Department of Primary Industries
Office of Water

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Contact: Vanessa Sultmann
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Our ref: 30 ERM2014/0274
Our file: 9057911
Your ref: DAT6-14-67

The General Manager
Kempsey Shire Council
PO Box 3078
West Kempsey NSW 2440

Attention: Ilija Susnja

30 April 2014

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DAT6-14-67
Description of proposed activity: Extractive Industry
Site location: 204 Crescent Head Road, South Kempsey

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 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.

- 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 or 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 Water licensing › Approvals › Controlled activities

The application indicates that groundwater monitoring bores are to be installed. If the monitoring bores will extract less than 1ML per year they will require a licence under Part 5 of the Water Act 1912 prior to their installation unless they meet the definition of an "exempt monitoring bore" under the Water Management (General) Regulation 2011.Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for monitoring bores.

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

Patrick Pahlow
Senior Water Regulation Officer
Office of Water - Water Regulation, North/North Coast

General Terms of Approval

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

Our Reference:	30 ERM2014/0274	**File No:** 9057911
Site Address:	204 Crescent Head Road, South Kempsey	
DA Number:	DAT6-14-67	
LGA:	Kempsey Shire 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 DAT6-14-67 and provided by Council. 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 top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Works Schedule (iii) Erosion and Sediment Control Plan
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. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) 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	
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	N/A
Reporting requirements	
8	N/A

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LGA:	Kempsey Shire Council	

Number	Condition
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A
Disposal	
14	N/A
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	N/A
Maintaining river	
20	N/A
21	N/A
River bed and bank protection	
22	N/A
23	The consent holder must establish a riparian corridor along the unnamed watercourses in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	

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Number	Condition
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

General Terms of Approval

for work requiring a licence (monitoring bores) under Part 5 of the Water Act 1912

30 ERM2014/0274 **File No:** 9057911

204 Crescent Head Road, South Kempsey

DA T6-14-67

Kempsey Shire Council

Condition

1. The licence shall lapse if the work is not commenced and completed within three years of the date of the issue of the licence.

2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW Office of Water:-

   (a) details of the work set out in the attached form "A" (must be completed by a driller).

   (b) a plan showing accurately the location of the work, in relation to portion and property boundaries.

   (c) a one litre water sample for all licences other than those for stock, domestic, test bores and farming purposes.

   (d) details of any water analysis and/or pumping tests.

3. The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.

4. If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:-

Condition

(a) backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or

(b) such methods as agreed to or directed by NSW Office of Water.

5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.

6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.

END OF CONDITIONS