

Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

These conditions are required to:

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



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

15 Dec.

2008

SCHEDULE 1

Application Number:	08_0083
Proponent:	Australian Bay Lobster Producers Pty Ltd
Approval Authority:	Minister for Planning
Land:	A 2 kilometre pipeline route commencing at the western boundary of Lot 20 DP 1082482 and ending at Chinderah Road (see Appendix 1)
Project:	Australian Bay Lobster Facility – Pipeline Amendment Project

TABLE OF CONTENTS

DEFINITIONS	1
SCHEDULE 2: ADMINISTRATIVE CONDITIONS	2
Obligation to Minimise Harm to the Environment	2
Terms of Approval	2
Protection of Public Infrastructure	2
Operation of Plant And Equipment	2
Management Plans/Monitoring Programs	2
SCHEDULE 3: SPECIFIC ENVIRONMENTAL CONDITIONS	3
Construction Hours	3
Construction Management Plan	3
Soil and Water	3
Dust Management	3
Waste Management	4
Aboriginal and Cultural Heritage	4
Operational Management	4
Incident Reporting	4
APPENDIX 1: PIPELINE ROUTE	5
APPENDIX 2: STATEMENT OF COMMITMENTS	6

DEFINITIONS

BCA	Building Code of Australia
Australian Bay Lobster Aquaculture Facility	The construction and operation of an aquaculture facility for the commercial production of Morton Bay bugs and associated seawater supply works and infrastructure (DA-282-11-2004-i), determined by the Minister
Council	Tweed Shire Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EA	Environmental Assessment titled <i>Environmental Assessment of Amended Pipeline Route</i> prepared by MBR Environmental and dated August 2008
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or delegate
Project	The development as described in the EA
Proponent	Australian Bay Lobster Producers, or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RTA	Roads and Traffic Authority
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in Appendix 2.

**SCHEDULE 2:
ADMINISTRATIVE CONDITIONS**

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) statement of commitments; and
 - (c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable and feasible requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

Protection of Public Infrastructure

5. The Proponent shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

6. The Proponent shall ensure that all plant and equipment used on site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

7. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
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SCHEDULE 3: SPECIFIC ENVIRONMENTAL CONDITIONS

CONSTRUCTION HOURS

8. Unless otherwise agreed with the Director-General, the Proponent shall comply with the construction hours in Table 1.

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7am to 6pm
	Saturday	8am to 1pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Notes:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site; and
- Emergency work to avoid the loss of life, property and/or prevent environmental harm may be undertaken outside the hours in Table 1.

CONSTRUCTION MANAGEMENT PLAN

9. The Proponent shall prepare and implement a Construction Management Plan for the project to be approved by the Director-General prior to the commencement of construction. This plan must:
- (a) be submitted to the Director-General for approval at least one month prior to the commencement of construction;
 - (b) be prepared in consultation with Council;
 - (c) include:
 - a complaints management procedure, including:
 - i. contact details of the person who would be responsible for the environmental management of the project;
 - ii. procedures to keep the relevant agencies informed;
 - iii. procedures to receive, handle, respond to, resolve and report complaints; and
 - iv. procedures to respond to any non-compliance or emergency.
 - a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, pipelines, drains etc);
 - a detailed Erosion and Sediment Control Plan for the construction works that complies with the requirements in Landcom's *Managing Urban Stormwater: Soils and Construction* guidelines; and
 - an Acid Sulfate Soils Management Plan that is consistent with the NSW State Government's *Acid Sulfate Soils Manual* (ASSMAC 1998) and includes measures to be implemented in relation to the management and handling of any acid sulfate soils identified during construction works.

SOIL AND WATER

10. Except as may be expressly provided in an Environment Protection Licence for the project, the Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.
11. The Proponent shall not disturb the beds of watercourses without approval from the DWE and the DPI.

DUST MANAGEMENT

12. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
13. During construction, the Proponent shall ensure that:
- (a) all trucks entering or leaving the site with loads have their loads covered;
 - (b) trucks associated with the project do not track dirt onto the public road network; and
 - (c) public roads used by these trucks are kept clean.

WASTE MANAGEMENT

14. The Proponent shall ensure that any waste generated on the site during construction is classified in accordance with the DECC's *Waste Classification Guidelines* and disposed of to a facility that may lawfully accept the waste.

