

## Conditions of Consent

### Byron Shire Council – Review of Conditions for the Byron Sewerage Treatment Plant

Condition No.	Description	Comments
1.	General	<p>Approves the documents which form the development consent. The documents approved are:</p> <ul style="list-style-type: none"> <li>The EIS and SIS Byron Bay Sewerage Augmentation Scheme dated 30 August 2001 (subject to modifications described in the <i>Byron Bay Sewerage Augmentation Representations Report</i> dated September 2002)</li> <li>Conditions of concurrence by Director-General of NPWS in <i>Concurrence report for the Propose Establishment of a 24 ha Melaleuca Regeneration Area, West Byron Sewage Treatment Plant</i> dated June 2002</li> </ul> <p>Also noted that in the event of inconsistency between the concurrence conditions imposed by the Director-General of the NPWS and approval conditions or recommendations of approved documents listed above, the concurrence conditions imposed by the Director-General of the NPWS prevail.</p>
2.	Finalisation of draft Byron Bay Effluent Management Strategy	<ul style="list-style-type: none"> <li>Requires finalisation of the Byron Bay Effluent Management Strategy.</li> </ul> <p>Requires the finalisation to be:</p> <ul style="list-style-type: none"> <li>- Complete no more than 6 months after the date of the approval (unknown)</li> <li>- In consultation with EPA (evidence of such should have been shown in satisfaction of this condition)</li> <li>- Include provision for periodic review of strategy, with timeline of &lt;5 years</li> </ul>
3.	Definitions – ‘Average Dry Weather Flow’ definition	<p>“The average flow over a period of not less than five (5) consecutive days with no rainfall, with no more than 5mm of rain in the preceding ten (10) days”.</p>

		<p>Note – Conditions provides that the “efficacy of this definition shall be reviewed no later than 12 months from the date of commissioning of the West Byron Augmentation and at 12 month intervals thereafter.” The condition then provides that <b><i>the definition may be amended</i></b>.</p> <p>Usually a yearly memorandum/ report would be provided by the operators of the West Byron STP that addresses the efficacy of the definition, with the memo/ report including evidence of consultation with the listed stakeholders.</p> <p>It is understood that this definition has been previously amended, and may require further amendment.</p>
4.	Definitions – ‘Additional Load’ definition	“Any sewage load resulting from development consents after the date of this approval.”
5.	Definitions – ‘Reuse Project’ definition	“An enterprise utilising treated effluent under a valid Environmental Protection Licence where required, holding a valid contract with Council and with all required infrastructure in place and operational.”
6.	West Byron STP Capacity	<p>Defines the West Byron STP “treatment capacity” as 6.95 ML/day (ADWF).</p> <p>Requires Council to continuously monitor and when 80% of ‘treatment capacity’ reached, Council is to investigate strategies for management of flows about the capacity of the plant.</p> <p>The letter ‘Byron Bay Sewerage Treatment Plant Third Party Review – Condition Satisfaction’ dated 12 July 2022 provided by Barker Ryan Stewart investigates the West Byron STP treatment capacity and provides comment regarding compliance with this matter.</p>
7.	West Byron STP Capacity – re the load received at West Byron STP	<p>Condition relates to commissioning – no longer relevant.</p> <p>It would have been a good opportunity in this condition to include a reference to the agreed West Byron catchment. Council could consider amending this</p>

		<p>condition so that it reflects the Incorporated Documents, and ensure there is a consistent definition of the catchment.</p> <p>One would imagine that at time of commissioning the West Byron STP catchment would include the former South Byron STP catchment.</p>
8.	West Byron STP Capacity - re transfer of sewerage flows from South Byron STP to West Byron STP	<p>Condition relates to commissioning – no longer relevant.</p> <p>It would be expected that as part of the transfer of sewage flows from the South Byron STP to West Byron STP catchment there is evidence of parts (i) and (ii) being met.</p> <p>The letter 'Byron Bay Sewerage Treatment Plant Third Party Review – Condition Satisfaction' dated 12 July 2022 provided by Barker Ryan Stewart investigates the West Byron STP treatment capacity and provides comment regarding compliance with this matter,</p> <p>The availability of reuse projects is demonstrated in the above referenced letter.</p>
9.	West Byron STP Capacity – re additional load conditions	<p>Requires that no “additional load” (see definition in condition 4) is to be accepted until 4 pre conditions are met.</p> <p>From the documentation provided, appears that 9(i) and (ii) have been satisfied.</p> <p>No additional load is to be directed to West Byron STP until parts (i) – (iv) are shown to be satisfied:</p> <ul style="list-style-type: none"> <li>(i) South Byron STP noted in EIS to be decommissioned, so no further treated effluent would be discharged into Tallow Creek estuary. All of the catchment previously treated by South Byron STP to be directed to West Byron STP, hence before any extra load is placed on West Byron STP, the redirection needs to first take place as this will exhaust some of the West Byron STP treatment capacity (6.95ML/day ADWF).</li> </ul>

