



Your ref: PAE-105333711
Our ref: DOC26/69356-30

Fiona Dowler
Planning Officer
Housing Delivery Authority SSD Assessments
Department of Planning Housing and Infrastructure

By email: fiona.dowler@dpie.nsw.gov.au

Dear Fiona

Subject: Mixed Use Development - 47 Darby St Cooks Hill (SSD-82276964) - Advice on EIS.

Thank you for your Major Projects Portal request dated 3 February 2026 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the Environmental Impact Statement (EIS) for Mixed Use Development - 47 Darby St Cooks Hill (SSD-82276964).

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure to the proponent on 10 April 2025.

We consider that the EIS requires further work to meet the Secretary's requirements for flooding. A summary of our assessment and advice is provided in **Attachment 1**.

We consider that the EIS meets the Secretary's requirements for biodiversity. CPHR determined that the proposal did not need to be accompanied by Biodiversity Development Assessment Report (BDAR) on 30 May 2025. On review of the EIS the proposed development is consistent with what was previously described. Therefore, the determination provided on 30 May 2025 is still relevant and we have no further comments on biodiversity.

If you have any further questions about this issue, please contact our Planning Team at hcc.planning@environment.nsw.gov.au.

Yours sincerely

Kerry Richardson
Director, Conservation Planning and Assessment
Conservation Programs, Heritage & Regulation Group (CPHR)
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)

17 February 2026

Enclosure: Attachment 1

Attachment 1 - CPHR Assessment Summary for Mixed Use Development - 47 Darby St Cooks Hill - Environmental Impact Statement (SSD-82276964)

In preparing this advice CPHR has reviewed the following documents:

- Environmental Impact Statement – Mixed Use Development Cooks Hill SSD-82276964 (Barr Planning, 14 January 2026)
- Flood report – 47 Darby Street, Cooks Hill (Indesco, December 2025)
- BDAR Waiver Request – 47 Darby Street, Cooks Hill NSW (AEP, 16 May 2025)

Key Assessment Issues

1.	<i>Incomplete flood assessment</i>	The flood assessment report produced by Indesco (December 2025) relied on an old flood model by BMT WBA dated 2019. This does not reflect the latest flood model and mapping available for the site, i.e. Throsby, Styx and Cottage Creek Flood Study 2023, although references were made in the report. Flood maps and raw model results for Throsby, Styx and Cottage Creek Flood Study 2023 are available for download on the NSW Flood Data Portal and should be used for assessing the proposed development as it reflects the most recent flood information. The flood assessment report lacks detail to adequately assess flood risk at the site. It does not address the full range of flood events, from frequent to PMF, nor consider climate change effects on flood behaviour for the relevant planning horizon. Moreover, information currently provided is limited to the 1% AEP design event and corresponds to flood elevation (including existing ground level) rather than flood depth hindering meaningful interpretation of flood risk at the site. The report has also not provided any assessment of adverse flood impacts that may arise from the proposed development both on and off site. Recommended action: Update the flood assessment report based on the most recent flood information available (Throsby, Styx and Cottage Creek Flood Study 2023). The assessment should also demonstrate consistency with Flood Impact and Risk Assessment Guideline LU01 and Understanding and Managing Flood Risk FB01. The report should: • <u>outline existing flood behaviour, flood constraints and risks</u> for the full range of flood events up to the PMF, covering short and long duration storms as well as climate change considerations. • <u>assess the impact of the development on flood behaviour</u>; • <u>assess the impact of flooding on the safety of people</u> for the full range of possible floods including accessibility for emergency services during times of flood, and feasibility for future occupants to safely evacuate or shelter in place
	<i>Extent and Timing</i>	Pre-determination

2.	<i>Flood emergency management has not been considered</i>	The proposal stated that access and egress for the proposed Darby Street building is via Darby Street, which is a floodway subject to high flood hazard (H5) during the probable maximum flood (PMF). H5 is considered unsafe for vehicles and people. The proposal has not considered any flood emergency management strategy to minimize risk to life during flood events. This may involve off-site self-evacuation or shelter-in-place depending on the duration of flooding. The proposal should consider providing safe access and egress for people onto Tyrell Street if the need to evacuate arises. Considerations should also be made for occupants on the proposed ground-floor retail shop who may not be able to access higher floors reserved for residents while seeking flood refuge in the building. Recommended action: Update the flood assessment report to address flood emergency management requirements including safe access and egress from the building in all flood events up to and including the PMF.
	<i>Extent and Timing</i>	Pre-determination