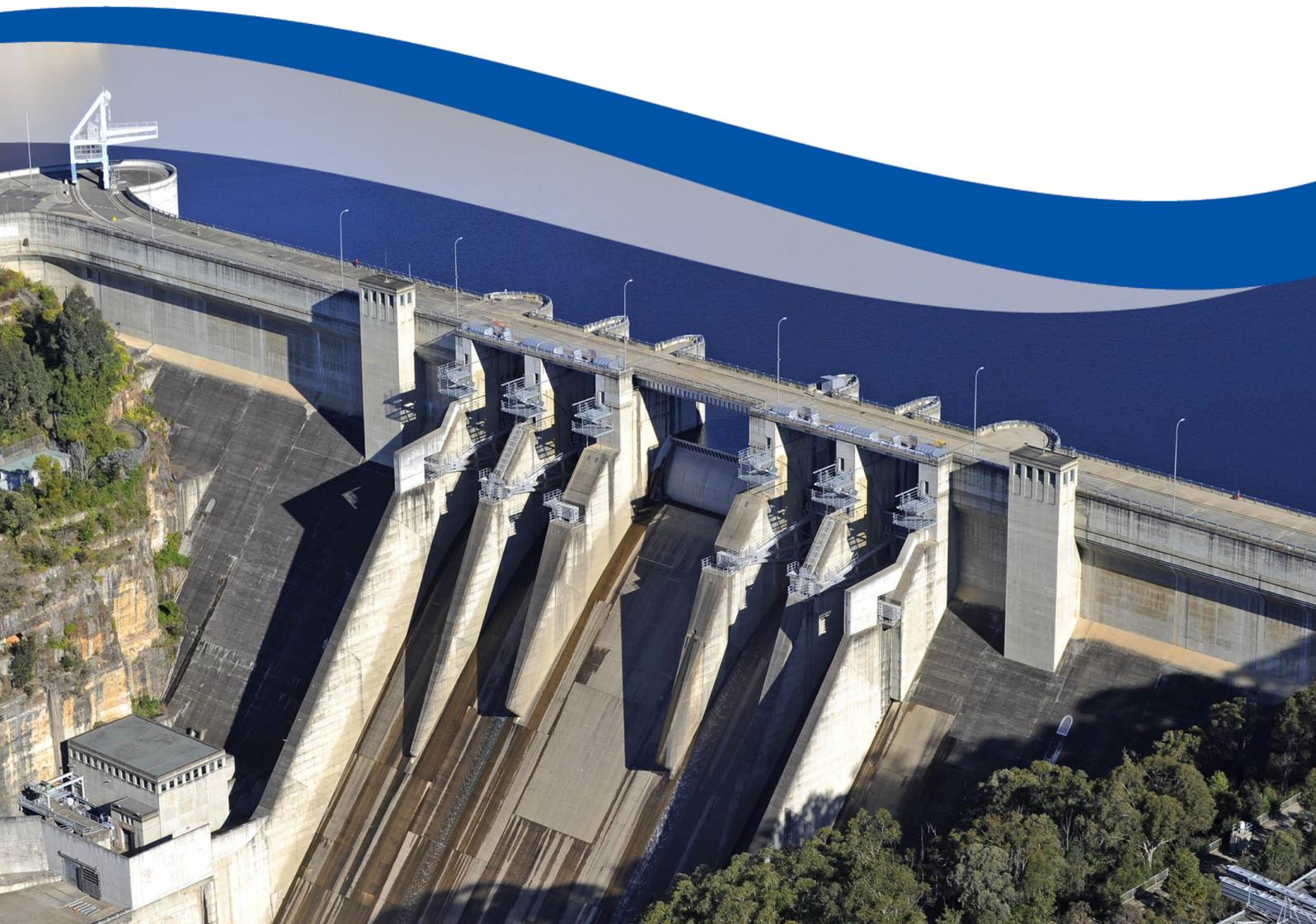


Application categories for consent to enter Special and Controlled areas



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1. Research

Consent applications for Research category includes all applications to enter the Special and Controlled Areas for research or formal studies by individuals and organisations including universities, government agencies, and commercial research projects. This includes all types of research including scientific, historic, archaeological, and other cultural research.

Where WaterNSW sponsors research either by funding or in kind, we will enter a research agreement with the relevant research partner and consent will be issued as part of the research agreement. You do not need a separate application for access in these circumstances. You will need a separate consent application where the primary researcher engages a contractor or another researcher not identified in the original research agreement.

1.1 Additional information required

The consent application must address and meet the standard criteria AND provide the following information to the satisfaction of WaterNSW:

- A written proposal outlining the research objectives and how they will be met
- Details of the proposed activities involved in the research, including a description of the activity, the research design and methodology

1.2 Other licences or permits

You must attach copies of all required research permits with your consent application, or written statements from the relevant agency/s that a permit is not required for this research.

