



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

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

APPLICANT MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)

OFFICE OF THE IPC: JANE ANDERSON
TAHLIA HUTCHINSON

APPLICANT REPRESENTATIVES: TIM TITHERADGE (Titheradge Superannuation Fund – Landowner)
ZAC RICHARDS (GRC Hydro)
PAUL JOHNSON (SOWDES)
ANTHONY BOSKOVITZ (Boskovitz Lawyers)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:30PM – 3:30PM
TUESDAY, 25th MARCH 2025

<THE MEETING COMMENCED

MR MICHAEL CHILCOTT: So, good afternoon, everybody. Now that we're formally recording proceedings. Before we begin, I'd just like to acknowledge that I'm speaking to you from the lands of the Dharug and Gundungurra people up in Katoomba in the Blue Mountains. I pay my respects to their Elders and acknowledge the traditional owners of the land. And I also acknowledge the traditional owners of the lands in which you are coming to us from, and pay my respects to their Elders past and present as well.

Welcome to today's or this afternoon's meeting. This meeting is 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-2024-291 and it's currently with the Commission for advice.

We've met before, but for the record, my name is Michael Chilcott. I am the single member comprising this panel, appointed by the Chair of the Commission to undertake this review and provide advice back to the Department and its delegate in the matter. I am joined today by Jane Anderson and Tahlia Hutchinson, who were present at the site view the other day, again, my thanks formally to you for your assistance in that site view. Jane and Tahlia assist me both today and at the site view and throughout this process.

For the purposes of openness and transparency and to ensure that all the information we exchange today is fully captured, the meeting today will be recorded, and a complete transcript will be produced and made available on the Commission's website in due course.

This meeting is 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.

I will during the course of this meeting no doubt ask questions to clarify issues. If I ask a question and you're not able or in a position to answer that, please feel free to take the question on notice and provide any additional information in writing and we'll ensure that response along with other material is posted on the Commission's website relating to this particular matter.

For the record, I'd just invite the Applicant group to introduce each other. Perhaps starting with you, Mr Titheradge in terms of the ownership, and then through the team. Thank you.

MR TIM TITHERADGE: Tim Titheradge. I'm a director of [unintelligible 00:02:38] Pty Ltd in the Titheradge Superannuation Fund, which is the owner of the property in question, and the Applicant.

MR CHILCOTT: Thank you.

MR PAUL JOHNSON: I'm Paul Johnson from the business name of SOWDES. I've been involved in the concept design of the subdivision and involved in the reports for the bushfire and water cycle management studies.

5 **MR CHILCOTT:** Thank you, Mr Johnson.

MR ZAC RICHARDS: Good afternoon. My name is Zac Richards, I'm a director at GRC Hydro and we developed the Flood Impact and Risk Assessment for the site.

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MR ANTHONY BOSKOVITZ: And thank you, Commissioner. Anthony Boskovitz, solicitor for the Proponent.

15 **MR CHILCOTT:** Thank you, and good afternoon all. I just note for the record a couple of points. One of which is that this meeting follows an earlier meeting we had on a matter to do with an adjoining property. There is some crossover between them but to the degree we can keep the discussions focused on each individual matter that we're dealing, we will do so, but there may be occasional reference to another matter. And anybody reading this transcript, having read this remark, will understand that context.

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The other matter I just wanted to put on the record, because in the other matter that we did discuss, I invited the applicant to put questions to us that they had, and we could put them through the Department. The only qualification I'd make to that is that should we read the letter and we feel like it's not going to assist us in getting what we require as a Commission to reach our advice, or we have the advice with us already, we'll let you know that, and we may not necessarily forward that through to the Department.

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30 But I think in relation to matters we have discussed in the other meeting, there was nothing that I heard that would suggest other than that the material that's to come forward potentially by way of questions would be useful to us and will be questions we'll put through to the Department. So, I'm not seeking to question anything we discussed before in the other meeting.

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Again, I think it's probably best if we take the presentation that the Applicant has put together in relation to in particular flooding matters in this. And I think, if I'm not mistaken, Mr Richards, you'll probably lead this. Is that correct?

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MR RICHARDS: Yes, that's correct.

MR CHILCOTT: Thank you. Would you be good enough to take us through your presentation for the Applicant?

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MR RICHARDS: Sure.

MR CHILCOTT: Thank you.

5 **MR RICHARDS:** All right, thank you. Okay, so I'll just run through what I'll cover in this presentation. I'll give an overview of the development. We'll discuss the reference flood models that we used as the basis for the analysis presented in the Flood Report. We'll discuss proposed flood risk management strategy that's proposed for the future development of the site and as part of the planning process.

