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Dear Mr Roppolo,

**New Sydney Fish Markets – Stage 2 – Modification 4 –
Redistribution of Sediment (SSD 8925 Mod 4)
EPA Advice on Modification**

I am writing to you to provide NSW Environment Protection Authority's (EPA) comments on the modification of the above State Significant Development (SSD) proposal.

The modification involves a substantial increase in the volume of sediments to be redistributed from approximately 1,000 m³ to around 12,500 m³ of sediment. The sediment is located in the basement footprint primarily under the former Hanson wharf. It requires relocating to facilitate construction of the basement, maintenance of culvert infrastructure and the removal of existing rock revetment sections. The EPA notes the supporting information states that the sediment redistribution methodology will remain consistent with the original proposal.

A revised project description (Modification report), sediment adjustment methodology (Appendix 1), acid sulphate management plan (Appendix 2), and revised construction staging plan (Appendix 3) were submitted as part of this modification request. However, the EPA notes that the applicant did not submit interim audit advice prepared by an EPA-accredited site auditor to review the supporting documents.

The EPA notes that the modification report concluded that:

- the development as modified will remain substantially the same as the development that was originally approved;
- additional management procedures have been identified to ensure that the potential environmental impacts associated with disturbance of acid sulphate soils (or potential acid sulphate soils) during the proposed construction works can be appropriately managed; and
- based on the findings of this report and supporting studies, the modification has been assessed to be of minimal environmental impact.

The EPA considers that given the significant increase in volume of sediments requiring profiling, it is important that there is oversight of these activities throughout the entire construction process to ensure that they are managed properly. **It is recommended that an EPA-accredited site auditor is engaged as early as possible, and throughout the duration of works, to ensure appropriate management of any contamination during the construction phase and to substantiate the**

claim that the proposed modification will remain “substantially the same” as the originally approved development.

It is noted that existing conditions of consent for SSD 8925 do not ensure engagement of a site auditor throughout the duration of works. **The EPA recommends modification to conditions B92 to B95 (see below) to include the requirement to obtain either interim audit advice or a B5 Site Audit Statement and associated Site Audit Report which certifies the project can be made suitable for the proposed development if requirements detailed in relevant reports are implemented.** These include:

- Remedial Action Plan (RAP), prepared by JBS&G, dated 4 April 2019 (Rev 3),
- Sediment Adjustment Methodology letter: *SSD 8925 Modification 4: Basement Redesign and Sediment Redistribution*, prepared by Senversa, dated 15 April 2021,
- Acid Sulfate Soil Management Plan, prepared by JBS&G, dated 26 April 2021
- (Revised) *New Fish Markets Construction Staging – Main Works*

In order to be consistent with the NSW Site Auditor Scheme’s framework, **the EPA recommends that prior to use of the proposed development the applicant submit a Section A1 or Section A2 Site Audit Statement and associated Site Audit Report to certify that the site is suitable for the proposed development.**

Recommended modifications to conditions B92 to B95 in the Instrument of Consent are detailed in the following table:

Existing condition (SSD 8925)	Proposed wording for Mod 4	EPA comment
<p>B92. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos, and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the Certifier and EPA. The UFP must be implemented for the duration of construction works.</p>	<p>B92. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos, and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the Certifier and EPA an EPA accredited Site Auditor. The UFP must be implemented for the duration of construction works.</p>	<p>- delete the requirement to submit to the EPA; - the UFP must be submitted to a Site Auditor</p>
<p>B93. Prior to the commencement of works, the Applicant must engage an EPA-accredited Site Auditor to prepare interim audit advice which comments on:</p>	<p>B93. Prior to the commencement of works, the Applicant must engage an EPA-accredited Site Auditor to prepare interim audit advice which comments on the appropriateness of:</p>	<p>- inserted “appropriateness of” for clarity on what should be included in the interim audit advice/s</p>

