



DOC17/591003
SSD 8924 and SSD 8925

Mr Cameron Sargent
Team Leader, Key Sites Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Sargent

Request for SEARs - Sydney Fish Markets SSD 8924 and SSD 8925

I refer to your email of 24 November 2017 requesting input from the Office of Environment and Heritage (OEH) on the Secretary's Environment Assessment Requirements (SEARs) for the above.

Please find attached OEH's environmental assessment requirements (EARs) and guidance material (Attachments 1 and 2).

With regard to the preparation of the Biodiversity Development Assessment Report, consideration should be given to the biodiversity values not assessed under the Biodiversity Assessment Method (listed in 2.3 of the Biodiversity Assessment Method) which may be relevant to this project.

A separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW. If you have any queries about this advice, please contact Rachel Lonie on 9995 6837 or by email at rachel.lonie@environment.nsw.gov.au.

Yours sincerely

7.12.2017

ALEX GRAHAM
Director, Greater Sydney
Greater Sydney

Attachment 1: OEH Recommended Environmental Assessment Requirements for Sydney Fish Markets SSD 8924 and SSD 8925

Biodiversity
1. Biodiversity impacts related to the proposal are to be assessed in accordance with the <i>Biodiversity Assessment Method</i> and documented in a Biodiversity Development Assessment Report (BDAR).
2. The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s. 6.12), <i>Biodiversity Conservation Regulation 2017</i> (s. 6.8) and <i>Biodiversity Assessment Method</i> including details of the measures proposed to address the offset obligation as follows: <ul style="list-style-type: none"> • 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; and • Any proposal to make a payment to the Biodiversity Conservation Fund.
3. If requesting the application of the variation rules, the BDAR must contain details of what reasonable steps have been taken to attempt to obtain the required like-for-like biodiversity credits.
4. The BDAR must be prepared by a person accredited in accordance with the <i>Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017</i> under s. 6.10 of the <i>Biodiversity Conservation Act 2016</i> .
5. In accordance with section 9.1 and 9.2 of the BAM the BDAR must assess <i>all</i> direct and indirect impacts of the proposal on native vegetation, threatened ecological communities and threatened species habitat.
6. Impacts on biodiversity values that cannot be assessed using the BAM must also be otherwise assessed. The values include: <ul style="list-style-type: none"> (i) marine mammals, (ii) wandering seabirds, and (iii) matters of national significance listed under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i>.
Aboriginal cultural heritage
7. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in the EIS. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i> (DECCW, 2011) and consultation with OEH regional officers.

<p>8. Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS.</p>
<p>9. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.</p>
<p>Water and soils</p>
<p>10. The EIS must map the following features relevant to water and soils including:</p> <ol style="list-style-type: none"> a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map). b. Rivers, streams, wetlands, estuaries (as described in Appendix 2 of the <i>Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects</i>, OEH 2014). c. Groundwater. d. Groundwater dependent ecosystems. e. Proposed intake and discharge locations.
<p>11. The EIS must describe background conditions for any water resource likely to be affected by the development, including:</p> <ol style="list-style-type: none"> a. Existing surface and groundwater. b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations. c. Water Quality Objectives (as endorsed by the NSW Government [see www.environment.nsw.gov.au/ieo/index.htm]) including groundwater as appropriate that represent the community's uses and values for the receiving waters. d. Indicators and trigger values/criteria for the environmental values identified at (c) 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.
<p>12. The EIS must assess the impacts of the development on water quality, including:</p> <ol style="list-style-type: none"> a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. b. Identification of proposed monitoring of water quality.
<p>13. The EIS must assess the impact of the development on hydrology, including:</p> <ol style="list-style-type: none"> a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. 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). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. 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.

g. Identification of proposed monitoring of hydrological attributes.

Flooding

14. The EIS must map the following features relevant to flooding as described in the *NSW Floodplain Development Manual 2005*, NSW Government, 2005 including:
- a. Flood prone land
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas).
15. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.
16. The EIS must model the effect of the proposed development (including fill) on the current flood behaviour for a range of design events as identified above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
17. Modelling in the EIS must consider and document:
- a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
 - b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
 - c. Relevant provisions of the *NSW Floodplain Development Manual 2005*.
18. The EIS must assess the impacts on the proposed development on flood behaviour, including:
- a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure.
 - b. Consistency with Council floodplain risk management plans.
 - c. Compatibility with the flood hazard of the land.
 - d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
 - e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
 - f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
 - g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
 - h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
 - i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
 - j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment 2: Guidance Material

Title	Web address
Relevant Legislation	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<i>Wilderness Act 1987</i>	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method (OEH, 2017)	http://www.environment.nsw.gov.au/biodiversity/assessmentmethod.htm
Guidance and criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	http://www.environment.nsw.gov.au/biodiversity/seriousirreversibleimpacts.htm
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
Adjoining national park estate	
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Guidelines for developments adjoining land managed by the Office of Environment and Heritage (OEH, 2013)	http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm
Revocation, recategorisation and road adjustment policy (OEH, 2012)	http://www.environment.nsw.gov.au/policies/RevocationOfLandandPolicy.htm
Heritage	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf

Title	Web address
Statements of Heritage Impact 2002 (HO & DUAP)	http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	http://www.environment.nsw.gov.au/Heritage/publications/
Aboriginal cultural heritage	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	http://www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding and coastal erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Guidelines for Preparing Coastal Zone Management Plans	Guidelines for Preparing Coastal Zone Management Plans http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation

Title	Web address
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf