

CONSOLIDATED CONSENT

DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT AND INTEGRATED DEVELOPMENT PURSUANT TO 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* ("the Act") determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the development;
- b) ensure effective on-going environmental management of the development; and
- c) provide for regular monitoring and reporting on the development.

Frank Sartor MP
Minister for Planning

Sydney, 21 December

2005

File No. 9036247

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SCHEDULE 1

Application made by:	Australian Bay Lobster Producers Limited Pty Ltd ("the Applicant").
To:	The Minister for Planning ("the Minister").
In respect of:	Land described as: Lots 1 and 2 DP 1192506; Lots 708, 709 and 710 DP 1000580; Lot 128 DP 1039348; Lot 1 DP 1075645; Lots 2 and 3 DP 1111554; Lot 36 DP 793925; Crown Reserve 1001008, including Lot 2 DP1122062 and Lot 7319 DP 1128430; Council Public Reserves of Altona Road, Tweed Coast Road, Marine Parade, Beach Street, Elrond Drive, Crescent Street and the unnamed road reserve in the Tweed local government area; and the unnamed area extending 1.5 kilometres seaward off Kingscliff Beach.
For the following:	<p>The construction and operation of a commercial Australian Bay Lobster aquaculture facility and associated seawater supply works and includes:</p> <ul style="list-style-type: none">• construction of a combined hatchery, growout and processing facility using above-ground, tank-based (raceways) recirculation technology;• construction of an underground pumping station and sub-sand seawater intake pipeline from Kingscliff Beach, Kingscliff to the main site at Cudgen;• construction of a wastewater pipeline from the site to the Kingscliff Sewage Treatment Plant;• construction of associated landscaping, carparking and ancillary facilities; and• upgrading of the site access road.
Development Application:	Integrated DA No. DA-282-11-2004-i, lodged with the Department on 15 November 2004, accompanied by <i>Statement of Environmental Effects, Proposed Aquaculture Development and Water Supply Works, Volumes 1 and 2</i> , prepared by Australian Fresh Research & Development Corporation Pty Ltd in association with Planit Consulting Pty Ltd, and dated 20 October 2004;
Note:	<ol style="list-style-type: none">1) To ascertain the date upon which this consent becomes effective, refer to section 83 of the Act.2) To ascertain the date upon which this consent is liable to lapse, refer to section 95 of the Act.3) If the Applicant is dissatisfied with this determination, section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA-282-11-2004-i MOD 1	N/A	N/A	No formal modification was lodged.
DA-282-11-2004-i MOD 2	23 September 2013	Director – Industry, Social Projects and Key Sites	The modification permitted the partial operation of Stage 1 through the supply of seawater from Tugun Desalination Plant and the temporary disposal of wastewater to a site on the Tweed River.
DA-282-11-2004-i MOD 3	N/A	N/A	The modification was withdrawn.
DA-282-11-2004-I-Mod-4	TBD	Executive Director – Energy, Resources and Industry	The modification involves additional bulk earthworks, the installation and use of short-term staff accommodation units, the cultivation of additional aquaculture species and administrative amendments to the development consent.
DA-282-11-2004-I-Mod-5	23 June 2021	Team Leader – Industry	The modification permitted minor amendments to allow for Excavated Natural Material (ENM) to be used as fill at the site and to alter the alignment of the approved seawater intake pipeline route.

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Australian Bay Lobster Producers Limited Pty Ltd , or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
biosecurity event	has the same meaning as “biosecurity event” as defined under the <i>Biosecurity Act 2015</i>
construction	any activity requiring a Construction Certificate, significant excavation work, site preparation works, road works, demolition, or any construction related activity as described in DA-282-11-2004-i
Council	Tweed Shire Council
EPA	The NSW Environment Protection Authority (now part of the Department of Environment and Conservation)
Department	NSW Department of Planning, Industry and Environment and Infrastructure, or delegate
development	the development to which this consent applies, the scope of which is described in the documents listed under condition 1.1 of this consent
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 DA-282-11-2004-I MOD 2, and at Appendix B
dust	any solid material that may become suspended in air
ENM	Excavated Natural Material
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
fish	has the same meaning as “fish” as defined under the <i>Fisheries Management Act 1994</i>
hatchery	facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerlings or post-larval stage
marine vegetation	has the same meaning as “marine vegetation” as defined under the <i>Fisheries Management Act 1994</i>
Minister	Minister for Planning and Public Spaces Infrastructure
MOD 2	The amendments to the approved staging, specifically sea water supply and wastewater disposal as defined by Stage 1a and Stage 1b.
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) DA-282-11-2004-i MOD 2 – Environmental Assessment titled <i>S.75W Application – DA-282-11-2004-I</i> , prepared by Planit Consulting and dated 12 August 2013; b) DA-282-11-2004-I-Mod-4 – The modification report titled ‘SSD Modification Application to DA 282-11-2004-i MOD 4’, prepared by North Point Advisory, dated June 2019; the letter titled

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‘Response to submissions – Australian Bay Lobster Producers Limited Facility – Modification 4 to DA 282-11-2004-I’, prepared by Australian Bay Lobster Producers Limited, dated 15 February 2021; the letter titled ‘Response to further submissions’, prepared by Australian Bay Lobster Producers Limited, dated 9 July 2021; and the additional information email titled ‘RE: Modification 4’, prepared by Australian Bay Lobster Producers Limited, dated 20 July 2021; and

- c) DA-282-11-2004-I-Mod-5 – Modification Letter titled *Request for Modification 5*, prepared by Australian Bay Lobster Producers Limited, dated 10 June 2021.

notifiable matter

has the same meaning as “notifiable matter” as defined under the Biosecurity Regulation 2017

operation

any activity that results in the cultivation, or intended cultivation, packaging, storage and distribution of commercial quantities of fish and marine vegetation species, including *Thenus* spp.

Planning Secretary

Secretary of the Department, or delegate

Principal Certifying Authority

the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act

prohibited matter

has the same meaning as “prohibited matter” as defined under the Biosecurity Act 2015

Regulation

Environmental Planning and Assessment Regulation 2000

RMS

NSW Roads and Maritime Services

RTA

NSW Roads and Traffic Authority

POEO Act

Protection of the Environment Operations Act, 1997

site

the land to which this consent applies

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

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Stage 1 works

and MOD 1, including supply of up to 160,000 litres of seawater daily from the Tugun Desalination Plant ~~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, carparking 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, **as well as discharge of wastewater to pipeline, and construction/operation of the pipeline and pump house at Kingscliff Beach to supply all seawater needs**

Stage 3 works

construction and operation of Farm 3 located immediately south of Farm 1 and occupying an area of approximately 15 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

TfNSW

Thenus spp.

Transport for NSW

specifically, *Thenus orientalis* and *T. indicus*, which are more commonly known as Moreton Bay Bugs, Slipper Lobsters or Bay Lobsters (the latter being the internationally recognised name for these species) and includes the animal at any stage of its life history (whether alive or dead) and/or any part of the animal

utility

any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply

VENM

Virgin Excavated Natural Material

1. GENERAL

Scope of Development

- 1.1 ¹The 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 **Kingscliff** Beach and details of the borrow pit; **and**
 - f) **Modification Assessments; and**
 - ~~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.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this consent and any document listed from condition 1.1 a) to 1.1 e) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1 a) to 1.1 e) inclusive, and any other document listed from condition 1.1 a) to 1.1 e) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 **This consent permits the tank-based aquaculture cultivation and research of fish and marine vegetation species including, but not limited to, *Thenus* spp., as authorised under an aquaculture permit issued in accordance with the *Fisheries Management Act 1994*.**
- ~~1.3 The development is restricted to the commercial cultivation of *Thenus orientalis* and *T. indicus* at the site.~~

Note: ~~*Thenus* spp. are commonly known as Moreton Bay Bugs, Slipper Lobsters and Bay Lobsters (the latter being the internationally recognised name for these species).~~

Source of Fish

- 1.4 ²The Applicant must not obtain any live fish **or marine vegetation species** from any person, whether in NSW, interstate or overseas, unless that person is authorised as a supplier of fish **or marine vegetation species** under state and/ or Commonwealth legislation.

Provision of Documents

- 1.5 Where practicable, the Applicant must provide all documents and reports required to be submitted to the **Planning Secretary** under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, must be in a format acceptable to those parties and must aim to minimise resource consumption.

¹ Incorporates and EPA General Term of Approval (A1.1)

² Incorporates a Department of Primary Industries General Term of Approval (14)

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- 1.6 Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements must only be combined with the prior agreement of the **Planning Secretary and the Secretary Director-General of Planning and the Director-General** (or equivalent) of the other relevant party.

Note: the purpose of conditions 1.5 and 1.6 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent. At the time of granting this consent, an “appropriate electronic format” for submission to the **Planning Secretary** and the Department is portable document format (pdf).

