

Strategic and Site-Specific Assessment Merit Summary

14th January 2025

Gateway Determination – Refusal (dated 12th November 2024)

Planning Proposal PP-2024-291 - 137 Brisbane Grove Road, Brisbane Grove. 2580

The following Table presents a summary of the 'Strategic' and 'Site Specific' assessments as presented in the NSW Department of Planning, Housing and Infrastructure 'Gateway Determination Report' for the above listed Land Rezoning Planning Proposal.

The Table is structured as an exact copy of Tables 3.1 to 3.4 and Table 4.1 of the Determination with the relevant criteria, objectives, guidelines, policies, summaries, and agency responses / comments in the central and lefthand columns. The Proponent's response to each matter is presented in the righthand column, noting that most matters do not warrant a specific response as they are deemed to be consistent with the objectives and policies, etcetera on the lefthand side. Some matters – particularly related to flooding are repeated numerous times through the Table in the Determination Report, however the Proponent's response is only entered once as it applies equally to all instances where reference is made.

Where a response from the Proponent in the righthand column is quoting directly from the Department or Agency comments within the Determination Report Table these are italicised and highlighted in yellow shading. Where the Proponent is quoting from a guideline or publication – such as the 'Shelter-in-place Guideline', these are italicised and highlighted in light blue shading and the response comment is in a red coloured font.



3.1 Strategic Assessment – Regional Assessment

South East and Tablelands Regional Plan 2036		
Regional Plan Objectives	Justification	Proponent Response – January 2025
Direction 16: Protect the coast and increase resilience to natural hazards	<p>The planning proposal states it is consistent with Direction 16 by:</p> <ul style="list-style-type: none"> Locating development away from known hazards wherever possible and mitigating against hazards where avoidance is not possible or practical. Implementing the requirements of the NSW Floodplain Development Manual (now the Flood risk Management Manual and Toolbox) through the Goulburn Floodplain Risk Management Study and Plan and overland flow modelling and incorporate this available hazard information in the Goulburn LEP 2009 as the C2 Environmental Conservation Zone. This seeks to manage the risks of future residential growth in flood prone areas. <p>The subject site is located within a category 3 (medium bushfire risk) landscape. The proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.</p> <p>The planning proposal identifies that the northern part of the site is affected by the Flood Planning Area (1% Annual Exceedance Probability + 0.8m freeboard) while the eastern part of the site is affected by the Probable Maximum Flood (PMF) (Figure 7 – Flood map)</p>	<p>The planning proposal was refused in November 2024 (by way of both a letter and report) based partly on the 'Draft Shelter-in-place Guideline' (December 2022) issued by the Department of Planning and Environment (DPE) noting that the document was 'not government policy'. Subsequent to the date of the refusal the 'Draft Shelter-in-place Guideline' has been replaced by the adopted 'Shelter-in-place Guideline for Flash Flooding' (January 2025) issued by the Department of Planning, Housing & Infrastructure (DPHI).</p> <p>The content within each document read quite differently hence it is difficult to know which version of the 'Guideline' to provide responses against, however on the premise that the adopted version (January 2025) is now policy and that it has expanded definitions and assessment criteria we have provided responses accordingly to this version. Throughout the remainder of this submission the 'Shelter-in-place Guideline for Flash Flooding' will be referenced as 'SIP'.</p> <p>We contest that the 'SIP' does not apply to the development site by way of definitions provided within the first two pages of the document:</p> <ol style="list-style-type: none"> <i>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 water. The land rezoning proposal and any subsequent residential dwelling development will be above the mapped probable maximum flood levels and therefore movement within a building to a place above the probable maximum flood is not applicable.</i>



Figure 7 – Flood Map (Source: Planning Proposal document, Goulburn Mulwaree Council).

Flood prone areas are proposed to be zoned C2 Environmental Conservation to limit development in these areas and all proposed dwellings will be flood free up to and including a Probable Maximum Flood (PMF) event.