10 A key issue that was identified by the Flood Study as well as the Determination is the site access and isolation issue, so we'll describe them in detail. We'll have a look at some of the management measures that we're proposing to manage isolation risks. And we'll finish up with a discussion of the Determination as well as the consistency of the proposal with New South Wales Government policy.

15 Okay. So, the primary object of the proposal is to rezone land within the site from RUI1 Primary Production to R5 Large Lot Residential. In the Determination, it was stated that this is a greenfield development. The Council had provided clarity on this and actually advised that it's an infill development rather than a greenfield development that would be proposed as a result of this planning proposal.

20 There's a minimum lot size of 2 hectares that's proposed and each of the future lots would be self-contained with ablutions, water and power. The proposal would result in a maximum of 21 lots for 137 Brisbane Grove Road, and the proposed lot configuration is shown on the right. And when you combine that with the adjoining planning proposal, we're talking about a total of 35 additional lots; and that statement becomes important for some of the discussions we'll have later on in this presentation.

25 Access to the site from Goulburn is via Brisbane Grove Road and then Braidwood Road. Braidwood Road is a major arterial road with approximately 3,850 people using that road per day.

30 We've used the Council flood models as the basis for the analysis presented in the Flood Impact and Risk Assessment Report. The overland flow flood modelling is based on the Goulburn Overland Flow Modelling Report, which was developed by GRC Hydro, I was the project director for that project on behalf of GRC Hydro.

35 For the mainstream, the Mulwaree River flooding, we used the Goulburn Floodplain Risk Management Study and Plan. Again, I was the director for GRC Hydro, project director for that project on behalf of GRC Hydro. And that study was based on the Wollondilly and Mulwaree Rivers Flood Study developed by WMAwater in 2016, and I was the project manager, I was working at WMAwater at that time. So, I've been working with Council for over 10 years now developing these flood models.

40 In terms of the flood risk management strategy for the site. On the right we have the concept lot configuration, it's a little bit difficult to see, the actual site extent is that red line that sort of goes up here, if you can map it out. And it's overlaid with the PMF flood hazard. So, the PMF is the probable maximum flood, it's a theoretical maximum flood, it's the largest flood event that could theoretically

occur, and has an estimated probability of around about or exceeding 1-in-a-million AEP.

5 In terms of the risk management strategy, the proposal aims to either retain the existing rural classification or convert to C2 Environmental Conservation for all areas within the flood planning area, with the flood planning area for mainstream flooding defined as the 1% AEP event plus 0.8 metres freeboard extent about to that extent.

10 All based on the lot configuration that we produced, all future development of the site would be situated outside of the PMF extent; that's these red polygons here, these are concept building envelopes that were proposed. So effectively, any future development and dwellings on the site would not be flooded under any circumstances into the future.

15 The internal access road configuration allows access out onto Brisbane Grove Road. You can see Brisbane Grove Road is flooded into some of the surrounding areas during this event. However, the intention is that we're not isolating or locking people into the site; there will always be the potential to get out of the site
20 to surrounding roads. So, if there's any future upgrades of these roads at some point in the future, the site would benefit from these upgrades and would increase access and reduce isolation.

25 There are no civil or road works proposed within the PMF extent as part of any future development, so there's little chance or a negligible chance of adverse flooding impacts to adjoining properties. So, the residual risk that was identified by the Flood Assessment Report and the Determination was the risk of isolation. And we're proposing risk management measures to manage this risk, that were developed in consultation with New South Wales Ambulance, Rural Fire Service,
30 and Goulburn Myaree Council. We'll discuss those later in this presentation.

35 Okay. In relation to the site access and isolation issue. The image on the right shows the access from the development. So, we're travelling west along Brisbane Grove Road on this blue line until we reach Braidwood Road, and then we cross the Mulwaree River and then continue onto Sloane Street into town. So, that's the least flood effected access water.

40 On Brisbane Grove Road, you can see that there's a number of watercourses that overtop the road from the south. And these are sort of local overland flow catchments which have quite short durations of inundation and generally quite low hazard characteristics on these roads. If you note down at point A, there's a location that was investigated. As you can see here, it's showing that there's flooding but again that's due to the local overland flow flooding in the 1% AEP event.

45 If you look purely at the 1% AEP event, the extent of flooding actually stops just to the north of Brisbane Grove Road. And in fact, Brisbane Grove Road isn't flooded in the 0.5% AEP event, and is first inundated in the 0.2% AEP event, with

the flood hazard on this road during mainstream flood events remains relatively low at H1.