Statutory Requirements

- 1.7 ³The Applicant must ensure that all licences, permits and approvals required for the development 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.
- 1.8 ⁴The Applicant must not undertake any works that intersect with any groundwater at the site until it has been granted any necessary approvals from the Department of Natural Resources under Part V of the *Water Act 1912*.
- 1.9 ⁵Prior to the commencement of any work being undertaken on Crown Reserve 1001008 or on the Crown Road adjoining Lot 2 DP 777905, all necessary licences and approvals are required to be obtained from the Department of Lands.

Dispute Resolution

- 1.10 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter must be referred by either party to the **Planning Secretary**, or if not resolved, to the Minister, whose determination of the dispute must be final and binding on all parties. For the purpose of this condition, “public authority” has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the **Planning Secretary**, councils and public authorities.

2. COMPLIANCE

- 2.1 The Applicant must put in place a management system, and take reasonable steps to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 2.2 The Applicant must be responsible for the works the subject of this consent and the environmental impacts that may result from those works, and must put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.

³ Incorporates a Department of Primary Industries General Term of Approval (4)

⁴ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

⁵ Incorporates a Department of Lands General Term of Approval

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- 2.3 At least two weeks prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the **Planning Secretary**, the Applicant must certify in writing to the satisfaction of the **Planning Secretary**, that it has complied with all applicable conditions of this consent prior to that event.

Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the **Planning Secretary**, stage the submission of certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:

- a) commencement of any construction works on the land the subject of this consent; and
 - b) commencement of operation of the development.
- 2.4 Notwithstanding condition 2.3 of this consent, the **Planning Secretary** may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update must meet the requirements of the **Planning Secretary** and be submitted within such period as the **Planning Secretary** may require.
- 2.5 The Applicant must meet the requirements of the **Planning Secretary** in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.1 of this consent. The **Planning Secretary** may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the **Planning Secretary** may require.

3. CESSATION OF WORKS

- 3.1 The Applicant must notify the **Planning Secretary** of the intention to permanently cease operation of the development.
- 3.2 Upon the permanent cessation of operation of the development, the Applicant must remove the seawater intake pipeline and associated infrastructure (seaward of Marine Parade) from the seabed and beach system, in consultation with and to the satisfaction of the **Planning Secretary**, Department of Lands and Council's Reserve Trust Manager. The full monetary cost associated with this removal must be borne by the Applicant.

4. ENVIRONMENTAL PERFORMANCE

Water Quality

- 4.1 ⁶Except as may be expressly provided by a licence issued under the *Protection of the Environment Operations Act 1997* (POEO Act) in relation to the development, section 120 of the POEO Act (pollution of waters) must be complied with in, and in connection with, the carrying out of the development.
- 4.1a The Applicant shall dispose of wastewater to the satisfaction of the **Planning Secretary** in accordance with DA-282-11-2004-I 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;**

⁶ Incorporates an EPA General Term of Approval (L1.1)

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- 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.

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

Effluent Discharge Point

4.2 ⁷Prior to the commencement of construction, the Applicant must establish wastewater discharge quality and quantity monitoring points that are located at the point at which effluent is discharged from the site.

Effluent Discharge Limits

4.3 ⁸The Applicant must design, construct, operate and maintain the development to ensure that discharges of wastewater from the site only occur from the discharge point(s) identified under condition 4.2, and that for each discharge point(s), the concentration/ range of each pollutant/ parameter listed under Table 1 does not exceed the discharge limit for that pollutant/ parameter at the discharge point.

To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Table 1. Maximum Allowable Discharge Concentration Limits (Waters)

Pollutant/ Parameter	Units of Measure	90% Allowable Concentration Limit	100% Allowable Concentration Limit
Biochemical Oxygen Demand (BOD)	mg/L	10	20
Total Suspended Solids (TSS) ^a	mg/L	15	30
Total Phosphorus (TP)	mg/L	0.3	1
Total Nitrogen (TN)	mg/L	5	20
Ammonia	mg/L	< 1	5
Oils and Grease	mg/L	2	6
Faecal Coliforms	cfu/100mL	200	600
pH ^b	-	6.5 – 8.5	6.5 – 8.5

a. TSS (Total Suspended Solids) was previously called NFR (Non-Filterable Residue) but refers to the same measurement.

b. For pH quality limits, the specified percentage of samples must be within the specified ranges noted in the Table.

4.4 ⁹For the discharge point(s) identified under condition 4.2, the volume of effluent discharged must not exceed a total of **1,800 600** kilolitres (kL) per day ~~for each stage of the development~~.

Note: At full-scale operation (all three stages operating), the Applicant is permitted to discharge a combined total from all three farms of 1800 kL per day.

Erosion and Sediment Control

⁷ Incorporates an EPA General Term of Approval (L3)

⁸ Incorporates EPA General Terms of Approval (L3.1, L3.2 and L3.3)

⁹ Incorporates an EPA General Term of Approval (L4.1)

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- 4.5 The Applicant must install erosion and sedimentation controls at the site (including along the length of the pipeline route) to prevent soil loss from the site as a result of activities undertaken as part of the development.
- 4.6 All erosion and sedimentation controls required as part of this consent must be put in place prior to the commencement of construction and must be maintained at or above design capacity for the duration of the construction works, and until such time as all ground disturbed by the construction works, has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.7 Prior to the commencement of construction, the Applicant must provide documentary evidence to, and to the satisfaction of, the PCA confirming that all erosion and sedimentation controls are in place.
- 4.8 All construction vehicles exiting the site, having had access to unpaved areas, must depart via a “shake down” area that is installed to the satisfaction of Council.

Note: Council has indicated that a “shake down” area 10 metres long, 3 metres wide, constructed of 50mm diameter crushed rock or similar and located immediately before the intersection with the road reserve, would be acceptable.

Surface Water

- 4.9 The construction and operation of the development must not concentrate or lead to an increase in the volume or rate of flow of stormwater discharged from the site over and above the pre-development flow conditions.
- 4.10 The Applicant must design, construct, operate and maintain all stormwater infrastructure to direct all stormwater runoff permitted to be discharged from the site, as described under condition 4.9, to the site’s borrow pit prior to discharge from the site. Such stormwater infrastructure must be capable of collecting, containing and treating all stormwater for at least a one in three month ARI storm peak flow and must be constructed prior to the commencement of any building work.
- 4.11 Notwithstanding condition 4.10, the Applicant may:
- a) **direct all stormwater runoff permitted to be discharged from the site to the on-site stormwater retention dam/s (see conditions 8.3 a) and 8.5 a) of this consent); and/or**
 - b) capture and store roof water for use at the development site.
- 4.12 Where stormwater discharge from the site is proposed in any location other than existing drainage lines, the Applicant must create or have created any easements over the downstream connection point(s) such that the stormwater can legally be drained off the site.

Flood Impacts

- 4.13 The Applicant must design, construct, operate and manage the development to ensure that the flood protection measures for the main aquaculture development site (including the perimeter walls) are capable of excluding up to and including a 1 in 100 year ARI flood event. In this regard, **either:**
- a) **an impervious perimeter bund is to be constructed around the main aquaculture development site to a height of 4.0m AHD; or**
 - b) **the main aquaculture development site is to be filled to a height of 4.0m AHD.**

~~In this regard, an impervious perimeter bund around the main aquaculture development site is to be constructed to a height of 4.0m AHD.~~

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Note: For the purposes of this condition, “main aquaculture development site” refers to the area of approximately 45 hectares on which Farms 1 to 3 will be located on part Lot 1 DP267742 and part Lot 706 DP1000580.

- 4.14 The Applicant must design, construct, operate and manage the site to ensure that the flood management system at the site is consistent with the objectives and guidelines of the New South Wales Government publication *Floodplain Management Manual: the management of flood liable land (2001)*.
- 4.15 **In the event a perimeter bund is constructed (see condition 4.13 a) of this consent), the area inside the perimeter bund that is below a height of 4.0m AHD** is to be protected by appropriate floodgates or flaps on stormwater conduits that penetrate the bund wall.
- 4.16 The perimeter bund wall **and/or the perimeter batters (see condition 4.13 of this consent) are** to be landscaped to minimise or prevent erosion. Such landscaping must be in accordance with the approved landscape management plan, as required under condition 8.5 b).

