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General Manager
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Our ref: IDAS1102700
Our file: V17/8276#44
Your ref: DA/1029/2017

Attention: Ross Edwards

08 May 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA/1029/2017
Description: 70 Lot Subdivision and associated ancillary works
Location: 27-61 Nikko Rd Warnervale NSW 2259

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find DPI Water's General Terms of Approval (GTA) for part of the proposed development 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, DPI Water requests these GTA be included (in their entirety) in Council's development consent. Please also note DPI Water requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

DPI Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, DPI Water recommends the following condition be included in the development consent:

The attached GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to DPI Water together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the DPI Water website at:

www.water.nsw.gov.au > [Water licensing](#) > [Approvals](#).

DPI Water requests that Council provide a copy of this letter to the development consent holder.

DPI Water also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



Algis Sutas - ASUTAS
Water Regulation Officer
Water Regulatory Operations
NSW Department of Primary Industries – Water



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1102700

Issue date of GTA: 08 May 2018

Type of Approval: Controlled Activity

Description: 70 Lot Subdivision and associated ancillary works

Location of work/activity: 27-61 Nikko Rd Warnervale NSW 2259

DA Number: DA/1029/2017

LGA: Central Coast Council

Water Sharing Plan Area: Central Coast Unregulated Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
Erosion and sediment controls	
GT0022-00001	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by DPI Water, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.
Plans, standards and guidelines	
GT0002-00304	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 10292017 provided by Council to DPI Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Newcastle Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00012	The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Urban Stormwater: Soils and Construction; Vegetation Management Plan on waterfront land; Storm Water Management Plan.
GT0008-00002	A. Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by DPI Water. B. The corridor must extend for: i. a width of 10 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the controlled activity.
GT0010-00001	All documents submitted to DPI Water as part of an application for a controlled



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activity approval must be prepared by a suitably qualified person.

GT0012-00001 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by DPI Water.

Rehabilitation and maintenance

GT0007-00001 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by DPI Water.

Reporting requirements

GT0015-00001 A. A written report must be provided on the controlled activity construction; carried out under a controlled activity approval to DPI Water, Newcastle Office. B. Each report must: i. address the implementation requirements of the plan(s) being submitted as part of the controlled activity approval, and ii. be submitted at the interval(s) specified in the plan(s). C. The report must be approved by DPI Water before the controlled activity can commence.

GT0016-00001 The consent holder must inform DPI Water in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA/1029/2017 as provided by Council:

- Subdivision Plans,
- ESS,
- VMP,
- Ecological assessment,
- Flora and Fauna Assessment