5 The other flooding locations up at Sloane Street. There's a local tributary which flows towards the Mulwaree River. This location again, a relatively short duration of inundation expected due to the small upstream catchment area. So, this location isn't flooded until events approaching PMF.

10 So, the key issue for isolation at site is the flooding of Braidwood Road and specifically on the southern side of Braidwood Road. So, we'll look at that in a bit more detail in these following slides.

15 On the top here, we have the plan view of Braidwood Road running from left to right. The orientation of this map is skewed so that the north is actually to the top-right of this image. And we have Brisbane Grove Road here on the left of screen. We have the chainages presented on the plan, and those chainages align with the long section of the road centreline showed in the bottom right. This is the bridge deck, shown as the grey polygon, and below the bridge deck is obviously the river channel.

20 The bridge is raised quite high above the surrounding approaches. The bridge deck is flood free, I think it's up to around about the 1-in-2,000 or 0.5% AEP event. It's the flooding on the approaches which is the issue that results in isolation, and specifically on this southern approach. The northern approach does also flood, but not to the same depth of flooding as the southern approach.

30 Okay. So, we're going to look at some flood hazard maps. These are mainstream flood maps, so the mapping that was presented in the FIRA was an envelope of the overland flow flooding and the mainstream flooding. Because the isolation or the duration of the isolation was most critical, the duration of overland flow flooding of these roads will be short, we're just focusing on showing you the mainstream flood adaptation because otherwise we're just going to be sort of broader, showing other areas which will make it that little bit more confusing to understand what's happening.

35 So, this is a hazard flood map. The dark blue you can see corresponds to H1 hazard. H1 hazard, as stated here, is no restrictions, and in the FB03 document, is stated as generally being safe for people, vehicles and buildings. The light blue you can see here is the H2 hazard, which is unsafe for small vehicles. So, once we exceed 0.3 of a metre, it's saying it's unsafe for small vehicles.

40 H3 is unsafe for vehicles, children and the elderly. So, the delineation between when it becomes unsafe for all vehicles is once you reach that half a metre of water depth. So, it's at that point time when you'd expect that emergency services vehicles potentially have lost access to the site due to excess in flood depths.

45 H4 is unsafe for people and vehicles. And H5 is unsafe for people, vehicles and buildings, and requires special engineering design and construction. And H6 is not

suitable for people, vehicles or buildings.

5 So, looking at the 10% AEP event, you can see that there's clay hazard flow in the Mulwaree River channel. It actually hits a weir just downstream of the bridge and it distributes flow out to the sort of wider floodplain downstream of the bridge. But there's no overtopping of Brisbane Grove Road during this event.

10 You can see here there's no flooding here, so the water is contained within the channel. So, if we look at the Flood Assessment Report, table 5 on the right here, we can see that there's no depth of flooding on the road and there is no duration of inundation during this event.

15 In the 5% AEP event, which is the 1-in-20, we start to see flow breakout on Mulwaree River channel, and flow to the south and overtop the road before joining back in with the watercourse downstream. So, the depth of flooding on the road, on the road crown, is around about 0.03 of a metre (30 millimetres). You can see on this long section, there's a small area of shallow ponded, just in this location, which corresponds to the light blue on the map.

20 So, it's H1 hazard. The duration of inundation is expected to be around 3.1 hours but it's obviously never reaching that half-a-metre water depth which is expected to tip it over into the H3 hazard category, which would make it unsafe for vehicles. So, essentially, vehicles could pass through this water based on the FB03 guidelines without any sort of hazard or risk.

25 During the 1% AEP event, the flood extends, increase in the depth of flooding increases as to the hazard categories, and now we start to see flooding on the northern side, generally H1 and H2 along the road, relatively low hazard, but higher areas of hazard on the southern side around about chainage 270, and you can see here that the flood depths are now passing through from the southern side. Depths of around 570 millimetres on the crown of the road with a duration of inundation of around about 22.5 hours, that duration exceeding 0.5 metre depth expected at 0.8, sorry, 8.5 hours.

35 This is the 0.5% AEP event, the 1-in-200. The flood hazard has further increased, so there's some patches of H5 hazard now overtopping the road. Maximum depth of around about 200 millimetres increased relative with the 1% AEP event. The duration of inundation for that road going from dry to completely wet through to dry again is around about 26 hours, based on the modelling, with a duration exceeding 0.5 of a metre of around about 14.5 hours.