Flood Emergency Response Plan

- 4.16a Prior to the occupation of the existing on-site accommodation units, the Applicant must prepare a Flood Emergency Response Plan (FERP) for the on-site accommodation units to the satisfaction of the Planning Secretary. The Plan must include details of:**
- a) the flood emergency response procedures which would be implemented for the accommodation units (see condition 4.74 of this consent);**
 - b) predicted flood levels in the vicinity of the accommodation units;**
 - c) flood warning time and flood notification procedures;**
 - d) assembly points and evacuation routes;**
 - e) evacuation protocols; and**
 - f) awareness training for employees and contractors.**
- 4.16b The Applicant must:**
- a) not occupy the existing on-site accommodation units until the FERP required by condition 4.16a is approved by the Planning Secretary;**
 - b) ensure the FERP is reviewed on an annual basis and/or following a flood event greater than the 1 in 20 year ARI flood level; and**
 - c) implement the most recent version of the FERP approved by the Planning Secretary for the duration of the development.**

Groundwater

- 4.17 ¹⁰Within two months after the works described under condition 1.8 are completed, the Applicant must submit a plan to the Grafton office of the Department of Natural Resources identifying the location of the bores.
- 4.18 ¹¹All drilling and bore construction must be undertaken by a person(s) with a relevant New South Wales class licence.
- 4.19 ¹²**Groundwater** must not be extracted from **Kingscliff** Beach for any purpose other than dewatering for construction purposes and must not exceed a total volume of 20 megalitres, or as otherwise approved by the Department of Natural Resources.

Note: The Department of Natural Resources has the authority to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

¹⁰ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

¹¹ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

¹² Incorporates a General Term of Approval for a licence under the *Water Act 1912*

- 4.20 ¹³The use of groundwater is conditional on the basis that no tailwater drainage is discharged into or onto any: adjoining public or Crown road; adjacent property not owned by the Applicant; Crown land; watercourse; groundwater aquifer; area of native vegetation; or wetland, unless a **Groundwater Discharge Management Plan** for works at **Kingscliff Beach** has been prepared, and submitted for the approval of the Department of Natural Resources, that permits the discharge of water on to this land. Where such a Plan is prepared, construction work at **Kingscliff Beach** must not commence until written approval has been received from the Department of Natural Resources.
- 4.21 ¹⁴Prior to the issue of a water licence under Part V of the *Water Act 1912*, the Applicant must submit for the approval of the Department of Natural Resources, a **Hydrogeological Assessment Report**, prepared by a qualified groundwater consultant, that addresses the following matters:
- a) details of the extent of the cone of depression due to the dewatering of the excavation to the desired depth, with all parameters provided for review. If the determined area is seen to extend beyond the development site boundaries, the Applicant may be required to install restrictive “curtains” or similar, to reduce groundwater drawdown in the local vicinity;
 - b) details of the depth of the required dewatering level as well as the depth of the base of the excavation, relative to the surface level;
 - c) details and justification of the proposed dewatering pumping rate; and
 - d) identification of the predicted total volume (in megalitres) of groundwater to be extracted.
- 4.22 The Applicant must design, construct, operate and maintain all seawater storage ponds on site with the internal surfaces of the ponds equivalent to, or better than, a clay liner of permeability $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900mm, or as otherwise agreed to by the Department of Natural Resources.

Infrastructure for Seawater Supply

- 4.23 The Applicant must, throughout the life of the development, implement a system that is capable of detecting any leaks from the seawater storage infrastructure or along the seawater supply route. Should such a system identify a leak, the Applicant must undertake all necessary measures to repair the infrastructure and stop the leak.
- 4.24 Detailed engineering plans of the pipelines and associated pumping facilities located on Council controlled land must be submitted to Council prior to commencement of construction of those facilities.
- 4.24a Unless otherwise agreed in writing by Council, the seawater intake pipeline must have a minimum separation distance of one metre from the collar of Council’s trunk water main and/or sewer rising main.**
- 4.25 Prior to the commencement of construction within Crown Reserve 1001008, the Applicant is to prepare and implement a Site Management Strategy for Crown Reserve 1001008 to identify management actions to be undertaken in the event of damage to infrastructure associated with the development as a result of coastal erosion and other coastal processes. The Management Strategy should include, but not necessarily be limited to:
- a) description of the procedures/ timing for the installation, ongoing inspections and maintenance of the seawater infrastructure;
 - b) description of emergency procedures to be undertaken in the event any infrastructure is damaged, including a list of people to be notified;

¹³ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

¹⁴ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

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- c) description of procedures/ timing for the urgent rehabilitation/ reinstatement of the infrastructure and removal of associated debris from the surrounding seabed and beach;
- d) details of a program to notify the public during times of maintenance and repair; and
- e) details of any temporary infrastructure, such as truck-mounted pumps, to be used to ensure a continuous supply of seawater to the main aquaculture facility with a demonstration that any such infrastructure would comply with the EPA's *Industrial Noise Policy*, as may be relevant.

The Management Strategy is to be submitted for the approval of the **Planning Secretary**, in consultation with the Department of Lands and Council's Reserve Trust Manager. Works must not commence until written approval has been received.

Traffic and Transport

- 4.26 The Applicant shall undertake all works affecting any public road, its associated road reserve and any public infrastructure in that road reserve, to meet any reasonable requirements that may be specified by Council.
- 4.27 Notification of intention to undertake work within the public road reserve is to be received by Council's Engineering Services Division at least forty eight (48) hours prior to the commencement of such work. Where work within the public road reserve is to occur on more than one occasion, notification must be provided to Council at least forty eight (48) hours prior to the commencement of each event.

Carparking

- 4.28 The carpark design must comply with *AS2890.1 1993 Off-Street Car Parking* and Council's *DCP2 Site Access and Parking Code* in terms of manoeuvrability, disabled access and visitor/ delivery car spaces.
- 4.29 The Applicant must take reasonable steps to ensure that the development does not interfere with the cane operations occurring in the vicinity of the site, specifically, the cane pads located near the Melaleuca Station crossover and the site access point, otherwise an alternative hardstand area, or other suitable arrangement, must be provided, to the satisfaction of the **Planning Secretary**.

Site Access, Internal Roads

- 4.30 All vehicles associated with the construction, operation and maintenance of the development may access and utilise the overpass bridge at the Tweed Valley Way interchange with the Pacific Highway as the vehicular access point to the development, subject to compliance with the conditions of this consent.
- 4.31 ¹⁵Prior the commencement of construction of Stage 1, the Applicant must demonstrate to the satisfaction of the **Planning Secretary**, in consultation with **TfNSW**, that the road pavement on Lot 51 DP 1056966 (Melaleuca Road) has been widened, sealed and delineated to the private property boundary, to provide a two lane/ two way road that is capable of accommodating all heavy vehicle turning paths.

Note: It is recognised that a similar condition has been placed on Tweed Shire Council as part of its access to the new Sewage Treatment Plant for Kingscliff. As such, it is a matter of timing as to who must pay for and undertake the works. Consideration must also be given to the existing cane pad operations and safety issues.

- 4.32 ¹⁶The Applicant must manage the connection point of the site to Lot 51 DP 1056966 (Melaleuca Road) in a manner that prevents any through public road connection for the public or any other

¹⁵ Incorporates a **TfNSW** General Term of Approval under section 138 of the *Roads Act 1993*

¹⁶ Incorporates a **TfNSW** General Term of Approval under section 138 of the *Roads Act 1993*

person and/ or vehicle not associated with the development. Details of the management measures are to be detailed in the Traffic Code of Conduct for the development required under condition 8.5 b).

- 4.33 Notwithstanding condition 4.32, the Applicant may permit Council to access Lot 2 DP 611021 via Melaleuca Road and the site, only during construction of the new Sewage Treatment Plant that is to be located on Lot 2 DP 611021, in accordance with the provisions of TfNSW's licence (Special Conditions) with Council.
- 4.34 ¹⁷All vehicles associated with the construction and operation of the development must not access the site at any time from the north via a left turn from Tweed Valley Way into Melaleuca Road unless either:
- a) a Traffic Management Plan is in place (that has been approved by TfNSW) that details measures to be undertaken to protect decelerating vehicles turning left into Lot 51 DP 1056966 (Melaleuca Road) from collisions with southbound through traffic; or
 - b) the junction of the Tweed Valley Way off-ramp and formed pavement on Lot 51 DP 1056966 (Melaleuca Road) has been upgraded to a southbound left-turn deceleration lane into Melaleuca Road that is to an AUSTROADS Type 'B' left turn treatment, designed to 80km/h standard, to the satisfaction of TfNSW.

Note: TfNSW has indicated that it will undertake regular audits of the Traffic Management Plan referred to under condition 4.34 a), at the Applicant's expense, to ensure it remains relevant.

- 4.35 ¹⁸Where the Traffic Management Plan referred to under condition 4.34 a) has first been implemented but subsequently, the works referred to under condition 4.34 b) are to be undertaken, the Traffic Management Plan must remain in place until such time as all road works required under condition 4.34 b) are completed to the satisfaction of TfNSW. Following completion of the road works, the Traffic Management Plan referred to under condition 4.34 a) shall no longer be required.
- 4.36 ¹⁹All vehicles greater than 9 metres in length that are associated with the construction and operation of the development must not exit the site and subsequently undertake a U-turn manoeuvre on the Tweed Valley Way crossover at Melaleuca Station to head north unless either:
- a) a Traffic Management Plan is in place (that has been approved by TfNSW) that details measures to be undertaken to manage U-turning vehicles; or
 - b) the existing at grade crossover on the Tweed Valley Way at Melaleuca Station has been upgraded to accommodate heavy vehicle usage, including the construction of a U-turn bay and an acceleration lane that is to AUSTROADS standards, to the satisfaction of TfNSW.

