

DA10.2020.87.1 Habitat Stage 5 – 2 Gallagher Street, Byron Bay

Byron LEP Clause 6.1 – Acid Sulfate Soils:

The subject site is identified on Council's Planning maps as containing Acid Sulfate Soils (Class 3). The site is known to contain fill from previous site works and the applicant provided an Acid Sulfate Soils and Contamination Assessment (prepared by GeoLink, April 2007) in support of the proposal.

However, the submitted investigations which limit testing to <1.7m beneath ground level (bngl) are not considered to be representative of the proposed basement carpark & services below the slab which are expected to be >5.0m bngl.

Council's Environmental Health Officer (EHO) advised the submitted documentation was insufficient to conclusively determine that the excavation proposed by the development would not result in adverse environmental impacts, or that impacts could be appropriately managed if encountered. A detailed ASS assessment (for soil and water) and Contingency Plan was requested of the applicant.

Information submitted in response to this request included sufficient detail for Council's EHO to ascertain that it is unlikely that the site contains ASS; notwithstanding, the extent of information provided by the applicant did not achieve the minimum requirements of ASSMAC 1998, or the requirements of Byron LEP 2014, Clause 6.1. Similarly, the applicant provided sufficient information to demonstrate that the construction of the basement can occur without adverse environmental impact with regard to Groundwater Impact and Dewatering; however this is only possible using the described methodology which has been proposed by the applicant and agreed to in principle by Council. This construction Management Plan forms part of the Approved Plans.

For this reason, Council is satisfied that the site is suitable for the proposal, however recommends deferred commencement consent conditions to ensure that appropriate site investigations have been undertaken which accord with the minimum requirements and that appropriate management measures have been planned and approved by Council prior to the commencement of the consent. In this regard, Council requires:

- A detailed Acid Sulfate Soil Report, providing a minimum of ten (10) soil samples;
- A detailed Acid Sulfate Soils Management Plan which considers the findings of the abovementioned report;
- An amended Groundwater Impact Assessment Report, informed by the above;
- A Detailed Dewatering Management Plan, informed by the above.