



Department of
Primary Industries
Office of Water

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The General Manager
Ashfield Municipal Council
PO Box 1145
Ashfield NSW 1800

Our ref: 10 ERM2012/0073
Our file:
Your ref: DA2011/255/1

Attention: **Philip North**

10 February 2012

Dear Sir/Madam

Re: **Integrated Development Referral – General Terms of Approval**

Dev Ref: **DA2011/255/1**

Description of proposed activity: The refurbishment of the UTS Haberfield Club and alterations to additions

Site location: Dobroyd Parade Haberfield

I refer to your recent letter regarding an Integrated Development Application (DA) proposed for the subject property. Attached please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval (CAA) under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) 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 Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land.

Once notified, the 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 do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.

- The Office of Water requests notification of any legal challenge to the consent.

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

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a CAA, the Office of Water recommends 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 (CAA) until a copy of the CAA has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a CAA **after consent** has been issued by Council **and before the commencement of any works or activity on waterfront land.**

Finalisation of a CAA can take up to eight (8) weeks from the date the 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 (if applicable) and proof of Council's development consent.

Application forms for the CAA are available from the undersigned or from the NSW Office of Water's website:

www.water.nsw.gov.au

[Water licensing](#) > [Approvals](#) > [Controlled activities](#)

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

Yours Sincerely



Gina Potter
Licensing Officer (Controlled Activities)
NSW Office of Water - Licensing South



General Terms of Approval

for work requiring a controlled activity approval
under the Water Management Act 2000

Our Reference: 10 ERM2012/0073
Site Address: Dobroyd Parade Haberfield
DA Number: DA2011/255/1
LGA: Ashfield Municipal Council

File No:

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2011/255/1 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>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.</p>
2	<p>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 top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan</p> <p>(ii) Soil and Water Management Plan</p>
4	N/A
5	<p>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.</p>
6	N/A
7	<p>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.</p>
8-13	N/A
14	<p>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.</p>
15	<p>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.</p>
16	<p>The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan</p>

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Number	Condition
	approved by the NSW Office of Water.
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.
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.
19-27	N/A
END OF CONDITIONS	