



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

**RE: 137 BRISBANE GROVE ROAD, GOULBURN PLANNING PROPOSAL
(PP-2024-291) – GATEWAY DETERMINATION REVIEW**

COUNCIL MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)

OFFICE OF THE IPC: JANE ANDERSON
TAHLIA HUTCHINSON

**GOULBURN MULWAREE
COUNCIL:** MAYOR NINA DILLON
KATE WOOLL
DAVID KIERNAN
MARINA HOLLANDS

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 11:45AM
TUESDAY, 25th MARCH 2025

<THE MEETING COMMENCED

MR MICHAEL CHILCOTT: Good morning, everybody.

5 [All say good morning]

MR CHILCOTT: Before we begin, I'd like to acknowledge that I'm speaking to you today from the lands of the Dharug and Gundungurra people in Katoomba, where I am, and I acknowledge the traditional owners of all of the lands from
10 which we are meeting today. I pay my respects to their Elders past and present.

Welcome to this meeting. This is a meeting to discuss the Gateway Determination Review of the planning proposal to rezone and amend the minimum lot size at 137 Brisbane Grove Road in Goulburn. The Commission's reference is PP-2024-
15 291, and it's currently before the Commission for advice.

My name is Michael Chilcott. I am the single member of this Commission panel and therefore I get to Chair myself. I am joined today by Jane Anderson and Tahlia Hutchinson, again who are assisting me both today and in the process of
20 undertaking this review and preparation and advice back to the delegate of the Minister.

In the interests of openness and transparency and to ensure we get all the information captured correctly, today's meeting will be recorded, and a complete transcript will be produced and made available on the Commission's website in
25 due course.

The meeting forms one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice once that finally is made.
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During the meeting, I'm likely to ask questions to clarify issues. If I do ask something and you're not able to answer it today, please feel free, as we've discussed previously on other matters, to take up the question on notice and to provide additional information in writing, which we'll also put up on the website so that's available.
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Could I just ask everybody from Council here to introduce themselves. Perhaps I'll start with the Mayor and move down to the GM and then to the planning staff, that's okay.
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MAYOR NINA DILLON: Yes. Hello, I'm Nina Dillon. I'm the Mayor of Goulburn Mulwaree Council.

45 **MR CHILCOTT:** Thank you, Mayor.

MS MARINA HOLLANDS: I'm Marina Hollands, the Acting Chief Executive Officer.

MR CHILCOTT: Good morning, Marina, thank you.

5 **MS KATE WOOLL:** I'm Kate Wooll, the Business Manager of Strategic Planning at Goulburn Mulwaree Council.

MR DAVID KIERNAN: I'm David Kiernan, Senior Strategic Planner at Goulburn Mulwaree Council.

10 **MR CHILCOTT:** Thank you. And you would all have received the proposed agenda for today's meeting in relation to this matter at 137 Brisbane Grove Road. Can I just ask whether you have any changes or additions that we should put onto that agenda, or are you content that we just run through that?

15 **MS WOOLL:** We're content with that.

MR CHILCOTT: All right. Thank you. In which case, as we've done on other matters, what I'll do is start by inviting the Council's officers to prepare some opening remarks. And then I'll turn to both the Mayor and the GM in turn to add anything they wish to in relation to this matter. And I think, again, is it, can I just assume that David you'll be ...

MR KIERNAN: Yes.

25 **MR CHILCOTT:** ... providing the lead narrative on this? Thank you. Thank you. Please go forward.

MR KIERNAN: Council is supportive of this rezoning planning proposal at 137 Brisbane Grove Road. We've taken a merit-based approach to the assessment in accordance with the Floodplain Manual. And we've taken account of the local circumstances of the site and of Goulburn specifically.

30 We've tried to recognise that flood-prone land is a valuable resource and we've tried to provide some ecologically extensive planning and development controls that respond to that. And to ensure that the provisions that we apply have been commensurate with the flood hazard and the flood risk. But we do understand that's been provided through the Flood Risk Impact Assessment and the Flood Risk Management Study here at Council, so we are aware of the risk and we've balanced that with a number of provisions to ensure that the provisions are commensurate with the flood risk.

