

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the development consent referred to in Schedule 1, in the manner outlined in Schedule 2 to 4.



Heather Warton
Director
Industry, Social Projects and Key Sites

Sydney 23 September 2013

SCHEDULE 1

Development consent

The consent for the construction and operation of the Australian Bay Lobster aquaculture facility and associated seawater supply works granted by the then Minister for Infrastructure and Planning in December 2005 (DA-282-11-2004-i).

1. Replace land to which this project applies to include additional land at the temporary discharge site.

In respect of:

Land described as: Lots 706, 708, 709 and 710 DP 1000580; Lot 1 DP 267742; Lot 1 DP 578962; Lot 1 DP 227034; Lot 128 DP 1039348; Lot 32 DP 847319; Crown Reserve 1001008; and Council Public Reserves of Marine Parade, Beach Street, Elrond Drive, Chinderah Road and Crescent Street and unnamed road reserve, Tweed local government area and additional land at the temporary wastewater discharge site.

SCHEDULE 2

2. In the list of definitions delete:

EPA	The NSW Environment Protection Authority (now part of the Department of Environment and Conservation)
Department	NSW Department of Infrastructure, Planning and Natural Resources, or delegate
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
Minister	Minister for Infrastructure and Planning
RTA	NSW Roads and Traffic Authority
Stage 1 works	The construction and operation of Farm 1 located in the north-west section, occupying an area of approximately 15 hectares and including hatchery and growout facilities, car parking plus

processing building, workshop facilities, administration building, seawater and freshwater storage tanks, as well as seawater and wastewater pipelines and pump house at Dreamtime Beach, access road upgrade, and as described under DA-282-11-2004-i, and all additional information submitted in support of the application

Stage 2 works Construction and operation of Farm 2 located immediately east of Stage 1, occupying an area of approximately 14 hectares and including hatchery and growout facilities, carparking and water storage, as described under DA-282-11-2004-i, and all additional information submitted in support of the application

and insert in alphabetical order:

EPA	The NSW Environment Protection Authority
Department	NSW Department of Planning and Infrastructure, or delegate
Director-General	Director-General of the NSW Department of Planning and Infrastructure, or delegate
Drainage channel	The channel for the temporary discharge of wastewater at Chinderah as described by MOD 2, and at Appendix B
Minister	Minister for Planning and Infrastructure
RMS	NSW Roads and Maritime Services
Stage 1a works	The construction and operation of Farm 1 located in the north-west section, occupying an area of approximately 15 hectares and including hatchery and growout facilities, car parking plus processing building, workshop facilities, administration building, seawater and freshwater storage tanks, access road upgrade, and as described under DA-282-11-2004-i, and all additional information submitted in support of the application and MOD 1, including supply of up to 40,000 litres of seawater daily from the Tugun Desalination Plant, and direct discharge of up to 40,000 litres of wastewater to the drainage channel/Tweed River at Chinderah until 21 October 2013
Stage 1b works	The construction and operation of Farm 1 located in the north-west section, occupying an area of approximately 15 hectares and including hatchery and growout facilities, car parking plus processing building, workshop facilities, administration building, seawater and freshwater storage tanks, access road upgrade, and discharge of seawater to the pipeline as described under DA-282-11-2004-i, and all additional information submitted in support of the application and MOD 1, including supply of up to 160,000 litres of seawater daily from the Tugun Desalination Plant
Stage 2 works	Construction and operation of Farm 2 located immediately east of Stage 1, occupying an area of approximately 14 hectares and including hatchery and growout facilities, carparking and water storage, as described under DA-282-11-2004-i, and all additional information submitted in support of the application, as well as discharge of wastewater to pipeline, and construction/operation of the pipeline and pump house at Dreamtime Beach to supply all seawater needs
MOD 2	The amendments to the approved staging, specifically sea water supply and wastewater disposal as defined by Stage 1a and Stage 1b.

3. Replace all references to "RTA" with "RMS".
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Scope of Development

4. Replace condition 1.1 in Schedule 2 with the following;

1.1. The Applicant shall carry out the development generally in accordance with:

- a) Development Application No. DA-282-11-2004-i, lodged with the Department on 15 November 2004;
- b) Statement of Environmental Effects, Proposed Aquaculture Development and Water Supply Works, Volumes 1 and 2, prepared by Australian Fresh Research & Development Corporation Pty Ltd in association with Planit Consulting Pty Ltd, and dated 20 October 2004;
- c) additional information supplied to the Department from the Applicant dated 14 January 2005 in response to information requested by the Department;
- d) additional information supplied to the Department from the Applicant dated 31 January 2005 in response to issues raised by the Department and the Department of Primary Industries;
- e) additional information supplied to the Department from the Applicant on 8 March 2005, 10 March 2005 and 11 March 2005 regarding works at Dreamtime Beach and details of the borrow pit;
- f) the Environmental Assessment supporting MOD 2 entitled "S.75W Application – DA-282-11-2004-I", prepared by Planit Consulting and dated 12 August 2013; and
- g) the conditions of this consent.