Note: TfNSW has indicated that it will undertake regular audits of the Traffic Management Plan referred to under condition 4.36 a), at the Applicant's expense, to ensure it remains relevant.

- 4.37 ²⁰Where the Traffic Management Plan referred to under condition 4.36 a) has first been implemented, but subsequently the works referred to under condition 4.36 b) are to be undertaken, the Traffic Management Plan must remain in place until such time as all road works required under condition 4.36 b) are completed to the satisfaction of TfNSW. Following completion of the road works, the Traffic Management Plan referred to under condition 4.36 a) shall no longer be required.

¹⁷ Incorporates a TfNSW General Term of Approval under section 138 of the *Roads Act 1993*

¹⁸ Incorporates a TfNSW General Term of Approval under section 138 of the *Roads Act 1993*

¹⁹ Incorporates a TfNSW General Term of Approval under section 138 of the *Roads Act 1993*

²⁰ Incorporates a TfNSW General Term of Approval under section 138 of the *Roads Act 1993*

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4.38 ²¹All road works required under this consent are to be at no cost to TfNSW.

Note: TfNSW has indicated that the approval of road works will require the execution of a Major Works Authorisation Deed with TfNSW. This is to cover current legislative, environmental and construction requirements.

Updated Traffic Management Plan

4.38a Within 3 months of the date of approval of DA-282-11-2004-I-Mod-4, the Applicant must update the Traffic Management Plan for the main aquaculture development site to the satisfaction of the Planning Secretary. The updated plan must:

- a) be submitted for the approval of the Planning Secretary;
- b) detail the measures which would be implemented to:
 - (i) protect decelerating vehicles turning left into the site access road from collisions with southbound through traffic (see condition 4.34 of this consent);
 - (ii) inform operational staff of peak fill haulage periods; and
- c) include an updated Traffic Guidance Scheme prepared in accordance with the relevant TfNSW guidelines.

Access Road Turn Radius

4.38b Within 24 months of the date of approval of DA-282-11-2004-I-Mod-4 (unless otherwise agreed to in writing by the Planning Secretary), the Applicant must complete the guardrail relocation works shown in Figure 6.2 of the Traffic Impact Assessment prepared by CRG Traffic Pty Ltd, dated 12 April 2021 (Version 4) to the satisfaction of TfNSW.

Note: The Applicant must obtain approval from TfNSW for the works under section 138 of the *Roads Act 1993*.

Soil Quality

4.39 The Applicant must:

- a) ensure that only VENM, ENM or other material approved in writing by the EPA is brought onto the site;
- b) keep accurate records of the volume and type of fill to be used; and
- c) make these records available to the Planning Secretary or the EPA upon their request.

~~4.39 Any fill material brought to site must be Virgin Excavated Natural Material (VENM).~~

4.40 All cut or fill on the site must be battered at an angle not greater than 45° within the development site, stabilised to the satisfaction of the PCA and provided with a dish drain or similar at the base, or otherwise retained to the satisfaction of the PCA. All retaining works must be completed to the satisfaction of the PCA prior to the commencement of any building work, or as otherwise agreed with the PCA.

Note: All cut or fill must comply with Council's Development Control Plan 47.

4.41 Prior to the commencement of any building work on site, a certificate signed by a registered professional engineer is to be submitted to the PCA to certify that adequate consolidation of foundation material has been achieved to support all structures on site.

²¹ Incorporates a TfNSW General Term of Approval under section 138 of the *Roads Act 1993*

Acid Sulfate Soils

- 4.42 Prior to the commencement of any works that will disturb the soils/ sediments at the site (including along the pipeline route), the Applicant must undertake acid sulfate soil (ASS) testing at those areas of the site. ASS testing must be consistent with the NSW State Government's *Acid Sulfate Soils Manual* (ASSMAC 1998), or as otherwise approved by the Department, in consultation with the Department of Natural Resources. All results of testing for acid sulfate soils must be submitted to the **Planning Secretary** and Department of Natural Resources.
- 4.43 ²²The Applicant must prepare and implement an **Acid Sulfate Soils (ASS) Management Plan**. This Plan must detail measures to be implemented in relation to the management and handling of any acid sulfate soils identified as a result of the tests required as part of the above condition. The Plan must be prepared in accordance with the NSW State Government's *Acid Sulfate Soils Manual* (ASSMAC 1998). The Plan must be submitted for the approval of the **Planning Secretary**, in consultation with the Department of Natural Resources prior to the commencement of those works, or as otherwise agreed with the **Planning Secretary**.

Air Quality Impacts

Odour

- 4.44 The Applicant must not cause or permit the emission of offensive odours beyond the boundary of the site. For the purposes of this condition, "offensive odour" has the same meaning as defined under section 129 of the *Protection of the Environment Operations Act 1997*.
- 4.45 ²³The Applicant must ensure that there is adequate refrigerated storage available on site at all times for the storage of feedstock and, prior to its disposal, any putrescible waste generated as a result of the operation of the development in order to prevent the emission of offensive odours from the site.
- 4.46 All rearing, feed preparation and processing activities must be carried out within enclosed structures.
- 4.47 The Applicant must implement a program detailing measures to be undertaken for the management and minimisation of odour generation at the site. The program should include procedures for the monitoring of odour emissions and measures to be undertaken if any non-compliance is detected.

Dust

- 4.48 ²⁴The Applicant must design, construct, operate and maintain the development in a manner that minimises or prevents the emission of airborne pollutants (such as dust) from the site, including wind-blown and traffic-generated dust.
- 4.49 All trafficable areas and vehicles manoeuvring on the site must be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.
- 4.50 During construction, the Applicant must ensure that a water cart is available or water sprays installed at the site at all times for the suppression of dust, as may be necessary.

Noise Impacts

- 4.51 **The Applicant must comply with the construction hours detailed in Table 1a below.**

Table 1a. Construction Hours

²² Incorporates a General Term of Approval for a licence under the *Water Act 1912*

²³ Incorporates an EPA General Term of Approval (O1.2)

²⁴ Incorporates an EPA General Term of Approval (O2.1)

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Activity	Day	Time
Earthworks and construction (main aquaculture site)	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Earthworks and construction (seawater intake pipeline)	Monday – Saturday	7 am to 6 pm

~~4.51 Activities associated with the development, including activities associated with DA-282-11-2004-I 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) 0700 and 1800, Monday to Friday;~~
~~b) 0800 and 1300 on Saturdays; and~~
~~c) at no time on a Sunday or Public Holiday.~~

4.51a Construction works outside of the hours identified in condition 4.51 may be undertaken in the following circumstances:

- a) works that are inaudible at the nearest sensitive receivers;
- b) works agreed to in writing by the Planning Secretary;
- c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

4.52 ²⁵All construction works undertaken on site (including pipeline and pumping station construction, excavation of the borrow pit and placement of fill) must be undertaken in accordance with the EPA's *Environmental Noise Control Manual* and must not give rise to an 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* and accompanying Regulations.

4.53 The Applicant must comply with the hours of operation detailed in Table 1b below.

Table 1b. Hours of Operation

Activity	Day	Time*
Operation (excluding seawater truck deliveries)	Monday – Sunday	24 hours
Seawater truck deliveries	Monday – Friday Saturday	6 am to 7 pm 8 am to 1 pm

* All hours of operation are in Australian Eastern Standard Time (AEST).

~~4.53 Operation activities associated with the development, including the arrival and departure of vehicles delivering or removing products from the site, may be undertaken twenty four (24) hours a day, seven (7) days a week provided the noise contribution limits comply with the EPA's *Industrial Noise Policy*.~~

²⁵ Incorporates EPA General Terms of Approval (O5.2 and O5.3)

- 4.54 ²⁶The Applicant must submit detailed designs of the seawater pumping station located at **Kingscliff** Beach with any Environment Protection Licence application. The design must provide confirmation of the predicted noise levels from the pumping station and how it will comply with the EPA's *Industrial Noise Policy*.
- 4.55 ²⁷The operation of the development (including operation of the pipeline and pumping station) must be undertaken in accordance with the EPA's *Industrial Noise Policy* and must not give rise to an 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* and accompanying Regulations.
- 4.56 During construction and operation, the Applicant must minimise noise emissions from plant and equipment operated on the site in relation to the development by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures, such as flashing lights.

Waste Generation and Management

- 4.57 ²⁸The Applicant must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence issued under the *Protection of the Environment Operations Act 1997*.
- 4.58 All wastes generated on site during construction and operation of the development must be classified in accordance with the EPA's publication *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.
- 4.59 ²⁹Notwithstanding condition 4.58, the disposal of dead and/ or diseased fish **or marine vegetation species** is to be undertaken in accordance with the requirements of the Department of Primary Industries.

