



Office of Environment & Heritage

DOC19/156641
SSD-9888

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

Attention: Karl Fetterplace

Dear Mr Sargent

Secretary's Environmental Assessment Requirements – Mixed-use development at 17-21 First Avenue Blacktown - SSD-9888

Thank you for your letter of 15 February 2019, requesting comments from the Office of Environment and Heritage (OEH) on the Secretary's Environmental Assessment Requirements (SEARs) for the above State Significant Development.

OEH has reviewed the draft SEARs and the Request for SEARs Report and provides the following comments and its recommendations in Attachment A.

Aboriginal Cultural Heritage

OEH recommends key issue (9) in the draft SEARs is amended to include the attached OEH Aboriginal Cultural Heritage SEARs.

Biodiversity

OEH recommends key issue (15) in the draft SEARs, is amended to incorporate the attached OEH Biodiversity SEARs.

Landscaping

OEH notes the draft SEARs include that the EIS must include an integrated urban design and landscape plan. OEH supports the inclusion of the following text in the draft SEARs that requires: "the landscape plan is to give preference to local native tree, shrub and groundcover species where appropriate". The use of local native species is strongly encouraged by OEH due to the numerous benefits of using local natives.

Ecologically Sustainable Development (ESD)

OEH recommends the following text is included in the SEARs under key issue (16):

- *The development incorporates green walls, green roof and/or cool roof into the design (see comments below on building design)*

- *The climate change projections developed for the Sydney Metropolitan area are used to inform the building design and asset life of the project (see comments below on building design)*

→ *Relevant Data and Guidelines:*

- *NSW and ACT Government Regional Climate Modelling (NARClIM) climate change projections are used to inform the building design*
- *OEH (2015) Urban Green Cover in NSW Technical Guidelines.*

Building Design

OEH recommends the new building incorporates a Green Roof, Cool Roof and/or Green Wall into the design and the SEARs are amended to address this.

The benefits of Green Roofs, Cool Roofs and Green Walls are outlined in the OEH (2015) Urban Green Cover in NSW Technical Guidelines which can be found at the following link:
<http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-Cover>

Green roofs are roof surfaces that are partially or fully vegetated. Cool roofs use reflective material to reflect and emit more solar energy than dark coloured roofs. Green Walls are vegetated systems that are grown on the vertical façade of the building envelope

Green roofs and cool roofs can have a strong regulating effect on the temperature of roofs and building interiors, reducing the energy needed for cooling and the impact of the Urban Heat Island effect. Green Walls can reduce heating and air-conditioning requirements. The provision of an Intensive Green roof or Green Wall would increase habitat and biodiversity at the site, particularly if local provenance plant species are used from the relevant native vegetation community (or communities).

It is recommended the NSW and ACT Governments Regional Climate Modelling (NARClIM) climate change projections developed for the Sydney Metropolitan area are used to inform the building design and asset life of the project. These include over 100 climate variables, including temperature, rainfall, hot days and cold nights, severe Forest Fire Danger Index (FFDI) and are publicly available online and at fine resolution (10km and hourly intervals) for 20-year time periods: 2020–2039 near future and long-term 2060–2079. Further, sustainable design measures such as green roofs should be incorporated into the project design to maximise the long-term ecologically sustainable development outcomes of the proposal. The climate change projections for the Sydney Metropolitan area are found at the following link:
<https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/Metro-Sydney-Climate-Change-Downloads>

Heritage

A separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW.

Should you have any queries regarding this matter, please contact Janne Grose on t :8837 6017 or e: janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 28/02/19

SUSAN HARRISON
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Attachment A – OEH Environmental Assessment Requirements

Biodiversity

1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).
2. 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 Biodiversity Assessment Method.
3. 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 conduct ecological rehabilitation (if a mining project);
 - 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.
4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
5. 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 s6.10 of the *Biodiversity Conservation Act 2016*.

Aboriginal cultural heritage

6. 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 an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
7. Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

Note that a Due Diligence is not an adequate assessment, an ACHAR must be prepared.

Water and soils

9. 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 s4.2 of the Biodiversity Assessment Method).
 - Wetlands as described in s4.2 of the Biodiversity Assessment Method.
 - Groundwater.
 - Groundwater dependent ecosystems
 - Proposed intake and discharge locations
10. 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 <http://www.environment.nsw.gov.au/ieo/index.htm>) 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 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.
 - Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>
11. The EIS must assess the impacts of the development on water quality, including:
- 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.
 - Identification of proposed monitoring of water quality.
 - Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)

12. The EIS must assess the impact of the development on hydrology, including:
- 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.

(END OF SUBMISSION)