The Flood Impact Risk Assessment (FIRA) (Appendix 15a), which was prepared by the proponent in support of the planning proposal, identifies that Braidwood Road, which is the only access road from the site to the Goulburn urban area, becomes inundated to a hazardous extent at the 1% Annual Exceedance Probability (AEP) flood event with a depth reaching 0.57metres with a total duration of 22.5hours. During the worst possible Probable Maximum Flood (PMF) event, Braidwood Road becomes inundated to a depth of 8.6m for a duration of up to 38 hours.

The site is located within a flash flood catchment (defined as occurring within 6 hours of the weather event) which would provide little warning to enable safe evacuation of residents, which would mean residents would need to shelter-in-place for extended periods of time.

2. *Flash flooding is "flooding that occurs within 6 hours of the precipitating weather event and often involves rapid water level changes and flood water velocity. The design rainfall event for the 1% AEP data presented in the FIRA submitted with the land rezoning proposal has a 36 hour duration. From the commencement of the design rainfall event it takes approximately 26.50 hours for flood water to begin overlapping the Braidwood Road traffic corridor. Note also that the smaller event magnitudes have longer response times to flooding – if they result in flooding at all. For the PMF the PMP (probable maximum precipitation) is a 24 hour duration with a 6 hour response time until water begins to overtop Braidwood Road.*
3. *Flash flooding can be more dangerous than long duration flooding. This is largely due to the rapid changes in velocities and depths of water, and the very short or minimal warning time providing limited opportunity for communities to respond to a flood threat in an appropriate and timely manner. The long lag times for the more frequent to rare rainfall events suggest that the site is not subject to 'flash flooding'.*
4. *The guideline considers shelter-in-place where flash flooding is the only flood risk present at the site and where people can safely shelter above the probable maximum flood level. The nominated dwelling site within each of the new allotments is above the probable maximum flood level and therefore 'THE SITE' is not subject to flooding.*

It is further noted that 22.5 hour period of 'isolation' for the 1% AEP event is measured from the commencement of flood water overlapping the roadway. At either side of the peak flow the water depths are quite innocuous and are deemed passable under the flood hazard classification system.



