

Our Ref: ID 1534  
Your Ref: SSD-9978934 and SSD-7684-Mod-1

15<sup>th</sup> December 2021

Andrew Watson  
DA Coordinator, Key Sites  
NSW Planning, Industry & Environment

via email: [Andrew.Watson@planning.nsw.gov.au](mailto:Andrew.Watson@planning.nsw.gov.au)

Dear Andrew,,

**RE: NSW SES Response to the Environmental Impact Statement (EIS) for the Cockle Bay Wharf Mixed-Use Development (SSD-9978934) and a Modification Application for Envelope Amendments (SSD-7684-Mod-1)**

I refer to your correspondence dated 10 December 2021 seeking comment on the EIS for the Cockle Bay Wharf Mixed Use Development. The most significant component of the proposed development includes the construction and use of a new 43 level commercial building, containing four publicly accessible podium levels, 35 levels of commercial office space and four levels of mechanical plant.

The following reports were considered in our assessment:

- Environmental Impact Statement
- Stormwater and Flood Management Report

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.

The NSW SES recommends that consideration of flooding issues is undertaken in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM) and relevant planning directions under the Environmental Planning and Assessment Act, 1979. The floodplain risk management issues which are of concern to the NSW SES are addressed in the FDM.

Attention is drawn to the following principals outlined in the Manual which are of importance to the NSW SES role as described above:

- Development should not result in an intolerable increase in risk to life, health or property of people.

- 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% AEP flood.
- In the context of future development, self-evacuation of the community should be achievable in a manner which is consistent with the NSW SES's principles for evacuation.
- Development must not conflict with the NSW SES's flood response and evacuation strategy for the existing community.
- Evacuation must not require people to drive or walk through flood water.
- Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. The NSW SES notes that a pedestrian land bridge is proposed to be developed as part of the development proposal, which should be designed to ensure safe public egress and access above the PMF.
- 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.
- The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.
- NSW SES is opposed to development strategies that transfer residual risk, in terms of emergency response activities, to NSW SES and/or increase capability requirements of the NSW SES.

It is noted that the site is a low flood island, which becomes isolated in relatively frequent events, but is located in a low flood hazard precinct. The NSW SES provides the following site-specific recommendations that need to be considered to minimise the increase in risk to life due to development at this site.

- **Commercial development (including retail):** The NSW SES is satisfied that the Ground floor businesses and retail floors are above the 1% AEP flood levels and that access to the basement is above PMF (s6.13.1 of the EIS). It is also recommended that there is the provision of sufficient readily accessible habitable areas above the PMF cater for the safety of potential occupants, clients and visitors in commercial development.
- **Sensitive development:** Any Childcare facilities, schools, medical centres, day hospital within the building must be located with floor levels above the PMF level.

- **Making buildings as safe as possible to occupy during flood events:** Ensuring buildings are designed for the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood.
- **Limiting exposure of people to floodwaters:** This can be aided by providing sufficient readily accessible areas above the PMF to cater for potential occupants, clients and visitors. Building security and access should ensure accessibility to habitable areas within the building above the PMF.
- **Provision of publicly accessible space for the itinerant population in areas surrounding intensive development:** Provision of publicly accessible space or access to space above the PMF (with adequate infrastructure to enable the physically impaired to access such space) that is easily accessible 24 hours a day for seven days a week which is clearly identified for this purpose with associated directional signage.
- **Reducing human behaviour risks:** Undertaking regular exercising of a building flood emergency response plan similar to a building fire evacuation drill with the provision to allow people from lower floors and off the street to access refuge areas above PMF.
- **Providing adequate services so people are less likely to enter floodwaters:** This includes access to ablutions, water, power and basic first aid equipment. Consideration must be given to the availability of on-site systems to provide for power, water and sewage services for the likely flood duration of surrounding areas (which may exceed several hours) plus a further period to provide allowance for restoration of external services.
- **Addressing secondary risks of fire and medical emergencies during floods:** To minimise the increased risk of fire and to reduce both the potential for adverse outcomes in the case of a medical emergency and the risks to those who may aid the patient, Council, DPE, NSW SES, Ambulance NSW and the relevant Health Functional area and fire agency servicing the area, should be consulted to determine appropriate risk management strategies during flooding.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

1. [Reducing Vulnerability of Buildings to Flood Damage](#)
2. [Managing Flood Risk Through Planning Opportunities](#)

We would also like to take this opportunity to request the Darling Harbour Flood Study, Floodplain Risk Management Study and Plan and associated data to be uploaded onto the [NSW Flood Data Portal](#) for our emergency management planning purposes.

Please feel free to contact me via email at [rra@ses.nsw.gov.au](mailto:rra@ses.nsw.gov.au) should you wish to discuss any of the matters raised in this correspondence.

Yours sincerely,



Elspeth O'Shannessy  
Planning Coordinator, Metro Zone  
**NSW State Emergency Service**