



NSW Government

Department of Water & Energy

20- 6- 08 003

PC

D Croft
Development Assessment Planner
Port Macquarie
Hastings Council
PO Box 84
Port Macquarie 2444
16 June 2008

Attention D. Croft

Dear Sir

Port Macquarie	
HASTINGS COUNCIL	
Parcel	18173
20 JUN 2008	
Library	DE PLANNING
Room	034 3A
Cabinet	
Binder	034 2007/0001

Contact: Chris Binks
Phone: 02 67019633
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Email: chris.binks@dnr.nsw.gov.au

Our file: Shire Liverpool PSC
Our ref: 2008-GTA Port
Your ref: 2007/1

Subject Rural Residential Subdivision – Sancrox Road Sancrox.

I refer to your letter concerning a Development Application (DA) proposal for the subject property. Attached, please find the Department's General Terms of approval (GTA) for "works" requiring a Controlled Activity Approval under the Water Management Act, 2000 (WMA) (formerly Part 3A of the Rivers and Foreshores Improvement Act 1948), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the Environmental Planning and Assessment Act (1979), which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

Therefore, if the proposed development is approved by Council, these GTA should be included (in their entirety) in Council's development consent. Please also note the following:

- The Department should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional "works" on waterfront land (ie in or within 40 metres from the top of the highest bank of a watercourse, foreshore or lake). Once notified, the Department will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed "works" are part of Councils proposed consent conditions and the "works" do not appear in the original documentation.
- The Department should also be notified if Council receives an application to modify Council's consent conditions. Failure to notify may render the consent invalid.
- The Department requests notification of any legal challenge to the consent.
- Under Section 91A(6) of the Environmental Planning and Assessment Act (1979), Council must provide the Department with a copy of any determination/s including refusals.

As a controlled activity (ie works) cannot commence before the applicant obtains a Controlled Activity Approval, the Department recommends that the following condition be included in the development of the consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the Department) for a Controlled Activity Approval after consent has been issued by Council but before commencement of any "works"

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the time all required documentation has been received (to the Department's satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond) if applicable.

Application forms are available from the undersigned or from the Departments website www.dwe.nsw.gov.au

Council should provide a copy of this letter to the applicant for their information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Binks', with a stylized flourish at the end.

Chris Binks
Water Management Division
Licensing, North

GENERAL TERMS OF APPROVAL

CONDITIONAL TO ISSUE OF CONTROLLED ACTIVITY APPROVAL

WATER MANAGEMENT ACT 2000

General Conditions

- 1 A Controlled Activity Approval (CAA) under the Water Management Act 2000 must be obtained from the Department of Water and Energy (DWE) prior to undertaking certain works in, on or under waterfront land

Waterfront land for the purpose of this DA is land and material that is in or within 40 metres of the top of the bank or shore of Haydon's Creek and the Hastings River.

- 2 The consent holder must prepare

- 1 Site plan, map and/or surveys,
- 2 Structural design and specifications
- 3 A Vegetation Management Plan,
- 4 Works Schedule,
- 5 Erosion and Sediment Control Plan,
- 6 Soil and Water Management Plan
- 7 Rehabilitation Plan, and
- 8 Amendments to Plans

- 3 These plans must be prepared by a suitably qualified person and submitted for approval by the Department of Water and Energy prior to any controlled activity commencing.

The plans must be prepared in accordance with Department of Water and Energy guidelines:

- 1 Vegetation Management Plans
- 2 Laying pipes and cables in watercourses
- 3 Riparian Corridors
- 4 In-stream works
- 5 Outlet structures
- 6 Watercourse crossing

- 4 The consent holder must:

- carry out any controlled activity in accordance with approved plans, and
- construct and/or implement any controlled activity by, or under the direct supervision of, a suitably qualified professional, and
- when required provide a certificate of completion to the Department of Water and Energy.

- 5 The consent holder must carry out a maintenance period of 3 years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water and Energy.

- 6 The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water and Energy.

- 7 The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water and Energy as required.
- 8 Subject to reasonable notice, the consent holder will allow authorised officers of the Department access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the CAA.
- 10 The consent holder must ensure that any bridge, causeway or crossing does not result in erosion, obstruction of flow or destabilisation, damage to the bed or banks of a river or waterfront land other than in accordance with a plan approved by the Department of Water and Energy.
- 11 The consent holder must design or commission the design of any crossing over waterfront land and riparian corridors in accordance with the Department of Water and Energy Guidelines for Watercourse crossings.
- 12 The consent holder must ensure that [culverts/crossings] do not obstruct water flow and direction and must be the same width as the river or sufficiently wide to maintain lake/river circulation, with no water level difference between the two sides of the structure unless otherwise approved by the Department.
- 13 The consent holder must prepare design and construction details for any [drainage structures/ stormwater outlets] to discharge into the Haydon's creek and submit to the Department for approval prior to the issuing of a CAA. Culverts shall be designed by a suitably qualified person in accordance with the Department's guidelines.
- 14 The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.
- 15 The consent holder is to ensure that all drainage works capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water and Energy and do not obstruct flow of water in the river unless given written approval by the Department of Water and Energy.
- 16 The consent holder must ensure that drain discharge points are stabilised to prevent erosion in accordance with a plan approved by the Department of Water and Energy.
- 17 The consent holder must ensure that all erosion and sediment control works and water diversion structures are established in accordance with a plan approved by the Department of Water and Energy. All measures shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.
- 18 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water and Energy.
- 19 Any excavation must not result in diversion Haydon's Creek, bank instability or damage to native vegetation unless approved by the Department of Water and Energy.
- 24 Riparian zones are to function as ecological systems and as such, all works, Asset Protection Zones, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by DWE, prior to the issue of a CAA.

*****end of conditions*****