35 **MR CHILCOTT:** Thank you. And Kate, from you?

40 **MS WOOLL:** Yes, look, I think as we might have mentioned in the previous hearing, we are not flood engineers, we have accepted the data on the basis on which it has been presented, and use that in terms of the policies that apply.

We understand that Goulburn Mulwaree is a rural locality, we plan for it. We

5 appreciate the Department has broader considerations beyond our area for regional and state planning, but we have applied the provisions as we would see fit for this area, and that means understanding risk and risks in the local context. And we are comfortable with the fact that we have done that and have assessed the risks, as David said, in a way that's proportionate to this locality and the flooding that is identified.

10 **MR CHILCOTT:** All right, thank you. I'll just turn to your Mayor, Mayor Dillon, do you wish to add any comments to the submissions that have been made by your staff in the matter?

15 **MAYOR DILLON:** No, I feel confident that they've presented it, but yes, I think that our risk appetite that this matter is proportionate to the risks that we see within the area, when we are known to have flooding events from time to time.

MR CHILCOTT: All right. Thank you. And your General Manager, Marina, did you wish to make any comment at all at this point?

20 **MS HOLLANDS:** Nothing further to what Kate and David have said, other than this has actually been to Council as well, and Council voted the same way, that they're happy with the risk that this presents.

25 **MR CHILCOTT:** All right, thank you very much. I'll just note for the record that this is the second meeting that we've held today in relation to a matter in this district that is before the Commission for review. So, if people are reading the transcript, they may see some odd cross references to such a thing. But we are trying to keep both meetings as separate as we can so that we get all matters on the record in relation to the individual applications that are being reviewed in this instance.

30 So, thank you for that. I think I mentioned in the other matter, I'll mention it again in this one, that there were some issues raised, I think, in the Department's Assessment Report in relation to the shelter-in-place guideline that was in a draft form and is now in a final form. We did discuss that with them in the meeting and I think it's fair to say that they accepted that – and did not challenge in fact – in the design of the proposal that the proposed dwelling pads were not unreasonable, and that they sat outside the PMF.

35 And in reading the detail of the shelter-in-place guideline that's now there for consideration, it does relate in fact to matters where there's internal movement proposed within or of a building's occupants to within an area of a building above the PMF (the probable maximum flood). And so formally, probably it doesn't have application in this instance. I know that there was a matter that has been raised in submissions by Council and I think the Applicant in due course.

45 But I just thought I'd provide that clarification, notwithstanding that they've given it some consideration along they do accept it's a formality of it as such that, you know, this particular proposal does not engage with that guideline. So, that's just

by way of information in case that's of assistance to you.

5 I do also just wish to test and explore with you whether you have comments in relation to one of the key matters the Department raises in this and the other matter we discussed a while ago, concerning the risks associated with isolation of this site, which I think is acknowledged within the Flood Report as a risk in the 1-in-100 and above scenarios.

10 And the particular manner in which the Department's taken a view with respect to the Ministerial Directions, and particularly the Ministerial Direction in – and I'll get the correct reference here – it's 4.4, sorry, 4.1 subsection 4 and paragraphs (e) and (f) where they go to particular matters to do with evacuation and potential implications for infrastructure. In relation to those, I just invite your specific response in relation to those matters which are amongst others, potentially to the
15 fore in the considerations here for the Department's assessment.

I do understand there are other matters that they go to, but these are obviously matters of some seriousness and they engage specifically because Council's LEP does include clause 5.22 of the LEP, which triggers considers of these matters.

20 Perhaps I'll invite David for you to respond first, and then we might again progress in the same way with any additional comments from Kate and comments from the Mayor and the General Manager in due course. David?

25 **MR KIERNAN:** Yes. The Council understands that the site becomes isolated, at least from the CBD. So, we appreciate the risk and that's been qualified through the Flood Risk Impact Assessment submitted with the planning proposal and the Flood Risk Management Study commissioned by Council. So, we are aware of the flood risk.