		<p>It is imagined that Byron Council would have some reporting/ other for the South Byron STP decommissioning and evidence that 100% of the sewage catchment has been directed to the West Byron STP, which would indicate satisfaction of this condition.</p> <p>(ii) To determine compliance, reporting would be required to show the performance requirements are being met. The AWC 'FINAL Byron Bay STP License and Consent Condition Review' dated May 2021 (Project 1-201260-b) notes <i>'The Water, Waste and Sewer Advisory Committee Byron STP Condition 9. Additional Load - Quarterly Report indicates compliance. But as identified sufficient reuse capacity is required as additional load is generated.'</i></p> <p>The AWC report indicates compliance has been met. Having not reviewed the report referenced above, BRS are not able to confirm this however if Byron Shire Council have accepted the test methods and results and these show compliance with the performance requirements – it would be reasonable to accept this condition has been met,</p> <p>(iii) Before additional load, which is defined as <i>'any sewage load resulting from development consents after the date of this approval'</i> can be accepted to West Byron STP, it must be shown that there is availability of reuse capacity to accommodate 100% of the additional load.</p> <p>i.e – no sewage loads can be sent to the West Byron STP from developments beyond the STP approval date unless there is available reuse capacity on a reuse project (see definition) to accommodate for 100% of the volume of the treated effluent generated by the additional load.</p> <p>While no definition is provided for 'reuse capacity' it is deemed that each reuse project, as per definition, would have a reuse capacity based on a number of factors (use of treated effluent, area available for treated effluent, etc.). The Byron Bay Golf Club is noted as reusing treated effluent</p>
--	--	--

		<p>currently, and this reuse project would have a reuse capacity that allows offset of additional loads, which may or may not be exhausted. Numerous other projects in Byron Bay are required to provide this treated effluent reuse as developments in the area are proposed – this is part of the long-term effluent management strategy as noted in the EIS.</p> <p>The EIS Figure 6.2 provides a map showing existing and potential effluent reuse areas.</p> <p>(iv) A report or similar would be prepared for the West Byron STP, to show that once upgraded it has a capacity of 6.95ML/ day (ADWF). This would need to be confirmed before additional loads, as per definition, can be accepted.</p> <p>Parts (i) and (iv) of Condition 9 look to be conditions that could be shown to be satisfied once, and then not require ongoing monitoring or revisiting.</p> <p>It is understood that the sewage flows from the previous South Byron catchment have been transferred to the West Byron STP, to satisfy Condition 9 part (i).</p> <p>The Annual Summary Reports provided by Byron Shire Council indicate that the West Byron STP has available treatment capacity to provide for up to 6.95ML/ day (ADWF). This matter is investigated as part of Condition 6 review in the letter 'Byron Bay Sewerage Treatment Plant Third Party Review – Condition Satisfaction' dated 12 July 2022 provided by Barker Ryan Stewart, and shows satisfaction of Condition 9 part (iv).</p> <p>Parts (ii) may require ongoing monitoring to ensure the performance requirements are being met, and the determining factor of ongoing monitoring would be to satisfy the performance requirements of the approval document and the Environmental Protection Licence.</p>
--	--	---

