

Department of Planning and Environment



Contact: Department of Planning and Environment-Water

Phone: 1300081047

Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10645 (IDAS-2023-10031)

Your ref: SUB2023/0001

13 December 2023

The General Manager
CLARENCE VALLEY COUNCIL
2 PRINCE STREET GRAFTON 2460

Attention: James Hamilton

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10645 (IDAS-2023-10031) - EP&A cl.55 Submission of amended plans – General Terms of Approval
Dev Ref: SUB2023/0001
Description: 277 low density residential lots, 1 medium density residential development lot, 1 commercial development lot, 1 low density development lot, 3 drainage reserve lots, 1 open space reserve lot.
Location: Lot 47, DP751395, 52-54 MILES STREET YAMBA 2464
Lot 46, DP751395, 52-54 MILES STREET YAMBA 2464

The Department of Planning and Environment-Water has reviewed the additional and/or amended documents for the integrated Development Application (DA) proposed for the above location and considers that, for the purposes of the Water Management Act 2000 (WM Act), previously issued General Terms of Approval are adequate, remain current, and no further assessment by this agency is necessary.

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Department of Planning and Environment-Water should be notified.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:
<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

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

Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10031
Your ref: SUB2023/0001

12 April 2023

The General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: James Hamilton

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10031 - Integrated Development Referral – General Terms of Approval
Dev Ref: SUB2023/0001
Description: Construction of a mixed-use subdivision
Location: Lot 46 and Lot 47 DP751395, 52-54 MILES STREET, YAMBA NSW 2464

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the 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
Nathalie Whitby
Manager
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-2023-10031 |
| Issue date of GTA: | 12 April 2023 |
| Type of Approval: | Controlled Activity |
| Location of work/activity: | Lot 46 and Lot 47 DP751395, 52-54 MILES STREET, YAMBA NSW 2464 |
| Waterfront Land: | Clarence River |
| DA Number: | SUB2023/0001 |
| LGA: | Clarence Valley Council |

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 | <p>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 SUB2023/0001 provided by Council to Department of Planning and Environment—Water.</p> <p>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.</p> |
| TC-G005 | <p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"> Site plans indicating the demarcation of waterfront land, designated riparian corridors, and identifying any areas of encroachments and offsets Detailed civil construction plans; Erosion and sediment control plans; Construction stormwater drainage outlet plan; Vegetation management plan; Construction detailed basin design plans; <p>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</p> |
| TC-G006 | <p>A. A security deposit must be provided, if required by Department of Planning and Environment—Water.</p> <p>B. The deposit must be:</p> <ol style="list-style-type: none"> a bank guarantee, cash deposit or equivalent, and equal to the amount required by Department of Planning and Environment—Water for that controlled activity approval. |

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-2023-10031 as provided by Council:

- Statement of Environmental Effects, prepared by Rob Donges – Planning Consultant, dated December 2022.
- Vegetation Management Plan, Ref. 3041-1090, prepared by GeoLINK, dated 19 August 2022.
- Preliminary Engineering Plans No. 33801-PR2, Sheets 33801-PR2-000 to 33801-PR2-601, prepared by Mortons-Urban Solutions, dated 22 August 2022.
- Stormwater Drainage Plan and Downstream Drainage Assessment, Ref. BC-18008, prepared by Biome Consulting Pty Ltd, dated 4 November 2022,