30 The precinct is still in accordance with the Urban Fringe Housing Strategy and we've tried to reduce any initial flood risks of the proposal through the preparation of that Flood Risk Impact Assessment and through having [unintelligible 00:09:54] development of 0.2 dwellings per hectare. In addition, the risk we
35 reduced further initially through the resubmission of the second planning proposal. The first one expires preparing the FIRA and run out of time. But ...

40 **MS WOOLL:** I know where you were going, that's all right. Do you want me to talk about the other aspect of it? So, I mean, I think it's interesting, when we look at subclause 4 of the Planning Direction, it does say, "The proposal must not contain provisions that apply to areas between the flood planning area and the probable maximum flood to which special flood considerations apply."

45 Now, we actually – I mean, this is ... Even this is not entirely clear how this is actually even applied to this site. Because we would argue in identifying that the dwellings are above the PMF, that we aren't – that there is dwelling sites available above the PMF and controls in place to address this, that we have effectively avoided the area to which this clause is actually applying to. That area being

between the flood planning area and the probable maximum flood.

5 The other thing that I think David was probably going to sort of start talking about was the specific nature of the isolation risks that we addressed in order to, you know, sort of ensure safety of the occupants of this area. So, there were a number of measures that were identified through the planning proposal process. One being using clause 5.22 as a means to say that this is an area that is potentially subject to isolation, identifying that through the Development Control Plan and through Planning Certificates for future owners, to say that isolation is a risk and that there are a number of ways to mitigate that risk.

10 Those mitigations were worked out through discussions with DCCEEW, New South Wales SES, and New South Wales Ambulance. And those mitigations included things like first aid kits including defibrillators at the recommendation of New South Wales Ambulance, because they said that that was probably the most likely callout that they would get in those scenarios.

15 That included ensuring that things like generators were available on site to reduce the risk of fire in the first instance. The properties would all, by their very nature of their location, have to have their own water and sewer regardless, because they're not connected to town services out there. And that effectively, they should be able to safely occupy above the PMF during these rare instances when these events would occur – oh, and of course, during the 1% as well.

20 **MR KIERNAN:** With the aim of reducing the need for emergency service callouts into that particular area, and to reduce the need for people to enter floodwaters to either get to the CBD for services or to get home. And obviously, we've done that through the provision of the additional on-site power, water, EMAs, the defibrillator, the first aid equipment, and the warning on the 10.7's.

25 So, residents will be aware of the flood risk and they should be preparing for it, and we'll place that in the Section 88B Covenant on the title to ensure that that happens going forwards. And all of these things are meant to reduce the risk to the occupants and allow safe occupation, but also to reduce the requirement for emergency service vehicles to enter into the precinct, with that requirement being relatively low anyway because the density of the precinct is particularly low. I think the quantum of housing is going to be particularly low.

30 **MS WOOLL:** And I think there's also, what was the GRC identified in their Flood Impact Risk Assessment, what was the risk of the medical incident coinciding with the flood event was very, very low.

35 **MR KIERNAN:** It was 0.1% probability of isolation happening at the same time as an emergency occurring, a 0.1% probability. How valid that probability is, I'm not sure, but that's the information that we've been given, and it seems reasonable.

40 **MS WOOLL:** Yes. In relation to the infrastructure component of subclause 4. Effectively, the issue with this area is its access is Braidwood Road. Braidwood

Road at the approach is to the Braidwood Road Bridge over the Mulwaree River does get inundated in around the 1% event, which does mean that that is the point of cut off, and less probable events after that. So, it would be quite an expensive piece of work to increase the approach, the height of the road approaching the road, it wouldn't be impossible, it could be done.

The issues that we have with this are that, firstly, it is a state road so we can't collect contributions toward it. And given the small nature of the development proposed in the area, the contributions, the nexus would be so low that the contributions wouldn't be very much, given the volume of traffic that exists already on Braidwood Road.