		<p>The Annual Summary Reports provided by Byron Shire Council provide information on the satisfaction of the applicable performance requirements of the STP in relation to the plants Environment Protection Licence and the approval document. Part (iii) is envisaged to require continual review of each development submitted to Council after the date of the subject STP augmentation approval. As any development is proposed which creates an effluent load, there would need to be an assessment of how this additional load can be accommodated within the reuse capacity of a/ multiple reuse project/s.</p> <p>The letter 'Byron Bay Sewerage Treatment Plant Third Party Review – Condition Satisfaction' dated 12 July 2022 provided by Barker Ryan Stewart investigates the availability of reuse capacity to accommodate the volume of treated effluent generated by the additional load.</p>
10.	Effluent Quality Standard for West Byron STP	<p>Sets out the required quality standards. AWC Report indicates compliance.</p> <p>Quality standards of various pollutants/ effluent constituents have been clearly set out. The AWC report notes that '<i>The annual return indicates compliance with this consent condition and required standards.</i>'</p> <p>If the AWC report has been accepted, this condition would be determined to be satisfied.</p> <p>It is also noted in the approval that the quality of treated effluent delivered to reuse sites is subject to separate determination.</p>
11.	Nutrient Load Limit for West Byron STP	<p>Sets criteria for nutrient load, and requirement for regular monitoring. AWC Report indicates compliance with the regular monitoring required by this condition.</p> <p>Nutrient loads for Total Nitrogen and Total Phosphorus have been clearly set out.</p> <p>It would be expected there is evidence of reporting on the results of this monitoring, with evidence of investigations of feasible management strategies where Total Nitrogen or Total Phosphorus exceed 80% of the noted limits, as</p>

		<p>well as minutes to meetings held by Council for events where Total Nitrogen or Total Phosphorus exceed 100% of the noted limits,</p> <p>The AWC report notes that Total Phosphorus shown at outlet is 0.3mg/L 'in accordance with EPA Licence'. The units provided are different to the units used in the consent (kg/year), however the 0.3mg/L is in line with the requirements noted in Condition 10.</p> <p>The AWC report does not look to provide any results on Total Nitrogen, hence it is unclear if the nutrient load requirements have been satisfied for Total Nitrogen.</p>
12.	Byron Bay Wastewater Steering Committee	<p>Requires consultation.</p> <p>Consultation is required with the BBWSC with respect to all matters relating to wastewater management (including reuse). Council were to review the need for the BBWSC upon commissioning of the West Byron STP and adoption of the Byron Bay Effluent Management Strategy.</p>
13.	Construction Environmental Management Plan	<p>Condition relates to commissioning – no longer relevant.</p> <p>A compliant CEMP is expected to have been provided to and accepted by Byron Shire Council prior to commencing construction works.</p>
14.	Construction Environmental Management Plan – what shall be addressed in the CEMP	<p>Condition relates to commissioning – no longer relevant (Note: conditions do not require compliance with the CEMP).</p> <p>A compliant CEMP is expected to have been provided to and accepted by Byron Shire Council prior to commencing construction works.</p> <p>Part (viii) of this condition notes '<i>steps Council intends to take to ensure that all plans and procedures are being complied with</i>' suggest Council having the ability to ensure the plans and procedures, such as the CEMP, are being complied with.</p>
15.	Construction Environmental Management Plan – shall be made publicly available	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be evidence that this document was placed on exhibition or otherwise made publicly available via DA tracker or other.</p>

16.	Community Notification	Condition relates to commissioning – no longer relevant.  There should be evidence of community consultation in regards to the effects on the community (road detours/ traffic/ etc) during the construction works.
17.	Community Notification - re info provided to residents	Condition relates to commissioning – no longer relevant.  There should be evidence of correspondence with the affected residents adjoining the pipeline route in regard to timing and duration of works.
18.	Contact Telephone Number and Complaints Register – telephone	Condition relates to commissioning – no longer relevant.  There should be evidence of a contact number and complaints register was established in regard to the construction works.
19.	Contact Telephone Number and Complaints Register – register	Condition relates to commissioning – no longer relevant.  There should be evidence of a contact number and complaints register was established in regard to the construction works.
20.	Construction Contractor's Environmental Management Responsibilities – re construction tenders	Condition relates to commissioning – no longer relevant.  There should be evidence of construction tenders providing suitable documentation in accordance with the Construction Policy Steering Committee's <i>Environmental Management Systems Guidelines</i> .
21.	Construction Contractor's Environmental Management Responsibilities – re assessment of tenders	Condition relates to commissioning – no longer relevant  There should be evidence of the assessment of tenders having a key evaluation criteria of the tenders demonstrated commitment to environmental management and a suitable track record of such.
22.	Construction Contractor's Environmental Management Responsibilities – re environmental adviser	Condition relates to commissioning – no longer relevant.  There should be evidence of the successful tenderer having in their project team an environmental adviser with appropriate qualifications in environmental management and/or environmental auditing.
23.	Construction Stage Environmental Audit	Condition relates to commissioning – no longer relevant.  There should be evidence of an audit being performed approx. midway through the construction period of the construction activities with respect to



