



Your ref: SSD-96105713
Our ref: DOC25/865171

Lachlan Hutton
Senior Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

24 October 2025

**Subject: Request for Secretary's Environmental Assessment Requirements (SEARs) –
Mixed-use development, Marion Street Leichhardt – SSD-96105713**

Dear Lachlan,

Thank you for your referral received 21 October 2025 requesting advice from the Conservation Programs, Heritage and Regulation (CPHR) Group on the Request for SEARs for this State significant development (SSD-96105713) located at 245 Marion Street, Leichhardt.

CPHR has reviewed the Scoping Report (Ethos Urban, 25 September 2025) and provides comments and recommendations below and at Attachment A.

In relation to point 8 of the recommended biodiversity environmental assessment requirements, please note the minimum information and spatial data requirements are in Tables 24 and 25 of the [Biodiversity Assessment Method 2020 \(BAM\)](#). Other requirements, such as those relating to the BAM Calculator and Biodiversity Offset Assessment Management System, can be found by search 'guides, tools and databases' at environment.nsw.gov.au.

Should a waiver to the requirement for a biodiversity development assessment report (BDAR) be sought, it must be clearly demonstrated that the proposed development is not likely to have any significant impact on biodiversity values. Development that requires clearing of native vegetation or additional biodiversity impacts as prescribed by clause 6.1 of the *Biodiversity Conservation Regulation 2017* is likely to require a BDAR. Any request for a BDAR waiver must include the information requirements set out in Tables 1 and 2 of the DPIE guidelines on [How to apply for a biodiversity development assessment report waiver for a Major Project Application](#). The proponent can find further information on the BDAR waiver process on the [Biodiversity development assessment report waiver](#) webpage.

Should you have any queries regarding this matter, please contact Peter Braga, Senior Conservation Planning Officer via peter.braga@environment.nsw.gov.au.

Yours sincerely,

Louisa Clark
**Director, Greater Sydney
Regional Delivery
Conservation Programs, Heritage and Regulation**

CHPR Environmental Assessment Requirements – Mixed-use development, 245 Marion Street Leichhardt (SSD-96105713)

Flood Risk Management

1. The Environmental Impact Statement (EIS) must include a Flood Impact and Risk Assessment (FIRA) done in accordance with the [Flood Impact and Risk Assessment: Flood Risk Management Guideline-LU01](#) (DPE, 30 June 2023). The scope of the FIRA will:
 - Describe existing flood behaviour. This assessment will:
 - describe the flood depths and provisional hazards for the 5%, 1%, 0.5% and 0.2% AEP flood events and the probable maximum flood.
 - verify hydrological and hydraulic models against the [Dobroyd Canal and Hawthorne Canal Floodplain Risk Management Study and Plan](#) (WMAwater, November 2020)
 - sensitivity of flood behaviour to blockage.
 - Describe post-development flood behaviour. This assessment will incorporate the proposed development into the models verified for the base case and identify changes in flood characteristics for the same range of flood events.
 - Identify flood-related constraints on the land, including floodways, flood storage areas, flood hazard zones, and emergency response limitations.
 - Demonstrate the proposal is compatible with:
 - Ministerial Direction 4.1 Flooding
 - the [Flood Risk Management Manual 2023](#) (DPE, 30 June 2023) and associated guides
 - the [Considering flooding in land use planning: guidance and statutory requirements](#) (DPIE, 14 July 2021)
 - any adopted flood study and/or floodplain risk management plan adopted by Inner West Council
 - Inner West Local Environment Plan 2022 and the Leichhardt Development Control Plan 2013
 - any adopted flood study and/or floodplain risk management plan adopted by Inner West Council, and specifically the Dobroyd Canal and Hawthorne Canal Floodplain Risk Management Study and Plan.
 - Evaluate the appropriateness of the proposed development for the site, considering the identified flood constraints and the nature of the development.
 - Evaluate the adequacy of any proposed flood mitigation measures to:
 - effectively address these constraints to ensure the flood risks to the proposed development and its users are acceptable
 - manage flood and associated emergency management impacts to the existing community due to the development.
 - Consider the potential impacts of climate change on flood behaviour, using the guidance provided in the [Understanding and Managing Flood Risk: Flood Risk Management Guideline-FB01](#) (DPE, 30 June 2023).

Water and soils

2. The EIS must map the following features relevant to water and soils including:
 - Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
 - Rivers, streams, wetlands, estuaries (as described in section 4.2 of the Biodiversity Assessment Method 2020 (BAM)).
 - Wetlands as described in section 4.2 of the BAM.
 - Groundwater.
 - Groundwater dependent ecosystems.
 - Proposed intake and discharge locations.

3. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
 - Existing surface and groundwater.
 - Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
 - Water Quality Objectives (as endorsed by the NSW Government) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
 - Indicators and trigger values/criteria for the environmental values identified above in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
 - [Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions](#) (OEH and EPA, 8 May 2017)
4. The EIS must assess the impact of the development on hydrology, including:
 - Water balance including quantity, quality and source.
 - Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
 - Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
 - Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
 - Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
 - Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
 - Identification of proposed monitoring of hydrological attributes.

Biodiversity

5. Biodiversity impacts related to the proposed development are to be assessed in accordance with section 7.9 of the *Biodiversity Conservation Act 2016* (BC Act), the Biodiversity Assessment Method 2020 (BAM) and documented in a biodiversity development assessment report (BDAR). The BDAR must include information in the form detailed in the BC Act (section 6.12), Biodiversity Conservation Regulation 2017 (section 6.8) and BAM, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).
6. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM.
7. The BDAR must include details of the measures proposed to address the offset obligation as follows:
 - the total number and classes of biodiversity credits required to be retired for the development/project
 - the number and classes of like-for-like biodiversity credits proposed to be retired
 - the number and classes of biodiversity credits proposed to be retired in accordance with the variation rules
 - any proposal to fund a biodiversity conservation action
 - any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
8. The BDAR must be submitted with all spatial data associated with the survey and assessment as per the BAM.

9. The BDAR must be prepared by a person accredited in accordance with the *Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017* under section 6.10 of the BC Act.

End of Submission