The other questions are that happen too is what happens to flood behaviour should you change the conditions of the road in that location by increasing the height of the road? And so, effectively because it is such a long road and it is a classified road, there are a number of other communities further afield that that road also services. The road is also known to be cut in other places south of this locality, such as Lake Bathurst and potentially at Tarago as well.

So, the thing is, is that realistically we don't see an increase in state spending on Braidwood Road as a result of this, above and beyond whatever the state would see as, you know, building back better, I guess, in terms of the roads where maintenance occurs.

We don't see it as feasible for this area to pay for those through improvements, because really those improvements are only going to benefit a small area but the nexus is going to be relatively uneven. So, yes, so we don't actually see there being any increased spending by the state. In terms of the infrastructure, the planning for this area is never identified with or other capital works which may be of benefit to mitigate flooding in the locality.

So, effectively, the main, the only cost that we see would be whatever the state itself identifies as being for its needs in terms of emergency service responses in the rare instance that you would have that coincidence of potentially a medical or fire emergency happening at the same time as the rareness of the flood event. And in saying that, we have taken those measures that David has outlined previously, and I've mentioned in terms of having that awareness built into planning certificates, the Development Control Plan process, and the potential future restrictions on the title in order to mitigate those impacts should they occur.

MR CHILCOTT: No, thank you very much for that. I'll just turn to your Mayor, Mayor Dillon to see whether you wish to add anything specifically in relation to this matter.

MAYOR DILLON: No, I think they've covered it very well. But I do agree that we've taken every chance that we can to ensure that the risk is reduced to the lowest level we can by talking to the emergency services and ambulance to get their views as well. And the fact that country people are generally aware that from

time to time, they will be isolated due to flooding events.

5 **MR CHILCOTT:** Thank you. And I'll go now to your General Manager as well and invite comments from you, Marina. Marina, you're on mute, just so you're aware. Turn your microphone on.

MS HOLLANDS: That would help. Thank you.

10 **MR CHILCOTT:** No, that's okay.

MS HOLLANDS: Not a lot to add, only that we're equipping people and enforcing that would be recommended for maximising helping yourselves at home and that we agree that as a Council we can't – upgrading the event for this sort of event and the payment of that is not fair on, I guess, that development as such, and the broader development. But no, I agree with everything the technical staff have said.

20 **MR CHILCOTT:** All right. No, thank you for that. And again, I made reference to another meeting we had and forgive me for repeating the question, but I do want to get the similar piece of response on the record for this one. In terms of whether there are other areas in the locality with subdivisions that are subject to the sorts of inundation profiles and isolation profiles that we see presented in relation to the matter at 137 Brisbane Grove Road.

25 **MR KIERNAN:** We do have a longstanding subdivision that's already well built out on the eastern side of Mulwaree, it's called Eastgrove. It's on a slightly elevated section so it does become isolated. And when the Mulwaree floods, I think the main direct points from Eastgrove to the CBD are flood in the 1-in-20. But there is an evacuation route around Sydney Road, it's a bit more convoluted, 30 but it does provide an evacuation route in the 1-in-500 into the CBD. So, it's very similar in terms of its profile.

35 Whilst it is an extent development, extent subdivision, there are some new subdivisions going there. I think it's about a hundred houses currently and about another 30 being subdivided as we speak.

MR CHILCOTT: Thank you.

40 **MS WOOLL:** Yes, there are other areas too. There's, for instance, in Marulan there's quite a large subdivision going on there that was going through different stages with tens of lots in each stage. It basically would be cut off from Goulburn during a PMF. Their main bridge into Goulburn, the Sydney Road Bridge, does get potentially cut during a PMF.

45 Then we also have our main urban release areas, they're currently on the northern side of Goulburn. It gets cut off in a 1-in-500 event, with the two bridges that cross the river, the Wollondilly River on that side. So, basically, yes, there is potential for Goulburn to be fragmented in a number of ways depending on what point in a

flooding event, as they sort of scale up, occur.