Trade Waste

- 4.60 Prior to the issue of a Construction Certificate for the discharge of effluent to Council's sewerage system, the Applicant must enter into a trade waste agreement with Council.

To obtain such an agreement, the Applicant must submit to Council an application for a Trade Waste Licence that is to be approved by Council and, where necessary, concurrence obtained from the Department. Supporting information to the application must include but is not limited to the provision of detailed hydraulic plans indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to this device must comply with Australian Standard AS3500.

Note: A trade waste application fee will be applicable as per Council's Fees and Charges.

Health Impacts

- 4.61 ³⁰The Applicant must notify the Department of Primary Industries within 24 hours of:
- a) **the discovery of any disease listed as a prohibited matter under Schedule 2 of the Biosecurity Act 2015;**

²⁶ Incorporates an EPA General Term of Approval (O5.1)

²⁷ Incorporates EPA General Terms of Approval (O5.4 and L6.1)

²⁸ Incorporates an EPA General Term of Approval (L5.1)

²⁹ Incorporates a Department of Primary Industries General Term of Approval (13b)

³⁰ Incorporates a Department of Primary Industries General Term of Approval (21)

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- b) the discovery of any disease listed as a notifiable matter under the Biosecurity Regulation 2017;
- c) a biosecurity event declared under the Biosecurity Regulation 2017.

Note: At the time of determination of DA-282-11-2004-I-Mod-4, the following biosecurity events are of relevance to the aquaculture facility:

- (i) an unexplained and significant increase in a mortality rate or morbidity rate in plants or animals;
- (ii) an unexplained and significant fall in production relating to plants or animals; and
- (iii) the appearance of other unexplained and significant clinical signs in animals including, but not limited to, unexplained neurological signs or conditions.

~~the discovery of any disease declared under Division 4 or Part 6 of the Fisheries Management Act 1994, any unusual sign or symptom of disease, or any significant event associated with the welfare of the fish on the site.~~

~~**Note:** Diseases declared under the Fisheries Management Act 1994 (Declared Disease) are reproduced in Attachment A of this consent. The Department of Primary Industries has identified a significant event as one where there has been a significant loss (mortality) of fish stocks of greater than 5% in a week, whether explained or otherwise.~~

- 4.62 ³¹Where any **prohibited matter, notifiable matter** or any other disease exists, or is reasonably suspected of existing on the site, the Applicant must carry out any direction so ordered by the **Director General** of the Department of Primary Industries for the treatment or destruction of fish **and marine vegetation species** including quarantine of the site. Any such order must remain in effect until revoked by the **Director General** of the Department of Primary Industries in writing.
- 4.63 ³²The Applicant must not sell, give away, or otherwise supply or release into waterways, any fish **or marine vegetation species** if it is known or suspected to be infected with a **prohibited matter or a notifiable matter**. The Applicant must take all precaution as specified in writing by the **Director General** of the Department of Primary Industries to prevent the escape of fish **and marine vegetation species** or disease from the site.

Visual Amenity Impacts

- 4.64 The Applicant must prepare an external design panel indicating the proposed external design finishes, materials, with specific consideration of using low reflectivity finishes, and configuration for all buildings on site, in consultation with Council.
- 4.65 The Applicant must ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting must be the minimum level of illumination necessary and must comply with AS 4282(INT) 1995 – *Control of Obtrusive Effects of Outdoor Lighting*.
- 4.66 During normal operation, the seawater intake pipeline and associated pumping facility at **Kingscliff** Beach must be sited **primarily** below the substrate surface and must not be visible at any point. **Those elements which may be located above the substrate surface are shown in plan set D05-2001, prepared by Willow + Sparrow, dated 12 February 2021 (Rev E).**

³¹ Incorporates a Department of Primary Industries General Term of Approval (22)

³² Incorporates a Department of Primary Industries General Term of Approval (23)

Note: It is recognised that minimising the visual impact of the pipeline and pumping facility is of key importance, however, it is noted that at some times, particularly during maintenance periods, parts of the pipeline or pumping station may be visible.

Hazards and Risk Impacts

Bunding and Spill Management

- 4.67 The Applicant must store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
- a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Flora and Fauna

- 4.68 ³³The Applicant must prevent the escapement of fish **or marine vegetation species** into waterways from the site covered by a permit issued under the *Fisheries Management Act 1994*.
- 4.69 Landscaped areas of the site must be kept clear of parked vehicles, stored goods, garbage and waste materials.
- 4.70 ³⁴The Applicant must prepare an **Alternate Feed Strategy** with an aim to investigate and pursue options for the use of alternative sources of feed, such as compounded feeds, to reduce the proportion of fishmeal and fresh fish used in the development. The Applicant must provide a report to the Department of Primary Industries and the **Planning Secretary** within twelve months from the date of commencement of operation detailing the nature and results of such investigations and a timeframe for the implementation of such alternative sources.

On-site Accommodation Units (Existing and Future)

- 4.71 **The on-site accommodation units are only to be occupied by persons employed by the Applicant and/or associated with the activities described in condition 4.73 d), and must not be occupied or let for any other purpose.**
- 4.72 **The maximum length of stay for any individual within the on-site accommodation units is 28 consecutive days.**
- 4.73 **The Applicant must:**
- d) ensure the on-site accommodation units are only used for the purposes described in DA-282-11-2004-I-Mod-4;**
 - e) keep accurate records of each time the accommodation units are used (including the purpose of the stay and the number of nights);**
 - f) reproduce these records in the development's AEMR (refer to condition 9.3 of this consent); and**
 - g) make these records available to the Planning Secretary or Council upon their request.**

³³ Incorporates a Department of Primary Industries General Term of Approval (13a)

³⁴ Incorporates a Department of Primary Industries General Term of Approval (special condition)

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- 4.74 Notwithstanding condition 4.73 d), the Applicant must ensure the on-site accommodation units are not used if flood waters in the area immediately surrounding the main aquaculture development site are predicted to exceed the 1 in 20 year ARI flood level.

Note: The 1 in 20 year ARI flood level in the vicinity of the main aquaculture development site is approximately 2.3m AHD.

Existing Accommodation Units

- 4.75 Prior to the occupation of the existing on-site accommodation units, the Applicant must:
- a) obtain all necessary building information certificate(s) from Council for these units;
 - b) ensure that any alterations or additions to the units that are required as part of Council's building information certificate process are constructed in accordance with the relevant requirements of the BCA; and
 - c) provide copies of the obtained building information certificate(s) to the Planning Secretary.

5. ENVIRONMENTAL MONITORING AND AUDITING

Water Quality Monitoring

- 5.1 ³⁵The Applicant must undertake all water quality monitoring required under this development consent in accordance with the NSW EPA's *Approved Methods for the Sampling and Analysis of Water Pollution in NSW*.

Discharge Concentration Monitoring

- 5.2 ³⁶During operation, for each monitoring point determined in accordance with condition 4.2 of this consent, the Applicant must take representative samples of the effluent prior to its discharge off-site and determine the concentration/ parameter specified in Table 2 below, by sampling and obtaining results by analysis. All pollutant concentrations/ parameters for each monitoring point must be determined concurrently, at the frequency indicated in the table, and using the units of measure specified, throughout the life of the development.

Table 2. Discharge Concentration Monitoring Requirements

Discharge/ Monitoring Point(s)	Pollutant/ Parameter	Units of Measure	Frequency	Sampling Method ^a
discharge point(s) determined under condition 4.2	BOD	mg/L	Monthly	Grab sample
	TSS	mg/L	Monthly	Grab sample
	TP	mg/L	Monthly	Grab sample
	TN	mg/L	Monthly	Grab sample
	Ammonia	mg/L	Monthly	Grab sample
	Oils and Grease	mg/L	Monthly	Grab sample
	Faecal Coliforms	cfu/100mL	Monthly	Grab sample
	pH	-	Monthly	In-situ
	Salinity	ppt	Monthly	In-situ

a – NSW EPA Approved Methods for the Sampling and Analysis of Water Pollution in NSW

³⁵ Incorporates an EPA General Term of Approval (M4.1)

³⁶ Incorporates an EPA General Terms of Approval (M2.1)

- 5.3 ³⁷The Applicant must continuously monitor and record the volume of effluent discharged from the site on a daily basis (kL/ day).

Groundwater Monitoring

- 5.4 ³⁸Prior to the commencement of construction, a **Groundwater Monitoring Program** must be prepared by a qualified groundwater consultant and implemented to monitor the effects of the development on groundwater during construction and operation. The Program must be prepared in consultation with and to the satisfaction of the Department of Natural Resources and the **Planning Secretary** and must include, but not necessarily be limited to:
- a) locations of monitoring bores, that include locations that are in close proximity to the saltwater storage tanks at the site;
 - b) parameters/ pollutants to be monitored, including procedures and protocols for sampling and testing;
 - c) a program for periodic monitoring of groundwater quality, at a frequency of no less than once every 12 months;
 - d) details of at least one background survey to establish groundwater quality prior to the commencement of operation of the development; and
 - e) details of groundwater quality limits that would indicate contamination from the development and a contingency plan in the event that contamination occurs.

Noise Monitoring

- 5.5 ³⁹Within 90 days of commissioning of the pumping station at **Kingscliff Beach**, and during a period in which the pumping station is operating under design loads and normal operating conditions, the Applicant must undertake a program to confirm the noise emission performance of the pumping station. The program must meet the requirements of the EPA, should there be any and must 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) (INP) to determine compliance with the INP;
 - b) a comparison of the results of the noise monitoring required under a) above; and
 - c) details of any entries in the Complaints Register (condition 7.3 of this consent) relating to noise impacts.

A report providing the results of the program must be submitted to the **Planning Secretary** within 28 days of completion of the testing required under part a).

- 5.6 In the event that a program undertaken to satisfy condition 5.5 of the consent indicates that the operation of the pumping station, under normal operating conditions, will lead to greater noise impacts than permitted under this consent, the Applicant must provide details of remedial measures to be implemented to reduce noise impacts to compliant levels.

Details of the remedial measures and a timetable for implementation must be submitted to the **Planning Secretary** for approval within such period as the **Planning Secretary** may require.

Independent Environmental Auditing

- 5.7 Within two years of the commencement of construction of the development, and then as may be directed by the **Planning Secretary**, the Applicant must commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team must be approved by the **Planning Secretary** prior to the commencement of the Audit. The Audit must:
- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;

³⁷ Incorporates an EPA General Term of Approval (M3.1)

³⁸ Incorporates a General Term of Approval for a licence under the *Water Act 1912*

³⁹ Incorporates an EPA General Term of Approval (O5.1)

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- 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** must be submitted for comment to the **Planning Secretary**, Council, the Department of Primary Industries and the EPA 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.

The **Planning Secretary** may, having considered any submissions made by Council, the Department of Primary Industries and the EPA in response to the Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works must be completed within such time as the **Planning Secretary** may require.

6. UTILITIES AND PUBLIC WORKS

- 6.1 The Applicant must identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or are likely to be affected by any activity associated with the development.
- 6.2 The Applicant must consult with the relevant provider of the utilities identified in condition 6.1 and make arrangements to adjust and/or relocate their services as required. The cost of any such adjustment and/or relocation of services must be borne by the Applicant.
- 6.3 An application to connect to Council's sewer, together with any prescribed fees, including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on site. The application is to be accompanied by hydraulic drawings on the sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
- 6.4 Prior to the issuing of a final occupation certificate for the development, the Applicant must provide documentary evidence from the utility providers identified in condition 6.1, to the PCA and Tweed Shire Council, confirming that their requirements have been satisfied.
- 6.5 Any damage caused to public infrastructure as a result of the development must be repaired to the satisfaction of Council, or relevant utility provider and within such period as specified by the Council, or relevant utility provider.
- 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 **Planning Secretary**.**

Note: This contribution amount shall remain fixed for a period of 12 months from the date of approval of DA-282-11-2004-I 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.

7. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Complaints Procedure

- 7.2 Prior to the commencement of construction of the development, the Applicant must ensure that the following are available for community complaints:
- a) a 24-hour telephone number on which complaints about the development 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, should the Applicant have e-mail capabilities.

The telephone number, the postal address and the e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction of each stage of the development. These details must also be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public and on the Applicant's internet site, should one exist. The telephone number, the postal address and the email address must be maintained throughout the life of the development.

- 7.3 The Applicant must record details of all complaints received through the means listed under condition 7.2 of this consent in an up-to-date Complaints Register. The Register must 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 must be made available for inspection by the **Planning Secretary** upon request.

- 7.4 **The Applicant shall prepare and implement a Community Consultation Plan for Stage 1a to the satisfaction of the Planning Secretary. The plan must:**
- a) be submitted to the Planning Secretary prior to any wastewater disposal undertaken as part of Stage 1a;**
 - b) 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;**
 - c) provide details of the distribution area for the newsletter (at a minimum all residents within 1 km from the site boundary),**
 - d) include procedures for handling and monitoring all complaints received; and**
 - e) detail what management and/or contingency actions will be taken if complaints are received.**
- 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.**

8. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 8.1 Prior to the commencement of construction of the development, the Applicant must nominate a suitably qualified and experienced Environmental Representative(s) whose appointment is to receive prior approval of the **Planning Secretary**. The Applicant must employ the Environmental Representative(s) throughout the life of the development. The Environmental Representative must 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 7.2 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 must notify and seek the approval of the **Planning Secretary** of any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan (CEMP)

- 8.2 The Applicant must prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of each stage of the development. The Plan must include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction, including an indication of the duration of each of the activities and any coordination of such activities and an indication of stages of construction, where relevant. Particular consideration should be given to the timing of the construction of the underground pipelines;
 - b) statutory and other obligations that the Applicant is required to fulfil during construction of the development, 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 Department, Council, Department of Primary Industries and the EPA during construction;
 - d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - e) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
 - f) details of a program to inform the public of the timing of construction of the pipeline and pumping station including any requirements for temporary restrictions/ diversions to areas etc.;
 - g) complaints handling procedures during construction and site preparation;
 - h) the relevant environmental monitoring requirements outlined under conditions 5.1 to 5.6 of the consent, inclusive; and
 - i) the Management Plans listed under condition 8.3 of this consent. The following environmental performance issues must also be addressed in the Plan:

- i) measures to monitor and manage dust emissions.

The CEMP must be submitted for the approval of the **Planning Secretary** no later than one month prior to the commencement of any site preparation and construction works associated with the development, or within such period as otherwise agreed by the **Planning Secretary**. Notwithstanding, where construction work is to be undertaken in stages, the Applicant may, subject to the agreement of the **Planning Secretary**, stage the submission of the CEMP consistent with the staging of activities relating to that work.

Site preparation and construction works associated with any stage of the development must not commence until written approval has been received from the **Planning Secretary** for that stage. Upon receipt of the **Planning Secretary**'s approval, the Applicant must supply a copy of the CEMP to the Council and the EPA as soon as practicable.

8.3 As part of the CEMP for the development, required under condition 8.2 of this consent, the Applicant must prepare and implement the following Management Plans:

- a) ⁴⁰an **Erosion and Sedimentation Control Management Plan** to detail measures to minimise erosion and the discharge of sediment and other pollutants to land and/ or water during site preparation and construction works associated with the development (including construction of the underground pipelines). The Plan must include, but not necessarily be limited to:
 - i) demonstration of best practice methods to be applied for the on-site control of run-off, sediments and other pollutants including specification of performance criteria for erosion, sediment and pollution control devices, including diversionary works, discharge points etc;
 - ii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (1998) and Council's *Tweed Urban Stormwater Quality Management Plan*;
 - iii) description of procedures to ensure that the measures implemented to control sediment and erosion on site, are maintained at or above design capacity at all times; and
 - iv) details of an erosion monitoring program during construction of the development, including measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- b) a **Noise Management Plan** to detail measures to minimise noise emissions associated with the construction of the development, particularly, the pipeline and **Kingscliff** Beach works. The Plan must include, but not necessarily be limited to:
 - i) identification of all major sources of noise that may be emitted as a result of the construction of the development;
 - ii) specification of the noise criteria as it applies to a particular activity;
 - iii) identification and implementation of best practice management techniques for minimisation of noise emissions;
 - iv) procedures for the monitoring of noise emissions; and
 - v) description of the procedures to be undertaken if any non-compliance is detected;
- c) a **Traffic Management Plan** to outline measures for the management and coordination of road works required under this consent and to minimise potential conflicts between different user groups. The Plan must be prepared in consultation with **TfNSW** and Council and must include, but not necessarily be limited to:
 - i) details of measures to minimise interactions between the development and other users of the roads such as through the use of fencing, lights, barriers, traffic diversions etc.;

⁴⁰ Incorporates an EPA General Term of Approval (O3.1)

- ii) procedures for informing the public where any road access will be restricted as a result of the development;
 - iii) where any works are required on or adjacent to public roads, parks or drainage reserves, a Traffic Control Plan providing details of all warning signs, lights, barriers etc. to be provided and maintained in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices) and TfNSW's Guideline *Traffic Control at Work Sites, Version 3.0*;
 - iv) details of traffic routes to be used by heavy vehicles associated with the development;
 - v) minimum requirements for vehicle maintenance to address noise and exhaust emissions, particularly along roads in close proximity to residences;
 - vi) speed limits to be observed along routes to and from the site and within the site; and
 - vii) details of the expected behavioural requirements for vehicles drivers travelling to and from the site and within the site.
- d) a **Waste Management Plan** to outline measures to manage and minimise resource consumption during construction of the development. The Plan must include, but not necessarily be limited to:
- i) identification of the types and quantities of waste that would be generated;
 - ii) description of measures and actions to be taken to minimise waste generated by the construction of the development; and
 - iii) description of how waste would be handled and stored during construction, and reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA guidelines *Assessment, Classification and Management of Liquid and Non-Liquid Waste*.

