

Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, grant consent to the development referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Mod 1 shown in red determined 14/06/2012

Frank Sartor MP
Minister for Planning

Sydney

2007

File No: 9037379

SCHEDULE 1

Development Application:	DA-168-7-2005-i
Application made by:	Wyong Shire Council
To:	Minister for Planning
In respect of:	Lot 11 DP 632403, Lakes Beach (Crown Land) and road reserves of Budgewoi Road, Wilfred Barrett Drive and Main Road
For the following:	<p>Construction and operation of a 20 megalitre per day seawater reverse osmosis desalination plant adjacent to the Toukley sewage treatment plant, and associated infrastructure including:</p> <ul style="list-style-type: none">• sub-surface seawater intake infrastructure beneath Lakes Beach;• raw water pumping station at Lakes Beach;• raw water transfer main between Lakes Beach and the desalination plant; and• saline reject water discharge through the existing Norah Head Outfall.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant, the	Wyong Shire Council
BCA, the	Building Code of Australia
Conditions of Consent	The Minister's conditions of consent for the development
Construction	Any work requiring a Construction Certificate or bulk earthworks
Council	Wyong Shire Council
DEC	Department of Environment and Conservation
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate)
Director-General's Approval	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Applicant to respond in writing will be added to the one month period.</p>
EPA	Environment Protection Authority as part of the Department of Environment and Conservation.
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Minister, the	Minister for Planning
Operation	Intake of seawater in the desalination plant, for the purpose of testing/ commissioning or the production of potable drinking water.
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
RTA, the	NSW Roads and Traffic Authority
Site	Land to which development application DA-168-7-2005-i) applies.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Applicant shall carry out the development generally in accordance with:
- a) Development Application DA-168-7-2005-i, lodged with the Department of Planning on 12 July 2005;
 - b) *Gosford Wyong Water Supply Desalination Scheme: Statement of Environmental Effects* (two volumes), prepared by Sinclair Knight Merz and dated July 2005;
 - c) *Gosford Wyong Water Supply Desalination Scheme: Additional Water Quality and Aquatic Ecology Assessment*, prepared by Sinclair Knight Merz and dated October 2005; and
 - d) the conditions of this consent.
- 1.2 If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
- 1.3 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) to inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.4 The Applicant shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

- 1.5 The development shall be limited to a nominal capacity of 7,000 megalitres of desalinated water per annum.

Statutory Requirements

- 1.6 ¹The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

1.6A The Applicant may elect to construct and/ or operate the development in stages. Where staging is proposed, the Applicant shall submit a Staging Report to the Director-General prior to the commencement of the first proposed stage. The Staging Report shall provide details of:

- (a) how the development would be staged, including general details of work activities associated with each stage and the general timing of when each stage would commence; and
- (b) details of the relevant conditions of consent, which would apply to each stage and how these shall be complied with across and between the stages of the development.

Where staging of the development is proposed, these conditions of consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

The Applicant shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Director-General prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

1.6B The Applicant shall ensure that all plans, sub-plans and other management documents required by the conditions of this consent and relevant to each stage (as identified in the Staging Report) are

¹ Incorporates a Wyong Shire Council General Term of Approval (8)
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submitted to the Director-General no later than one month prior to the commencement of the relevant stages, unless otherwise agreed by the Director-General.

Utilities and Services

- 1.7 ²Prior to the commencement of construction of the development, the Applicant shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the development.
- 1.8 ³The Applicant shall consult with the relevant utility provider(s) for those services identified under condition 1.7 and make arrangements to adjust and/or relocate services as required. The Applicant shall bear the full cost associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged during the proposed works.
- 1.9 ⁴Prior to the commencement of construction works that may affect services/utilities, the Applicant shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

Compliance

- 1.10 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 1.11 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.
- 1.12 Prior to each of the events listed below, the Applicant shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this consent applicable prior to that event.
- a) commencement of construction of the development;
 - b) commencement of commissioning the development; and
 - c) commencement of operation of the development.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Development Design Requirements

- 2.1 ⁵Prior to the commencement of construction of the development, the Applicant shall certify to the satisfaction of the Director-General that the relevant requirements of *Development Control Plan No. 67 – Engineering Requirements for Development* have been or will be met in relation to carrying out the development.
- 2.2 ⁶Prior to the commencement of construction of the development, the Applicant shall demonstrate to the satisfaction of the Director-General that it has obtained a Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements.

