



Our Ref: DOC19/651771
Your Ref: DA 282-11-2004-i MOD 4

Director
Industry Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Chris Ritchie

Dear Mr Ritchie

Subject: Request for advice on modification of integrated development approval for Australian Bay Lobster Aquaculture Facility, Chinderah (DA 282-11-2004-i MOD 4)

Thank you for your request received through the NSW Planning Portal on 31 July 2019 seeking comments on the proposed modification of integrated development approval for the Australian Bay Lobster Aquaculture Facility from the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The Biodiversity and Conservation Division was in the Office of Environment and Heritage but now forms part of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment (see <https://www.dpie.nsw.gov.au>).

The modification application (MOD 4) seeks approval for additional bulk earthworks, treatment and additional importation and use of potential acid sulfate soils (PASS) as fill, use of excavated natural material (ENM), construction of short-term emergency accommodation, realignment of the seawater pipeline route and administrative amendments to the original approval. Previous modifications to the approval have been to construct a seawater intake pipeline, import ENM and PASS soils and make changes to meet site operational requirements.

We have reviewed MOD 4 documents prepared by The Northpoint Advisory Pty Ltd in June 2019 and advise that we have no further comments on biodiversity and Aboriginal cultural heritage as the potential impacts of the proposal on these matters have been previously addressed in our response to the MOD 3 proposal to import ENM and PASS soils to the site dated 20 July 2018.

We also do not have any further comments on flooding since the MOD 4 proposal is subject to the same development footprint proposed in previous modification applications and conditions of the original approval. These include compliance with Construction and Operation Environmental Management Plans and Water Quality and Groundwater Monitoring Programs.

However, our review of MOD 4 has identified several issues with the potential impacts on PASS as detailed below.

The Acid Sulfate Soil Management Plan (ASMP - Appendix E in MOD 4) contains some errors and inconsistencies in proposed acid sulfate soil (ASS) evaluation, treatment and testing methods. These are:

- a. Lack of evaluation and quantification of the acid producing potential of soil proposed for importation to the site prior to preparation of the ASMP.
- b. Proposed spreading of material for liming treatment in 900 mm thick layers instead of the recommended thickness of less than 300 mm.
- c. Proposed suspension peroxide oxidation combined acidity and sulfur testing of all treated material by a third-party laboratory accredited by the National Association of Testing Authorities instead of according to the National Acid Sulfate Soils Identification and Laboratory Methods Manual 2018.
- d. Neutralisation of the acidity of excavated material that does not accord with validation/verification testing performance criteria in the National Acid Sulfate Soils Identification and Laboratory Methods (NASSILM) Manual 2018.

In summary, the Biodiversity and Conservation Division recommends that prior to the determination of MOD 4:

1. the ASMP be revised to address points a. to d. above to ensure alignment of proposed ASS evaluation, on-site treatment and laboratory testing methods and standards contained in the NSW Acid Sulfate Soils Manual 1998 and NASSILM Manual 2018.
2. the existing impact mitigation measures contained in the Construction and Operation Environmental Management Plans, Water Quality and Groundwater Monitoring Programs, revised ASMP, and in our MOD 3 letter dated 20 July 2018, continue to be required for the protection of the biodiversity, Aboriginal cultural heritage and soil and water resources of the project area.

If you have any further questions about this issue, Dr Andrew Huggett, Senior Conservation Planning Officer, Biodiversity and Conservation, can be contacted on 6659 8240 or at andrew.huggett@environment.nsw.gov.au.

Yours sincerely



22 August 2019

DIMITRI YOUNG
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Biodiversity and Conservation