	<p>The FIRA identifies flood risk management measures to manage isolation risk including fire and medical emergency measures, provision of adequate services, flood warning signage and notification of flood isolation risk on property and 88b certificates. Council has prepared a DCP chapter to incorporate these flood risk management measures in the future development of the site.</p> <p>It is, however, considered that due to the extended isolation of proposed dwellings during flood events, the planning proposal is not consistent with Direction 16 of the Regional Plan. Further assessment of flood risk is provided in sections 3.3 and 4.2 of this report.</p>	<p>The period between the commencement of the rainfall event and the time that the evacuation route along Braidwood Road becomes impassable to all vehicles (therefore hazard category 'H3' or greater) for the 5% AEP (and smaller event magnitudes) is not applicable as it does not exceed 'H1 with flow depths of ~300mm'; for the 1% AEP flood the period of isolation (where the flood depths on Braidwood Road exceed 0.50 metres) is estimated to be 8.5 hours; for the duration for the probable maximum flood the figure is not available at the time of the submission.</p> <p>From the commencement of the 1% AEP design rainfall event it takes approximately 26.50 hours for the flood water to begin overlapping the Braidwood Road traffic corridor.</p> <p>It is estimated that the period in which Braidwood Road is impassable to larger vehicles such as those used by emergency services agencies under 'H2' conditions is approximately 8.5 hours which is significantly less than the 12 hour criterion.</p> <p>It is noted that communications involving NSW Ambulance at an 'Emergency Services Meeting' (24th August 2023) indicate that a 4WD vehicle (ambulance) can travel through waters up to 300mm deep which would be equivalent to 'H1' flood hazard conditions, however most 4WD vehicles are able to traverse through water depths of around 450mm to 500mm which is 'H2' conditions – refer to the following summary on vehicle type classifications later in this submission.</p> <p>Whilst an agency definition to 'inundation' (and therefore - isolation) may be 'any water over a roadway irrespective of the depths and velocities'; it is unlikely under a merit-based assessment of the specific land rezoning proposal that the Braidwood Road traffic corridor which is a major arterial and classified state road that services hundreds of rural land holdings, numerous rural villages and townships, is a major</p>
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		transport route, and is part of an important road network for emergency services would be closed at the first sight of water along the edges of the carriageway, or remain closed until every last pool of water had receded.
Direction 23: Protect the region's heritage	<p>The site stands within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance.</p> <p>An Aboriginal Due Diligence (Appendix 8a), Cultural Heritage Assessments (ACHA) (Appendix 8b) and a Heritage Impact Statement (Appendix 9a) were prepared by the proponent in support of the planning proposal. The Pejar Local Aboriginal Land Council were consulted during the preparation of the ACHA.</p> <p>The locally listed "Sofala" heritage item stands in proximity to the site and four additional local heritage items are located in the surrounding area.</p> <p>The heritage assessments/impact statement identify that the proposal will not have any impact on cultural heritage and provide recommendations and management actions how heritage items and heritage values of the site can be protected at the DA stage. These measures have been included in a precinct-specific DCP chapter.</p>	No additional comments
Direction 28: Manage Rural Lifestyles	The planning proposal is located within the Brisbane Grove Precinct which is identified in the Goulburn Mulwara Urban and Fringe Housing Strategy as a location suitable for large lot residential development. The Strategy was conditionally endorsed by the Department in December 2020. The site is located within 2km of Goulburn is not constrained by high value agricultural land, important biodiversity or potential land use conflicts. However, as previously discussed the Brisbane Grove Road precinct has severe flooding and access issues which pose a risk to future residents/occupants of dwellings.	No additional comments apart from the flood related responses.
Draft South East and Tablelands Regional Plan 2041		
Theme 2: Enhancing sustainable and resilient environments Objective 5: Protect important	<p>The planning proposal does not provide an assessment of consistency with the draft South East and Tablelands Regional Plan (SE&T Regional Plan).</p> <p>As discussed regarding the current SE&T Regional Plan, there is concern the planning proposal may result in future residents/occupants of dwellings being</p>	No additional comments apart from the flood related responses



environmental assets Objective 7: Build resilient places and communities	isolated in their homes for extended periods of time during a 1% AEP flood events and rarer.	
Theme 4: Planning for fit for purpose housing and services Objective 17: Plan for a supply of housing in appropriate locations. Objective 19: Manage rural living	As discussed regarding the current SE&T Regional Plan, there is concern that the Brisbane Grove Road area may not be suitable for large lot residential development due to flooding and access constraints.	No additional comments apart from the flood related responses

An earlier land rezoning planning proposal for #2 Brisbane Grove Road was issued a 'Gateway Determination Report – PP-2021-7930', (29th November 2022). Within the determination it was noted that the individual criteria associated with the following had all been addressed and were consistent with the intent of the relevant instruments and guidelines:

- *Strategic Assessment: Regional Plans, Local Strategies, Ministerial Directions, State Environmental Planning Policies (SEPP's); and*
- *Site-Specific Assessment – Environmental.*

We submit that all *Strategic Assessment* and *Site-Specific Assessment* matters apart from the flood related issues which only evolved after the aforementioned 'Gateway Determination Report' was issued are unchanged with the revised land rezoning proposal (PP-2024-291).