Noise

5. Replace existing condition 4.5.1 in Schedule 2 with the following:

4.5.1 Activities associated with the development, including activities associated with MOD 2 (i.e. the arrival and departure of vehicles delivering or removing seawater and wastewater) must only be carried out between the hours of:

- a) 07:00 and 18:00, Monday to Friday;
- b) 08:00 and 13:00 on Saturdays; and
- c) at no time on a Sunday or Public Holiday.

Temporary wastewater disposal for Stage 1a

6. Insert new condition 4.1a following 4.1 in Schedule 2:

4.1a The Applicant shall dispose of wastewater to the satisfaction of the Director-General in accordance with MOD 2. During Stage 1a wastewater shall:

- a) be disposed of at the temporary discharge location (shown at Appendix B) and only until 21st October 2013;
- b) be disposed of in a manner that does not require or cause the removal of vegetation in order to enable access to the drainage channel;
- b) be managed in accordance with the EPL (Licence 12947) for the site which details the wastewater sampling, testing and discharge limits;
- c) be transported in accordance with Clause 49 of the *Protection of the Environment Operations Waste Regulation 2005*;
- d) be discharged in a manner that does not mobilise the sediments of the Tweed River or the drainage channel; and
- e) be discharged only during the hours detailed in condition 4.5.1 and on the outgoing tide.

Temporary seawater supply

7. Insert new condition 4.1b following 4.1a in Schedule 2:

4.1b The Applicant shall ensure that the seawater intake pipeline and pump house at Dreamtime Beach near Kingscliff is operating prior to the commencement of Stage 2.

Road Contributions

8. Insert new condition 6.6 following condition 6.5 in Schedule 2:

- 6.6 Prior to the commencement of operation of Stage 1b or issue of any Interim or Final Occupation Certificate (whichever comes first), the Applicant shall pay contributions to a maximum amount of \$4,704 in accordance with the *Tweed Road Contributions Plan* dated January 2009, in consultation with Council, and to the satisfaction of the Director-General.

Note: This contribution amount shall remain fixed for a period of 12 months from the date of approval of MOD 2 and thereafter is subject to the rates applicable in the version/edition of the relevant Section 94 Plan current at the time of payment.

9. Insert new condition 7.4 following condition 7.3 in Schedule 2:

Community Consultation Plan

- 7.4 The Applicant shall prepare and implement a Community Consultation Plan for Stage 1a to the satisfaction of the Director-General. The plan must:
- be submitted to the Director-General prior to any wastewater disposal undertaken as part of Stage 1a;
 - include a newsletter for the local community which details the:
 - activity and the expected duration of works;
 - a general summary of the environmental management proposed;
 - telephone number for taking complaints or enquiries;
 - provide details of the distribution area for the newsletter (at a minimum all residents within 1 km from the site boundary),
 - include procedures for handling and monitoring all complaints received; and
 - detail what management and/or contingency actions will be taken if complaints are received.
10. Insert new condition 7.5 following condition 7.4 in Schedule 2

Signage

- 7.5 Prior to the commencement of Stage 1a, the Applicant shall place signs at the access driveway to the temporary wastewater discharge site (shown at Appendix B) which identifies the site and general activities (i.e. temporary wastewater disposal). The sign shall also include a contact phone number for any community complaints or enquiries.
11. Insert new Appendix B following Appendix A:

Appendix B: Location of the temporary wastewater discharge point

Legal Description	Property Address	Site Area
Lot 1 DP119054	120 Chinderah Bay Drive, Chinderah	487m ²
Lot 1 DP341470	120 Chinderah Bay Drive, Chinderah	1012m ²
Lot A DP373769	120 Chinderah Bay Drive, Chinderah	3067m ²
Lot 1 DP415533	126-130 Chinderah Bay Drive, Chinderah	866m ²
Lot 2 DP415533	126-130 Chinderah Bay Drive, Chinderah	1037m ²
Lot 3 DP415533	126-130 Chinderah Bay Drive, Chinderah	1967m ²
Lot 1 DP382677	122 Chinderah Bay Drive, Chinderah	82.2m ²
Lot C DP373769	122 Chinderah Bay Drive, Chinderah	417.3m ²

