

## Environmental Health Referral Response - acid sulfate soils

<b>Application Number:</b>	DA2021/1069
<b>Date:</b>	09/09/2021
<b>Responsible Officer</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 142 DP 13760 , 172 A Hudson Parade CLAREVILLE NSW 2107

### Reasons for referral

This application seeks consent for one or more of the following:

- All development in class 1 land
- Any works below ground surface or will lower water table in area class 2 land
- Any works beyond 1 metre or lower water table by 1 metre in class 3 land
- Any works beyond 2 metres or lower water table by 2 metres in class 4 land
- Works on land below 10 metres AHD and within 500m of class 1, 2, 3 or 4 land which are likely to lower water table below 1 metre

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

### Officer comments

Environmental Health has reviewed the Statement of Environmental Effects (SoEE) by Royal HaskoningDHV dated 3 June 2021, which identified that the proposed works are located in an area classified as Class 5 for Acid Sulfate Soils (ASS). An ASS Management Plan was deemed unnecessary due to limited excavation required within the Class 5 area however, the SoEE did not acknowledge the Class 1 area where temporary containment measures are partially located at present and unloading platforms will be located. Should any excavation be required within the Class 1 area, an updated preliminary ASS assessment should be conducted.

Whilst the LEP provides certain exemptions to the requirement for an ASS Management Plan (NB these are model clauses which are more appropriate for land-based developments), the Protection of the Environment Operations Act 1994 and the Fisheries Management Act 1994 are still applicable. When disturbed, ASS will react with dissolved oxygen in surface waters, which may facilitate the release of heavy metals and other pollutants of concern into the waterway.

Seagrasses including *Posidonia australis* (endangered population) have been recorded in the immediate vicinity of the proposed development by DPI Fisheries and more recently by one of Council's suitably qualified contractors. They are also readily visible in satellite images. As such, pollutants entering the waterway in this area may have detrimental effects on seagrass survival. Sediment curtains may cause localised smothering of seagrasses and will not provide protection against the release of chemical or metal contaminants, therefore disturbance of ASS and migration of sediment, cement, materials, fuel etc. into the waterway should be prevented in the first instance. Also, barge movements and unloading operations must be conducted in such a manner that prevents physical damage to seagrasses.

Environmental Health recommends approval with conditions.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Environmental Investigations Conditions:**

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**Barge and Vessel Movements Not to Disturb Sediment or Seagrasses**

*Any works undertaken with the use of a barge or any other vessel, along with barge or vessel movements to, from and within the approved development envelope, must be timed and performed appropriately with respect to tides, weather conditions and bed-morphology of the waterbody so as to not disturb sediment, or cause any damage to aquatic flora or fauna.*

Reason: Protection of the environment.

**Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during works that has the potential to alter previous conclusions about Acid Sulfate Soils made in the Development Application, shall be immediately notified to the Council prior to further commencement of works.

Reason: Protection of the environment.