This may include permits to collect or disturb native flora, fauna or aquatic species under the *National Parks and Wildlife Act 1974* or the *Fisheries Management Act 1994*.

If your research involves collecting flora or fauna specimens, you must detail the extent of the collection and its expected impact.

You must also identify any impact on endangered or threatened species, or communities listed under the *NSW Threatened Species Conservation Act*, or other significant communities or species.

If the research impacts on any aspect of Aboriginal cultural heritage, you may need an Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife Act 1974.

If you want to research Aboriginal cultural heritage, you must also show evidence that you have consulted with the relevant Aboriginal community or describe how you will consult with them. This must be consistent with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Department of Environment and Heritage, September 2010 and Aboriginal Cultural Heritage Consultation Requirements for Proponents, Department of Environment and Heritage, April 2010 (see www.environment.nsw.gov.au for details).

Any research that could affect a known or potential heritage item may need authorisation under the Heritage Act.

If you think your research may affect a heritage item, you must contact WaterNSW's Planning and Assessments Team before submitting a consent application to discuss appropriate assessment and the relevant approval process (see also [Approvals under the Environmental Planning and Assessment Act 1979](#)).

2. CULTURAL CONNECTION

WaterNSW has managed a consent application program for individuals and communities with significant cultural or historic connections to places in the Special or Controlled Areas. This includes entry to sites of Indigenous significance by Indigenous groups or individuals with traditional links to the sites. It also includes visits to sites by former owners, residents, or their descendants and families who can show a direct clear historical or cultural link to the sites.

This category does not provide consent to explore a general historic or social interest in a particular Special or Controlled Area.

To enter Yerranderie and the Burragorang Valley based on historic links, you should first contact the Burragorang Heritage Society before completing a consent application. The Society holds consent for a number of escorted visits through the Special Areas each year. You must demonstrate to the Society a clear historical link to the relevant site. The Society's access consent does not provide entry to sites of Indigenous significance or for cultural or traditional purposes.

2.1 Additional information required

In addition to the standard criteria, you must satisfy WaterNSW that you have a direct cultural or historical connection with the area you want to access.

3. DEVELOPMENTS OR ACTIVITIES

WaterNSW may consider consent applications by external parties for new developments and activities in the Special or Controlled Areas. This may include developments by private companies, other government agencies, or government trading enterprises and local government.

Developments can be for a variety of public infrastructure purposes such as telecommunications, energy, roads, railways, water and sewerage supply, or developments such as mineral exploration and mining.

New developments or activities in WaterNSW Special and Controlled Areas require environmental assessment and approval under the [Environmental Planning and Assessment Act 1979](#). Applicants must contact WaterNSW's Planning and Assessments Team before submitting a consent application. WaterNSW's Planning and Assessments Team will discuss the proposed development with the applicant, any Environmental Impact Assessment that is required, and the relevant approval process.

If you are applying for access for a new development or activity where environmental assessment and approval is required, the consent application will be assessed in consultation with the review or determination by the Planning team. Where WaterNSW is the approval authority for the activity under Part 5 of the *Environmental Planning and Assessment Act*, the consent will be issued at the same time as the Part 5 approval.

For any development that proposes new permanent infrastructure in the Special Areas or Controlled Areas the applicant must enter a formal lease, licence, or other formal property agreement with WaterNSW. Consent is usually issued as part of the lease, license or other formal property agreement.

A consent to enter the Special Areas and Controlled Areas is a distinct and separate process from any Environmental Planning and Assessment Act approval issued by WaterNSW or any other authority or agency.

3.1 Additional information required

In addition to the standard criteria, applicants must provide, to the satisfaction of WaterNSW, the following information:

- If approval and assessment are required for the development or activity under Part 4 or Part 3A of the *Environmental Planning and Assessment Act*, and therefore not issued by

WaterNSW, the relevant approval and accompanying conditions must be attached to the consent application.

4. MANAGING PUBLIC UTILITIES

There is a range of existing public utilities infrastructure in the Special and Controlled Areas. This includes existing energy transmission lines, gas pipelines, telecommunications towers, water and sewerage supply infrastructure not managed by WaterNSW, and road and railway crossings.

WaterNSW grants consent to Special and Controlled Areas for routine management and maintenance of this public infrastructure by the relevant external parties.

As entry for routine management and maintenance is ongoing for most of these assets, WaterNSW is moving towards a system of long-term consent agreements (instead of issuing one off consents) with external parties who own the infrastructure. For more information about this type of access consent, contact WaterNSW's Investigation and Compliance Team.