		compliance with these conditions of approval, the measures contained in the EIS and the requirements of any other licences or approvals. Where required, the audit shall include recommendations to address any identified non-compliances.
24.	Construction Hours	<p>Condition relates to commissioning – no longer relevant.</p> <p>It is common to include allowable work hours in any CMP or CEMP, otherwise the construction plans.</p>
25.	Construction Noise	<p>Council required to prepare a Noise Management Plan for inclusion in the CEMP to identify practical and cost-effective noise abatement measures to be implemented with the objective of meeting specific construction noise level criteria as listed in the consent.</p> <p>There should be evidence of this Management Plan's creation.</p>
26.	Erosion and Sedimentation Control – ESC Plan	<p>Condition relates to commissioning – no longer relevant.</p> <p>Council required to prepare an Erosion and Sediment Control Plan for inclusion in the CEMP detailing principles and measures to be implemented during construction as per the condition.</p> <p>There should be evidence of ESCP creation in consultation with the EPA and DLWC.</p>
27.	Erosion and Sedimentation Control – re water quality monitoring program	<p>Condition relates to commissioning – no longer relevant.</p> <p>As part of the CEMP, Council required to prepare a water quality monitoring program and incidental response program to detect and manage any incidences of pollution of waterways by effluent during construction.</p> <p>There should be evidence of this monitoring program and incident response programs creation. The OEMP discusses monitoring of the water quality but not through the construction phase.</p>
28.	Air Quality	Condition relates to commissioning – no longer relevant.

		There should be evidence that Council implemented dust suppression measures on unsealed roads and on spoil stockpiles to minimise dust generation.
29.	Landscape and Rehabilitation	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be evidence that Council prepared a landscape plan detailing landscaping and revegetation works to be undertaken at the West Byron STP site, the South Byron STP site and along the transfer pipeline route.</p>
30.	Traffic Management	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be evidence that Council prepared a compliant Traffic Management Plan.</p>
31.	Indigenous Heritage – re archaeologist	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be evidence that a qualified archaeologist was present during ground-disturbing construction works in Survey Units 2 and 4 and during initial planting works in Survey Unit 5.</p> <p>A report would likely have been compiled by such expert.</p>
32.	Indigenous Heritage – re The Arakwal Aboriginal Corporation	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be evidence of heritage reporting as part of the construction works. The EIS Figure 14.2 shows that Heritage Feature 11, an open camp site with NPWS Site register number 04-5-0112 is in the direct vicinity of the preferred route for the rising main connecting the South Byron STP to the West Byron STP.</p>
33.	Indigenous Heritage – re the <i>National Parks and Wildlife Act 1974</i>	<p>Condition relates to commissioning – no longer relevant.</p> <p>Unlikely to be any evidence of satisfaction however, unless a copy of the induction and training documents could be presented, or the inclusion of the requirement to comply with the NPW Act is noted in the CEMP.</p>
34.	Indigenous Heritage – re Native Title Claim	Condition relates to commissioning – no longer relevant.

