



Our ref: DOC21/16583

Senders ref: SSD 8924 MOD 1 (City of Sydney)

Rodger Roppolo
Key Sites Assessments
Planning and Assessment Group
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Mr Roppolo,

Subject: The New Sydney Fish Market – Concept and Stage 1 SSD 8924

Thank you for your e-mail received 23 December 2020, requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) on the New Sydney Fish Market – Concept and Stage 1. The modification application seeks to amend the design of the development which have resulted from the detailed design process and refinement of user requirements since development consent was granted.

EES have reviewed the Modification Report and relevant documents and make the following comments.

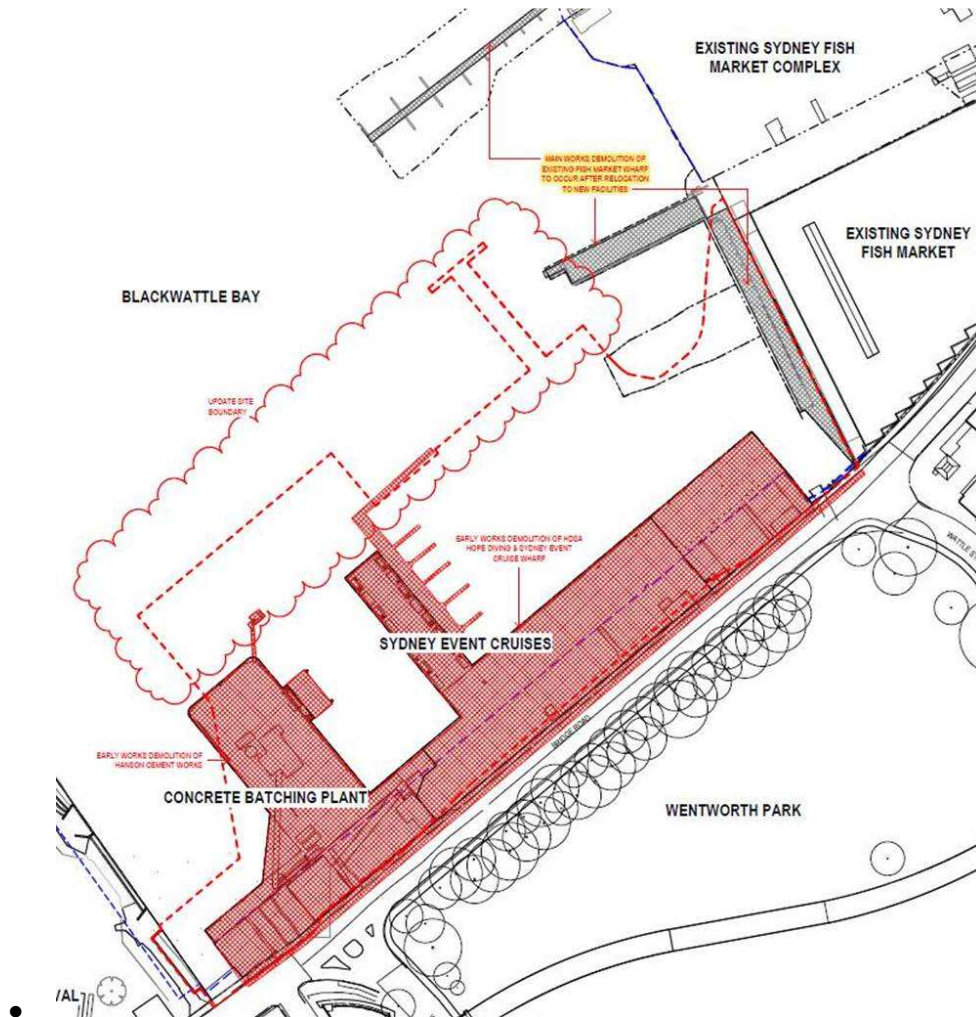
Biodiversity

Under section 7.17 of the Biodiversity Conservation Act 2016 (BC Act), applications for the modification of major projects must be accompanied by a biodiversity development assessment report unless the consent authority is satisfied that the modification will not increase the impact on biodiversity values.

To assist DPIE, EES considers that changes proposed in the modification application are not likely to result in greater impacts than the approved development and EES concurs with the planning report that a further biodiversity development assessment report is not required.

However, EES notes that the Demolition Plan AR-S1-A21 L00-01 for SSD 8924 (Issue G) still indicates one wharf (occupied by an outdoor dining area of the existing fish market) and two jetties on the eastern side of Blackwattle Bay, within Lot 1 in DP 835794, as “Main works demolition of existing fish market wharf to occur after relocation to new facilities”.

This was previously questioned in a meeting with Infrastructure NSW on 3 August 2020 in which Jennifer Chang confirmed that demolition of these wharves and jetties had been given consent “as a later stage”. However, only one of these structures the “existing SFM wharf and outdoor dining area which is located along the foreshore on the western side of the main fish market building” is included in the EISs for SSD 8924 and SSD 8924, being shown on Figure 2 as being within the development footprint and referred to in section 2.4.1 as one of the “buildings, structures, wharves and jetties [that] are to be demolished as part of this application”. The two jetties are not mentioned in either EIS.



EES therefore, firstly, seeks clarification from the Planning and Assessment Group as to whether the demolition of any of these structures is covered by the approved developments 8924 or 8925 or whether their demolition is to be subject to separate development approval.

Secondly, pertinent to this is that *none* of these structures has yet been surveyed by inspections or ultrasonic detectors for the habitat or presence of threatened microbats, even though these structures could afford habitat for threatened microbat species – see Figure 10 of the biodiversity development assessment report (BDAR) and also confirmed by the ecological consultants. This is contrary to the requirements of the BC Act and to recommendations by EES in correspondence of 14 November 2019 (our ref. DOC19/891083).

EES further advises that no surveys for microbats were undertaken of the large wooden structure, the remains of an early 1900s coal loader, at the eastern end of the wharves complex at the head of Blackwattle Bay, as pictured in Figure 6 of the BDAR. This structure is within the identified development footprint and, according to the consultant ecologist, contains potential habitat for threatened microbat species. The lack of survey of this structure for microbats is contrary to the requirements of the BC Act and recommendations by EES (our ref. DOC19/891083). EES notes also that the surrounds of this structure have now been cleared as part of demolition works, which is likely to have compromised the persistence of any microbats in this structure.

Figure 6 from *The new Sydney Fish Market: Biodiversity Development Assessment Report: Concept and Stage 1 Works and Stage 2 Main Works*, version v9, 6 May 2020 (Eco Logical Australia, 2020, prepared for Infrastructure NSW)



Flooding

EES has no flooding comments.

Marine Ecology

The modifications are such that the comments provided previously by EES (Ref: DOC19/891083 dated 14 November 2019) remain valid. The updated report from Eco Logical dated 20 December 2020 also states there is minimal change from the impact of the original design. Therefore, it is considered that the issues raised previously by EES and Eco Logical in its original Marine Ecology Assessment dated 2 April 2019, can be addressed during construction.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or bronwyn.smith@environment.nsw.gov.au

Yours sincerely

S. Harrison

01/02/21

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