

Our Ref: ID 2065
Your Ref: PP-2021-6630

8 September 2023

Mr Douglas Cunningham
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

email: douglas.cunningham@dpie.nsw.gov.au
CC: shelly.stingmore@ses.nsw.gov.au

Dear Mr Cunningham,

Planning Proposal for 143 Stoney Creek Road, Beverly Hills

Thank you for the opportunity to provide comment on the Planning Proposal for 143 Stoney Creek Road, Beverly Hills. It is understood that the planning proposal seeks to:

- Rezone the proposed site from SP2 Public Administration and R2 Low Density Residential, to R4 High Density Residential
- Increase the number of dwellings on site from zero to approximately 38
- Raise the maximum height of the building from 9m (R2 Residential limit) to 16m
- Include “business premises” and “office premises” as land uses to be permitted with consent in Schedule 1, with the potential “three storey medical centre” and “three levels of basement car parking”¹
- Increase the minimum lot size from 450m² to 1,000m²
- Raise FSR from 0.55:1 to 1.4:4.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami 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 refer to our previous correspondence dated 17 May 2023. In summary, the consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW 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](#). We have included key principles relating to emergency management in Attachment A, particularly relating to:

¹ Sutherland and Associates. October 2022. Rezoning Review Request - Planning Proposal – 143 Stoney Creek Road, Beverly Hills. Page 2.

- the requirements to align with existing emergency management arrangements.
- ensuring adequate evacuation capacity.
- the significant risks associated with sheltering in place.

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

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Elspeth O'Shannessy 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

A handwritten signature in black ink, appearing to read 'Elspeth O'Shannessy', with a horizontal line underneath.

Elspeth O'Shannessy
Manager, Emergency Risk Assessment
NSW State Emergency Service

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline²

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 evacuation strategies identified in the relevant local or state flood plan or by the NSW SES.

Further evidence should be provided regarding the statements that the development will *“enhance evacuation”*³ and *“will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood”*⁴ and *“ensure the safe evacuation of people in the event of a flood”*⁵

The flood evacuation constraints⁶ in an area should not be used as a reason to justify new development by requiring the new development to have a suitable refuge above the PMF. Allowing such development will increase the number of people exposed to the effects of flooding. 'Shelter in place' strategy is not endorsed for flood management by the NSW SES for *future development*. Such an approach is only considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk. We recommend detailed assessment of the potential maximum duration of isolation and inundation to fully understand the risks associated with sheltering in place. This is not currently contained within the Flood Impact Assessment.

Unfortunately, our experience is that people sheltering in place change their mind after they have been surrounded by flood water or when essential services such as water, power and sewer cease to function. The high hazard flooding on adjacent roads therefore poses a serious risk for anyone attempting to travel to or from the proposed site, such as to attend a medical appointment or visit a residence.

Private emergency plans are not considered to be an effective measure for addressing continuing risk to users of new development, nor suitable for addressing the impacts the development may have on the emergency management risks to the existing community. The vulnerability or capability of occupants and their ability to enact a plan, as well as the flood

² Department of Planning and Environment (2022) – Support for emergency management planning Flood risk management guideline EM01

³ Northrop. April 2023. Re: 143 Stoney Creek Road, Beverly Hills – Flood Risk Impact Assessment for Planning Proposal submission. Page 6

⁴ Georges River Council. 2021. Local Environmental Plan. 5.21 (2) c

⁵ Georges River Council. 2021. Local Environmental Plan. 5.21 (3) c

⁶ Northrop. April 2023. Re: 143 Stoney Creek Road, Beverly Hills – Flood Risk Impact Assessment for Planning Proposal submission. Page 4-5

characteristics of a future event are not known at the time of the plan's creation⁷. Unless occupants are able to self-evacuate for all possible flood events in consideration of future development, which is not the case for the current site, and the plan is owned, understood, practised and uncertainties of flooding understood by occupiers, it will almost certainly be forgotten or fail to be effective, particularly in events where the plan assumptions are overwhelmed.