WaterNSW considers routine management and maintenance activities as activities that do not require environmental assessment and approval under Part 4 or 5 of the *Environmental Planning and Assessment Act 1979*.

This may include, but is not limited to, vegetation management, emergency maintenance or repair work, routine infrastructure maintenance, maintenance or repair work for safety or security - including repairing security fencing, temporary fencing or existing gates, or maintenance and repair of existing temporary structures.

Where entry is sought for activities beyond routine management and maintenance (such as installing new infrastructure) which require environmental assessment and approval under the Environmental Planning and Assessment Act 1979, the applicant must contact WaterNSW's Planning and Assessments Team prior to submitting a consent application.

The Planning and Assessments Team will discuss appropriate Environmental Impact Assessment and the relevant approval process.

4.1 Additional information required

In addition to showing how the consent application meets the standard criteria, applicants must provide, to the satisfaction of WaterNSW, the following information:

- A detailed description of the proposed management and maintenance activity

- If WaterNSW has negotiated an Environmental Management Plan with the applicant relating to the management and maintenance of existing infrastructure, it should be referenced in the application.

5. INVESTIGATIONS OR ENVIRONMENTAL ASSESSMENTS

In very limited circumstances, WaterNSW will consider consent applications by external parties to undertake new developments and activities in WaterNSW Special and Controlled Areas.

Applicants seeking consent for new developments or activities in WaterNSW Special and Controlled Areas must undertake an environmental assessment and get approval under the [Environmental Planning and Assessment Act 1979](#). Applicants must first contact WaterNSW's Planning and Assessments Team to discuss the proposed development, any Environmental Impact Assessment that is required, and the relevant approval process.

Applicants may require consent to WaterNSW Special and Controlled Areas for investigations and environmental assessments activities. This may include, but is not limited to, site inspections, flora and fauna surveys, heritage and archaeological investigations, geological surveys, site surveys and hydrometric investigations.

5.1 Additional information required

In addition to showing how their consent application meets the standard criteria, applicants must provide the following information, to the satisfaction of WaterNSW:

- Investigation and environmental assessment activities are usually carried out by a variety of contractors, or consultants, engaged by the applicant. As part of the consent application, you must include all proposed environmental assessment activities and investigations, so one access consent can be issued to the applicant (covering applicant and relevant contractors) or the lead consultant (covering lead consultant and all relevant sub-contractors).

5.2 Other licences or permits

Applicants undertaking investigations and environmental assessments must attach copies of all other permits or licences which may be required by other agencies with their consent application,

or written statements from the relevant agency that such a permit is not required. This may include permits required to collect or disturb native flora, fauna or aquatic species under the [National Parks and Wildlife Act 1974](#) or the [Fisheries Management Act 1994](#). If the investigation and environmental assessment involve collecting flora or fauna specimens, applicants must detail the extent of the collection and its expected impact. Applicants must identify any impact on endangered or threatened species or communities listed under the NSW [Threatened Species Conservation Act](#) or otherwise significant communities or species (see also below Approvals under the [Environmental Planning and Assessment Act 1979](#)).

If the environmental assessment and investigation activities involve archaeological activities which impact on Aboriginal cultural heritage, an Aboriginal Heritage Impact Permit, under the *National Parks and Wildlife Act*, may be required as well as consultation with the relevant Aboriginal community consistent with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Department of Environment and Heritage, September 2010 and Aboriginal Cultural Heritage Consultation Requirements for Proponents, Department of Environment and Heritage, April 2010 (see www.environment.nsw.gov.au for details).

Any investigation or environmental assessment activity which may impact on a known or potential heritage item may require authorisation under the [Heritage Act](#). If an applicant believes that their activity may impact on a heritage item, they must contact WaterNSW's Planning and Assessments Team, before submitting their consent application to discuss the relevant approval process.

6. MILITARY AND EMERGENCY SERVICES TRAINING

WaterNSW allows access to the Special Areas and Controlled Areas by the military and emergency services for training and other similar activities which cannot be reasonably carried out elsewhere. This includes NSW Fire Brigade, NSW Police, Ambulance Service of NSW, NSW State Emergency Services, NSW Rural Fire Service and all military services (but not military cadets).

6.1 Additional information required

In addition to demonstrating how the consent application meets the standard criteria, applicants must provide, to the satisfaction of WaterNSW, the following information:

- Details of the proposed activity, including a description of the activity, how many people will require entry, the number and types of vehicles required, and how the proposed activity is appropriate to the physical and natural conditions of the site.

7. FILMING, PHOTOGRAPHY OR MEDIA

WaterNSW may grant consent to enter the Special Areas and Controlled Areas for:

- filming (commercial and non-commercial)
- photography (commercial and non-commercial), and
- any other media purpose including news media.