3.2 Local Strategies		
Local Strategies	Justification	Proponent Response – January 2025
Goulburn Mulwaree Local Strategic Planning Statement	<p>The planning proposal states it is consistent with the planning priorities, vision, principles and actions of the Goulburn Mulwaree Local Strategic Planning Statement, including Planning Priority 4: Housing, 8: Natural Hazards, 9: Heritage and 10: Natural Environments.</p> <p>Comment: The proposal may not be consistent with planning priority 8 Natural Hazards, as the proposal seeks to facilitate development in an area that will be isolated during a 1% AEP flood event and rarer which may pose an unacceptable risk to health and safety of future residents/occupants and to emergency services work.</p>	No additional comments apart from the flood related responses
Goulburn Mulwaree Urban and Fringe Housing Strategy	<p>The site is located within the Brisbane Grove Precinct in the Urban and Fringe Housing Strategy (local housing strategy) which is identified for investigation for large lot residential development (Figure 7). The local housing strategy identifies 376.13 ha of land in the Brisbane Grove Precinct with potential to supply 132 dwellings (p.xv).</p> <p>The local housing strategy recognises on p.129 “the (Brisbane Grove) precinct has a significant portion of land that is potentially flood affected, between Brisbane Grove Road and the Hume Highway; additional flood prone land may exist beyond the current Flood Study and impact access.”</p> <p>The recommendations for the precinct are:</p> <ul style="list-style-type: none"> • Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced); • A comprehensive Aboriginal Cultural Heritage Assessment is required; • Consider suitable environmental zone for flood affected land; • Any development within the Sydney drinking water catchment must have a neutral or beneficial effect (NorBE) on water quality; and • High priority. 	No additional comments apart from the flood related responses



	<p>In addition to the current planning proposal, the Department is also considering a planning proposal to rezone land at 2 Brisbane Grove Road (PP-2024-295) to facilitate 14 large lot residential dwellings and Council has indicated other landowners in the area are considering preparing applications to Council to rezone and develop their land in the vicinity.</p> <p>Comment: Although the site is identified for large lot development within the local housing strategy, this is subject to investigating and addressing flooding and other issues. The FIRA (Appendix 15a) prepared to support the planning proposal indicates that occupants/residents will not be able to safely evacuate their homes during 1% AEP flood events and rarer and would need to shelter in place in their homes for up to 38 hours depending on the flood event. Neither the planning proposal, nor the housing strategy identifies any upgrades to Braidwood Road to ensure flood free access to the Goulburn CBD. As such, this proposal together with other proposals will have unacceptable risks in terms of flooding.</p>	
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3.3 Ministerial Directions			
Directions	Consistent	Reasons for Consistency or Inconsistency	Proponent Response – January 2025
Direction 1.1 Implementation of Regional Plans	No	Refer section 3.1 of this report	No additional comments
Direction 1.3 Approval and Referral Requirements	Yes	The planning proposal does not seek to introduce additional concurrence, consultation or referral requirements and nor does it seek to include provisions relating to designated development.	No additional comments
Direction 1.4 Site Specific Provisions	Yes	The planning proposal does not seek to include site specific provisions or additional permitted uses on the subject site.	No additional comments
Direction 3.1 Biodiversity And Conservation	Yes	<p>Part of the site adjoining the Mulwaree River is identified in the Biodiversity Values and Terrestrial Biodiversity maps. These areas are proposed to be zoned C2 Environment Conservation. A Native Vegetation and Habitat Survey (Appendix 11a) was prepared by the proponent in support of the area proposed to be developed found that the site is significantly modified/disturbed and has no or limited native vegetation and biodiversity value. Council's Biodiversity Officer reviewed and confirmed the findings of the Biodiversity Assessment (Appendix 11b).</p> <p>Comment: The Brisbane Grove Precinct was reviewed and endorsed by the former DPE Biodiversity and Conservation Division, as part of the Department's endorsement of the Urban and Fringe Housing Strategy subject to more detailed environmental assessment be undertaken at the planning proposal stage.</p>	No additional comments
Direction 3.2 Heritage Conservation	Yes	As discussed in section 3.1 of this report, the site stands within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance. The locally listed "Sofala" heritage item stands in proximity to the site and four additional local heritage items are located in the surrounding area.	No additional comments



