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General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Our ref: IDAS1110520

Your ref: DA18/0999

09 January 2019

Attention: Wendy Connell

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA18/0999**

Description: Mixed use residential & retail developments providing for the construction of one (1) x five (5) storey mixed use building comprising 1,225m squared retail floor space and 82 apartments and four (4) residential flat buildings comprising either four (4) or five (5) storey's in height containing 248 apartments, demolition works, earthworks and associated excavation, new roads, rehabilitation of existing Riparian corridor, drainage, associated landscaping and staged construction

Location: Lot 10 DP 1223020 – 123 Mulgoa Road, Penrith NSW 2750

I refer to your letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator'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 4.47 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, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR 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.

NRAR 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, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR 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 NRAR 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 NRAR website at:

www.industry.nsw.gov.au › [Water](#) › [Licensing & Trade](#) › [Approvals](#).

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

NRAR 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,



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Alison Collaros
Manager Licensing & Approvals (East)
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

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

Reference Number: IDAS1110520

Issue date of GTA: 09 January 2019

Type of Approval: Controlled Activity

Description: Mixed use residential & retail developments providing for the construction of one (1) x five (5) storey mixed use building comprising 1,225m squared retail floor space and 82 apartments and four (4) residential flat buildings comprising either four (4) or five (5) storey's in height containing 248 apartments, demolition works, earthworks and associated excavation, new roads, rehabilitation of existing Riparian corridor, drainage, associated landscaping and staged construction

Location of work/activity: 123 Mulgoa Road PENRITH

DA Number: DA18/0999

LGA: Penrith City Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

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

Condition Number	Details
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Design of works and structures

- | | |
|--------------|---|
| GT0009-00010 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, 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. |
| GT0019-00003 | Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator. |

Erosion and sediment controls

- | | |
|--------------|---|
| GT0014-00007 | A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land. |
| GT0021-00004 | The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised. |

Plans, standards and guidelines

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|--------------|--|
| GT0002-00625 | 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 18/0999 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled |
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General Terms of Approval

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

Reference Number: IDAS1110520

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Location of work/activity: 123 Mulgoa Road PENRITH

DA Number: DA18/0999

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activity is amended or modified, Natural Resources Access Regulator, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.

GT0005-00264 A. The application for a controlled activity approval must include the following plan(s): - Civil Construction Plans, Sediment and Erosion Control Plans, Stormwater Management Plans, and Vegetation Management Plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

GT0008-00031 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 Natural Resources Access Regulator. 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.

GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

GT0030-00006 The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator 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 NRAR for integrated development associated with DA18/0999 as provided by Council:

- Statement of Environmental Effects
- Vegetation Management Plan
- Civil Engineering Plans
- Stamped Approved Subdivision Plans