

28 AUG 2013

Our reference: LIC09/57-02; DOC13/47835  
Contact: Geff Cramb 6640 2513

Kerry Hamann  
Industry – Major Projects  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Kerry,

**Re: Amended Modification Application - Australia Bay Lobsters Producers, Pacific Highway, Chinderah NSW**

The Environment Protection Authority (EPA) refers to NSW Department of Planning (DoP) and Infrastructure electronic mail correspondence dated 12 August 2013, with attached S.75 Application – DA-282-11-2004-i from Planit Consulting (PC) dated 12 August 2013 in relation to the above referenced matter. Subsequent correspondence has been received on this matter including:

- PC electronic mail dated 19 August 2013;
- PC electronic mail with attached Tweed Shire Council (TSC) correspondence, both dated 23 August 2013;
- PC electronic mail dated 26 August 2013;
- PC electronic mail dated 26 August 2013 with an amended S.75 Application dated 26 August 2013 and three further attachments; and,
- PC electronic mail dated 27 August 2013.

The Modification Application seeks to vary the approved consent relating to the supply of seawater and discharge of wastewater to and from ABLP, and from the information provided, the EPA specifically notes the following:

- Construction of the wastewater pipeline commenced Monday 26 August 2013. PC expects the wastewater pipeline to be operational 23 September 2013;
- It is proposed that seawater will be sourced from Tugun SEAWATER, that has not yet sought to have its Development Consent amended for this proposed activity;
- Wastewater will be kept in holding tanks for pre-treatment and pre-testing prior to discharge. Any wastewater that does not meet the water quality requirements set out within the Kingscliff STP EPA licence will be retained on-site and further treated. Testing will be carried out at least twice weekly;
- It is envisaged that wastewater generated will be temporarily discharged by truck / tanker to the nominated Tweed River discharge point at a rate of 20,000 litres per day. The end date of temporary discharge period is 7 October 2013;
- The most recent proposed discharge point for the wastewater is located just south of the Chinderah Bay Drive – Wommin Bay Road intersection, Kingscliff; and,
- TSC's recommendations include considerable public consultation, signage at the point of discharge and for water quality parameters to include the analysis of live or potential live fish.

The EPA has no objection to the proposed modification, however would make the following recommendations to DoP if the Modification Application were to be approved:

- Consultation and advice to local residents;
- Concurrence of the land owner and / or TSC to access the point of discharge from the truck / tanker;
- Wastewater sampling prior to discharge carried out at least twice weekly;
- Wastewater sampling on discharge carried out at least twice weekly;
- ABLP must ensure that the requirements of clause 49 of the Protection of the Environment Operations (POEO) Waste Regulation 2005 are satisfied;
- ABLP to ensure that the discharge does not mobilise sediments within the river during discharge; and,
- The temporary discharge arrangement will not continue beyond 14 October 2013.

If the amendment is approved, the EPA will require an application to amend ABLP Environment Protection Licence 12947 (to reflect proposed Stage 1a), particularly in regards to discharge requirements.

If you have any further queries please contact Geff Cramb on 66402513.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graeme Budd', with a long horizontal flourish extending to the right.

**GRAEME BUDD**  
**Head Environmental Management Unit North Coast Region**  
**Environment Protection Authority**