40 In the 0.2%, the 1-in-500 amount, the road has a classification as H5 with around about a metre, a water depth around about a metre, and a duration of inundation of 30 hours or 20 hours exceeding 0.5.

45 During the PMF, we have a very significant increase in flood levels. So, the PMF flood levels is around 8 metres higher than the 1-in-100, and the fact that it has a probability of around about 1-in-a-million AEP, the entire road is classified as H6

hazard classification.

5 Okay, so we've described the reasons how and why the site becomes inundated, sorry, isolated. So, now we're going to look at some of the isolation risks. So, there's two risks that are associated with isolation. The first is human behaviour, where people intentionally enter floodwaters, which they do for a number of reasons, which we'll discuss our proposal to manage those measures in the next couple of slides.

10 And the other is the secondary risk. So, what happens if there's a fire or a medical emergency which occurs when emergency service access to the site is cut. Of interest to the secondary risk is that we undertook a joint probability assessment and found that the probability that a future dwelling or occupant would experience either a fire or medical emergency whilst Brisbane Road is inundated, is around
15 about 1-in-1,000 AEP. And that's for the combined 2 and 137 Brisbane Grove Road, so both planning proposals in this area.

20 This is a table extracted from the Flood Assessment Report. It's a high-level joint probability assessment where we're assuming that the site is isolated quite conservatively in the 5% event, obviously the last few slides have demonstrated that you could still get access through there in a 5% AEP event. But then we convert that probability into a daily probability and then look at the combined probabilities of what happens or what's the likelihood of there being a medical
25 emergency at the same time as that, on the same day as that road is cut, and what's the chance of there being a fire emergency at the same time the road is cut.

30 We've made an assumption that these variables are independent, and we've reached out to the New South Wales SES and the Department of Climate Change, Energy, Environment and Water to request information on the correlation of these variables. But there hasn't sort of – there isn't really any information that's been provided or available.

35 We did also speak to Fire and Rescue New South Wales and they indicated that there would be a negative correlation between the bushfire risk and flooding, which would make sense. Obviously, not bushfires if there's heavy rainfall. And there's also, there may be a slight correlation between property fires or building fires and situations where buildings are surrounded by floodwaters. But otherwise there doesn't appear to be much of a correlation between these issues.

40 And so anyway, we went through this analysis based on the estimated number of occupants on the site and the number of dwellings, worked out that the joint probability of the site being isolated and a secondary risk occurring is around about 1-in-1,000 AEP.

45 Okay, so we have developed management measures to isolate – sorry ...

MR CHILCOTT: Sorry, Mr Richards, just before you go on, just to note that as a result of discussions we had on the other matter, you'll be providing some advice

in relation to the source of the medical parameter and where that's coming from. I just wanted to put that on the record. We don't need to discuss it further. Thank you.

5 **MR RICHARDS:** Okay. Thank you, Commissioner.

10 In terms of the management of isolation risks, we've undertaken consultation with the New South Wales SES, Fire and Rescue New South Wales, Ambulance New South Wales, and Council, and developed risk management measures off the back of that consultation. There are minutes in the back of the Flood Assessment Report.

15 In terms of the management measures to manage the risk of fire emergencies, each dwelling would be required to provide and maintain a home fire safety kit. And to manage medical emergencies, provision and maintenance of an automated external defibrillator and first aid kits is going to be required. Council advised that these measures would be implemented through requirements in the Development Control Plan and the Section 88b provisions.

20 In terms of managing the human behaviour risks. One of the statements made in the Emergency Management Guideline EM01 is that provision of adequate services reduces the chance that people would enter floodwaters. So, if you can provide adequate ablutions, water, power and basic first aid, that would reduce the risk that people would make the decision to try to drive to Goulburn during a time of flood. So, that's sort of stated in Section D4.2.4.

25 The other thing that Council have advised they would undertake in terms of risk management to manage human behaviour is the installation of flood depth markers and warning signs for Braidwood Road at the crossing of Mulwaree River, to reduce the risk of vehicles entering floodwaters. Currently, there's no flood warning signs in this area to notify the existing community. So, as mentioned earlier, around about 3,850 people that would benefit from the installation of these signs, plus an additional about 300 people per day due to the planning proposal if it goes ahead.

35 Notification of flood isolation risk. It is also proposed this site would be nominated as an area of Special Flood Considerations due to isolation risks. This will be defined in Council's DCP and on Section 10.7(2) and 88b certificates, and will notify property owners of the risk of isolation, which would increase community awareness so people could make decisions and be prepared in the event of a flood event and isolation associated with flooding.