In addition, all evacuation centres are assessed through the Local Emergency Management Committee, not through ad-hoc development.

We do support businesses establishing arrangements for early closure and evacuation of the site prior to the onset of flooding. However, it is more challenging for residential development to adhere to similar arrangements.

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. It is clear from the provided Flood Impact Assessment that the site is subject to inundation and isolation in floods more frequently than the 5% AEP event⁸. This is extremely frequent, and we recommend further exploration of the frequency of the site becoming flooded and/or isolated.

There is no thing as a safe period of isolation, however, the longer the period of isolation, the more chance there is for mishap requiring external intervention. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times.

Emergency services are also exposed to greater risks than if flood-free access was available. This unnecessarily exposes emergency service personnel to flood situations which may lead to the injury or death. In recognition of this possibility, emergency services are under an increasing demand to consider the safety of personnel. Each circumstance must be subject to an individual risk assessment at the time. If, after conducting a risk assessment of an incident, a Commander or team leader is unsatisfied with the level of risk involved, the response will be delayed until the risk can be reduced or is no longer present.

⁷ Department of Planning and Environment (2022) – Support for emergency management planning Flood risk management guideline EM01 A2.4.2 p. 6

⁸ Northrop. April 2023. Re: 143 Stoney Creek Road, Beverly Hills – Flood Risk Impact Assessment for Planning Proposal submission.. Figure C2[A]

The probability of a fire occurring on a site whilst it was isolated and surrounded by floodwaters would be greater due to power surges, electrical faults and the use of ad hoc heating and lighting measures such as candles. The likely delay in response times during floods would greatly exacerbate the chances of a fire spreading from its point of origin, of which increases the risk of injury or death to occupants of the building. This was the case in the 2011 Brisbane floods where a fire broke out inside Suncorp Stadium (Lang Park), which was flooded at the time.

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

This has not been demonstrated in the current documentation.

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

We do support the adoption of the flood planning level of the PMF. However, it should be noted that although the text indicates flood hazards of up to H5 at the subject site, Figure D4 shows areas of H6. We recommend that the potential risk is further explored, particularly as in H6 flooding, all buildings are subject to failure and would not be suitable for a flood refuge.

It should be noted that NSW SES' position is not to place all development above the PMF, rather take a risk-based approach in line with the Flood Prone Land Policy, the Minister's Directions, Flood Risk Management Manual and supporting toolkit.

The RtS states an additional demand in NSW SES is not expected (page 5), however placing people at risk of flooding increases the demand for engagement, planning and response resources to communicate and manage the residual risk. Further evidence should be provided to support such claims. NSW SES has historically attended flood rescues at existing development immediately adjacent to the proposed development in the same flow path.

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

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

It is important to note that there is currently *no formal flood warning system* available for the proposed area, which is subject to flash flooding. Therefore, there are challenges associated with flood planning, warning, evacuation, and response timing for any future development. Even with a local warning system, the more specific the warning requirement for individuals and sites becomes, the more difficult it is for the NSW SES to deliver warnings in the short time frames that may apply.

If the occupants are unable to evacuate in time, which is likely, or they intentionally shelter in place, rescue may be required for the proposed development. The likelihood of this increases if sewerage, power, medical or other emergencies occur during flooding and floodwater continues to overwhelm the building, or the building is subject to structural damage and/or failure.

The use of flood boats and helicopters may not always be feasible due to weather, resource availability or risks, which can result in large number of people trapped on the floodplain. There are significant risks associated with relying on rescue, including:

- Insufficient number of flood rescue boats for the number of people remaining on low flood islands.
- Insufficient air lift capacity.
- Severe weather which makes rescue by boat or air more difficult e.g. wind fetch caused waves.
- Potential exposure to sewage, contaminants, disease, poisons, hidden snags, dead animals and debris etc.
- Drowning or injuries related to floodwater hazards.

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