

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

Our ref: CAA-2022-10481
Your ref: DAS96/49

30 January 2023

MAAS COMMERCIAL DEVELOPMENTS PTY LIMITED
C/- Helen Saunders
PO Box 4921
Dubbo NSW 2830

Attention: Helen Saunders

Uploaded to the NSW Planning Portal

Dear Sir/Madam

Re: Controlled activity approval - CAA-2022-10481

Dev Ref: DAS96/49

Description: Bulk earthworks and preloading, temporary access construction crossing, 37 lot industrial subdivision, implementation of vegetation and weed management.

Location: Lot 2 DP569304 60 TRINGA STREET TWEED HEADS WEST 2485

Date of Issue: 30/01/2023 Date of Expiry: 29/01/2026

I refer to your application for a controlled activity approval under the *Water Management Act 2000* which was received at this office on 25/11/2022. Receipt of your application fee of \$969 is also acknowledged.

1. Controlled activity approval

Department of Planning and Environment—Water has determined to grant you a controlled activity approval. Please find enclosed the **Notice of Decision** together with your **Statement of Approval**.

Please read carefully the conditions of the approval and seek clarification from the department for any condition not fully understood.

A **copy** of this approval and any annotated documentation should be **provided to council**, your **certifier** and to all **contractors** engaged in the implementation of this controlled activity to ensure they are also aware of the conditions.

The controlled activity approval must be kept current until the controlled activity has been completed. Applications for extending the approval should be made to the department, by lodgement of a Controlled Activity Approval – Extension approval application on the NSW Planning Portal, <https://www.planningportal.nsw.gov.au/>, at least one month prior to the expiry date on the approval.

2. Other approvals may be required

Subject to the conditions of the attached Statement of Approval, the approval holder is only authorised to carry out the controlled activity described at the location specified.

The attached Statement of Approval does not relieve the approval holder of any obligation which may exist to also obtain permission / approval / consent from any other agency who may have some form of control over the site or the proposed development.

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

A. Stroud

For

Jeremy Morice

Manager

Licensing and Approvals

Department of Planning and Environment—Water

Enc: Notice of Decision, Statement of Approval



Notice of Decision

Water Management Act 2000

Application details

Approval number	CAA-2022-10481
Application type	Controlled activity approval under section 92 of the <i>Water Management Act 2000</i> for integrated development
Description of activity	Bulk earthworks and preloading, temporary access construction crossing, 37 lot industrial subdivision, implementation of vegetation and weed management.
Applicant/s	MAAS COMMERCIAL DEVELOPMENTS PTY LIMITED C/- Helen Saunders PO Box 4921 Dubbo NSW 2830

Decision

Decision	Granted, subject to conditions This decision was made under section 95 of the <i>Water Management Act 2000</i> .
Date of decision	30 January 2023
Determining officer	Patrick Pahlow by delegation from the Minister administering the <i>Water Management Act 2000</i> under the <i>Instrument of Delegation (Water Management Act) 2011</i>

Reason/s for decision

This controlled activity approval was granted on the basis that the Department of Planning and Environment—Water is satisfied adequate arrangements are in place to ensure that no more than minimal harm will be done to waterfront land as a consequence of the carrying out of the controlled activity.

Conditions were applied for the purpose of protecting the environment from the impacts associated with the approval, or to require security for the cost of performing the approval holder's obligations under the approval in case the approval holder fails to fulfil those obligations.

Right of appeal

Section 368 of the *Water Management Act 2000* provides a right of appeal to the Land and Environment Court against a decision **imposing certain conditions** on an approval or **fixing the term** of an approval.

An approval holder wishing to make an appeal must do so **within 28 days** after the date of decision.

As this application is for a controlled activity approval for **integrated development**, there is no third party right of appeal under the *Water Management Act 2000*. This does not affect any right of appeal an **objector** may be entitled to under section 98 of the *Environmental Planning and Assessment Act 1979*.



END OF STATEMENT



Statement of Approval

Water Management Act 2000

Application details

Approval number CAA-2022-10481

Status Current

Approval type Controlled Activity

Date of effect 30/01/2023

Should an appeal be made against the granting of this approval, this approval will not take effect until the appeal is finally disposed of.