Greenhouse Gas Generation and Energy Efficiency

- 2.3 The development shall be designed and constructed to incorporate energy recovery systems and energy efficient equipment to optimise energy efficiencies of the desalination plant operations.
- 2.4 Prior to the commencement of operation of the development, the Applicant shall develop and submit for the approval of the Director-General, a **Greenhouse Gas Reduction Plan** to

² Incorporates a Wyong Shire Council General Term of Approval (15)

³ Incorporates a Wyong Shire Council General Term of Approval (15)

⁴ Incorporates a Wyong Shire Council General Term of Approval (15)

⁵ Incorporates Wyong Shire Council General Terms of Approval (5, 6, 7, 17 and 22)

⁶ Incorporates a Wyong Shire Council General Term of Approval (2)

detail a strategic plan for the management, minimisation and off-set of greenhouse gas generation associated with electricity supply to the desalination plant. The Plan shall include, but not necessarily be limited to:

- a) a specified outcome that greenhouse gas emissions attributable to the development (directly and indirectly) will be off-set to achieve a net operating performance criterion for the RO (membrane) plant of 2.0 kg CO₂ (equivalent) per kilolitre of desalinated water produced (i.e. an offset of 33% based on concept design estimates);
- b) details of relevant regulatory requirements with respect to energy and greenhouse gases, and a system for managing change in these requirements over time;
- c) a monitoring and recording system to track the energy consumption of the desalination plant development and the resultant equivalent emissions of carbon dioxide;
- d) a framework for considering and managing factors such as availability, certainty, flexibility, adaptability, additionality and any co-benefits of options identified and/ or applied to achieve the outcome specified under a) above;
- e) a framework and management principles for accommodating any shortfalls in the availability of renewable energy that may occur from time to time;
- f) systems to monitor and audit the processes, procedures and outcomes stipulated under the Plan; and
- g) a program for periodic review of the energy performance, and consideration of additional or improved energy efficiency measures that may be reasonably applied from time to time to ensure efficient energy use.

Dune and Beach Management

- 2.5 Prior to the commencement of construction works on Lakes Beach (including seawater intake and pumping station infrastructure), the Applicant shall install visible barriers to prevent unauthorised access to the construction area. The barriers shall be maintained for the duration of the construction works and shall be removed once the works have been completed.
- 2.6 As part of the barriers referred to under condition 2.5 of this consent, the Applicant shall install visible signage on the barriers to indicate:
 - a) the nature, purpose and duration of construction works being undertaken;
 - b) that unauthorised access to the construction area is prohibited;
 - c) a contact name and telephone number for the person responsible for the management of the construction area and for responding to public inquiries; and
 - d) where relevant, the nearest alternative Beach access point(s) and route(s) for public access around the construction area.
- 2.7 To minimise the potential for erosion, the Applicant shall install timber sleepers and chains, or other measure acceptable to the Director-General, along the length of vehicle access points associated with construction works on Lakes Beach.
- 2.8 As soon as practicable after the conclusion of construction works along Lakes Beach, the Applicant shall stabilise and revegetate disturbed areas using locally endemic species.
- 2.9 All caissons and ancillary pipework installed as part of the development shall be constructed and maintained below the anticipated active scour depth on the active profile of Lakes Beach. Caissons and ancillary pipework shall only be permitted to be installed above this level with the prior written agreement of the Director-General, in consultation with DNR. In seeking the Director-General's approval under this condition, the Applicant shall submit a report, prepared by an independent and appropriately-qualified coastal engineering consultant, that demonstrates that installation of caissons and pipework above the anticipated active scour depth will not have an adverse impact on coastal processes and associated hazards.