		The planning proposal is supported by a Heritage Impact Statement (Appendix 9a), an Aboriginal Due Diligence Report (Appendix 8a) and an Aboriginal Cultural Heritage Assessment (Appendix 8b). These reports conclude that Aboriginal and non-Aboriginal heritage is unlikely to be impacted as a result of the planning proposal. The precinct-specific draft DCP chapter that has been prepared by Council (Appendix 1) includes relevant controls to protect Aboriginal and non-Aboriginal heritage.	
Direction 3.3 Sydney Drinking Water Catchments	Yes	A Water Cycle Management Study (Appendix 10a), which was prepared by the proponent in support of the planning proposal, concludes the concept subdivision meets the Neutral or Beneficial Effect on water quality (NorBE) criteria which is a requirement of the Direction. Council consulted WaterNSW on the planning proposal as required by the Direction who generally agree the conceptual subdivision is able to meet NorBE on water quality requirement with each new lot being able to accommodate appropriate on-site wastewater management.	No additional comments
Direction 4.1 Flooding	No – Not satisfactorily justified	<p>The proposal identifies the direction applies as the site is flood affected. Council considers the proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> The proposal is supported by a Flood Impact and Risk Assessment (FIRA) and considered the NSW Flood Prone Land Policy, the Floodplain Development Manual and the Toolkit. The proposal seeks to ensure no development is sited within any flood prone land including the PMF flood extent through application of the C2 Environmental Conservation Zone as well as application of the Special Flood Consideration clause and development control plan provisions which will ensure the following: <ul style="list-style-type: none"> Not permitting development in floodways or high hazard areas. Not result in significant impacts to other properties. 	<p>The reasons for the refusal by DCCEEW are quoted from the 'Draft Shelter-in-place Guideline' which has subsequently been replaced by the 'Shelter-in-place Guideline for Flash Flooding' (January 2025) (SIP).</p> <p>The reason provided toward the conclusion of the agency comments within this section quote the draft guidelines by stating that: <i>is an emergency management response, especially when the flood warning time and duration are both less than six hours, and, noting that evacuation off-site is always preferable, but if this cannot be achieved then shelter in place may be used if the duration of flood inundation is less than six hours.</i></p> <p>The SIP re-defines the above to read as: "flooding that occurs within 6 hours from the commencement of the causative rain event", and "the duration of shelter-in-place due to isolation by floodwaters is less than 12 hours from commencement of the rainfall". The above criteria are</p>



		<ul style="list-style-type: none"> • Will not permit any increase in development/dwelling density on flood prone land. • Will not permit (sensitive) land uses where the occupants would not be able to safely evacuate. • Does not permit development to be carried out without development consent. • Is not likely to result in significantly increased requirement for government spending. • Would not permit hazardous industries or storage establishments. <p>The FIRA identified and assessed the frequency, severity and duration of flood inundation on Braidwood Road which is the only access road from the site via Brisbane Grove Road, to the Goulburn CBD (Figure 8).</p> <p>The FIRA identifies that isolation of the site can occur due to flooding of Braidwood Road during events rarer than a 5% Annual Exceedance Probability (AEP), with the road flooded for approximately 23 hours during the 1% AEP and 38 hours up to the Probable Maximum Flood (Table 7a).</p> <p>The limited available flood warning times for the site largely rules out evacuation as a suitable emergency management response during these flood events. Council proposes that residents shelter in their own flood-free homes until flood waters subside.</p> <p>The FIRA identifies flood risk management measures to manage isolation risk including fire and medical emergency measures, provision of adequate services, flood warning signage and notification of flood isolation risk on property and 88b certificates.</p>	<p>coupled with additional flood hazard criterion such as the site and roadways not being subject high hazard flooding ('H5 and 'H6') that is defined in accordance the 'Flood Risk Management Guideline FB03, Flood Hazard" DCCEEW (2023).</p> <p>As stated earlier in the response submission, the time from commencement of the rain event for the 1% AEP flood (36 hour critical duration) until water begins to overlap the Braidwood Road is approximately 26.50 hours, and for the probable maximum flood (24 hour critical duration PMP) the time period is just on 6 hours (subject to further confirmation and other iterations by specific flood modelling if required).</p> <p>The mere presence of water on or over a road is of itself not an automatic transition to 'isolation' or 'impassability'. The hydraulic or flood hazard assessment system (FB03) is introduced to provide clarity around safe and unsafe water depths and velocities for people of different physical attributes and age, vehicles of different sizes, and different types of buildings and structures.</p> <p>'H1' hazard with a water depth of 300mm or less and a velocity of less than 2.0 m/sec is safe for all groups, vehicles, and uses. 'H2' hazard with a water depth of 500mm or less and a velocity of less than 2.0 m/sec is safe for all groups, large vehicles, and uses [at 'H2' small vehicles are deemed to be unsuitable to pass through water]. Refer to the following Table retrieved from the <i>Australian Rainfall & Runoff Revision Projects, Project 10, 'Appropriate Safety Criteria for Vehicles – Literature Review'</i> (February 2011) for a definition of different vehicle types in flood conditions.</p>
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Council has prepared a DCP chapter to incorporate these flood risk management measures in the future development of the site.

