

24 January 2019

The General Manager
Forbes Shire Council
2 Court Street Forbes NSW 2871
Our ref: ID950

Attention: Eliza Scarpellino (e: Eliza.Scarpellino@forbes.nsw.gov.au)

Dear Ms Scarpellino

**Planning Proposal – Highway Service Centre and Service Station to be permissible
with consent in SP3 Tourist Zone**

Thank you for referring the Planning Proposal to amend the SP3 Tourist Zone to permit Highway Service Centre and Service Stations uses ('Planning Proposal') to the NSW State Emergency Service (NSW SES).

The NSW SES is the legislated combat agency for floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. The NSW SES has a strategic interest in the public safety aspects of the development of flood prone land, in particular, the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

Planning Proposal

The Planning Proposal seeks to amend the SP3 Tourist Zone in the *Forbes Local Environmental Plan 2013* to include Highway Service Centre and Service Stations uses.

The Planning Proposal suggests that Highway Service Centre and Service Stations uses are permissible in SP3 Tourist Zones in other Local Environmental Plans in the Central West of NSW. It also suggests that a Department of Planning Practice Note - Practice Note 09-006 *Providing Tourism in Standard Instrument local environmental plans* includes Highway Service Centres as a use associated with tourism (p 6).

Flood Risk in the existing SP3 Tourist Zone

The Planning Proposal states that:

STATE HEADQUARTERS

6-8 Regent Street, Wollongong NSW 2500
PO Box 6126, Wollongong DC NSW 2500
P (02) 4251 6111
F (02) 4251 6190
www.ses.nsw.gov.au
ABN: 88 712 649 015

'The vast majority of our SP3 Tourist land is Low Hazard Flood Fringe, with a small section being Low Hazard Flood Storage and High Hazard Flood Storage.' (p 6)

The Planning Proposal states the controls that apply to Service Stations in the Low Hazard Flood Fringe. These controls differ slightly to the Tourist Related Development controls in Low Hazard Flood Fringe, which currently do not require the prescriptive Management and Design control 2 to be met. That is

'2. Applicant to demonstrate that area is available to store goods above the Adopted Flood plus 0.5m freeboard'

The Forbes DCP 2013 defines Low Hazard Flood Fringe as:

*'The flood fringe is the remaining area of the floodplain up to the **Adopted Flood Level**, after floodway and flood storage areas have been defined. Development in this area should not have a significant effect on the pattern of flood flows and/or flow levels. If necessary, trucks could evacuate these areas and able-bodied adults would have little difficulty wading to safety, making this a low hazard area.'* (emphasis added)

The 'Adopted Flood Level' is defined in Forbes DCP 2013 as:

the flood level for the 1952 flood in Forbes under current land use and topography conditions.

This extent is similar to the modelled 1% Annual Exceedance Probability (AEP) flood, modelled in the *Forbes Floodplain Management Report & Floodplain Management Plan* (Sinclair Knights and Partners, 1994).

The NSW SES notes that Council is currently undertaking a flood study for Forbes and has provided comments on the review (refer to the attached letter). From the preliminary assessment of the outputs of the flood study, it does not appear that the flood risk precincts will change. However, the NSW SES notes that there is still some work to incorporate the 2016 flood into the flood study, the flood risk precincts will need to be re-assessed when the revised study is finalised.

NSW SES comments/concerns with the Planning Proposal

The NSW SES comments provided below are based on existing flood risk information for Forbes available to the NSW SES. As mentioned above, it may be that the revision of the Forbes Flood Study, to incorporate the 2016 flood, results in the need to revise the flood risk precincts and this may impact on the flood risk classification of land in the SP3 Tourist Zone.

The NSW SES considers that High Hazard Flood Storage areas are not appropriate land use areas for Service Stations or Highway Service Stations considering the flood risk and suggests that the Forbes DCP 2013 be amended to only allow Service Stations or Highway Service Stations in the Low Hazard Flood Fringe area, to which the majority of the SP3 Tourist Zone is classified.

It is acknowledged that the majority of land bordering the Newell Highway is delineated as Low Hazard Flood Fringe, and it may not be feasible or practical for a Service Station or Highway Service Station to be located on the High Hazard Flood Fringe or Low Hazard Flood Storage in any case. However, ensuring Service Stations or Highway Service Stations as uses are not permissible in these areas would avoid any future development proposing such a use in these high flood risk areas.

The NSW SES also recommends that Council amend Schedule 2 of CH 4, Flooding and Flood Affected Land to include 'highway service station' as it is currently not listed.

The NSW SES looks forward to working with Council in the future, especially in the strategic planning stage in order to avoid or minimise the increase in flood risk resulting from future development. For land use planning matters please contact Marcus Morgan on (02) 4251 6665 and for hazard/emergency management planning matters please contact Craig Ronan on (02) 6334 8506 if you wish to discuss any of the matters raised in this correspondence.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'George Jeffreys', is written over a light blue circular stamp.

George Jeffreys
Senior Manager, Risk Reduction and Avoidance
NSW State Emergency Service

Cc: Planning Coordinator (future risk); Coordinator Hazard Planning