Soil and Water Quality Impacts

- 2.10 Except as may be expressively provided by an Environment Protection Licence for the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

Discharge Water Impacts

- 2.11 The Applicant shall not permit the disposal to waters of lime sludge and backwash solids.
- 2.12 Notwithstanding condition 2.11, the Applicant may seek the Director-General's approval to discharge backwash (whether solid or in solution) to waters. In seeking approval under this condition, the Applicant shall prepare, and have subject to an independent and internationally-recognised peer review, a report that assesses and demonstrates as acceptable the impacts of backwash discharge to waters. The report shall be submitted to the satisfaction of the Director-General and the DEC, and shall include, but not necessarily be limited to, consideration of:
- a) water quality impacts of the backwash discharge, assessed against water quality criteria (including, as relevant, physico-chemical properties, odour and colour), guidelines and policies in force and applicable at the time of assessment;
 - b) aquatic ecological impacts, including ecotoxicity, bioaccumulation, physical interference (for example, physical disruption of gill function) and the potential for smothering of benthic organisms; and
 - c) amenity impacts, including the potential for re-entrainment and spread of any solid component of backwash discharges, effects on water colour and appearance and the potential for solids to be washed to shore or into recreational or commercial fishing areas.

The Applicant shall not permit the discharge of any backwash under this condition without the prior approval of the Director-General, after having consulted with the DEC.

- 2.13 ⁷The Applicant shall ensure that seawater concentrate generated by the desalination plant is only discharged through the Norah Head Ocean Outfall and only after thorough mixing with effluent from the Toukley Sewage Treatment Plant.
- 2.14 ⁸The Applicant shall ensure that seawater concentrate generated by the desalination plant and directed to the Toukley Sewage Treatment Plant does not exceed 33,000 kilolitres per day.

Discharge Design Requirements

- 2.15 ⁹The Applicant shall design and construct the development so that seawater concentrate meets water quality criteria for relevant physico-chemical parameters (in particular, salinity and treatment chemicals) at the edge of the near field mixing zone, consistent with *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC, 2000) and consistent with the objectives in *Marine Water Quality Objectives for NSW Ocean Waters* (DEC, 2006). In undertaking the design of the development to achieve these outcomes, the Applicant shall:
- a) consult with the DEC and DPI during the design of the development with respect to achievement of the outcomes specified under this condition;
 - b) develop a strategy for the desalination plant design and operation to verify the targeted dilution of the seawater concentrate at the edge of the near field mixing zone, including where necessary, further water quality sampling of receiving waters and a program of toxicity testing on simulated seawater concentrate in association with pilot testing;
 - c) develop measures to minimise the potential for seawater concentrate to cause acute toxicity within the near field mixing zone, including measures such as modification of the design of the outlets to increase the rate of dispersion or modification of the treatment process and chemicals to reduce the toxicity of the discharge; and

⁷ Incorporates Environment Protection Authority General Terms of Approval (O10.1 and O10.2)

⁸ Incorporates an Environment Protection Authority General Terms of Approval (L4.1)

⁹ Incorporates Environment Protection Authority General Terms of Approval (L2.2, L3.1, L3.2, L3.3 and M2.1)

- d) refine the design of the discharge point to minimise impacts on water quality and ecology as far as practicable, including as necessary, further surveys of current movements, physical modelling of near field dilution and habitat surveys.

The Applicant shall submit details of the final design of the seawater concentrate discharge point to the Director-General prior to the commencement of its construction, or within such period as otherwise agreed by the Director-General, demonstrating how the Applicant has complied with the requirements of this condition.