5 This is a reality for this area, but it is quite unlike sort of the Northern Rivers area, the region that we are planning in is quite undulating, the floodplain is quite well identified, and we are definitely avoiding development within the floodplain and with these greenfield subdivisions within the PMF as well.

MAYOR DILLON: And I think another thing in that – sorry to cut back in.

10 **MR CHILCOTT:** No, that’s okay, Mayor, please go ahead.

MAYOR DILLON: Another thing. That generally the water is only here for a very short period of time. The water will come down the river and it’s generally gone very quickly. Like, going over to Eastgrove over the last two years, that main road has probably been cut 10 times. But the water will be here and gone within 3
15 or 4 hours, so it’s very rare that the water’s lying there for such a long period of time, other than for emergency service access, that it’s going to cause a massive problem.

20 But it’s right around the area. We even have the Federal Highway cut at times at Collector. We have the main road has been cut – all of the access roads to Cookwell, Tarago, they all get cut in a flood event.

MR CHILCOTT: All right, no, thanks for that. I think that just recalling
25 information that was presented in, I think, both the Flood Report and the various assessments, I think at the 1-in-100 year, the 1% AEP event, the road’s cut for around 22 hours.

MR CHILCOTT: And for the PMF, I think 36 or 38 hours in the vicinity, just to
30 make sure we’ve got those numbers on the record as well.

MS WOOLL: Correct, yes.

MR KIERNAN: I think it’s important to note that whilst the road is flooded for
35 22 hours, it’s only flooded to unsafe levels for about 8, and safe levels being around 50 centimetres.

MR CHILCOTT: All right, and unsafe in that sense ...

40 **MR KIERNAN:** In terms of emergency service vehicle access.

MR CHILCOTT: They can get through half a metre?

MR KIERNAN: Yes. And the flood hazard category maps within the Flood
45 Manual.

MR CHILCOTT: Yes, no, I think I’ve had previous experience on another matter in my career where that 0.5 level was mentioned as the critical one. So, I’m sort of

broadly familiar with that standard. Thank you. Madam Mayor, did you wish to add anything further in that regard?

5 **MAYOR DILLON:** No, I think they've covered it fairly well, yes, yes.

MR CHILCOTT: That's great. Thank you. And I'll just go again to your General Manager who's been patient and waiting for an opportunity to make comment. But thank you for that.

10 **MS HOLLANDS:** No, they've covered it well.

15 **MR CHILCOTT:** All right, thank you very much. I think that those are the principal areas that I had questions I wanted to deal with in relation to this matter. And I'll just again provide you an opportunity to see whether there's anything further you wish to bring to my attention. I'll also check with my staff in due course. I'll first check with Council – anything further you wish to raise with us for consideration in this matter?

20 **MS WOOLL:** No.

MR KIERNAN: No.

MR CHILCOTT: No? And Madam Mayor?

25 **MAYOR DILLON:** I think it's been well covered, thank you.

MR CHILCOTT: Thank you. And your General Manager, Marina?

30 **MS HOLLANDS:** And no further from me, no.

MR CHILCOTT: All right. Well, look, I'll just check in with my staff. Is there anything further that we wish to bring to the attention or bring forward for the Council to respond to, from your perspective?

35 **MS ANDERSON:** No, nothing from us here. Thank you.

MR CHILCOTT: No, thank you very much. Again, belatedly, I'll also thank the Council staff for their attendance at the site view that we undertook of this matter back on Thursday of last week. I was grateful for their attendance on the day.

40 **MS WOOLL:** Thank you.

45 **MR CHILCOTT:** In which case, thank you very much for your attendance today. And we have further meetings scheduled this afternoon with the Applicant. We have met with the Department, as I've referred to earlier. And following the conclusion of that, we'll be moving forward to prepare our considerations and advice. But we'll keep you informed. As I mentioned, this material and other material we tend to put up on our website so that it's freely available for people to

assess in how the matter's going forward. But thank you very much for your attendance today, everyone's appreciated your contribution.

[All say thank you]

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>THE MEETING CONCLUDED