

Our Ref: ID 3928
Your Ref: SSD-89050708

8 July 2026

Rosie Turner
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124
Via Major Portal

email: rosie.turner@dpie.nsw.gov.au
CC: carolyn.storrie@ses.nsw.gov.au

Dear Rosie,

State Significant Development Application for Mixed Use Development, Corner of Union and Kenrick Streets, The Junction (EIS)

Thank you for the opportunity to provide advice on the State Significant Development Application (SSDA) for Mixed Use Development (shop top housing development) and **concurrent rezoning** at 189 Union Street, 195-197 Union Street, 11 Kenrick Street and 15 Kenrick Street, The Junction. This application seeks consent for: ¹

- concurrent rezoning proposal to amend the maximum HOB and FSR development standards applying to the land under clauses 4.3 and 4.4 of the Newcastle Local Environmental Plan 2012 (NLEP). Specifically, it seeks to:
 - Amend the HOB development standard applying to the site on the NLEP Height of Buildings Map from 14m to 30m;
 - Amend the FSR development standard applying to the site on the NLEP FSR Map from 2:1 to 3.5:1.
- Demolition of all buildings, structures and hardstand spaces.
- Excavation and associated site preparation works.
- Construction of a **seven (7) storey** shop top housing building comprising:
 - 2 levels of basement parking and storage
 - retail tenancies at the **Ground Floor**
 - commercial tenancies at **Level 1**
 - 38 dwellings between **Level 1 and Level 6**
- Provision of a courtyard, deep soil planting, amenities and end-of-trip facilities at the ground floor.
- Provision of a continuous colonnade and awning along Union Street and Kenrick Street.

¹ SJB. 2026. Environmental Impact Statement for SSD-89050708 – Version 3, page 18 & 32 - 33

We have reviewed the following documents provided as part of the preparation of our advice.

- SJB. 2026. Environmental Impact Statement for State Significant Development and Concurrent Rezoning SSD-89050708, including **Appendix C – Mitigation Measures** (SJB, 2026)
- Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street
- MPC. 2026. Stormwater Drainage and Water Quality Treatment Strategy, including **Appendix A – Architectural Plans** (ODE & SJB, 2026)

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

We recommend flooding issues are considered in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the [Flood Risk Management Manual](#) 2023 (the Manual) and supporting guidelines, including the [Support for Emergency Management Planning](#) and relevant planning circulars and directions under the *Environmental Planning and Assessment Act, 1979*, including 4.1 Flooding and Planning Circular [PS 26-001 Flooding and land use planning](#).

According to the Throsby, Styx & Cottage Creek Flood Study (Rhelm, 2023), the site area, including all surrounding access roads, becomes impacted by shallow flooding (up to 0.3 metres depth) in relatively frequent events,² which progressively increases in extent, velocity and depth, to around 1 metre depth in the PMF event.³ It is therefore important to accurately outline the flood behaviour and risks at the site through site-specific modelling, both pre-and post-development conditions, also noting that the proposal in intending to adopt the **shelter-in-place** strategy for the site.⁴ If development progresses without a thorough Flood Impact and Risk Assessment (FIRA) to clearly outline the full extent of flood risks at the site (up to and including the PMF) and demonstrate the suitability of any proposed flood emergency management and mitigation strategies for the site, this may result in risks to life and property not being appropriately managed.

In summary, we:

- **Note** the flood assessment provided with this proposal does not include site-specific modelling to outline flood behaviour and impacts at the site. We **recommend** a site-specific FIRA that adequately addresses existing and post-development conditions at the site is undertaken, in accordance with the NSW Government Guidelines,⁵ to

² Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G300c

³ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G308c

⁴ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, page 12

⁵ DPE. 2023. LU01 Flood Risk Management Guideline: Flood Risk and Impact Assessment

understand the full extent of flood risks associated with the proposed development. Please refer to LU01 Flood Risk Management Guideline and Attachment A below for further information on developing the site-specific FIRA.