Noise Impacts

Construction Noise

- 2.16 ¹⁰The Applicant shall only undertake construction activities associated with the development that would generate an audible noise at any residential premises between the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.17 The hours of construction activities specified under condition 2.16 of this consent may be varied with the prior written consent of the Director-General. Any request to alter the hours of construction specified under condition 2.16 shall be:
- a) considered on a case-by-case basis;
 - b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
 - c) accompanied by written evidence of the DEC's agreement with the proposed variation in construction times, after providing any information necessary for the DEC to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Operation Noise

- 2.18 The Applicant shall design, operate and maintain the desalination plant and raw water pumping station to ensure that the noise contribution from the development to the background acoustic environment at any residential premises in the Evans Road or Budgewoi Road residential areas does not exceed an $L_{Aeq(15 \text{ minute})}$ value of 35 dB(A) at any time. The maximum allowable noise contribution applies under:
- a) wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); or
 - b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level).
- 2.19 For the purpose of assessment of noise contributions specified under condition 2.18 of this consent, noise from the development shall be
- a) measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with $L_{Aeq(15 \text{ minute})}$ noise limits; and
 - b) subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the development be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the DEC (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the DEC shall be submitted to the Director-General prior to the implementation of the assessment method.

¹⁰ Incorporates a Wyong Shire Council General Term of Approval (16)
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Contamination and Waste Management

- 2.20 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.21 The Applicant shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (Waste Guidelines) as in force as at 1 July 1999.
- 2.22 ¹¹The Applicant shall develop and implement waste management measures for the development in accordance with *Development Control Plan No. 69 – Controls for Site Waste Management*.

Stockpiled Materials

- 2.23 Prior to the commencement of construction of the desalination plant, the Applicant shall undertake representative sampling and testing of materials currently stockpiled on that land, and shall characterise the stockpiled materials in accordance with *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999). All stockpiled materials shall be removed from the site prior to the commencement of construction and shall be disposed of to a waste management facility lawfully permitted to accept the materials.

Dangerous Goods and Chemical Storage

- 2.24 The Applicant shall store and handle all relevant combustible liquids and dangerous goods (as defined by the Australian Dangerous Goods Code) in impervious bunds or sealed areas consistent with all relevant Australian Standards and Environment Protection Manual Technical Bulletin *Bunding and Spill Management* (EPA, 1997).

Traffic and Transport

Works Affecting the Road Reserve

- 2.25 The Applicant shall ensure that all works affecting the intersection of Main Road and Wilfred Barrett Drive are undertaken utilising trenchless technologies, and that these works do not require or lead to the opening of the road pavement in this location. The road crossing shall be perpendicular to the kerb or road shoulder.
- 2.26 Where possible, the Applicant shall install the raw water transfer main within existing easements for electrical supplies or outside the road reserve in a separate easement. Where this cannot be achieved, the Applicant may install the transfer main within the footpath or verge, but shall ensure that these works do not require, or lead to the opening of, the road pavement.
- 2.27 Prior to the commencement of construction of the development, the Applicant shall consult and enter into an agreement with the RTA with respect to management of the road reserve and potential conflicts between the road and the raw water transfer main. The agreement shall include, but need not necessarily be limited to arrangements for:
- a) indemnity incurred for the service;
 - b) upkeep of the road reserve affected by the development;
 - c) any damage caused or contamination of the soil due to pipeline failure; and
 - d) future relocation of the raw water transfer main and any other services associated with the development as part of any future road upgrades.

A copy of the agreement reached with the RTA shall be provided to the Director-General prior to the commencement of construction of the development.

Internal Roads and Parking

¹¹ Incorporates a Wyong Shire Council General Term of Approval (10)
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- 2.28 The Applicant shall design, construct and maintain all internal roadworks within the desalination plant site, including associated parking facilities and loading bays, to meet or exceed the following requirements:
- a) compliance with the provisions of relevant Australian Standards, RTA standards and guidelines, and Council codes;
 - b) installation of clear signage to demarcate all vehicle movements within the site;
 - c) provision of directional pavement arrows on all internal road, and line-marking and signage to indicate designated truck routes and bays;
 - d) internal roadways wide enough to accommodate through traffic and turning two-way traffic;
 - e) design of site ingress and egress points to ensure that all vehicles enter and leave the site in a forward direction;
 - f) installation and maintenance of any landscaping on the site so as not to affect driver sight distance for vehicles entering and exiting the site;
 - g) provision for the separation of heavy and light vehicle ingress and egress points; and
 - h) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.
- 2.29 The Applicant shall not permit any vehicles associated with the construction or operation of the development to park in Wilfred Barrett Drive or Budgewoi Road.

Air Quality Impacts

- 2.30 The Applicant shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.
- 2.31 The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises or prevents the emission of dust from the site. This shall include all trafficable areas and vehicle manoeuvring areas.

Visual Amenity

- 2.32 The Applicant shall ensure that all new external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with *AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Heritage Impacts

- 2.33 The Applicant shall not undertake any construction activities that disturb or impact on the BW1 or BW2 Aboriginal heritage areas.

3. ENVIRONMENTAL MONITORING AND AUDITING

Water Quality Monitoring

- 3.1 ¹²The Applicant shall continuously monitor the volumes of seawater delivered to the desalination plant and the volumes of seawater concentrate discharged from the desalination plant to the Toukley Sewage Treatment Plant.
- 3.2 ¹³The Applicant shall prepare and implement a **Marine Monitoring Program** to validate and calibrate modelling presented in the documents referred to under condition 1.1, and to provide proactive and reactive mechanisms for the mitigation and management of acute and chronic impacts associated with the discharge of seawater concentrate from the Norah Head Ocean Outfall. Implementation of the Program shall be commenced prior to the commencement of commissioning of the development, and shall continue throughout the life of the development, unless otherwise agreed by the DEC. The Program shall include, but need not necessarily be limited to:

¹² Incorporates Environment Protection Authority General Terms of Approval (P1.3 and M6.1)

¹³ Incorporates Environment Protection Authority General Terms of Approval (U1.1)

- a) the use of passive introduced tracers in the discharge stream, pre- and post-commissioning, under a range of oceanographic and discharge conditions to calibrate and validate a near field numerical model that will make robust diagnostic and prognostic predictions of plume geometry and dilutions. This will require monitoring of ambient oceanographic conditions (e.g. currents, density structure, winds and a specific plume tracking regime);
- b) consideration, as part of the modelling undertaken under a) of any changes to the configuration or orientation of discharge points associated with the existing Norah Head Ocean Outfall multi-port shoreline diffuser;
- c) based on the calibrated and validated modelling undertaken under a), establishment and optimisation of the performance envelope of the outfall/ discharge in order to minimise the size/ volume of the mixing zone and to limit undesirable features such as boundary attachment;
- d) reconciliation of the optimisation of the diffuser/ effluent/ plume matrix against the relevant ANZECC guidelines to provide a clear understanding of the mixing zone. Results are to be presented using a statistical approach that defines best, typical and worst case scenarios and the relative likely occurrence of each; and
- e) a program for periodic reporting of results of the Program to the DEC and the Director-General.

The Applicant shall submit a copy of the Program to the Director-General and the DEC prior to implementation.

Groundwater Monitoring

- 3.3 The Applicant shall prepare and implement a **Groundwater Monitoring Program** to monitor the effects of the seawater intake on local groundwater flows. The Program shall include, but need not necessarily be limited to:
- a) locations of monitoring bores, both up and down gradient of the seawater intake points;
 - b) parameters to be monitored, including procedures and protocols for sampling and testing;
 - c) a schedule for periodic monitoring of groundwater quality, depth and flow, at an initial frequency of not less than once every six months;
 - d) details of a background survey to establish groundwater quality, depth and flow prior to the commencement of construction the development; and
 - e) details of groundwater depth and flow changes that would indicate that the development is having an adverse impact on groundwater depths and flows, or is adversely impacting on surrounding groundwater-dependent ecosystems, and a contingency plan in the event that such impacts occur.