Existing condition (SSD 8925)	Proposed wording for Mod 4	EPA comment
<p>(a) The Data Gap Assessment - The New Sydney Fish Market 1A to 1C Bridge Road , Glebe NSW, Revision A (dated 12 March 2019) prepared by JBS&G Australia Ply Ltd for Urban Growth NSW Development Corporation which comments on the appropriateness of the assessment and the assessment's conclusions;</p> <p>(b) Whether the characterisation of the site is sufficient to ensure any asbestos containing materials in soils and at ground surface are managed appropriately;</p> <p>(c) Whether the Hazardous Materials Management Plan, prepared by JBS&G (dated 8 April 2019), requirements for managing asbestos at ground surface and in soils are appropriate.</p> <p>(d) Any deficiencies identified by the auditor In the interim audit advice must be addressed.</p>	<p>(a) The Data Gap Assessment - The New Sydney Fish Market 1A to 1C Bridge Road , Glebe NSW, Revision A (dated 12 March 2019) prepared by JBS&G Australia Ply Ltd for Urban Growth NSW Development Corporation which comments on the appropriateness of the assessment and the assessment's conclusions;</p> <p>(b) Whether the characterisation of the site is sufficient to ensure any asbestos containing materials in soils and at ground surface are managed appropriately;</p> <p>(c) Whether the Hazardous Materials Management Plan, prepared by JBS&G (dated 8 April 2019), requirements for managing asbestos at ground surface and in soils are appropriate.</p> <p>(d) sediment adjustment methodology prepared by Senversa Pty Ltd dated 15 April 2021, the Acid Sulphate Soil Management Plan prepared by JBS&G Australia Pty Ltd dated 26 April 2021, and revised Construction Staging Plan.</p> <p>(e) Any deficiencies identified by the auditor in the interim audit advice/s must be addressed.</p>	<p>- include condition B93 (d) to ensure that a Site Auditor will review and comment on the appropriateness of the documents submitted in support of SSD 8925 Mod4 application</p> <p>- modified "interim audit advice" to "interim audit advice/s" since more than one advice could be prepared by the Site Auditor as part of this SSD 8925</p>
<p>Insert new condition after B93</p>	<p>B93.1 Prior to the commencement of works, the Applicant must engage an EPA-accredited Site Auditor throughout the duration of works, for the entire project site, to ensure that any work required in relation to soil, groundwater, surface water or sediment contamination is appropriately managed. If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.</p>	<p>- insert new condition to ensure that an EPA-accredited Site Auditor is engaged throughout the duration of works, for the entire project site, to ensure that any work required in relation to soil, groundwater, surface water or sediment contamination is appropriately managed.</p>

Existing condition (SSD 8925)	Proposed wording for Mod 4	EPA comment
<p>B94. Prior to the commencement of works, the Applicant must engage an EPA-accredited auditor to prepare a Section B Site Audit Statement that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.</p>	<p>B94. Prior to the commencement of works, the Applicant must engage an EPA-accredited auditor to prepare submit to the Certifier a Section B Site Audit Statement, prepared by an EPA-accredited Site Auditor, that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.</p>	<p>- more appropriate and clearer wording</p>
<p>Insert new condition after B94</p>	<p>B94.1 Prior to use of the proposed development, the Applicant must submit a Section A1 or Section A2 Site Audit Statement and associated Site Audit Report to certify the site is suitable for the proposed development. A copy of all the documentation outlined in the above requirements in B94 must be submitted to the Planning Secretary.</p>	<p>- include new condition to ensure that the Applicant will submit a Section A1 or Section A2 Site Audit Statement and associated Site Audit Report prepared by a Site Auditor to certify the site is suitable for the proposed development.</p>
<p>B95. The Applicant must adhere to the management measures accepted or recommended by the site auditor. Prior to the commencement of works, details demonstrating compliance with the above requirements (Conditions B73-B76) must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements (Conditions B74-B76) must be submitted to the Planning Secretary.</p>	<p>B95. The Applicant must adhere to the management measures accepted or recommended by the site auditor. Prior to the commencement of works, details demonstrating compliance with the above requirements (Conditions B73-B76 B92-B94.1) must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements (Conditions B74-B76 B92-B94.1) must be submitted to the Planning Secretary.</p>	<p>- conditions B73-B76 are about hoardings, crime prevention, security assessment which are not related to contamination.</p>

In addition to the above modifications, the EPA also requests that the following modifications are made to SSD 8925 as previously identified in the EPA's submission to Modification 1 (dated 1 February 2021 Ref DOC21/17940):

- B79 – remove the requirement to consult with the EPA for the Construction Noise & Vibration Management Plan.
- B81 – remove the requirement to consult with the EPA for the Construction Air Quality Management Plan.
- B96 – remove the requirement to consult with the EPA for the Hazardous Materials Management Plan and remove the requirement to submit the HMMP to the EPA.

Note: the EPA's advice regarding Modification 1 (not determined) also included an amendment to B92 to delete the requirement to submit the Unexpected Finds Protocol to the EPA. The recommendations made above override this.

The proponent should refer to Schedule 1 of the Protection of the Environment Operations Act 1997 to determine whether an Environment Protection Licence is required for the project.

Should you wish to discuss any of the matters raised above, please contact Anna Timbrell on 9274 6345 or email anna.timbrell@epa.nsw.gov.au

Yours sincerely,



JULIAN THOMPSON
Manager Regulatory Operations