



21 February 2022

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-2021-10175 - Integrated Development Referral – General Terms of Approval
Dev Ref: SUB2019/0030
Description: 310 Lot Stages Subdivision
Location: Lot 46 & 47 DP 751395, 52-54 Miles Street YAMBA

I refer to your recent referral 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 4.46 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, 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 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, 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 must be submitted to NRAR 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 NRAR, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

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 4.47(6) the EPA Act.

Yours Sincerely



For
Bryson Lashbrook
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

Reference Number:	IDAS-2021-10175
Issue date of GTA:	21 February 2022
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 46 & 47 DP 751395, 52-54 Miles Street YAMBA
Waterfront Land:	Tributary of Oyster and Clarence
DA Number:	SUB2019/0030
LGA:	Clarence Valley

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
TC-G001	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.
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 SUB2019/0030 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 activity is amended or modified, Natural Resources Access Regulator, 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): - Erosion and sediment control plans; - Construction detailed drainage plans; - Construction stormwater drainage outlet plan; - Construction detailed basin design plans; - Construction detailed bulk earthworks plans - Landscape and rehabilitation plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities

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 IDAS-2021-10175 as provided by Council:

- Statement of Environmental Effects, prepared by Rob Donges, dated June 22021
- Vegetation Management Plan, prepared by GeoLink, dated 25/8/20
- Preliminary Engineering Plans, prepared by Mortons Urban Solutions, Ref. 33801-PR2, Revision A, dated 28/5/21
- Stormwater Plans, prepared by Biome, Ref. BC-18008, Rev. A, dated 30/5/21