		There should be evidence of consultation with relevant Native Title claimant group as the proposed construction works were likely undertaken through an area of Native Title claim, as shown on Figure 14.1 of the EIS.
35.	Non-indigenous Heritage – re exclusion zone	Condition relates to commissioning – no longer relevant.  There should be evidence of an exclusion shown on the construction plans or in the CEMP to inform contractors.
36.	Non-indigenous Heritage – re <i>Heritage Act 1977</i> and NSW Heritage Office	Condition relates to commissioning – no longer relevant.  There should be evidence of Council consulting with NSW Heritage Office to develop a suitable research design to undertake an archaeological assessment of the pipeline route through the identified area.
37.	Waste Management	Condition relates to commissioning – no longer relevant.  There should be evidence of a Council prepared WMP to address construction works. The condition spells out what the WMP shall include.
38.	Commissioning of Upgraded West Byron STP – re risk management measures	Condition relates to commissioning – no longer relevant.  There should be evidence in the CEMP of risk management measures to minimise the likelihood of disruption to operation of West Byron STP during connection of new infrastructure.
39.	Commissioning of Upgraded West Byron STP – re appropriate contingency measures	Condition relates to commissioning – no longer relevant.  There should be evidence in the CEMP of appropriate contingency measures for implementation if problems are encountered with connection of the new infrastructure.
40.	Commissioning of Upgraded West Byron STP – re EPA	Condition relates to commissioning – no longer relevant.  There should be evidence that the EPA was consulted with respect to the risk management and contingency measure notes in conditions 39 and 40.
41.	Operational Environmental Management Plan	Required the adoption of an Operational Environmental Management Plan (OEMP). AWC Report indicates that the Byron STP Wetlands and Reuse Operational Management Plan (2013) is the key document ( <b>2013 OEMP</b> ). Formerly, the Operational and Management Guidelines (2007) guided operations.

		<p>We are instructed that the OEMP <b>adopted</b> (this should be verified) by Council pursuant to condition 41 was Effluent Reuse &amp; Wetland Regeneration [24ha site]: Operational &amp; Management Guidelines, March 2007 (<b>2007 OEMP</b>).</p> <p>Neither condition 41 or following conditions, provides for an update to the OEMP. On this basis, the later 2013 OEMP cannot be the OEMP for the purposes of condition 41.</p> <p>Unfortunately, the OEMP as provided for in the conditions of consent is a static document, unless, the document provided originally that it may be updated periodically or for particular reasons. A review of the 2007 OEMP indicates that it does not provide for updating of the document upon certain review measures / time frames or any other basis. It should be evident that the adopted OEMP was prepared in consultation with the EPA, NPWS, DLWC, BBWSC, the Belongil Swamp Private Drainage Board at a minimum. The 2007 OEMP was required by the Consent to be adopted by Council no later than one month prior to commissioning of the STP.</p> <p>The 2007 OEMP discusses at length the advantages of the operation and management requirement of the West Byron STP being an 'adaptive management approach'. It notes in Section 2 'Management Approach' that 'although many of the management needs have been identified, some of the management requirements remain only partially understood'. It goes on to describe that the disturbance of natural ecosystems, even highly modified ones, can lead to surprising and unpredicted outcomes.</p> <p>In Section 9.1.2 of the OEMP the objectives of the Biodiversity Management Plan (BMP) are provided, of which it is noted the objectives include:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> to identify the major management issues applying to the land;</li> <li>• <input type="checkbox"/> to provide for the plan's periodic review; and</li> <li>• <input type="checkbox"/> to simplify the process of management as far as possible.</li> </ul>
--	--	--

		<p>Under Section 4.4.2 of the OEMP, adaptive management is described to manage Acid Sulphate Soils and notes that 'On-going monitoring over the short to medium term will allow management actions to be refined'.</p> <p>It is clear it was intended that the OEMP would be an iterative document, however neither condition 41, nor any other condition in the Consent, or the 2007 OEMP provide for a process for updating the OEMP.</p> <p>Recommend Council lodge a section 4.55 modification application to address this (and related) condition/s.</p>
42.	Operational Environmental Management Plan – re what the OEMP shall address	<p>This condition is broad and provides that the OEMP MUST address a number of criteria, but is not limited to those criteria.</p> <p>The OEMP does not address all of the matters set out in condition 42. In relation to (i), it does not identify statutory and other obligations. Parts of (vi) are not addressed, such as hazards and risks, and emergency response plans.</p> <p>The condition requires the OEMP to address at a minimum a number of aspects, commentary on the four parts below:</p> <ul style="list-style-type: none"> <li>I. There does not look to be an identification of the statutory/ other obligations Council is required to fulfil including all licences/ approvals and consultations/ agreements required in the operation of the STP. There is reference made to relevant legislation in Section 11 with regard to impacts and control options of/ for feral animals, however the legislative or other requirements of operating an STP is not covered.</li> <li>II. There is mention in Section 2 'Management Approach' of problem identification and communication amongst stakeholders, however there is not a clear plan of reporting protocols/ similar with stakeholders as would be reasonably expected to satisfy this condition.</li> <li>III. The condition does not set out the parameters to monitor which are to be monitored.</li> </ul>

