



## Office of Water

ANNEXURE 10 10

The General Manager  
Woollahra Municipal Council  
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21 MAY 2010

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Our ref: 10 ERM2009/0969  
File: 9052461  
Your ref: DA441/2009/1

Doc No 04432.10  
File DA09/0441  
Action P. Kauter

Attention: Peter Kauter

17 May 2010

Dear Mr Kauter

**Re: Integrated Development Referral Amendment – General Terms of Approval  
DA441/2009/1 - Marina Redevelopment - 1 New Beach Road DARLING POINT**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

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

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water 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 top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water 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 Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.
- It is noted that the part of the proposed basement car park may be located below the Mean High Water Level of Rushcutters Bay. Please note that the NSW Office of Water will not allow any proposal that requires permanent or semi-permanent pumping of the groundwater/tidal flows to protect the building. Therefore any proposal must ensure that the design of the building will not require this style of facility or activity.

To facilitate this requirement, the construction of the basement, or any structure that may be impacted by groundwater/tidal flows, will require a waterproof retention system (i.e. a fully tanked structure) with an adequate provision for future fluctuations of the watertable level/tidal flows. A Licence under Part V of the *Water Act 1912* may be required in relation to this development. It is recommended that a groundwater study be conducted to

determine whether groundwater is intersected by the proposal. If groundwater is found to be an issue please provide necessary documentation so that the Department can issue a GTA appropriate for a groundwater license.

Enquiries in this regard can be directed to the Department's hydro-geologist, Mr Greg Russell, at [greg.russell@dnr.nsw.gov.au](mailto:greg.russell@dnr.nsw.gov.au) or 9895-6273.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development 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 NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its 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) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website  
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Greg Daley  
Natural Resource Officer  
NSW Office of Water  
Licensing South



## General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		10 ERM2009/0969	File No:	9052461
Site Address		1 New Beach Road DARLING POINT		
DA Number		DA441/2009/1		
LGA		Woollahra Municipal Council		
Number	Condition			
Plans, standards and guidelines				
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA441/2009/1 and provided by Council:  (i) Site plan, map and/or surveys  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.			
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the shore of the foreshore identified.			
3	The consent holder must prepare or commission the preparation of:  (i) Stormwater Drainage Plan (ii) Outlet Structure Plan (iii) Erosion and Sediment Control Plan (iv) Landscape Plan (v) Basement Profile – showing reduced level of both basement and Mean High Water Level (vi) Amendments to plan – Mean High Water Level plan view to be shown (i.e. identifies Crown Land Lease)			
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. Plans must be prepared in accordance with the NSW Office of Water guidelines located at <a href="http://www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml">www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</a>  (i) In-stream Works (ii) Outlet structures			
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.			
Rehabilitation and maintenance				

Our Reference		10 ERM2009/0969	File No:	9052461
Site Address		1 New Beach Road DARLING POINT		
DA Number		DA441/2009/1		
LGA		Woollahra Municipal Council		
Number	Condition			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.			
7	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 NSW Office of Water.			
Reporting requirements				
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.			
Security deposits				
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.			
10 - 13	N/A			
Disposal				
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
Drainage and Stormwater				
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.			
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.			
Erosion control				
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
Excavation				
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
19	The consent holder must ensure that any excavation does not result in (i) diversion of any estuary (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.			
20 - 27	N/A			
END OF CONDITIONS				