



Department of  
Primary Industries  
Office of Water

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Our ref: 20 ERM2013/0197  
Our file:  
Your ref: DA 16-2012-800-1

The General Manager  
Port Stephens Council  
PO Box 42  
Raymond Terrace NSW 2324

Attention: Mr Carlos Ferguson

24 June 2014

Dear Mr Ferguson

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA 16-2012-800-1**  
**Description of proposed activity: Residential Subdivision & Associated Works.**  
**Site location: 21- 27 Fishermans Bay Road FISHERMANS BAY (Lots 4561 & 4562 DP 841032).**

I refer to your recent original referral dated 18 February 2013, subsequent additional information dated 17 December 2013, and public submissions received 3 June 2014. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

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 general terms of any approval 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 significantly change the proposed development or result in additional works on waterfront land (which 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).
- 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.

**PORT STEPHENS COUNCIL**  
**Information Services**

**30 JUN 2014**

File No. ....

Action by .....

☐ R.H.C .....

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, 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 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 Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval 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 for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) > [Approvals](#) > Controlled activities

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

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Algis Sutas  
Senior Water Regulation Officer  
Office of Water - South Coast / Hunter



# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

**Our Reference:** 20 ERM2013/0197

**File No:**

**Site Address:** 21- 27 Fishermans Bay Road FISHERMANS BAY. Lots 4561 & 4562  
DP 841032.

**DA Number:** DA 16-2012-800-1

**LGA:** Port Stephens Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 16-2012-800-1 and provided by Council to the Office of Water:</p> <p>(i) <b>Statement of Environmental Effects Addendum</b> prepared by Monteith and Powys Pty Ltd (ref 11/0091) dated 12 November 2013.</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> <ul style="list-style-type: none"><li>(i) Vegetation Management Plan</li><li>(ii) Works Schedule</li><li>(iii) Erosion and Sediment Control Plan</li><li>(iv) Soil and Water Management Plan</li></ul>
4	<p>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. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p> <ul style="list-style-type: none"><li>(i) Vegetation Management Plans</li><li>(ii) Laying pipes and cables in watercourses</li><li>(iii) Riparian Corridors</li><li>(iv) In-stream works</li><li>(v) Outlet structures</li><li>(vi) Watercourse crossings</li></ul>
5	<p>The consent holder must</p> <ul style="list-style-type: none"><li>(i) carry out any controlled activity in accordance with approved plans and</li><li>(ii) construct and/or implement any controlled activity by or under the direct supervision of a</li></ul>

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Number	Condition
	suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
<b>Rehabilitation and maintenance</b>	
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.
<b>Reporting requirements</b>	
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.
<b>Security deposits</b>	
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.
<b>Access-ways</b>	
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
<b>Bridge, causeway, culverts, and crossing</b>	
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
13	N/A
<b>Disposal</b>	
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



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Number	Condition
	Water.
<b>Drainage and Stormwater</b>	
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.
<b>Erosion control</b>	
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.
<b>Excavation</b>	
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	N/A
<b>Maintaining river</b>	
20	N/A
21	N/A
<b>River bed and bank protection</b>	
22	N/A
23	The consent holder must establish a riparian offset within the southern catchment in accordance with a plan to be approved by the NSW Office of Water.
<b>Plans, standards and guidelines</b>	
24	N/A
25	N/A
26	N/A
27	N/A
<b>END OF CONDITIONS</b>	