		<p>The OEMP provides commentary on monitoring of ASS, groundwater and 'drain-water' that has been carried out to date and recommends that the monitoring program continue. Management actions and instructions on the use of the monitoring equipment is provided are also provided in the OEMP. There is no clear script on protocols to ensure the quality of the monitoring program, however the procedure and data logging information provided may be considered sufficient to provide a quality monitoring regime.</p> <p><b>It may be worth having an environmental scientist review the monitoring procedures proposed as well as determine if other parameters should also be monitored.</b></p> <p>IV. There does not look to be any indicated steps outlined in the OEMP to ensure that the plans and procedures are being complied with</p> <p>V. The Belongil Estuary Management Plan (BEMP) does not look to be addressed in the OEMP, with the only reference to the BEMP being condition 15 from NPWS (Appendix 1) where the condition required Council to provide the BEMP.</p> <p>VI. Many of the items noted as requiring management strategies in this part the condition are not provided for in the OEMP. It would be expected that each of the items would be afforded some commentary in the OEMP and are not.</p> <p>These matters should be addressed in a modification application.</p>
43.	Operational Environmental Management Plan – OEMP to be made publicly available	<p>(As above)</p> <p>It should be evident that the OEMP was/ is made publicly available.</p>
44.	Operational Environmental Management Plan – re consultant	<p>We do not know whether this condition was complied with. This condition required an independent consultant to review inherent uncertainties associated with the computer simulation models used in the environmental assessment. However, this condition is no longer relevant in terms of the operation of the Byron STP.</p>

		<p>There should be evidence of such by way of a report or similar. Reference to simulation modelling is provided in the OEMP only in regard to irrigation.</p> <p>This matter could be addressed in a modification application.</p>
45.	Monitoring	<p>The OEMP does not explicitly address a Monitoring and Impact Verification Plan.</p> <p>While there are a large number of references to monitoring throughout the OEMP, there does not look to be the preparation of a monitoring plan as described by the consent. It could be that the information of such plan is within the OEMP, but not collated into the format to create the required Monitoring and Impact Verification Plan.</p> <p>This matter should be addressed in a modification application.</p>
46.	Decommissioning of South Byron STP – re decommissioning of South Byron STP	<p>Condition relates to de/commissioning – no longer relevant.</p> <p>There should be evidence of a performance report or similar for the West Byron STP to satisfy this condition prior to the decommissioning of the South Byron STP.</p>
47.	Decommissioning of South Byron STP – re Environmental Protection Licence	<p>Condition relates to de/commissioning – no longer relevant.</p> <p>There should be evidence of a performance report or similar for the West Byron STP to satisfy this condition prior to the decommissioning of the South Byron STP. There will likely also be evidence of any license expiration/ other for the South Byron STP once decommissioned.</p>
48.	Operation Stage Environmental Audit	<p>Required an operation stage environmental audit. This condition is not relevant to the ongoing operation of the Byron STP. The AWC Report records it was unable to find that the audit had been completed.</p> <p>There should be evidence of an operational stage audit of the West Byron STP 12 months after handover performed by appropriately qualified and experience environmental auditor. Any recommendations of the audit to be noted and the report to be made available to the public.</p>

		The AWC report notes there are no records of such audit taking place. Recommend Council to investigate this matter.
49.	Sewerage System Performance Reporting	<p>Condition requires Annual Reporting.</p> <p>Annual Report is to detail the performance of the sewerage system, with respect to all performance objectives specified in all licences and approvals. It appears from the AWC Report that this annual reporting may not have been undertaken.</p> <p>There should be evidence of an annual performance report of the West Byron STP, including year-on-year comparisons of performance results to satisfy condition.</p> <p>The AWC report does not clearly identify that this annual report has not been provided, but the commentary suggests it has not been provided.</p> <p>Recommend Council to investigate this matter.</p>
50.	Constructed Wetland Performance	<p>Condition relates to commissioning – no longer relevant.</p> <p>There may be evidence of the completion of works associated with the establishment of the constructed wetland 12 months prior to commissioning.</p>
51.	Constructed Wetland Performance – re criteria to provide measure of success	<p>Condition relates to commissioning – no longer relevant.</p> <p>There should be a report/ similar that sets out suitable criteria to provide objective measures for the success or failure of the upgraded wetland and its readiness for incorporation into the STP process/ treatment train.</p> <p>These matters should be addressed in a modification application.</p>
52.	Water Quality – re Water Quality Monitoring Program	Condition requires a detailed operation stage Water Quality Monitoring Program, addressing a number of criteria set out in the condition. The Water Quality Monitoring Program was to be to the satisfaction of the EPA. There is no reference specifically of a Water Quality Monitoring Program in the OEMP, and it is unknown whether one was prepared to the satisfaction of the EPA. Section 7 of the OEMP 'Monitoring: Ground Water and Drain Water' notes that an 'intensive' groundwater monitoring program was established in early 2002



		<p>and maintained until 2005. While the monitoring program is noted as complete in the OEMP, it is recommended that groundwater monitoring continue. The OEMP describes the operation of setting up and using the monitoring equipment but does not look to address the requirements set out in parts (i) – (v) of condition 52.</p> <p>There is no evidence that there was any consultation with the EPA regarding this condition.</p> <p>These matters should be addressed in a modification application.</p>
53.	Water Quality – re Condition 52(v)	<p>Condition restricts when any “additional load” may be accepted. “Additional loads” can only be accepted where there is compliance with the specified water quality parameters.</p> <p>Suspension of acceptance of additional loads is only required where the West Byron STP does not meet the limits of the EPA Environment Protection License for 3 consecutive months. Once satisfactory resolution of the issues contributing to the non-compliances is/ are resolved and the water quality parameters are shown to be compliant for 3 consecutive months, acceptance of additional loads, then compliance with condition 9 (iii), can recommence.</p>
54.	Water Quality – re monitoring and verification protocol	<p>Condition requires details in the OEMP regarding a monitoring and verification protocol. This document is not referenced in the OEMP.</p> <p>There is no reference in the OEMP to the predicted benefits to water quality in Tallow Creek as a result of the project as required by this condition.</p> <p>There is no evidence that there was any consultation with the EPA in regard to this matter either.</p> <p>These matters should be addressed in a modification application.</p>
55.	Acid Sulphate Soils	<p>Condition requires an Acid Sulphate Soils Management Plan as part of the OEMP.</p>

		<p>Acid Sulphate Soils (ASS) and the onsite testing to date for such are reported on at length in the OEMP in Section 4 'Acid Sulphate Soils', however a defined 'ASS Management Plan' is not provided.</p> <p>The condition requires that an ASS Management Plan be prepared by Council in accordance with ASSMAC 1998, which part of this document relating to ASS Management Plans is provided below.</p> <p>While some of the requirements of an ASS Management Plan set out by the ASSMAC document are provided in the OEMP, not all matters listed in the extract below, which is the minimum information the ASS Management Plan should include, have been provided.</p>
--	--	---

## 6.2 The Acid Sulfate Soil Management Plan

The plan should pull together all the mitigation measures to protect the soils, surface and groundwater, ecology and the community. It should outline the staging of works so that the impacts can be minimised and managed. As a minimum it should contain the following:

1. an overview of environmental attributes of the site and surrounds (see Section 5 and 6)
2. an overview of the proposed works
3. a description of the acid sulfate soils mitigation strategies (see Section 3 and 4) incorporating a schedule of construction and operational phases to minimise impacts from :
  - a) the disturbance (including excavation or changes in surface or subsurface water systems)
  - b) any excavated soils (including storage, treatment or use)
  - c) any acid leachate produced (including storage, treatment, discharge or use)
4. a monitoring program for soils and the surface and subsurface water quality (see Section 7.4) outlining:
  - a) what parameters will be monitored
  - b) monitoring locations
  - c) monitoring frequency
  - d) analyses to be conducted
  - e) laboratory conducting analyses
  - f) procedures to be undertaken if monitoring indicates that thresholds are being exceeded
  - g) reporting procedures to relevant authorities and the community (if appropriate).
5. a description of the pilot project or field trial (if new mitigation strategies are being used or a pilot is required by the determining authority) (see Section 7.3) to:
  - a) prove the effectiveness and feasibility of new technology, or selected management procedures to deal with the acid sulfate soils and other environmental impacts
  - b) demonstrate that the proponent has the capability to implement those management procedures effectively
  - c) demonstrate the ability to comply with agreed standards and performance targets
6. a description of the contingency procedures to be implemented at the site to deal with unexpected events or in the event of failure of management procedures (see Section 7.5) including a Remedial Action and Restoration Action Plan related to:
  - a) any failure to implement any proposed acid sulfate soil management strategies
  - b) any mitigation strategies being ineffective so that the project fails to meet agreed standards or performance levels.

