



Rosie Turner
Senior Planning Officer Assessments
Department of Planning
By email: rosie.turner@dphi.nsw.gov.au

Dear Rosie,

Subject: The Junction Mixed Use Development (SSD-89050708) – Notice of Exhibition

Thank you for your email request dated 24 June 2026 seeking advice from the Marine Coast Estuary and Flood Branch (MCEF) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the Environmental Impact Statement (EIS) of The Junction Mixed Use Development (SSD-89050708).

It is understood that the proposal involves demolition of the existing development and construction of a seven-storey mixed-use building comprising shop-top housing (including affordable housing), retail and commercial premises, basement parking, landscaping and associated works at 189-197 Union Street and 11-15 Kenrick Street, The Junction.

MCEF has reviewed the available information and has identified that while the Flood Impact Assessment (FIA) generally demonstrates compliance with Council's flood planning controls, additional justification for the proposed development is required. The FIA needs to demonstrate that the increased residential population can be safely accommodated on flood-prone land over the life of the development, particularly having regard to emergency management, residual risk and future climate change.

Detailed comments and recommended actions are provided in Attachment 1.

If you have any further questions about this issue, please contact our Coast Estuary and Flood team at mcef.planning@dcceew.nsw.gov.au.

Yours sincerely

Neil Kelleher
**Senior Team Leader, Coast Estuary and Flood
Regional Delivery (Hunter Central Coast)
Marine Coast Estuary & Flood (MCEF)
Conservation Programs, Heritage & Regulation Group (CPHR)**

9 July 2026

Enclosure

Attachment 1 - CPHR Comments

The Junction Mixed Use Development (SSD-89050708) – Notice of Exhibition

In preparing this advice CPHR has reviewed the following documents:

- Environmental Impact Statement for State Significant Development and Concurrent Rezoning (SSD-89050708) prepared by SJB, dated 1 June 2026
- Flood Impact Assessment (FIA) for 11 & 15 Kenrick and 89 & 195 Union Street prepared by Stellen Civil Engineering, dated 8 May 2026.

Key Assessment Issues

Flooding

1.	<i>Risk to life and flood emergency response</i>	The Flood Impact Assessment (FIA) identifies the site as being subject to a Life Risk Category L3 and relies on a shelter-in-place strategy supported by on-site refuge areas. The Emergency Response Plan included in the FIA is high level and does not adequately demonstrate how flood emergency management arrangements would be implemented for the proposed residential, retail and commercial population of the development. The assessment provides limited justification that flood risks to future occupants can be appropriately managed, including consideration of evacuation opportunities prior to road inundation, period of isolation, emergency service accessibility, suitability for vulnerable occupants, potential for utility failures and residual flood risk. Proposed flood emergency response arrangements should be compatible with existing community flood emergency management arrangements and should not result in an increased reliance on, or burden to, NSW State Emergency Service (SES) operations during flood events. Recommended action: Provide a comprehensive risk to life and emergency management assessment that demonstrates the suitability of the proposed shelter-in-place strategy and on-site refuge arrangements. The assessment should address warning times, period of isolation, refuge functionality and residual risk. Flood emergency response arrangements should be referred to NSW SES for review and comment.
	<i>Extent and Timing</i>	Pre-determination

2.	<i>Requirement for a Flood Impact and Risk Assessment Guideline (LU01)</i>	The FIA concludes that a detailed Flood Impact and Risk Assessment (in accordance with Flood Impact and Risk Assessment Guideline LU01) is not required because the site is classified as flood fringe and future development is unlikely to significantly alter flood behaviour. This conclusion may be appropriate for flood impact considerations as the proposed development has the same footprint as the existing building, the assessment provides limited analysis of broader flood risk matters associated with introducing additional residential population on flood-prone land. Guideline LU01 identifies that flood assessments should consider the appropriateness of the proposed development type for the location having regard to flood constraints and, where development will
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		significantly increase population on flood-prone land, should assess community vulnerability, emergency management considerations and the suitability of the land for the proposed development outcome. The proposal introduces residential apartments and affordable housing on flood-prone land that is identified as having an L3 life hazard classification. While the assessment demonstrates compliance with flood controls in Council's Development Control Plan (DCP), this does not necessarily demonstrate that flood risks to future residents can be managed to an acceptable level over the life of the development, including during extreme flood events. Consistent with the risk-based approach promoted by the NSW Flood Risk Management Manual, further consideration should be given to life safety, emergency response, community vulnerability and residual flood risk associated with proposed residential use. Recommended action: Provide further assessment in accordance with the intent of Guideline LU01 demonstrating that the proposed increase in residential population on flood-prone land is appropriate having regard to flood constraints, risk to life, emergency response and residual flood risk.
	<i>Extent and Timing</i>	Pre-determination

3.	<i>Climate change and future flood risk</i>	The FIA relies on the climate change assumptions adopted in the Throsby, Styx and Cottage Creek Flood Study (Rhelm, 2023), which uses the 0.5% Annual Exceedance Probability (AEP) rainfall event as a proxy for future rainfall intensification together with 0.4 m sea level rise to represent the future 1% AEP event for a 2050 planning horizon. Although the assessment is consistent with Council's adopted flood study and current flood planning framework, the FIA should demonstrate how the proposal performs against emerging climate change scenarios and planning guidance relevant to a major development with a long design life. The FIA does not address future flood risk beyond the adopted 2050 planning horizon. The <u>Draft Climate Change and Natural Hazards SEPP</u> and accompanying <u>Draft Climate Change Scenario Guidelines</u> identify SSP3-7.0 emissions scenarios and 50-year and 100-year planning horizons as the minimum recommended scenarios for consideration for major development applications. Consideration of these scenarios would provide greater confidence that flood risk, climate resilience and adaptation measures remain appropriate over the anticipated life of the development. Recommended action: Provide further assessment of future flood risk and climate resilience of the proposal having regard to the Draft Climate Change and Natural Hazards SEPP and Draft Climate Change Scenario Guidelines. The assessment should demonstrate how the proposal performs under SSP3-7.0 emissions scenarios for 50-year and 100-year planning horizons and justify whether reliance on the adopted 1% AEP 2050 flood planning scenario is sufficient for the anticipated design life of the development.
	<i>Extent and Timing</i>	Pre-determination

4.	<i>Flood resilience of ground floor commercial areas</i>	The FIA notes that the proposed ground floor retail tenancies are located below the Flood Planning Level (FPL) and rely on flood-compatible materials up to the Probable Maximum Flood (PMF) to manage flood risk. While this approach may be consistent with flood planning controls in Council's DCP, the FIA provides limited consideration of whether opportunities exist to further improve the flood resilience of ground floor retail and reduce potential flood damage, disruption to businesses and recovery impacts following flood events. The assessment does not adequately justify why a lower-risk design is not achievable for a major mixed-use development with a long design life. Recommended action: Provide additional justification for the proposed ground floor retail finished floor levels below the FPL, including consideration of alternative design options to improve flood resilience now and into the future and reduce flood damages to commercial tenancies.
	<i>Extent and Timing</i>	Pre-determination