- **Recommend** the Department of Planning, Housing and Infrastructure ensures the proposal **demonstrates consistency** with the [Shelter in Place Guideline](#) (NSW Government, 2024), to ensure the risk to life can be adequately managed, noting evacuation is the preferred emergency management strategy for people impacted by flooding.⁶ This includes addressing (but not limited to) the following considerations:
 - the suitability of the site for shelter in place, including the flood behaviour at the site, with consideration of climate change and assessment of the potential maximum duration of isolation up to and including the PMF.
 - design criteria considerations such as providing appropriate space (minimum 2 m² per person), protection from weather and appropriate heating and cooling, which the proposal does not currently provide due to most of the proposed shelter space being outdoors (courtyard, access ramps), along with an entry hallway (next to the bicycle lockers) and the three lobbies.⁷
- **Note** and appreciate the development proposes all commercial spaces and residential dwelling on Level 1 (at 10.7 m AHD) and above, which are well above the PMF level. It also proposes passive protection measures for the basement parking, with a driveway crest level at 6.05m AHD,⁸ and providing ramped access to the building lobbies and the communal open space (courtyard), with floor levels for these Ground Floor components set at 6.05m AHD.⁹ However, the floor levels of all retail spaces (between 5.47m AHD – 5.62m AHD), the pump room (5.62m AHD), the substation (5.4 m AHD) and the commercial & retail waste storage area (5.87m AHD) are below the FPL (6.0m AHD) and the PMF level (6.0m AHD).¹⁰ This suggests that most of these areas are not protected to the FPL, as suggested in the EIS,¹¹ **and would be subject to over floor flooding in the 1% AEP event** (except for the waste storage area) and more severe events. We therefore **recommend** carefully considering building design and layout to minimise risk to life, property and disruption to essential services, by providing improved flood immunity for the retail spaces and relocating any critical infrastructure (*such as the substation*) away from the flood affected area of the building to an area above the PMF, where feasible. Consideration could also be given to installing washable finishes and/or removable infrastructure which would otherwise be subject to floodwater damage and contamination.

You may also find the following Guidelines on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)

⁶ NSW SES. 2022. City of Newcastle Flood Emergency Sub Plan. Section 1.6.2, page 7

⁷ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, Figure 6, page 9

⁸ ODE & SJB. 2026. Architectural Plans, Drawing A-14

⁹ ODE & SJB. 2026. Architectural Plans, Drawing A-14

¹⁰ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, page 3 - 4

¹¹ SJB. 2026. Environmental Impact Statement for SSD-89050708 – Version 3, page 68

Please feel free to contact Ana Chitu via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Peter Cinque
Senior Manager, Emergency Risk Management
NSW State Emergency Service

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline¹²

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

Any proposed Emergency Management strategy for an area should be compatible with the strategies identified in the NSW State Flood Plan¹³ and the City of Newcastle Flood Emergency Sub Plan,¹⁴ where evacuation is the preferred emergency management strategy for people impacted by flooding.

Principle 2 Decisions should be informed by understanding the full range of risks to the community.

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% Annual Exceedance Probability (AEP) flood event. Climate change impacts should also be considered, in line with NSW Government guidelines.

While the flood assessment provided with this proposal does not include site-specific modelling to outline flood behaviour and impacts at the site, we note flooding in this area can reach flood depths around 0.5 – 1 metre in a PMF event,¹⁵ according to the Throsby, Styx & Cottage Creek Flood Study (Rhelm, 2023). However, due to the broadscale view and text overlaid over the site area in the publicly available flood mapping, it is not possible to accurately describe the flood behaviour at the site.

We, therefore, recommend a site-specific Flood Impact and Risk Assessment (FIRA) that adequately addresses existing and post-development conditions at the site, in accordance with the NSW Government Guidelines,¹⁶ is undertaken for this SSD and concurrent rezoning proposal, in order to understand the full extent of flood risks associated with the proposed development. The assessment should include flood depth, velocity and hazard level at the site and the access/egress roads, time to onset and duration of any flooding, and any risk of isolation for events up to and including the PMF event, along with climate change considerations. The analysis of the impact of flooding on the roadways should go beyond immediately adjacent to the site to fully understand the isolation risks and evacuation constraints.

¹² NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

¹³ NSW Government. 2024. NSW State Flood Plan. Section 5.1.7, page 34

¹⁴ NSW SES. 2022. City of Newcastle Flood Emergency Sub Plan. Section 1.6.2, page 7

¹⁵ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G308c

¹⁶ DPE. 2023. LU01 Flood Risk Management Guideline: Flood Risk and Impact Assessment

If development progresses without a thorough FIRA to clearly outline the full extent of flood risks at the site (up to and including the PMF) and demonstrate the suitability of any proposed flood emergency management and mitigation strategies for the site, this may result in risks to life and property not being appropriately managed.

We note that the 1% AEP flood level at the site is predicted to be around **5.65m AHD**, while the PMF flood level is around **6.0 m AHD**.¹⁷ It is understood that a **flood planning level (FPL) of RL 6.0** has been adopted for the proposed development.¹⁸

We note the development proposes all commercial spaces and residential dwelling on Level 1 (at 10.7 m AHD) and above, which are well above the PMF level, while also providing passive protection for the basement parking - with a driveway crest level at 6.05m AHD,¹⁹ and providing ramps up to the lobbies and the communal open space (courtyard) area - with floor levels for these parts of the Ground Floor set at 6.05m AHD.²⁰ However, we note that the floor levels of all retail spaces (between 5.47m AHD – 5.62m AHD), the pump room (5.62m AHD), the substation (5.4 m AHD) and the commercial & retail waste storage area (5.87m AHD) are below the FPL and the PMF level of 6.0m AHD.²¹ This suggests that most of these areas **are not protected to the FPL**, as suggested in the EIS,²² **and would be subject to over floor flooding in the 1% AEP event** (except for the waste storage area) and more severe events.