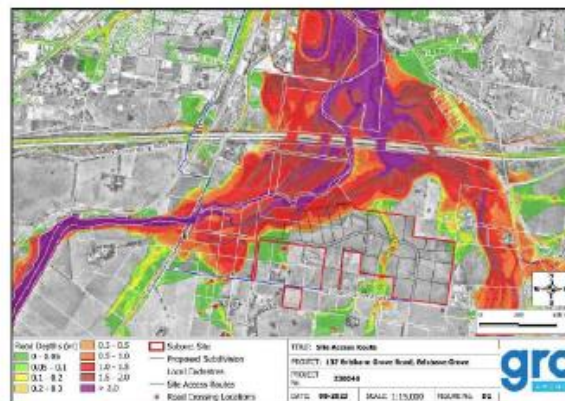


Figure 8 – Flood Depth Map Along Braidwood Road Evacuation Route (Source: planning proposal, GMC, and FIRA, grc Hydro, August 2023)

Events (AEP)	Max Depth (metres)	Duration of inundation (hours)	Duration with depth >0.5m
10%	-	-	-
5%	0.03	3.7	-
1%	0.57	22.5	8.5
0.5%	0.74	26.2	14.5
0.2%	0.98	30.2	20.5
PMF	8.62	38.4	35.7

Table 7a - Depth and Duration of Flood Inundation of Braidwood Road for various flood events (Source FIRA, grc Hydro, August 2023).

The FIRA considers the joint probability of the site being isolated by flood waters during a 1% AEP and fire or medical emergencies occurring at the same time is 1 in 1,000 AEP or 0.1% which Council considers an acceptable risk. Council

**Table 3
Proposed DRAFT Stability Criteria for Stationary Vehicles**

Class of vehicle	Length (m)	Kerb Weight (kg)	Ground clearance (m)	Limiting still water depth ¹	Limiting high velocity flow depth ²	Limiting velocity ³	Equation of stability
Small passenger	< 4.3	< 1250	< 0.12	0.3	0.1	3.0	$DV \leq 0.3$
Large passenger	> 4.3	> 1250	> 0.12	0.4	0.15	3.0	$DV \leq 0.45$
Large 4WD	> 4.5	> 2000	> 0.22	0.5	0.2	3.0	$DV \leq 0.6$

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At 'H3' able-bodied and trained persons can pass through the flood waters, at 'H4' and above all vehicles and all people are unsafe.

Page 3 within FB03 states that categories 'H1' to 'H4' are equivalent to 'low hazard' whilst 'H5' and 'H6' are equivalent to 'high hazard' in the 2005 Floodplain Development Manual.

It is also noted that the flood hazard on either side of the Thorns Bridge crossing along Braidwood Road is not the same with the depths and velocities on the northern side of the crossing generally being less than the southern side for the same event magnitude – refer to the following image from the FIRA prepared in support of the land rezoning planning proposal.



therefore considers the proposal is not likely to result in a significantly increased requirement on emergency management services, flood mitigation or emergency response measures.

