



CLARENCE ENVIRONMENT CENTRE Inc

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The General Manager
Clarence Valley Council
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Submission DA2018-0368 Exhibition Documents Shed and Mound Harwood Slipway (2)

Introduction

The Clarence Environment Centre (CEC) is a 100% volunteer organisation that has maintained a shop-front in Grafton for close to 30 years, and has a proud history of environmental advocacy. Our members believe that conservation and maintenance of healthy ecosystems and biodiversity is of paramount importance.

We also believe in good planning for the future, and have never agreed that areas that are highly flood-prone and likely to be permanently inundated by the end of this century should be developed as industrial zones.

Access to site.

We notice the DA states (page 26) that: *“The construction of Route Option 1 identified in the DCP has been linked to the recent approval of a new shed in Careys Lane. It is not required for this development, and this development should not be delayed while the alternative road access is being designed and constructed. Route Option 1 will end up as a public road servicing the cane industry, a small number of rural dwellings and an important marine industrial precinct. This shed is part of the original Harwood Marine site and is entitled to use the existing access to that site”.*

The above claim of “entitlement”, cannot be supported. The current operation at Harwood Marine bears no resemblance to “original” site. It has expanded year on year for over, we understand, four decades, and with each increase in traffic volume, damage to River Road and the river bank itself has cost ratepayers dearly, not to mention the reported damage to private homes along the route.

The large volumes of fill needed to construct the pad for the proposed shed in Careys Lane was deemed too great for River Rd, and Council determined the “Route Option 1” would need to be used. Therefore, we believe that is precedent enough to require the same consent condition to be applied for the construction of this latest structure.

Flood-prone nature of the site

This is the second application by the proponent to construct large pads for shed construction, and there are plans to build more pads and roads in the future. In respect to that, our reading of Council's LEP (Clause 7.3.3.b) is that, before approval, Council needs to be satisfied that the development:

“is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties”. The DCP – D5.2.1, likewise states: *“The flood impact of the development (is) to be considered to ensure that the development will not increase flood affects elsewhere, having regard to: (ii) changes in flood levels and velocities caused by alterations to the flood conveyance”*.

Likewise, under the same DCP clause, D5.2.1, we read: *“The flood impact of the development (is) to be considered to ensure that the development will not increase flood affects elsewhere, having regard to: (iii) the cumulative impact of **multiple potential developments** in the floodplain. An engineer’s report may be required to address potential impacts”*.

There is no mention of any such engineer's report in the DA, and we understand there has been no modelling to determine what, if any, changes to flood behaviour will result from the filling of these sites. The river bend, exposing the riverside residential development just across the river, is a case in point where this consideration would seem to be appropriate.

Compliance with regulations

We also have concern with the statement (page 27 of the DA) that: *“The filling is largely consistent with Council’s flood policies and controls, and will not adversely impact on neighbours or the locality.”*

This is reminiscent of the repeated assertions made by the same developer in describing their rezoning proposal to develop a riverside marine precinct as *“**justifiably inconsistent**”* with Council's policies.

So what exactly is meant by the term *“largely consistent”* in this instance? The DA states: *“The land on which the shed will be located is to be filled to a suitable level above nuisance flooding”*, with an explanation that the proposed height will be *“775mm below the Flood Planning Level.”* Therefore, with the admission that flood levels reach, *“to just over 3.0 metres AHD in a 100-year ARI flood event”*, it is in our opinion, that the proposed filling is completely **inconsistent** with Council's policies and controls which, again we understand, require *“Ground level or a raised fill pad level with a surface level equal to or greater than the 100 year flood level”*.

In terms of cumulative impacts, there is also no consideration of the environmental impacts which are wrought at the quarry end of the construction chain. This is a common omission, and quarries that result in entire ridge tops and hill sides being removed and transported elsewhere, are assessed under separate DA's, meaning that the permanent scars left on the landscape, which Council never requires to be rehabilitated, are not linked to, or in any way assessed as a part of the cumulative impact caused by the development.

Contaminated fill

The DA's admission that the proponent wished to use stockpiled dredge materials which contain chemical contaminants as fill is also a concern. From an assertion by the DA's author that: *“I do not believe that any of the contaminants pose a risk to the materials’ use as structural fill”*, suggests the actual contaminants are unknown. Should there be a proper analysis of this dredge material **before** any decision be made as to its safe handling and disposal?

The options for dealing with this contaminated fill, as outlined in S7.1, which includes *“disposal at sea”*, are also concerning, and clearly the contaminated material should be disposed of at a suitably approved site, not dumped in local cane fields as was reported previously.

Social impacts – Air, Water, and Noise pollution.

Having spoken with numerous nearby residents, and attended meetings, at least one of which was attended by Environment Production Agency officers, we consider the comments relating to the above issues (pages 18 and 23, Appendix B, page 31) to be misleading. Noise, odours, smoke from burning chemical drums, run-off of toxic substances from the site, and spray-paint drift adversely affecting immediate neighbours were all reported at that meeting.

Weekends may well be a period when the works are “*least likely to be active*” as claimed, but historically, weekend work is reportedly commonplace. Also the claim that “*There is little likelihood of air or water pollution on or off the site*”, is far from reassuring to residents, and we strongly believe that regulations be strengthened to ensure that there is **NO likelihood** of off site air or water pollution. How this can be achieved at a site that is frequently overrun by flood waters is something Council needs to consider carefully, or perhaps **should have** considered more carefully **before** recommending the rezoning which has allowed the Harwood marine precinct to be developed.

The assurances contained within the Contingency Plan (Appendix B, page 30) which outline “*procedures that may be followed in order to manage such situations and prevent adverse affects on human and environmental health, including “covering of stockpiles”*”, are hardly convincing when photographs in the DA itself clearly show, what the **DA acknowledges is a toxic stockpile, with no covering whatsoever.**

Under the circumstances we have to ask why is the stockpile not covered and what steps has the EPA taken to protect nearby residents?

In fact we need to ask why a range of actions listed as “contingency measures “, are not already standard procedures?, These include, “*modification of work practices; modification of equipment operation; modification of work schedules; bunding of spill areas; maintaining on-site emergency spill containment kits; assessment of potential impacts in down gradient areas; stormwater management; additional bunding and/or hay bales around the works area or stockpile to prevent uncontrolled runoff of potentially contaminated stormwater and sediment; establishment of standard vehicle routes across the site to minimise surface disturbance, and routine site inspections*”.

Given past history, none of the promised measures provide the public with any reassurance that the conditions that impact on them will improve under the proposed expansion of operations at the site, and we believe Council and the EPA needs to provide that reassurance through the imposition **and enforcement** of strict controls.

We thank Council for this opportunity to comment.

Yours sincerely

John Edwards
Honorary Secretary.