40 Okay, so we'll talk about consistency with the New South Wales Government policy. So, the Gateway Determination stated that, "The proposal resulted in unacceptable risk due to risks associated with isolation of the site for approximately 23 hours during the 1% AEP flood event. And this time is in excess and far exceeds the isolation period maximum in State flood policy."

So, we discussed previously in the other matter that the – we weren't really clear on what the State flood policy was referred to in relation to the threshold for isolation. We assumed at the time that the shelter-in-place guidelines applied. We've been advised that that isn't applicable for this development. So, we can –

5 I'll read this out anyway for completeness. But the shelter-in-place guidelines state that, "The shelter in place is the internal movement of a building's occupants to an area within the building above the probable maximum flood level before their property becomes inundated by flood waters."

10 So, as discussed, all of the buildings are outside of the PMF extent, so the shelter-in-place guidelines don't apply, and the situation that is described in the shelter-in-place guidelines is going to be far more hazardous than what is proposed at the site. So, shelter in place is buildings completely surrounded by floodwaters. We're talking about people outside of the flood extent, you know, with a flood happening nearby.

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Okay, so noting that the shelter-in-place guidelines do not apply, the guideline recommends a duration of shelter in place due to isolation by floodwaters is less than 12 hours. As per the Flood Assessment Report, the site is estimated to be isolated from emergency services vehicles during a 1% AEP event for approximately 8.5 hours.

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Noting that the shelter-in-place guidelines don't apply, the support for Emergency Management Planning (EM01) states that, "The primary strategy for the New South Wales SES is evacuation of people to an area outside the effects of flooding that has adequate facilities to maintain the safety of the community." And so we note that we think that the proposal meets these requirements through the implementation of the risk management strategies and locating any future development outside of the PMF extent.

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The third point in the Gateway Determination notes that the planning proposal has the potential to significantly increase the need for government investment on emergency management services, flood mitigation and emergency response measures.

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In relation to expenses associated with flood mitigation, it's worth noting that Braidwood Road has an average of 3,850 people using the road per day, and the proposal is expected, in combination of the two Brisbane Grove Road, to increase that number by around about 12%. So, our position is that the risk of Braidwood Road flooding and isolation does not currently require flood mitigation, then the proposal won't really change the need or result in any significant expenditure for flood mitigation works.

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The other point in relation to emergency management response. As I noted previously, the joint probability assessment found the probability of a secondary risk occurring whilst the site is isolated is around about 1-in-1,000 AEP. So, the need for additional expenditure to manage such a low probability event is unlikely, and therefore does not meet the Ministerial Direction requirement of likely to

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result in significantly increased requirement for government spending.

Okay, so that's the end of the presentation.

5 **MR CHILCOTT:** Thanks, Mr Richards. And thank you for those comments and the work you put into preparing that presentation. Could I ask whether any of your colleagues wish to supplement that presentation with further submissions?

MR BOSKOVITZ: Thank you, Commissioner. I would.

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MR CHILCOTT: Thanks, Mr Boskovitz.

MR BOSKOVITZ: I might ask Zac to stop sharing. And I note, of course, that we've gone through a very similar process earlier and I note that for the record. And noting that this property and the property the subject of the previous meeting have essentially identical considerations, I'm not going to repeat everything that I said. Because I assume that the persons making these – well, the recommendations are the same, as well as the people reading the minutes, the Council, the Department, etc., are all the same. So, they'll be read together.

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But if I'm wrong and you want me to start from scratch, I can. But I ...

MR CHILCOTT: Perhaps just hit the highlights, Mr Boskovitz, if you would. I don't need you to go in depth, and if you'd note along the way where we've had previous discussions and they're relevant to this, you might just note the things that we've said in relation to that just to confirm them on the record. And if there's any difference of opinion that I have, I'll raise it, but I suspect you've got an accurate recollection of the matters.

30 **MR BOSKOVITZ:** Well, thank you, Commissioner. So, you'll note that the role of the Commission here is to provide feedback and consideration of site-specific and strategic merit of this proposal. It's not a determinative matter, but it's one for consideration. And I raise the concern I have with the Department's consideration of the site-specific and strategic merits both at the original gateway stage but also at the justification stage, the subject of a recent report undated called, which you've got to hand, and called "Gateway Review Justification Assessment".

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MR CHILCOTT: Yes, I have that document.