Any request for entry by the media, or for filming and photography (commercial and non-commercial), should contact WaterNSW before completing a consent application form. WaterNSW will advise applicants if they need to complete a formal consent application form. WaterNSW will require applicants seeking access for media purposes, or for commercial and non-commercial filming and photography, to show that their access request meets all the standard access criteria.

Access for commercial and non-commercial filming, photography or media purposes is usually escorted with a WaterNSW officer accompanying the applicant. Therefore, the actual date(s) of entry must be mutually agreed upon by WaterNSW and the applicant.

8. ENVIRONMENTAL AND CONSERVATION ACTIVITIES

Where appropriate, WaterNSW will allow entry to the Special and Controlled Areas for not-for-profit conservation groups such as Bushcare and Landcare groups, conservation organisations, and other community groups for environmental and conservation programs. This may include bush regeneration activities such as weed removal, planting native vegetation, and environmental monitoring. If the proposed activities are part of a research project, applicants should apply under the Research category.

8.1 Additional information required

In addition to meeting the standard criteria, applicants must provide the following information to the satisfaction of WaterNSW:

- A written proposal outlining the objectives of the conservation activities/program, and how these objectives will be met
- Details of the proposed activities in the conservation program
- Details about the safe use and storage of chemicals/herbicide if they will be used

8.2 Approvals under the Environmental Planning and Assessment Act 1979

Conservation activities and programs that involve invasive techniques, or which may impact on the environment, such as (but not limited to) soil excavation, removing native vegetation, or using chemicals or heavy machinery, may require approval and assessment under the [Environmental Planning and Assessment Act 1979](#). If the conservation activity or program does require environmental assessment and approval under the *Environmental Planning and Assessment Act 1979*, the applicant must contact the WaterNSW Planning and Assessments Team, prior to submitting a consent application. They will discuss appropriate Environmental Impact Assessment and the relevant approval process.

9. VEHICLE OR MOTORISED WATERCRAFT USE

Recreational activities such as walking and non-powered watercraft are generally permitted in Schedule Two Special Areas under the *Water NSW Regulation 2013*. However, vehicles including motorcycles and cars, and powered watercraft are not permitted. In limited circumstances, WaterNSW will consider consent applications to use powered watercraft and motor vehicles in Schedule 2 Special Areas.

WaterNSW will only consider short term consent applications for vehicles and powered watercraft in Schedule Two Special Areas to facilitate recreational activities, such as group bushwalking and running events, which are permitted in these areas. The applicant must show vehicle and powered watercraft entry is required to run the recreational activities safely, and/or to minimise or avoid any potential environmental impacts. Applicants may need to undertake an Environmental Impact Assessment in accordance with the [Environmental Planning and Assessment Act 1979](#).

9.1 Additional information required

In addition to meeting the standard criteria, applicants must provide the following information, to the satisfaction of WaterNSW:

- Details of the proposed activity including a map showing the location of the proposed activity
- Details on the number and type of vehicles or powered watercraft that are required, and a description on how the vehicles will be used.

10. OTHER ACCESS

Consent applications which do not fit into one of the categories from 1-9 above are usually not granted by WaterNSW, however, they will be considered on a case-by-case basis and will be assessed on merit.

10.1 Additional information required

In addition to meeting the standard criteria, applicants must provide details of why this activity should be considered by WaterNSW.

Entry to Schedule One Special Areas and Controlled Areas purely for recreation or tourism, such as motorcycling, four-wheel driving, camping, bushwalking, cycling or horse-riding, or for organised or group recreational events, is prohibited. Entry for bushwalking is allowed in the Warragamba and Blue Mountains Schedule One Special Areas along specific bushwalking corridors or within specified areas. The WaterNSW brochure 'Special Areas - what you can and can't do' at the bottom of this page explains the restrictions that apply to the Special Areas, Controlled Areas and Water Storages and includes a map.

Recreational access for bushwalking is allowed in Schedule Two Special Areas, but vehicle access including motorcycles and cars is prohibited. WaterNSW also manages and maintains a large number of recreation sites open to the general public including picnic and camping areas adjacent to WaterNSW managed dams.

11. Related Publications

11.1 [Special Areas Brochure - Special Areas Map \(PDF 2.0 MB\)](#)

This map shows the location of all of the Special Areas and their boundaries in Greater Sydney's drinking water catchments.

11.2 [Special Areas Brochure - Restrictions and Penalties \(PDF 6.5 MB\)](#)

This brochure explains what you can and can't do in Special Areas - whether No entry, Restricted and Controlled Areas. It also outlines the opportunities available for visiting and undertaking recreation in Special Areas.