We **recommend** carefully considering building design and layout to minimise risk to life, property and disruption to essential services, by providing improved flood immunity for the retail spaces and relocating any critical infrastructure (*such as the substation*) away from the flood affected area of the building to an area above the PMF, where feasible. Consideration could also be given to installing washable finishes and/or removable infrastructure which would otherwise be subject to floodwater damage or contamination.

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. **Evacuation must not require people to drive or walk through flood water.**

¹⁷ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, page 4

¹⁸ SJB. 2026. Environmental Impact Statement for SSD-89050708 – Version 3, page 67

¹⁹ ODE & SJB. 2026. Architectural Plans, Drawing A-14

²⁰ ODE & SJB. 2026. Architectural Plans, Drawing A-14

²¹ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, page 3 - 4

²² SJB. 2026. Environmental Impact Statement for SSD-89050708 – Version 3, page 68

While the Flood Study mapping does not suggest significantly high hazard flooding being present around the site area,²³ we note that all surrounding access roads become impacted by shallow flooding (up to 0.3 metres depth) in events as frequent as the 10% AEP,²⁴ and progressively increasing to around 1 metre depth in the PMF event.²⁵ It is therefore important to accurately outline the flood behaviour and risks at the site through site-specific modelling, both pre-and post-development conditions, also noting that the proposal in intending to adopt the shelter-in-place strategy for the site.²⁶

We highlight that *“Hazardous flooding of roads occurs when there is enough flow to knock over pedestrians or transport cars off the road due to buoyancy and frictional instability. In Australia, vehicles attempting to cross flooded roads is the largest causes of injury and fatality during a flood. The ability of flow to move or completely float a car is often underestimated, with as little as 0.3 m (30 cm) depth enough to move a small car, even at low flow speeds (this corresponds to H2 hazard).”*²⁷

We recommend **the proposal demonstrates consistency with the [Shelter in Place Guideline](#)** (NSW Government, 2024), to ensure the risk to life can be adequately managed. This includes addressing (but not limited to) the following considerations:

- the Flood Impact and Risk Assessment (FIRA) being undertaken for the site must provide advice for the consent authority to consider the suitability of the site for shelter in place, including the flood behaviour at the site, with consideration of climate change and assessment of the potential maximum duration of isolation up to and including the PMF.
- an understanding of the secondary risks and how the proponent proposes they will be managed is outlined in the FIRA. Secondary risks include medical emergencies, building fire, health and wellbeing.
- design criteria considerations such as providing appropriate space (minimum 2 m² per person), protection from weather and appropriate heating and cooling – which the proposal does not currently provide due to most of the proposed shelter space being outdoors (courtyard, access ramps) along with an entry hallway (next to the bicycle lockers) and the three lobbies.²⁸

Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

²³ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G341c

²⁴ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G300c

²⁵ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, Map G308c

²⁶ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, page 12

²⁷ GRC Hydro. 2022. Goulburn Floodplain Risk Management Study and Plan, page 38 - 39

²⁸ Stellen. 2026. Flood Impact Assessment for 11 & 15 Kendrick and 89 & 195 Union Street, Figure 6, page 9 & page 8

Managing flood risks requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- **Isolation** – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.
- **Secondary risks** – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- **Consideration of human behaviour** – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

Principle 5 Risks faced by the itinerant population need to be managed.

Any Emergency Management strategy needs to consider people visiting the area or using a development.

Principle 6 Recognise the need for effective flood warning and associated limitations.

An effective flood warning strategy with clear and concise messaging understood by the community is key to providing the community an opportunity to respond to a flood threat in an appropriate and timely manner.

As the area is affected by flash flooding,²⁹ there are no Bureau of Meteorology quantitative flood warnings available. Severe Weather Warnings and Severe Thunderstorm Warnings will be the most likely form of advice about the potential for flood producing storms and rainfall, which will not provide the community time to respond to a flood threat in an appropriate manner.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

Development within a floodplain will necessitate ongoing involvement from the NSW SES in community awareness, preparedness, and response activities. It is essential that all site users, both during and after the construction phase, are informed of the flood risk and the measures in place to reduce risk to life. This includes:

- Raising awareness of flood risk
- Promoting preparedness actions
- Installing appropriate signage
- Conducting emergency drills

Importantly, a private flood management plan alone is insufficient to address flood risk.

²⁹ Rhelm. 2023. Throsby, Styx & Cottage Creek Flood Study, page 52