40 **MR BOSKOVITZ:** Yes. The concern I raise is with respect to the – thank you, Commissioner. The concern I raise is the site-specific and strategic merit in and of itself and that being the critical matter for consideration when determining a planning proposal.

45 And more pointedly, the considerations in this more recent document appear to be based on some policies that don't quite apply anymore, and there's been consideration of that by the Department who have confirmed that. Or otherwise, information that may have been superseded and elaborated upon by GRC in their

more recent documentation from January 2025 and their flood modelling therein.

I don't know if it's appropriate, but I would like to share my screen with that justification document, if you don't mind. And I know you've got in front of you, but it just will be easier. It might allay the need for a question-and-answer session that you'd previously related or previously referred to.

MR CHILCOTT: I think it was more by way of correspondence than a session, but yes, thanks Mr Boskovitz.

MR BOSKOVITZ: And I'm just sort of probably misusing your words, but I think the intent's the same. And the first thing I raise is – I might ask Zac to comment on – their first issue and their first concern and reason why they don't believe there's site-specific merit, being this issue here about events of flooding being in duration 23 hours in that 1% AEP and 38% PMF.

I might just ask Zac to comment on this first reason, or why they consider that there's no – or there isn't a site-specific merit pursuant to this regional plan, for the record, the South-East and Tablelands Regional Plan.

MR CHILCOTT: Thank you.

MR RICHARDS: Thanks, Anthony. So, the comment is actually in relation to the table that was presented in the Flood Impact and Risk Assessment from November or December 2023, which is that table down there, I believe. So, I think they're taking the duration of inundation to the 1% AEP event as being 23 hours, it's rounded up from 22.5. And that is just in relation to the time which there was any water on the road in the flood model.

So, it doesn't appear to be taking into account the depth of flooding and the fact that it's a very shallow flow and the road realistically would not be considered to be isolated based on the FB03 guidelines. I think it's more in relation to the SES advice that people shouldn't enter floodwaters, which I think is a clear messaging and communication method for minimising risk, because it is hazardous to enter floodwaters. But I don't think it necessarily takes into account the hazard classification based on the State Government guidelines.

So, and I think the PMF is the same; it seems to be the rounded-up value, that there is any water on the road or around it, 38.4 hours down to 38 hours in that response.

MR CHILCOTT: And is your submission in relation to this that the relevant number is not the 22.5 and the 38 figure but rather the 8.5 and the 35.7, if I'm looking at the 1% and the PMF? Is that what you're seeking to communicate?

MR RICHARDS: Yes, that's correct.

MR CHILCOTT: Thank you.

MR BOSKOVITZ: Paul, do you have any further feedback on that?

MR JOHNSON: No.

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MR BOSKOVITZ: So, it casts some doubt on this first reason for an inconsistency – well, the first reason being the inconsistency with the plan. Noting my previous comments, Commissioner, that it would appear that the issue that the Department had on a site-specific merit and strategic merit basis was solely attributable to issues of flooding. So, it wasn't with respect to planning matters, the need for housing, dwelling, this and that, it was just to do with flooding, isolation and risk to life.

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We think that Zac's report makes good the proposition that there are mechanisms to prevent or to mitigate risk to life. And in terms of the issue of flooding, we say that their position isn't substantiated. And perhaps that's just because they didn't consider the 2025 flood modelling and the communications that we have provided as part of this review in great detail. But we say that that's been negated by what we proposed and what Zac has pointed out previously.

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MR RICHARDS: Do you mind if I just interject, Anthony, just to clarify. So, there hasn't been any additional flood modelling that's been undertaken since the submission, the 2023 Flood Report.

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MR BOSKOVITZ: I apologise. I should say your responses to their commentary. Sorry. I should say for my benefit, Commissioner, as a layperson, my consideration of Zac's reporting elaborated on the flood modelling to an extent that I could really understand what the actual resulting flood risk issues were. And so perhaps I'm using the wrong terminology, but that – I don't resile from the fact that I think the flood modelling, whilst not superseded, has certainly been expanded upon with respect to our understanding of what the risk profile is for this subdivision.

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MR CHILCOTT: Thank you. And I thank Mr Richards for his explanation there.

MR BOSKOVITZ: Thank you. Then we obviously get onto the Ministerial Direction here. And it talks about the issue of costs or expenditure associated (excuse me), expenditure associated with evacuations and attempts for evacuations. I'm not sure if Paul or Zac, you had any comments on these?

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MR RICHARDS: None other than what I just referred to in the Flood Report, in the flood presentation. It's just that it's a very low probability event that we would have a secondary risk at the same time as isolation to the site is cut. And on that basis, there doesn't seem to be a need to spend on emergency management or additional emergency management provisions to manage that risk due to such a low probability.