56.	Groundwater	Condition requires as part of the OEMP consultation with DLWC regarding bores and monitoring. The OEMP does address groundwater monitoring. It is
-----	-------------	---

		<p>unknown whether the bore locations were developed in consultation with the then DLWC.</p> <p>The OEMP addresses groundwater modelling that has occurred prior to the STP operation and recommends continued monitoring of such. There is no evidence of consultation with DLWC as required by the condition.</p> <p>The above matters should be addressed in a modification application.</p>
57.	Drainage Management Plan	<p>Condition requires as part of the OEMP a Drainage Management Plan be prepared addressing the criteria set out in the condition. A drainage management plan is not specifically addressed in the OEMP however the OEMP does address drain and drainage maintenance and management in detail.</p> <p>The OEMP requires Council to consult with the Belongil Swamp Private Drainage Board on several matters, comments on each provided below:</p> <ol style="list-style-type: none"> <li>I. The OEMP makes no mention of drainage charges, noting that this is interpreted as drainage fees or similar.</li> <li>II. Water quality monitoring looks to be addressed in the OEMP, however an environmental scientist may determine that other parameters related to water quality should also be addressed and reported on. There is mention of flow monitoring in the OEMP in regards to AAS mitigation and also irrigation, however there does not look to be any baseline or target flow rates for the drainage or site discharge rates, which would be reasonably expected for any discussions with the Belongil Swamp Private Drainage Board related to discharging water into their asset.</li> <li>III. Drain maintenance looks to be addressed in the OEMP Section 6 'Irrigation: Infrastructure and Maintenance'. Access to the site is referred to in the OEMP, however specific access maintenance is not addressed.</li> <li>IV. Erosion control is mentioned in the OEMP in that any track construction are to be constructed and located to ensure minimal erosion and soil loss. Specifics of the sediment and erosion control by way of a plan (drawing) or management plan re not provided.</li> </ol>

		<p>There is no mention that there was consultation with the Belongil Swamp Private Drainage Board in regard to the above.</p> <p>The above matters should be addressed in a modification application.</p>
58.	Drainage Management Plan – re Belongil Swamp Private Drainage Board	<p>It is unknown whether negotiations with the Belongil Swamp Private Drainage Board occurred.</p> <p>It is unclear in the AWC report and otherwise if the required negotiations between Byron Shire Council and the Belongil Swamp Private Drainage Board regarding contributing (financially and/or other) toward the maintenance of the Board's drains used by Council for the conveyance of treated effluent to Belongil Creek took place.</p> <p>Recommend Council investigate, as the negotiations were as far as practicable required to be finalised prior to commissioning the augmentation West Byron STP.</p>
59.	Flora and Fauna	<p>Condition required the investigation of the habitat requirements for the Comb-crested Jacana. It is unknown whether the investigations took place. The condition was required to be complied with before commissioning.</p> <p>It is unclear if Council investigated the specific habitat requirements of the Comb-crested Jacana (<i>Irediparra gallinacea</i>) with respect to the species' minimum water depth requirements and incorporated this into the operating strategy for Cell H. If this did occur it would be reasonable to expect there to be evidence of this in a report or otherwise.</p> <p>Recommend Council investigate this matter.</p>
60.	Odour Management	<p>Condition requires as part of the OEMP an Odour Complaint Response procedure. No odour complaint procedure is included in the OEMP.</p> <p>The OEMP makes no mention of addressing odour, by way of management, mitigation or a compliant response procedure.</p> <p>Recommend Council investigate.</p>

61.	Review/Reporting Periods	<p>Relates to timing of annual reviews and reporting.</p> <p>Timing of reporting noted in condition. Does not require particular action.</p>
-----	--------------------------	--