

# Department of Planning and Environment



Contact: Department of Planning and Environment-Water

Phone: 1300081047

Email: [waterlicensing.servicedesk@dpie.nsw.gov.au](mailto:waterlicensing.servicedesk@dpie.nsw.gov.au)

Our ref: IDAS-2023-10566

Your ref: DA 16-2023-386-1

19 October 2023

The General Manager  
PORT STEPHENS COUNCIL  
116 ADELAIDE STREET RAYMOND TERRACE 2324

Attention: Courtney Sargent

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re:** IDAS-2023-10566 - Integrated Development Referral – General Terms of Approval

**Dev Ref:** DA 16-2023-386-1

**Description:** This application seeks to install a BESS (Battery Energy Storage System) on the site. A BESS is a 4.98 MW energy storage system that captures energy from the electrical grid at low demand and discharges electricity at times of high demand. Please refer to the SEE for more details.

Please be advised we are in process of finalising the Appendix K and will be uploaded shortly.

**Location:** Lot 1, DP1265736, 1154 CLARENCE TOWN ROAD SEAHAM 2324

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-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 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires 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 department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department 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.

The Department of Planning and Environment-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 s4.46 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, the department recommends the following condition be included in the development consent:

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

A completed application must be submitted to the department together with any required plans, documents, application fee 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.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:  
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



**For**  
**Patrick Pahlow**  
**Team Leader**  
**Licensing and Approvals**  
**Department of Planning and Environment-Water**



## General Terms of Approval

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

**Reference Number:** IDAS-2023-10566  
**Issue date of GTA:** 19 October 2023  
**Type of Approval:** Controlled Activity  
**Location of work/activity:** Lot 1, DP1265736, 1154 CLARENCE TOWN ROAD SEAHAM 2324  
**Waterfront Land:** Deadmans Creek and Tributary of Deadmans Creek  
**DA Number:** DA 16-2023-386-1  
**LGA:** PORT STEPHENS

---

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-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
------------------	---------

---

TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
---------	--

TC-G004	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 DA 16-2023-386-1 provided by Council to Department of Planning and Environment-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, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

TC-G005	A. The application for a controlled activity approval must include the following plan(s): <ul style="list-style-type: none"><li>Detailed civil construction plans - for works on waterfront land</li><li>Construction watercourse crossing design plans - for both under bore crossings</li><li>Erosion and sediment control plans - for works on waterfront land</li></ul>
---------	---

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website  
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

---



## General Terms of Approval

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

### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2023-10566 as provided by Council:

- Statement of Environmental Effects, Ref 23/048, prepared by hdb, Rev. C, dated August 2023
- Engineering Design Plans, Ref. AN-24559, prepared by Northrop, Amd. 0, dated 28/07/2023
- Site Plans, Ref. 23048, prepared by hdb, Rev. B, dated 05/07/2023
- Ecological Assessment Report, Ref. 12785, prepared by Wildthing Environmental Consultants, dated August 2023