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And the other issue, I guess, is that there is already an existing risk or stated to be

an existing risk by the SES due to 3,850 people who use that road on a daily basis. And the proposal isn't going to really significantly increase that, as we're talking about around about a 12% increase in the number of people likely to use that road.

5 And so, if there's not a need to spend currently to resolve that issue, then we don't see how the planning proposal is going to – or planning proposals – will change that position.

10 **MR CHILCOTT:** Mr Richards, can I just ask in relation to the 3,850 number, is that vehicle movements of people visiting as well as residents? Or is that residents?

MR RICHARDS: That was the average daily ...

15 **MR JOHNSON:** The annual average daily traffic numbers based on the two traffic counts that were done on the Braidwood Road for the planning proposals. They convert the peak traffic numbers to a daily number by stating that rule of thumb. Industry guideline is that the peak traffic flow is about 8 to 12% of the daily flow. Then you take that peak flow traffic number and convert that into a
20 daily figure by multiplying it by 8 into 100%.

MR CHILCOTT: Thank you. Yes, so it's traffic flow that those numbers refer to rather than residential population. So, it's a potential 12% of the traffic flow. Is that what you're suggesting?
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MR RICHARDS: The numbers would be the same in terms of the increase, so I had increased based on a figure that I found which was an assumption that there were 1.5 people per vehicles. So, during peak hour it's around about 1.1 up to larger numbers on weekends and out of peak hour times.
30

But the actual increase in terms of vehicle movements is the same, in terms of the assumption that I've made in terms of the number of people. There's around about an increase in vehicle movements of around about a 12% increase in ...

35 **MR BOSKOVITZ:** But bear in mind, just going back to the site-specific issue that the Department raises. It also goes back to this PMF fact, and the fact is that it's considered, or it's an agreed fact that the parcels or the floor plates of the dwellings that are proposed for these lots will be above PMF.

40 So, the safe occupation, which is here, and the need for emergency evacuation by people is one that ought only need to be considered in the event of some type of risk to life event such as a fire or some type of medical emergency. That there is safe occupation in all of these properties, where the floor plate of the proposal, and that Zac showed you, Commissioner, are. So, it's only that 1%, that 1-in-1,000
45 AEP event, and we'll provide you with the detail that you asked in your question earlier about where those statistics were garnered from.

But it goes back to the point where, because the houses above PMF, the likelihood

of fire is the same as what it would ordinarily be in respect of risk associated with or the stress associated with a substantial flood event. There's some statistics to say that the likelihood of same is extremely low.

5 So, safe occupation, emergency evacuation won't be by self, it'll be only in the event of an event that necessitates it, which is 1-in-1,000 AEP.

10 I think we've dealt with risk to future occupants as well as emergency services workers. I don't think I need to elaborate on that. But if there's anything that Zac or Paul want to mention in addition.

MR JOHNSON: If you don't mind, Anthony, if you just scroll back to that previous page where there was the reason the Department didn't support.

15 Commissioner, some of the comments don't have a lot of substance.
[Unintelligible 00:41:37] I mean there is a comment that, you know, "Increase the need for government spending," but it doesn't say where or specifically how. And I just find it a little bit, logistically I find it a little bit difficult to understand how
20 any emergency services personnel would go past other people who are possibly isolated in that same flood event at Braidwood Road and go past them to get to a dwelling that's up above the PMF level.

25 It's not as though this would be a scenario that could play out where they would need to cross or travel through water to get to these properties, but also to anyone else who could be stranded on the roads in between. Like to me, it doesn't quite seem a logical [unintelligible 00:42:24] or rational scenario, it's just a hypothetical assumption that there's going to be an increased spending on emergency services responses required to attend to one person only, when other things would be
30 happening at the same time.

MR CHILCOTT: All right, thank you.

35 **MR BOSKOVITZ:** That deals with those issues. And we've talked about shelter in place not being a relevant document at this point in time, but we've also talked about the ... We've also talked about management of risk in the home, and Zac's obviously raised issues of 88b's and flood risk management by provision of home kits and what-not in his presentation.

40 The third reason, the potential increase in the need for government investment of emergency management services, flood mitigation, emergency response measures. And I think Paul got the proposition there that there hasn't been elaborated on, and it seems to be, Commissioner, a very high-level sort of policy-driven concern and not site-specific or strategic, to be honest with you.

