

Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au
Our ref: IDAS-2022-10095 (IDAS-A-2022-10095)
Your ref: DA10.2021.170.1

2 September 2022

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Ivan Holland

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2022-10095 (IDAS-A-2022-10095) - Integrated Development Referral – General Terms of Approval

Dev Ref: DA10.2021.170.1

Description: Twelve (12) New Eco Tourist Facility Cabins, Five (5) Ancillary Buildings comprising a Reception/Administration building, a Bush Fire Refuge building, a Maintenance/Storage building, a Wellness building and a Pool facilities building and Addition of a Deck to the Centre building, and Use of the Centre building as a restaurant and café ancillary to the ecotourism and private education development

Location: Lot 1 DP 1031848, 951 BROKEN HEAD ROAD, BROKEN HEAD 2481

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

Miles R. Ellis

For
Jeremy Morice
Manager
Licensing and Approvals
Department of Planning and Environment—Water

Reference Number:	IDAS-2022-10095 (IDAS-A-2022-10095)
Issue date of GTA:	2 September 2022
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 1 DP 1031848, 951 BROKEN HEAD ROAD, BROKEN HEAD 2481
Waterfront Land:	First order watercourse
DA Number:	DA10.2021.170.1
LGA:	Byron Shire 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 DA10.2021.170.1 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"> i. Site plans indicating the demarcation of waterfront land, designated riparian corridors, and identifying any areas of encroachments and offsets ii. Detailed civil construction plans; iii. Construction watercourse crossing design plans; iv. Erosion and sediment control plans; v. Construction detailed drainage plans; vi. Construction stormwater drainage outlet plan; vii. Vegetation management plan; <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>

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-2022-10095 (IDAS-A-2022-10095) as provided by Council:

- Second DA Amendment Report, prepared by Planners North, dated July 2022
- Site and Architectural Plans prepared by Harvey Graham Architects, Ref. HGA206 dated 29/07/2022
- Civil Engineering Plans prepared by GeoLink, dated 28/01/2021