

Our Ref: ID2886
Your Ref: SSD-16858710 - DA 2024-60

20 February 2025

Hamish McTaggart
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Via email

email: hamish.mctaggart@muswellbrook.nsw.gov.au
CC: lisa.ignatavicius1@ses.nsw.gov.au

Dear Hamish

**Updated Flood Emergency Response Plan (FERP) SSD Pacific Brook Christian School
Muswellbrook DA 2024-60**

Thank you for the opportunity to provide comment on the updated Flood Emergency Response Plan (FERP) which includes the for the proposed development at 72-74 Maitland Street, Muswellbrook. The proposal is seeking the establishment of a co-educational school (kindergarten to year 12) at the site to accommodate 140 students and 16 staff.

We refer to our previous correspondence dated 22 April 2024, 13 June 2023, 21 August 2023 and 8 November 2024 and confirm our advice provided therein.

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.

It is the preference of NSW SES that all schools follow the application of sound land use planning and flood risk management in accordance with the relevant directions under the *Environmental Planning and Assessment Act 1979*, the Flood Prone Land Policy, the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines.

Flood Risk

The proposed buildings become surrounded by riverine/creek flood water¹, and the site subject to complete inundation of more than 2m in the PMF event (high hazard H5 and H6).² Even with the reduced yield, the proposal for a school on this flood prone site on a low flood

¹ Torrent Consulting, 2025. Pacific Brook Christian School Flood Emergency Response Plan page 14, Appendix A pages 29-33, Appendix B pages 34-38.

² Henry & Hymas, 2024. Review of flood reports Page 2.

island in a flash flood catchment is concerning. The future occupants, including children as young as kindergarten, are unable to self-evacuate and are unlikely to be able to evacuate within the available time. Not only does it place the school community at risk, but will result in an increase in the complexity of flood operations for the Muswellbrook LGA, and transfer risk to NSW SES for evacuation, resupply and potentially rescue.

Private Emergency Plans

Please note NSW SES does not have statutory authority to endorse or approve flood emergency response plans. As detailed in the Support for Emergency Management Planning, a **FERP should not be used to manage an underlying flood risk** and should not be used to justify introducing vulnerable people in the floodplain. The strategy in part relies on the Muscle Creek Flood Warning System (FWS) and visual cue of Muscle Creek inundation. The Muswellbrook Shire Council has installed the warning system, to provide existing residents adjacent to Muscle Creek timely and sufficient warnings in order to better prepare and respond to flood events and reduce the potential for loss of life from future flood events.³⁴ Flood Warning System (FWS) may become prone to failure, as systems and plans are dependent on human application and often rely on technical support systems. In addition, these are not monitored nor audited by NSW SES as the combat agency for flooding. Having areas with multiple site-specific flood warning systems, each with varying efficacy, increases the complexity of deriving flood warning advice at the community scale. It is also more challenging to monitor these flood warning systems and effectively incorporate information into strategic emergency management response for the community in the Local Flood Plan. The NSW SES, therefore, generally does not support the use of private or site-specific warning systems for individual developments that have not been developed in a strategic context.⁵

Please feel free to contact Gillian Webber 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 dark ink, appearing to read 'P. Cinque'.

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

³ Aquamonix, 2024. Muscle Creek Flood Warning System Installation Final Report and Manual

⁴ Muswellbrook Shire Council website. Latest news Muscle Creek Flood Warning System accessed 18/02/2025 <https://www.muswellbrook.nsw.gov.au/project/muscle-creek-flood-warning-system/>

⁵ Department of Planning and Environment, 2023. Support for emergency management planning Flood risk management guideline EM01 Section A2.6 Flood warning, page 12