Operation Environmental Management Plan (OEMP)

- 8.4 The Applicant must prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan must include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations;
 - b) a management organisational-chart identifying the roles and responsibilities for all relevant employees involved in the operation of the development;
 - c) overall environmental policies and principles to be applied to the operation of the development;
 - d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
 - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
 - f) the Management Plans listed under condition 8.5 of this consent; and
 - g) the environmental monitoring requirements outlined under conditions 5.1 to 5.6 of this consent, inclusive.

The Plan must be submitted for the approval of the **Planning Secretary** no later than one month prior to the commencement of operation of the development, or within such period as otherwise agreed by the **Planning Secretary**. Operation must not commence until written approval has been received from the **Planning Secretary**. Upon receipt of the **Planning Secretary's** approval, the Applicant must supply a copy of the OEMP to the EPA, Council, and Department of Primary Industries as soon as practicable.

8.5 As part of the OEMP for the development, required under condition 8.4 of this consent, the Applicant must prepare and implement the following Management Plans and Programs:

- a) ⁴¹a **Water Management Plan** to outline measures to control and manage surface water (including flooding, erosion and sedimentation), stormwater and effluent water associated with the operation of the development. The Plan must address the requirements of the EPA and Council, should there be any. The Plan must include, but not necessarily be limited to:

surface water, flooding, erosion and sedimentation management

- i) measures to be implemented to minimise the potential for erosion from the site during the operation of the development and measures to maintain all erosion mitigating works at, or above design capacity;
- ii) demonstration that erosion and sedimentation control measures will conform with, or exceed, the relevant requirements and guidelines provided in the Department's publication *Urban Erosion and Sedimentation Handbook*, the EPA's publication *Pollution Control Manual for Urban Stormwater*, and the Department of Housing's publication *Soil and Water Management for Urban Development*;
- iii) measures to rehabilitate erosion-affected areas and areas the subject of excavation, including tree and shrub species and implementation;
- iv) details of the flood mitigation infrastructure at the site; and
- v) measures to be implemented to minimise the impact of flooding on and in the vicinity of the development site.

stormwater management

- i) detailed plan showing the design of the stormwater management system, with an emphasis on water sensitive design practices such as porous pavements, rainwater tanks etc.;
- ii) demonstration that the proposed stormwater system would not reduce the existing capacity for neighbouring property's to discharge runoff from their properties;
- iii) description of the procedures for the installation, inspection and maintenance of the stormwater control infrastructure;
- iv) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant requirements and guidelines within Council's *Tweed Urban Stormwater Quality Management Plan*, particularly sections 5.5.3 to 5.5.5; and
- v) description of the procedures for planting and maintaining vegetation along stormwater channels and detention systems, to minimise the potential for erosion.

process and effluent water management

- i) details of the location, size, storage capacity etc. of all rainwater storage tanks, including methods for preventing contamination;
- ii) identification of all sources of nutrients and suspended solids brought into the tanks during operation of the development;
- iii) details of all process water and effluent water treatment systems for the development, including discharge points, effluent treatment ponds, procedures for maintenance of the systems and water quality monitoring regimes;
- iv) specification of the water quality criteria as it applies to a particular activity;
- v) procedures to be undertaken to monitor, manage and minimise the load of nutrients and suspended solids in the water column, particularly prior to discharge of the effluent water (for example, through feeding rates, aeration of tanks, use of denitrification units etc.);
- vi) measures to consider minimising the consumption of water through water capture, reuse and recycling;
- vii) details of how effluent discharged from the site will be managed such that when mixed with water at the Sewage Treatment Plant it is capable of achieving salinity

⁴¹ Incorporates EPA General Term of Approval (O4.1, O5.3 and O5.4)

- levels consistent with the ANZECC Guidelines for Fresh and Marine Water Quality (2000);
- viii) details of how the temperature of the effluent stream will be managed to minimise potential thermal pollution impacts on the Tweed River, and ensure a temperature outcome consistent with the ANZECC Guidelines for Fresh and Marine Water Quality (2000); and
 - ix) a contingency plan should monitoring of water quality indicate that the development has had or is having an adverse effect on water quality, including outside the development site.
- b) a **Transport Code of Conduct** to outline measures to manage traffic conflicts associated with the operation of the development. The Code shall include, but not necessarily be limited to:
- i) details of traffic routes to be used by vehicles associated with the development and how this would be managed;
 - ii) measures to restrict through access from Melaleuca Road to lots east of the development site for the public or any other person and/ or vehicle not associated with the development, in accordance with condition 4.32;
 - iii) minimum requirements for vehicle maintenance to address noise and exhaust emissions, particularly along roads in close proximity to residences;
 - iv) details of the expected behavioural requirements for vehicles drivers travelling to and from the site and within the site; and
 - v) speed limits to be observed along routes to and from the site and within the site.
- c) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan should be prepared by a landscape architect and meet the requirements of Council, should there be any. The Plan must include, but not necessarily be limited to:
- i) details of landscaping to be undertaken at the site;
 - ii) maximisation of use of flora species that are native to the locality in landscaping the site, with particular emphasis on plants with low maintenance requirements;
 - iii) a program for the removal of weeds at the site;
 - iv) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state; and
 - v) details of all external lighting to be erected at the site.
- d) a **Biosecurity Plan** to detail measures to manage and minimise the risk of **aquaculture** disease outbreaks on the farm. The **Biosecurity Plan** must meet the requirements of the Department of Primary Industries, should there be any. The **Biosecurity Plan** must include, but not necessarily be limited to:
- i) details of the frequency of water quality monitoring of the tanks, including testing of waters for pathogens;
 - ii) details on the routine for examining stock for signs of disease;
 - iii) measures to be undertaken for the isolation of diseased tanks;
 - iv) procedures for the disposal and/ or treatment of diseased stock and wastes; and
 - v) measures to be undertaken for the maintenance of the site in a clean and tidy state, at all times.
- e) a **Waste Management Plan** to outline measures to manage and minimise waste generated during operation of the development. The Plan must include, but not necessarily be limited to:
- i) identification of the types and quantities of waste that would be generated during operation;
 - ii) description of measures and actions to be taken to minimise waste generated during operation of the development; and
 - iii) description of how waste would be handled and stored during operation, and reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA guidelines *Assessment, Classification and Management of Liquid and Non-Liquid Waste*.

- 8.6 Within three years of the commencement of operation, and at least every three years thereafter, the Applicant must undertake a formal review of the Operation Environmental Management Plan (OEMP) required under condition 8.4 of this consent. The review must ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant must notify the **Planning Secretary**, Council, Department of Primary Industries and the EPA of the completion of each review, and must supply a copy of the updated OEMP to those parties on request.

9. ENVIRONMENTAL REPORTING

Incident Reporting

- 9.1 The Applicant must notify the **Planning Secretary** and any relevant Government authority 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 ("initial notification"). The Applicant must provide written details ("written report") of the incident to the **Planning Secretary** and any relevant Government authority within seven days of the date on which the incident occurred.
- 9.2 The Applicant must meet the requirements of the **Planning Secretary** to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 9.1 of this consent, within such period as the **Planning Secretary** may require.

Note: Condition 9.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

- 9.3 The Applicant must, throughout the life of the development, prepare and submit for the approval of the **Planning Secretary**, an **Annual Environmental Management Report** (AEMR). The AEMR must review the performance of the development against the Operation Environmental Management Plan (refer to condition 8.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR must 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 7.3 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;
 - 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;
 - f) identification of trends in monitoring data over the life of the development to date;
 - g) a list of variations obtained to approvals applicable to the development and to the site during the preceding twelve-month period; and;
 - h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results; and
 - i) **a copy of the development's staff accommodation register (refer to condition 4.73 e) of this consent) for the preceding twelve-month period.**

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- 9.4 The Applicant must submit a copy of the AEMR to the **Planning Secretary**, the EPA, Department of Primary Industries, Department of Natural Resources and Council every year, with:
- a) the first AEMR to be submitted within twelve months of commencement of operation of the development;
 - b) the second and subsequent AEMRs to be submitted concurrently with the EPA's Annual Return; and
 - c) must be made available to the public upon request.
- 9.5 The **Planning Secretary** may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual Environmental Report and any comments received from the EPA, Department of Primary Industries, Department of Natural Resources and/or Council. Any action required to be undertaken must be completed within such period as the **Planning Secretary** may agree.

Note: The AEMR does not aim to satisfy any requirement of the EPA with regard to any Annual Return, required under any licence issued for the development under the *Protection of the Environment Operations Act 1997*. It is noted, however, that the Applicant may consult with the Directors-General of the Department of Planning and the Department of Environment and Conservation with the aim of combining the reporting requirements of the AEMR and the Annual Return. These reporting requirements must only be combined with the agreement of both Directors-General.

