

Department of Planning and Environment



Contact: Department of Climate Change, Energy, the Environment and Water-Water Group

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Our ref: IDAS-2025-10154

Your ref: DA 2025.97.1

6 March 2026

The General Manager
PORT MACQUARIE-HASTINGS COUNCIL
17 Burrawan Street, Port Macquarie New South Wales 2444

Attention: Pat Galbraith-Robertson

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2025-10154 - Integrated Development Referral – General Terms of Approval
Dev Ref: DA 2025.97.1
Description: Subdivision for 151 residential lots including a master lot for future development, in 4 stages, including earthworks, infrastructure and landscaping.
Location: Lot 33, DP754405, 169B OCEAN DRIVE KEW 2439

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Climate Change, Energy, the Environment and Water-Water Group'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 Climate Change, Energy, the Environment and Water-Water Group 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 Climate Change, Energy, the Environment and Water-Water Group 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 Climate Change, Energy, the Environment and Water-Water Group requests that Council provide a copy of this letter to the development consent holder.

The Department of Climate Change, Energy, the Environment and Water-Water Group 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-2025-10154
Issue date of GTA:	6 March 2026
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 33, DP754405, 169B OCEAN DRIVE KEW 2439
Waterfront Land:	Herons Creek and a mapped Coastal Wetland.
DA Number:	DA 2025.97.1
LGA:	PORT MACQUARIE-HASTINGS

The GTA issued by Department of Climate Change, Energy, the Environment and Water-Water Group do not constitute an approval under the **Water Management Act 2000**. The development consent holder must apply to the Department of Climate Change, Energy, the Environment and Water-Water Group 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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| TC-G001 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Climate Change, Energy, the Environment and Water-Water Group, 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 DA 2025.97.1 provided by Council to Department of Climate Change, Energy, the Environment and Water-Water Group.</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 Climate Change, Energy, the Environment and Water-Water Group, 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> <ul style="list-style-type: none">• Site plans - For all works on waterfront land.• Rehabilitation plan - The provides for the rehabilitation of all waterfront land.• Subdivision staging plans - For all works on waterfront land.• Soil and water management plan - For all works on waterfront land.• Construction stormwater drainage outlet plan - For all outlet structures, compliant with the Department's Guidelines.• Vegetation management plan - compliant with the Department's Guidelines.• Riparian offset plan - The provides calculations for incursion and offers equal offset areas to be included in the VMP, compliant with the Department's Guidelines.• Construction detailed basin design plans - For all basins on waterfront land, compliant with the Department's Guidelines.• Itemised VMP Costings - Costings should include implementation cost (year 1), and 2 subsequent years of maintenance.• Construction Cut and Fill Cross Sections and Plan View Details of Site - For all works on waterfront land.• Construction detailed bulk earthworks plans - For all works on waterfront land, including a heat map demonstrating areas of cut and fill. |

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

TC-G006 A. A security deposit must be provided, if required by Department of Climate Change, Energy, the Environment and Water-Water Group.

B. The deposit must be:

- a bank guarantee, cash deposit or equivalent, and
 - equal to the amount required by Department of Climate Change, Energy, the Environment and Water-Water Group for that controlled activity approval.
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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 Climate Change, Energy, the Environment and Water-Water Group for integrated development associated with IDAS-2025-10154 as provided by Council:

Civil Plan Set - Woodlands Development Subdivision, Dwg Nos 6849-029-001 - 6849-029-016, Rev. L, prepared by Hopkins Consultants, dated 16.02.2026.

Vegetation Management Plan Ocean Drive, Prepared by Ecological, dated 20.10.2021