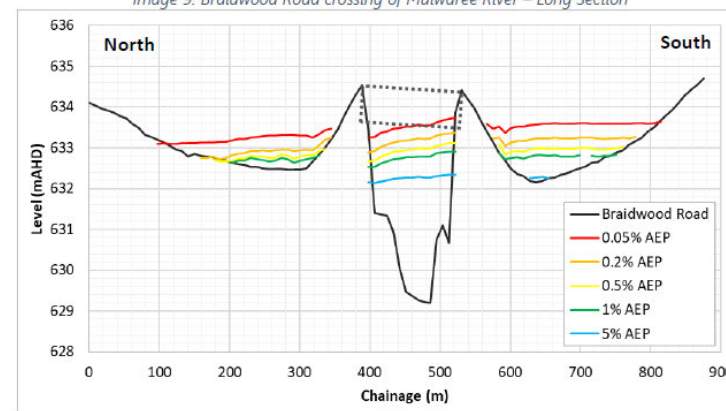
Agency comments:

The NSW SES and DCCEEW raised significant concern about flooding issues in written comments on the proposal received by the Department on 29/4/2024 from the SES (Attachment 1) and on 25/6/2024 from the DCCEEW Water Floodplains and Coasts Team (Attachment 2) as well as raised by agencies during a meeting with Council and the Department held on 10 July 2024 to discuss the proposal namely:

SES concerns raised:

- Concern that in the PMF event several lots which are proposed to be zoned R5 Large Lot Residential are impacted by high hazard floodwaters.
- Concern the entirety of the site becomes frequently isolated from vehicular access/egress in at least the 5% AEP event. Therefore, the proposed development would increase the number of people and properties exposed to the effects of flooding and other secondary emergencies.
- Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood waters are not supported by NSW SES and are not equivalent, in risk management terms, to evacuation.
- the NSW SES is opposed to development strategies that transfer residual risk, in terms of emergency response activities, to NSW SES and/or increase capability of the NSW SES.

Image 9: Braidwood Road crossing of Mulwaree River – Long Section



In relation to a merit-based assessment of the proposal we submit the following matters for consideration and comment in relation to the maximum isolation period of 12 hours and other elements within the 'SIP':

- Why 12 hours is the maximum period when the future landowners benefited by a rezoning will be occupants of newly constructed residential dwellings – not commercial or industrial sites. Most people (on average) would have an 8 to 10 hour working / school day and therefore would be at home for the remaining time – 14 to 16 hours – if not longer.
- The proposed development would yield large Lots within a rural environment where dwelling occupants are more accustomed to long stays at home (in the order of days) without the need to visit shopping centres or public transport hubs on a daily basis. There is a vast difference in lifestyle associated with the proposed development, and therefore traffic movements are not the same as a new urban land release area.
- Because all dwelling sites and access driveways will be above the probable maximum flood level not all landowners /



