaterNSW undertakes for the approval(s)/licence(s) under the WMA.

Further information on what integrated development is and its assessment process is available on the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/online-concurrence-and-referral>

What are general rules of approval (GTAs)?

GTAs are the terms and conditions recommended by WaterNSW to council to be imposed on the development consent for a future application for any of the following approvals under the WMA:

- Water use approval
- Water supply work approval
- Drainage work approval
- Flood work approval

These are collectively referred to as an 'approval' in this fact sheet. WaterNSW officers may sometimes refer to any one of these or all collectively as a 'works approval'. These approvals are required under the WMA.

Note that the approvals listed to the left do not include an application for a water access licence. All approvals must be submitted directly to WaterNSW, not via the NSW Planning Portal.

When undertaking drainage work, flood work, or excavating land that is likely to encounter groundwater, or require a pump or piping of water out of a groundwater source/dam/river/water course, as part of the development, one or more of the approvals under the WMA will likely be required.

See the [Dewatering information for councils and applicants fact sheet](#) for more detail on what these approvals are and when they may be required.

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Who determines the GTAs?

WaterNSW determines the GTAs for any of the approvals under the WMA, where the council is the consent authority for the integrated DA.

How and when are GTAs received?

When lodging a DA that requires approval(s) under the WMA to carry out the development, the council will provide the DA to WaterNSW.

When the council provides a DA to WaterNSW, WaterNSW will:

1. assess the DA
2. determine whether it would approve or refuse the approval(s) related to the DA
3. provide notification to the council of its decision in relation to the approval(s)
4. include any GTAs in the notification to the council, including a recommendation that the GTAs (or certain GTAs) are included on the development consent.

Council (as the consent authority for the DA) will then:

5. assess the DA, and
 - a. if WaterNSW has notified council that it will grant all approvals (with or without GTAs), the council will then determine whether to grant or refuse the DA
 - b. if WaterNSW has provided notification that it will refuse any of the required approvals, within the statutory timeframe, then council must refuse the DA.

If council decides to refuse the DA before it receives any notification from WaterNSW, or the DA is withdrawn, then WaterNSW does not need to undertake an assessment of the DA and does not have to provide notification of GTAs or refusal to the council.

If GTAs are notified by WaterNSW to council, WaterNSW recommends to the council that the GTAs be placed on the development consent. If development consent is granted by the council, the applicant must separately apply to WaterNSW for the necessary WMA approval(s).

WaterNSW will usually then impose the same GTAs as specified on the development consent on the approval(s) under the WMA.

Are there standard GTAs?

WaterNSW has a standard suite of GTAs, but the standard conditions may be adopted with or without modifications to the approval(s), as appropriate.

Are GTAs included on the development consent?

Generally - yes. WaterNSW recommends to councils to place the GTAs on the development consent.

Is an approval still required from WaterNSW if the GTAs are on the development consent?

Yes. A separate approval(s) application must be made to WaterNSW for the actual approval(s). The development consent is not the WaterNSW approval, even though it may contain the GTAs.

A separate application must be made to WaterNSW for the approval(s) within three years of the development consent being granted.

If the separate approval(s) application is submitted to WaterNSW within those three years, WaterNSW must issue the approval(s) consistently with the development consent.

If the separate approval(s) application is submitted to WaterNSW outside the three-year timeframe, WaterNSW is not bound to issue the approval(s) and is not bound to issue the approval(s) with the same GTAs.

Will there be conditions, additional to the GTAs included on the WaterNSW approval?

Generally, no. However, if WaterNSW considers it appropriate and necessary to do so, it may place additional conditions on the approval(s).

Any additional conditions must be consistent with the development consent, so that the approval holder can practically comply with the conditions under both the approval(s) and the development consent.

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Can the WaterNSW approval be varied?

Once issued, the approval(s) cannot be varied until it is required to be renewed/extended, or if there is a formal application to amend the works (or other matters) that are the subject of the approval(s).

If the conditions of the WaterNSW approval(s) need to be amended, steps should also be taken to amend the development consent to ensure that both are consistent.

How long will it take to obtain development consent for integrated development?

This depends on the type of development and whether it requires an environmental impact statement, advertising or other requirements.

It also depends on whether WaterNSW requires further information in order to assess the DA and provide GTAs. Some DAs require hydrogeological assessment in order for WaterNSW to form a view on whether it would grant approval(s). Those DAs may take additional time for WaterNSW to assess.

Where hydrogeological assessment is required, WaterNSW will need to provide the DA to the NSW Department of Planning, Industry and Environment (DPIE) for expert hydrogeological advice.

The statutory period for each type of development is set out in the *Environmental Planning and Assessment Regulation 2000* and is different for different types of applications.

Please contact the relevant local council for more information.

Can WaterNSW require further information?

Yes, WaterNSW can require further information and this will increase the time allowed to WaterNSW to assess the DA and provide GTAs.

If further information is required, WaterNSW can request this from the council who then notifies the developer of the request and the timeframe within which the information is requested. The developer can request further time if needed to respond to the request. If further information is required this will 'stop the clock' on the statutory timeframe until either the information is received within the requested or agreed timeframe, or until the developer notifies council that it will not be providing the information. If no response is received, WaterNSW may proceed to assessment without the requested information.

DPIE has established an electronic portal for streamlining this communication between WaterNSW and the council. Visit the NSW Planning Portal at <https://www.planningportal.nsw.gov.au>

Compliance with GTAs and conditions

Compliance with GTAs is required as part of the development consent (if placed on the consent) and as part of the approval(s). Failure to comply with GTAs on the development consent or on the WaterNSW approval(s) may result in fines or other regulatory action.

More information

For further assistance, please contact one of our friendly Customer Service Officers on 1300 662 077 or email Customer.Helpdesk@waternsw.com.au

Disclaimer:

This fact sheet is provided for general information purposes only and may not cover the precise circumstances of your development. It is only relevant to the particular matters identified in this fact sheet. There may be other processes and relevant fact sheets that are also relevant to your development. Links to all fact sheets related to construction dewatering may be found at waternsw.com.au/dewatering. This fact sheet is not legal advice and should not be relied upon as such. Interested persons should obtain their own advice. This fact sheet does not represent the views of any council or the Department of Planning, Industry and Environment or Natural Resources Access Regulator. This fact sheet represents an interim position and may be updated at any time. Please check the WaterNSW website for the current version. WaterNSW is not liable for consequences of actions taken in reliance of information provided or omitted from this document.