- 9.6 **Within three months of:**
- a) **the submission of an AEMR under condition 9.4;**
 - b) **the submission of an incident report under condition 9.1;**
 - c) **the submission of an Independent Audit under condition 5.7;**
 - d) **the approval of any modification of the conditions of this consent;**
 - e) **the issue of an aquaculture permit under the Fisheries Management Act 1994; or**
 - f) **the issue of a direction of the Planning Secretary under condition 2.5 which requires a review,**

the strategies, plans and programs required under this consent must be reviewed.

- 9.7 **If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition 9.6, or such other timing as agreed by the Planning Secretary.**

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

APPENDIX A – DECLARED DISEASES

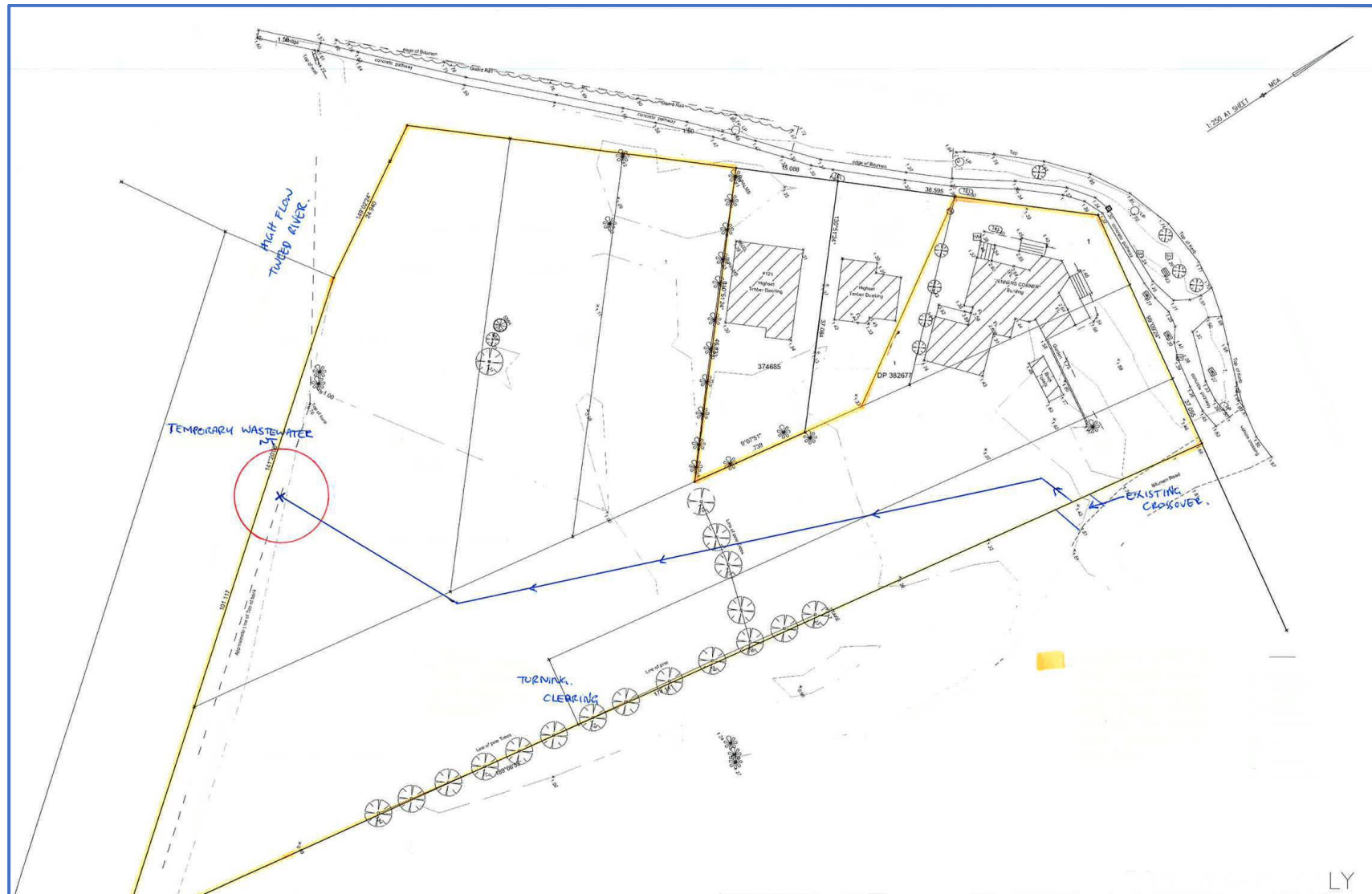
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APPENDIX B – Location of the temporary wastewater discharge point

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



APPENDIX C – REALIGNED SEAWATER INTAKE PIPELINE

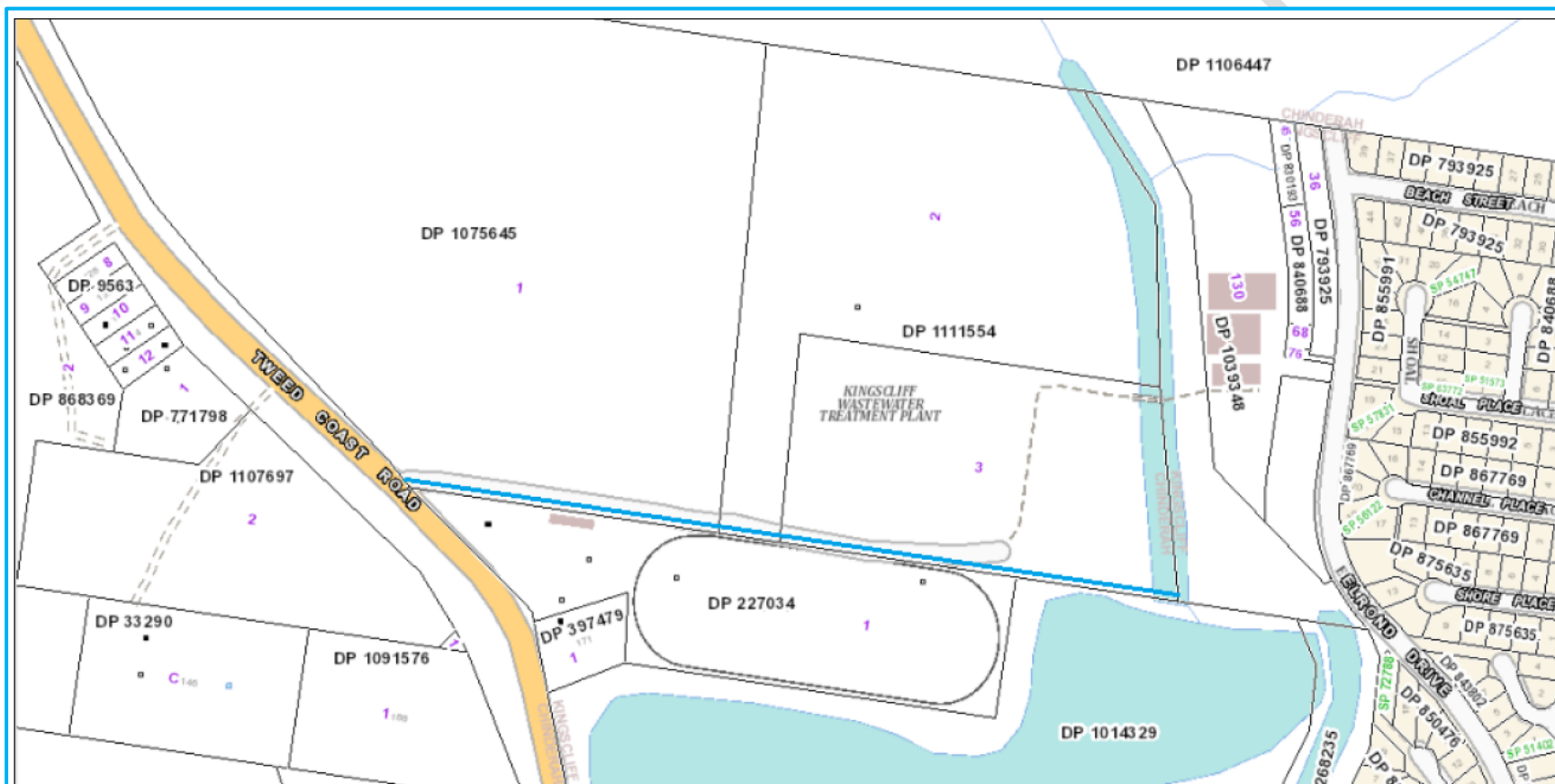


Figure 1

Note: The alignment depicted in Figure 1 is intended as an indicative guide only and is not to be relied upon as the precise location of the pipeline alignment.

Figure 1: Realigned section of the seawater intake pipeline (shown with blue line)

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APPENDIX D – CONCEPTUAL SITE MASTERPLAN

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