

Department of Planning and Environment

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Planning and Land Use Strategy
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

23 August 2022

Subject: Section 3.25 relating to Blackwattle Bay SEPP Amendment

I refer to the Department of Planning and Environment's (DPE) letter received 2 August 2022 which seeks to consult with the Environment and Heritage Group (EHG) on Infrastructure NSW's proposal to amend planning controls through a State Environmental Planning Policy for Blackwattle Bay.

It is noted that consultation is being undertaken with EHG to confirm whether any critical habitat or threatened species, populations, ecological communities or their habitats, may be adversely affected by the proposed SEPP amendment in accordance with Section 3.25 of the EP&A Act.

Please note for future requests that it is the responsibility of the planning proposal authority to advise the basis of their opinion that critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed instrument. The following advice is provided.

Biodiversity

The Microbat Management Plan prepared as a requirement of The New Sydney Fish Market (SSD 8924) proposal, stated that permanent microbat habitat features would be installed by Infrastructure NSW (contractor responsible for building SSD 8924). While the Urban and Marine Ecology Constraints and Opportunities Report prepared by EcoLogical (dated 17 May 2021) mentions (in section 1.5.2) the installation of microbat habitat boxes as an opportunity, there is no mention of the commitment of the SSD 8924 approval to provide permanent microbat habitat features. As such EHG is seeking confirmation that permanent microbat habitat features are being installed at the new Sydney Fish Market as required under SSD 8924.

Otherwise, EHG considers the Urban and Marine Ecology Constraints and Opportunities report is adequate. EHG supports the recommendations in Section 7 and recommends that they be implemented via the proposed SEPP amendment.

Flooding

As part of the consultation process EHG also provides the following advice pertaining to flooding issues. In this regard, it appears that EHG's Water, Floodplains and Coast Team have not previously had the opportunity to comment on the proposed amendments to the planning controls at Blackwattle Bay.

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The flood modelling provided is insufficient as it shows areas where flooding is more severe in the 1% Annual Exceedance Probability (AEP) flood than the Probable Maximum Flood (PMF). This means that the flood hazard and other parameters are shown as less in the PMF than for the 1% AEP flood in some areas. Revised modelling is critical to properly understand the flood risk. It is likely that additional (longer) storm durations will need to be modelled for the PMF. This omission raises doubts around the accuracy of the 1% AEP flood modelling and it is strongly recommended that the 1% AEP flood modelling is reviewed, and additional durations are added to the events modelled. The impact assessment will need to be repeated following these revisions.

In addition to the 1% AEP flood and the PMF, a smaller event such as the 5 or 20% AEP flood is required for a more complete understanding of flood risk.

The proposal appears to potentially increase the area of land subject to high flood hazard, that is category H5 or above. In particular, the extension of Miller Street appears not to have been considered in terms of the ultimate flood hazard and the consequent flood risk for future users. This is an example of where a smaller flood event than the 1% AEP should be used to understand the nature of the future flood risk.

The impact of the proposal on flooding has been assessed in terms of flood levels for the 1% AEP. An assessment is also required for the PMF.

The proposal demonstrates adverse flood impacts and doesn't attempt to provide any mitigation. Rezoning is the appropriate stage to demonstrate a solution is viable. A precinct-wide solution can then inform the requirements of investigations for future development applications. Without a coordinated approach to flooding, there will likely be unmitigated cumulative impacts due to the impact multiple developments being assessed individually. There is also the risk that an underground solution is unfeasible or too costly and the building footprint will need to be reduced to allow overland flow. These issues should be resolved at the rezoning stage.

The precinct will likely be developed over the next 20 years or so. The climate change and sea level assessment has only considered a horizon of 2090/2100, which would only provide a service life of 50/60 years. For sea level rise, a longer timeframe should be considered, for example to 2150. In 2150, sea level rises of 2 m are in the likely range for Pathway 8.5 and rises of over 5 m have not been ruled out in the latest international reporting (IPCC AR6).

The sea level rise assessment has shown that the western corner of the site would be significantly affected by even a modest sea level rise of 0.4 m. The proposal here includes lowering existing ground levels by over half a metre. This proposal should be reconsidered in light of the effects of sea level rise. The effects of future tidal flooding of low-lying areas should also be considered.

The SES should be contacted for comment, especially regarding the flood emergency management strategy of 'shelter in place'.

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Should you have any queries regarding this matter, please contact Angela Taylor, Senior Conservation Planning Officer on 9585 6146 or angela.taylor@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "DA".

Dana Alderson
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Biodiversity and Conservation