The Groundwater Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of construction of the development, or within such period as the Director-General may agree.

Noise Monitoring

- 3.4 Within 90 days of the commencement of operation of the development, or as may be directed by the Director-General, and during a period in which the development is operating under normal operating conditions, the Applicant shall undertake a program to confirm the noise emission performance of the facility. The program shall meet the requirements of the DEC, and shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 2.18 of this consent;
 - b) methodologies for noise monitoring;
 - c) location of noise monitoring;
 - d) frequency of noise monitoring;
 - e) identification of monitoring sites at which pre- and post-development noise levels can be ascertained;

- f) details of any complaints received in relation to noise generated by the development within the first 90 days of operation;
- g) an assessment of night-time use of audible alarm systems;
- h) details of any noise mitigation measures and timetables for implementation; and
- i) recommendations and timetables for implementation for any additional measures necessary to ensure compliance with the relevant noise-related conditions of this consent.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

Independent Environmental Auditing

- 3.5 Within one year of the commencement of operation of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit.

The Audit shall:

- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
- c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this consent; and
- d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

Complaints Procedure

- 4.2 Prior to the commencement of construction of the development, the Applicant shall ensure that the following are available for community complaints for the life of the development (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site (at the desalination plant site and the raw water pumping station site), in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 4.3 The Applicant shall record details of all complaints received through the means listed under condition 4.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);

- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

5. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 5.1 Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Applicant shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the life of the development. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the development;
 - b) responsible for all Management Plans and Monitoring Programs required under this consent;
 - c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
 - d) responsible for receiving and responding to complaints in accordance with condition 4.2 of this consent; and
 - e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director General of any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

- 5.2 ¹⁴Prior to the commencement of construction of the development, the Applicant shall prepare and submit for the approval of the Director-General a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the development. Construction shall not commence until written approval has been received from the Director-General. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction of the development, including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) specific consideration of measures to address any requirements of the DEC during construction;
 - d) a description of the roles and responsibilities for all relevant employees involved in the construction of the development and a program for how these employees will be trained in responsibilities identified in the plan;
 - e) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental

¹⁴ Incorporates a Wyong Shire Council General Term of Approval (11)
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impacts. In particular, the following environmental performance issues shall be addressed in the Plan:

- i) measures to monitor and manage dust emissions;
 - ii) ¹⁵measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities. These measures shall be in accordance with the requirements outlined in the Department of Housing's *Managing Urban Stormwater: Soils and Construction* and Wyong Shire Council's *Policy E1 – Erosion and Sediment Control*;
 - iii) measures to monitor and manage any contaminated soils/ materials encountered during construction;
 - iv) measures to monitor and manage any groundwater encountered during construction; and
 - v) measures to monitor and control noise emissions during construction.
- f) a description of the roles and responsibilities for all relevant employees involved in construction associated with the development; and
 - g) arrangements for community consultation and complaints handling procedures during construction.

Operational Environmental Management Plan

- 5.4 Prior to the commencement of operation of the development, the Applicant shall prepare and submit for the approval of the Director-General an **Operational Environmental Management Plan** to outline environmental management practices and procedures to be followed during the operation of the development. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004). Operations shall not commence until written approval has been received from the Director General.

6. ENVIRONMENTAL REPORTING

Annual Performance Reporting

- 6.1 The Applicant shall, throughout the life of the development, prepare and submit to the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 5.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this consent;
 - b) a copy of the Complaints Register (refer to condition 4.3 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were addressed and resolved;
 - c) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1.1 of this consent;
 - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the development.

- 6.2 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual

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Environmental Management Report. Any action required to be undertaken shall be completed within such period as the Director-General may agree.

Incident Reporting

- 6.3 The Applicant shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.
 - 6.4 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 6.3 of this consent, within such period as the Director-General may agree.
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