45 It also sort of addresses issues of PMF flood here, which is the 36 hours, which is a little bit different to the times that they've adopted above. But be that as it may, but I think that we've covered that as well.

5 I make a slightly different proposition to you, and possibly in firmer terms than I did in the last proceeding. But it can be read in the previous matter as well. That based on the addendum information provided by GRC and the explanations provided by GRC to the Commission, that the Department can't make good the problematic site-specific flooding matters that they have raised. And they don't appear to seek to do anything more than propagate the same information not withstand the same information that we've provided them. And for us, that's a concern.

10 Now, we're here to answer any questions and we obviously don't want to create a scenario in which there's an untenable flood risk. But what's made good is that our isolation time at PMF is larger, but obviously there's a shelter in place revision where all these properties are above PMF, which is an extremely positive outcome.

15 Secondly, in a 1-in-100, the isolation timeframe is quite low and can be managed, and it's less than the 12 hours as provided in this shelter-in-place guideline. And can be managed by appropriate emergency tools on individual lots. And so we would say that there is site-specific merit with the aside because we are able to satisfy these flood issues that arise in the regional plan. But there's also a strategic merit that is unquestioned as to the merit of the proposal, but for this issue of flooding.

20 So, we would ask that perhaps, I don't know if any further questions need to be asked of the Department, and we don't propose to put them to them. But we would say that the Commission could give advice to say that it meets those tests.

25 **MR CHILCOTT:** Thanks, Mr Boskovitz. Can I just check whether there's any other submissions or representations that your colleagues wish to make in relation to any of the matters we've discussed this afternoon in relation to the property at 137 Brisbane Grove Road?

MR BOSKOVITZ: I might ask my client if he wants to say anything.

35 **MR TITHERADGE:** Commissioner, I'd just like to say that after – we've been going through this process for many, many years, and relying on good faith on the guidelines that exist at the time, which have constantly shifted underneath us.

40 And looking at it from a layman's perspective, we're at 8.5 hours, which is under the 12-hour requirement. We're talking about a 1-in-1,000 event. The chance of somebody in one of those residences having an event in that 8.5-hour period, seems so remote. That to deny the whole process, particularly given the need for housing in New South Wales, just seems incredible from my perspective.

45 So, yes, it's a case of reasonableness and relativity, I believe, and so yes, it's – I don't know what else we can do to justify our position. But I share Anthony's comments that it's extremely frustrating that there seems that the Department is not actually coming back and specifically rebutting what we're saying, they're just

generically seeming to be saying no.

And Kieran and my hope is that you can be an independent arbitrator of this and hopefully get a bit of balance onto it. Because it's been a very frustrating process up to this point in time.

MR CHILCOTT: All right. Thanks, Mr Titheradge. And you weren't part of the other meeting that we consistently refer to in this record, but just for your information, my role in this is to provide advice back to the Department rather than to, as you referred to, providing balance or something. I will provide independent advice back to them as best I can.

But I'm not in a position to determine this matter in a manner separate from the Department. I will simply provide my advice back to them. Just so you're aware of the circumstances in which I'm dealing with the matter.

MR TITHERADGE: And I appreciate that, yes.

MR CHILCOTT: Thank you.

MR BOSKOVITZ: Unless there's anything from Zac, we've got nothing further to say and we thank you for your attention.

MR CHILCOTT: No, I thank you very much. One point I do want to just quickly raise, which is, and it's not a question, it's more by way of a request. If you do have anything in writing to put to us, if you could put to us in as short order as possible, that would be appreciated. If it were indeed possible to receive it within the next 24 hours, that would be assistance. We're on a timeline driven by certain KPIs that we seek to meet. So, to the extent that you can assist us in that regard, I'd be grateful.

MR BOSKOVITZ: I'll look to my experts to try to get that done. Thank you, Commissioner.

MR CHILCOTT: No, thank you very much, I appreciate your efforts as always, Mr Boskovitz.

All right. I'll just check with my team. Jane and Tahlia, if you're there, is there anything you wish to bring to my attention before we conclude the meeting?

MS ANDERSON: Nothing from me.

MS TAHLIA HUTCHINSON: All good, thanks Michael.

MR CHILCOTT: All right. Thank you. In which case, gentlemen, thank you very much for your assistance this afternoon, and your submissions. And we'll take the matter forward in the manner that we've talked about. I think you're probably aware that we do have some KPIs, so you certainly won't be hanging around for a

long time waiting to see where this matter finalises with the Commission, at least. But we'll do our best to expedite matters. Again, thank you very much.

>THE MEETING CONCLUDED