Expiry date 29/01/2026

Approval holder(s) **Schedule 1**

Activities **Schedule 2**

Conditions **Schedule 3**

Contact for service of documents

Name and Address MAAS COMMERCIAL DEVELOPMENTS PTY LIMITED
C/- Helen Saunders
PO Box 4921
Dubbo NSW 2830

* Note: An approval has effect for such period as is specified in the approval, or if the period is extended under section 105, that extended period. If an application for extension of an approval is lodged before the approval expires, the term of the expiring approval is extended until either the date of the final decision on the application, or a date fixed by the Minister for the approval, whichever is the later date. An approval which has expired can be the subject of an application to extend it but it needs to be accompanied by a statutory declaration of the reasons for the delay in making the application. If the Minister accepts these reasons the term of the approval is taken to have been extended, and the application may be dealt with, as if the application had been made before the approval expired.

It is an offence under the Water Management Act 2000 to breach a term or condition of the approval or to construct and use works to which the approval does not relate. It is also an offence to use works the subject of an approval if the approval has expired, been surrendered or cancelled.

Schedule 1 - Approval holders

The holders of this approval are:

Approval Holders	ACN (if applicable)
MAAS COMMERCIAL DEVELOPMENTS PTY LIMITED	650965110

Important notice - change of owner

If there is a change in the ownership or occupation of the land benefited by this approval (see Schedule 2). Under the Water Management Act 2000, an approval is typically held by the owner or lawful occupier of the benefited land.

Consequently, a change in occupation may cause a change in your legal obligations as an approval holder.*

If there is a change of ownership an application to amend this controlled activity approval must be lodged. Applications for amending the approval should be made to Department of Planning and Environment—Water, by lodgement of a Controlled Activity Approval – Amended approval application on the NSW Planning Portal, <https://www.planningportal.nsw.gov.au/>, as soon as practicable after the change of ownership.

Schedule 2 - Activities

Part A: Authorised activities

Subject to the conditions of this approval, in relation to each numbered activity in the table, the holders of this approval are authorised to undertake the activity of the type shown at the location specified:

Activity

Specified Activity	Bulk earthworks and preloading, temporary access construction crossing, 37 lot industrial subdivision, implementation of vegetation and weed management.
Specified location	Lot 2 DP569304 60 TRINGA STREET TWEED HEADS WEST 2485
Waterfront Land	Cobaki Creek

Schedule 3 - Conditions

The approval is subject to the following conditions:

Conditions

- TC-C002** A copy of this approval must be kept at the site where the controlled activity is taking place. A copy of the approval must be provided to all personnel working on the controlled activity.
- TC-C003**
- A. Before commencing any work authorised by this approval, erosion and sediment control measures must be established and implemented in accordance with the requirements of the Managing Urban Stormwater Manual, Volume 1, Soils and Construction as amended or replaced from time to time.
 - B. These control measures must be maintained until work is completed.
- TC-C004**
- A. All materials must be stored away from the water source so that materials do not:
 - i. obstruct water flow, or
 - ii. wash into the water source, or
 - iii. cause damage to river banks.

When the controlled activity authorised by this approval has been completed, surplus materials must be removed from waterfront land.
- TC-C007** The controlled activity authorised by this approval must be carried out in accordance with the following plan(s)/document(s) held by the Department of Planning and Environment—Water:
- A. • DA Stamped Plans_CAA-2022-10481 prepared by Burchills, dated 15/1/15
 - B. • Tree Clearing Report_CAA-2022-10481 prepared by Planit Consulting, dated Jan 2015
 - C. • Vegetation Clearing & Management Plan_CAA-2022-10481 prepared by Planit Consulting, dated Jan 2015
- TC-C008** Machinery used for the controlled activity authorised by this approval must not enter flowing water at any time.
- TC-C009** Vegetation may only be cleared to the minimum extent necessary for the carrying out of the controlled activity and no more than X m beyond the limit of works.
- TC-C011** The controlled activity authorised by this approval must be maintained for a period of 2 years after completion of the controlled activity.

TC-C013 At completion of the maintenance period for the controlled activity authorised by this approval, the approval holder must report in writing to the Department of Planning and Environment—Water, that:

A. the controlled activity has been completed, and

the water source and waterfront land have been restored and rehabilitated in accordance with plans held by the Department of Planning and Environment—Water.

TC-C005 The approval holder must notify the Department of Planning and Environment—Water, by lodgement of a Controlled Activity Approval - Surrender application on the NSW Planning Portal, <https://www.planningportal.nsw.gov.au/>, within 30 days of the controlled activity being completed.

Glossary waterfront land - Land and material in or within 40 m of the top of the bank or shore of a river, lake, estuary or coastal waters.

General Notes All conditions on an approval require compliance. An appeal to the Land and Environment Court against a decision to impose certain conditions on an approval can be made within 28 days after the date the decision is made. The words in this approval have the same meaning as in the Water Management Act 2000 (WMA 2000)

Note: The words in this approval have the same meaning as in the WMA 2000.

END OF STATEMENT