ABORIGINAL AND CULTURAL HERITAGE

15. In the event that Aboriginal objects are uncovered during the course of the project, then work in the immediate areas shall cease, the Director-General and appropriate authorities shall be notified and expert archaeological advice must be sought from an appropriately qualified professional. Works may only commence in this area with the written approval of the Director-General.

Note: The appropriate authority is DECC and appropriate Aboriginal groups are the Tweed Byron Local Aboriginal Land Council.

OPERATIONAL MANAGEMENT

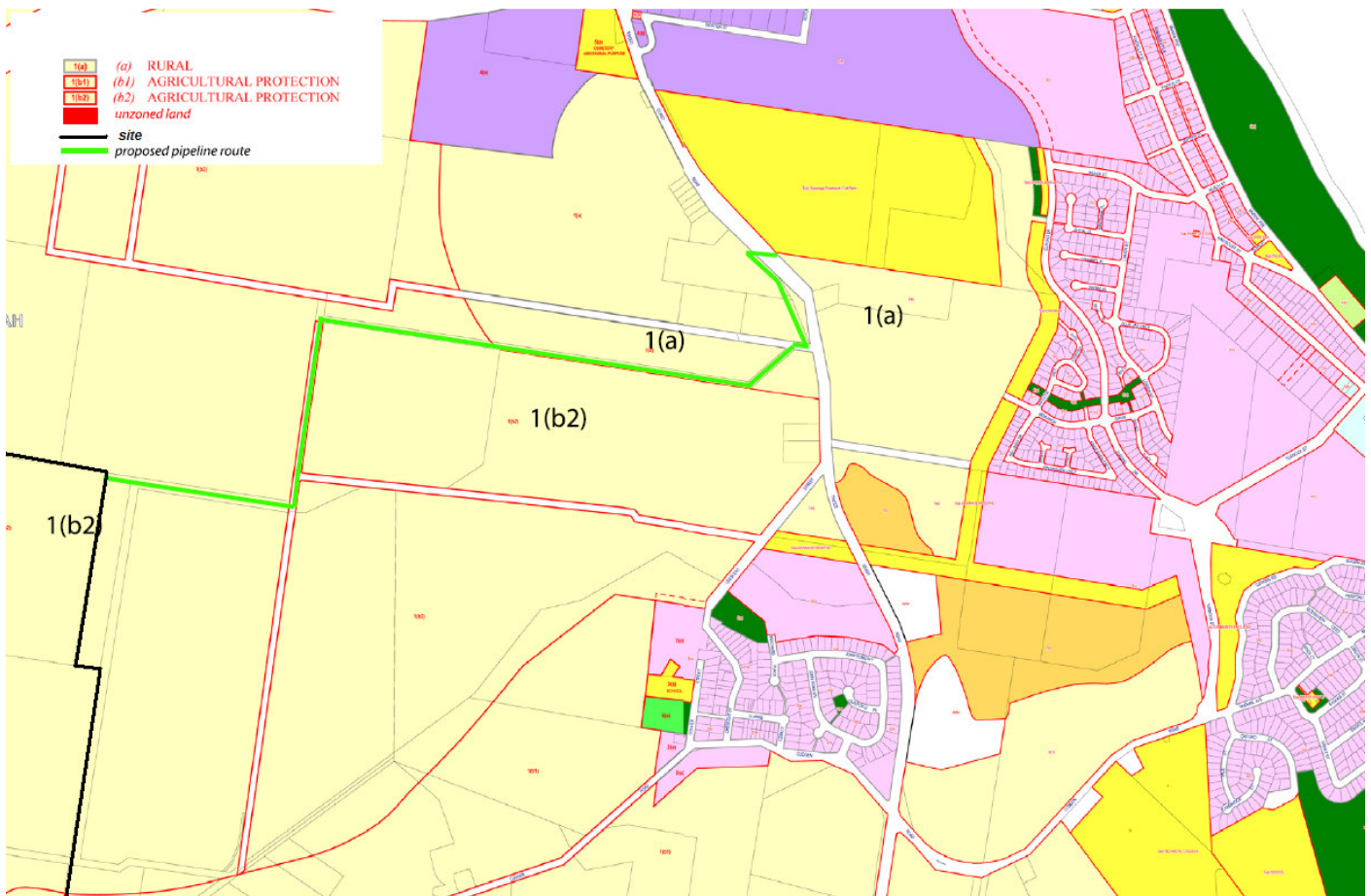
16. For the life of the project, the Proponent shall maintain the pipeline, ensuring that any leaks or maintenance issues are detected and repaired.

Note: The Proponent may integrate any pipeline maintenance works or program associated the Australian Bay Lobster aquaculture facility consent (DA-282-11-2004-1), for the purposes of satisfying this condition.

INCIDENT REPORTING

17. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department, and any other relevant agency. This report must:
 - (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.
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APPENDIX 1: PIPELINE ROUTE



**APPENDIX 2:
STATEMENT OF COMMITMENTS**

5 Statement of commitments

ABLP has developed a Construction Environmental Management Plan for Stage 1A of the development, an outline of which is included in Appendix D. This is intended as a living document to be updated prior to new stages and aspects of the overall development being undertaken or approved. This document will be updated to include the relevant aspects identified within this assessment, incorporating the following broad management concepts:

Erosion and Sediment Control

Control of erosion on the site and sediment loss from the site will be undertaken according to the requirements of Tweed Shire Council and in regards to Landcom's Managing Urban Stormwater: Soils and Construction (Landcom, 2004). The overall approach will be to:

- minimise the period of time erodible material is exposed;
- fit sediment fencing downslope of construction areas where sensitive environments or water bodies / drainage channels are in close proximity to works;
- ensure stockpiles are fitted with diversion channels / bunds upslope and sediment fencing downslope, and that they are covered or otherwise stabilised if in place for long periods of time.

Acid Sulfate Soils Management

The general approach will be to undertake, in discussions with Council, a testing regime along the proposed pipeline route and incorporating lime treatment into excavation works to avoid the necessity of treatment areas and soil movement off-site.

Noise Management

Noise management will entail limiting working hours and times, and ensuring vehicles, plant and machinery associated with the development are fitted with the required noise minimising equipment according to the NSW EPA's Environmental Noise Control Manual.

Vegetation Management

Prior to excavation and construction commencing, all approvals from relevant agencies will be obtained for the removal of vegetation if required. A vegetation management plan will include measures to identify vegetation that needs assessment for removal permits prior to clearing, including any removal or disturbance as part of waterway crossings.

Utilities Management

A management plan describing general actions to be undertaken for ground-truthing and locating of services (undertaken to the satisfaction of Council) will be developed to be implemented prior to excavation commencing. No go zones will be marked to avoid damage to existing utilities.

Waste Management

A waste management plan will include provisions for the collection and disposal of general waste from construction activities. This is expected to be minimal since the works will be progressing along the pipeline route rather than located in a single location. However, the management plan will detail provisions for reducing, reusing and recycling waste including appropriate waste classification as per the DECC's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.

General Environmental Management, Awareness and Review

The CEMP contains procedures for effective communication, reporting, review and oversight of development works including a risk assessment of impacts and aspects, legislative and permit requirements, contractor management and procedures for community consultation. Appendix D shows the table of contents for the CEMP which will be updated to include the relevant aspects of the pipeline construction process. The CEMP document is currently under review by the Department of Planning for approval for Stage 1A.

Operation of Pipeline

Operation of the pipeline route will involve minimal works other than pipeline, fitting and any pump station inspections and maintenance works where required (expected to be very minimal). Generally the pipe material is chosen to avoid replacement over 20-50 years and fittings such as valves, connections and junctions are easily accessed for these routine inspections.

6 Conclusion

For reasons outlined within this report, the need to carry out the proposed works is justified and is of a significant benefit, both to ABLP and to surrounding land owners. In addition, the proposed development can be demonstrably carried out without the creation of adverse impacts. The proposed aquaculture facility and associated pump stations and pipeline works will be complete with best practice environmental and operational safeguards and will be constructed and operated in accord with all relevant standards.

The modification of the pipeline route does not increase the impact on the social, biological or economic environment compared to the existing approved route and will result overall in a minimal environmental impact.

7 References

ASSMAC (1998). *NSW Acid Sulfate Soils Manual*. NSW Acid Sulfate Soils Management Advisory Committee, August 1998.

GHD (2002) *Environmental Impact Statement* for the Kingscliff Wastewater Treatment Plant.

Landcom (2004). *Managing Urban Stormwater, Soils and Construction* 4th Edition, March 2004.

Planit Consulting & Australian Fresh (2004) *Statement of Environmental Effects: Proposed Aquaculture Development & Water Supply Works. Prepared For Australian Bay Lobster Producers Pty Ltd* By Australian Fresh Research & Development Corporation Pty Ltd In Association With Planit Consulting Pty Ltd, 20 October 2004.

