

Mr Michael Dalton
Managing Director
Australian Bay Lobster Producers Ltd
PO Box 1934
KINGSCLIFF NSW 2487

Attn: Mr Adam Smith, Northpoint Advisory

12/09/2019

Dear Mr Dalton

**Australian Bay Lobster Facility – Modification 4 (DA 282-11-2004-i MOD 4)
Request for Response to Submissions**

The exhibition of the modification application including the Modification Report for the above proposal ended on Wednesday 21 August 2019. All submissions received by the Department during the exhibition of the proposed modification are available on the Department's website at:
<https://www.planningportal.nsw.gov.au/major-projects/project/16656>

Tweed Shire Council, the Environment Protection Authority and the Biodiversity and Conservation Division have raised significant concerns in relation to the treatment and use of potential acid sulfate soils (PASS) as on-site fill. Accordingly, the Department would like to meet with you to discuss the appropriate assessment pathway for this aspect of the proposed modification.

The Department requires you provide a response to all other issues raised in the submissions by 1 November 2019. You are also requested to submit additional information that addresses the issues identified in **Attachment 1**.

To organise an appropriate time to meet with the Department, please contact Patrick Copas on (02) 9274 6273, or via email at patrick.copas@planning.nsw.gov.au.

Yours sincerely



Chris Ritchie
Director
Industry Assessments
as delegate for the Planning Secretary

ATTACHMENT 1

Department's Comments

Short-term emergency accommodation

1. Please provide a Building Code of Australia compliance report for the three existing accommodation buildings.
2. Please provide a Flood Response Assessment Plan for the existing and proposed accommodation buildings, prepared in accordance with the requirements of the *Tweed Development Control Plan 2008*.
3. Please provide a clear definition of "emergency situation", to clarify when the accommodation buildings would be used by staff during an emergency event.
4. Please provide a clear definition of "adverse health symptoms", to clarify when the accommodation buildings would be used by staff to protect their safety and wellbeing.
5. Please clarify how the development's work roster will be managed to avoid adverse health symptoms, and to minimise the use of the accommodation buildings by staff.
6. Please provide an estimation of how many nights each year the accommodation buildings would be used by staff.
7. The conceptual masterplan depicts six additional accommodation buildings in the Stage 3 area. Please clarify when these buildings would be constructed, and which stage of the development each building would service.

Seawater extraction and effluent discharge limits

8. The modification is seeking to align the development's daily seawater extraction and effluent discharge limits with the discharge limit in the Applicant's Environment Protection Licence (EPL), which is cited as being 5,947 kilolitres (kL) per day. However, the Department notes Condition L3 of EPL 12947 imposes a discharge limit of 1,800 kL per day for the entire site.
9. Given this discrepancy and the concerns raised by Tweed Shire Council, please clarify the current and future seawater extraction/effluent discharge requirements for the development.

Collection of seawater from Tugun Desalination Plant/Jack Evans Boat Harbour

10. The Department notes the submitted Traffic Impact Assessment does not consider the impacts of truck movements associated with the collection of seawater. Please provide additional information clarifying:
 - (i) the approximate number of tanker truck movements required to supply seawater to the development (in terms of both daily and hourly movements)
 - (ii) the haulage routes which would be used between the development site and each extraction point
 - (iii) how potential traffic and waterway impacts, and impacts to surrounding sensitive receivers would be managed during the extraction of seawater at Jack Evans Boat Harbour.
11. Given the concerns raised by Tweed Shire Council in relation to the ongoing use of Jack Evans Boat Harbour, it recommended the Applicant consult directly with Council to determine if there is a more suitable seawater extraction point available in the surrounding area.

Condition amendments

12. Please provide a comprehensive list of **ALL** conditions proposed to be inserted, amended or removed from the development consent as part of the modification. Indicative wording must also be provided where new conditions are to be added, or existing conditions are to be updated.

Legal description and land owner's consent

13. Please provide a consolidated list of all lots which form part of the development consent, including those which are proposed to be inserted as part of the subject modification (i.e. the section of the amended pipeline and the Jack Evans Boat Harbour extraction point). Land owner's consent is required for all lots relating to the proposed modification, and must be provided in accordance with the requirements of *Land Owner's Consent for State Significant Proposals* (FS01, DPE 2015).

Deed of licence

14. The Department recommends the Applicant consult with the Roads and Maritime Services directly regarding the status of the development's *Deed of Licence for Site Access*, and the process for renewing this agreement.