	<p>DCCEEW concerns raised:</p> <ul style="list-style-type: none"> • The FIRA has not demonstrated that new residential sites can be evacuated prior to becoming isolated and the advice from the NSW SES should be considered by the planning authority. • Given the increased number of similar planning proposals in the area south of the Hume Highway at Goulburn, the planning authority needs to consider the cumulative impacts associated with the increased occupation of land for residential use and issues linked to flood isolation. • Although the FIRA supporting the planning proposal indicate that new houses may be above the PMF, the flood isolation issue has not been addressed and is likely to result in an increase in government spending on emergency management services, flood mitigation and emergency response measures, particularly flood free road access. <p>Based on the concerns raised by SES and DCCEEW, it is considered the planning proposal is not consistent with the following requirements of the Direction:</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <p style="padding-left: 40px;">(g) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p style="padding-left: 40px;">(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p>	<p>occupants will want to leave as they feel safe and comfortable enough above the possible flood waters such that evacuation is less attractive and more disruptive.</p> <ul style="list-style-type: none"> • Given the option of evacuation to a community centre within the city compared to the comfort of their own house, most people are likely to want to stay rather than be forced or encouraged to leave given the extremely low probability of inundation by a probable maximum flood event, and certainly no impact in a 1% AEP event. • At what water depth and velocity does isolation not become isolation, and similarly, when does inundation cease – at zero depths of water or some other pre-determined level? The transition between ‘flood hazard’ categories should be the driving considerations for inundation and therefore the period of ‘total inundation’ is not a correct measure. • The same arguments apply to the ‘extent’ of flood water inundation. If ‘any depth of water’ is considered to be inundation then many parts of the floodplain with water depths of less than 50mm and low flows could technically become affected but is this really the intended outcome? Is a blanket approach being adopted which is not a realistic approach as it sterilises land from development that really is not adversely affected or impacted by flood. • Other flood warning mechanisms are operative in the local community such as local radio and internet sites, BOM Flood and Storm Warning Advice notifications, ‘HazardWatch’ which is operated by the NSW SES. Most rural holdings rely on satellite internet services these days as fixed cable connections are being offered less by the various service providers due to low returns on the cost of asset investment. • What is the intent of the ‘SIP’ document; is it intended to be applied to all land developments across the state without due process of the site-specific merits, or is it mainly targeted to new high density urban release areas where there is likely to
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	<p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>The Department has prepared and exhibited a draft Shelter-in-Place Guideline (draft guide) which seeks to provide clear and consistent guidance to councils and consent authorities about when shelter-in-place can be used as an alternative to off-site evacuation for emergency management in flood events.</p> <p>The Department’s draft guide states that shelter-in-place, which is proposed by Council for the site, is an emergency management response, especially when the flood warning time and duration are both less than six hours. These flooding events are dangerous because of the short timeframes, as well as the flood speed and depth.</p> <p>Under such circumstances, evacuation via a vehicle may not be possible and so shelter in place is the last resort evacuation option for development in green field and infill areas. The draft guide identifies that when considering whether to apply shelter in place controls, noting that evacuation off-site is always preferable, but if this cannot be achieved then shelter in place may be used if the duration of flood inundation is less than six hours.</p> <p>The Department has prepared and exhibited a draft Shelter-in-Place Guideline (SIP) which seeks to provide guidance to councils and consent authorities about when shelter-in-place can be used as an alternative to off-site evacuation for emergency management in flood events.</p>	<p>be a large number of vehicles all seeking to evacuate at the same time – as per the description on page 3 of the guideline.</p> <p>Other matters for consideration:</p> <p>There is no suggestion that increased government spending would be triggered by the approval to rezone the land to large Lot residential. If the relevant state agencies do not see a need presently to spend money to increase road heights, raise bridges, or undertake any other flood mitigation measures then it is very difficult to understand how the proposed rezoning alone will not change that position. The Gateway Determination refusal has not provided details to substantiate that the land rezoning proposal will actually result in increased government spending.</p> <p>The reason provided for the refusal does not appear to be merit-based on the site -specific conditions which is contrary to the statement that assessment should “balance the merits, risks, and impacts of the proposal”. We do not believe that this has been adequately addressed as there is no detailed reference to how the proposal does or does not meet the suite of assessment criteria; eg: what are the impacts?</p> <p>We also contest that the site is not ‘greenfield’ by definition given that it serviced by existing state and local road networks, is surrounded by established residential dwellings on similar size land holdings, and has utilities of electricity and communications already passing across the frontages of the holding. The site is also not identified on the Goulburn ‘Greenfield Housing Codes Area Map’.</p>
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<p>Direction 4.3 Planning for Bushfire Protection</p>	<p>To Be Determined</p>	<p>The site is mapped as Category 3 vegetation with a medium bushfire risk.</p> <p>A Strategic Bushfire Study was prepared by the proponent in support of the planning proposal. The Study identifies how the proposal meets the requirements of 'Planning for Bushfire Protection 2019' including the provision of suitable Asset Protection Zones, internal access roads and farm dams for firefighting purposes. The planning proposal is seeking an exemption from the RFS the requirement of the guideline to provide a perimeter road due to concerns about flood constraints. Council intends to consult with the RFS on the planning proposal post-gateway as required by the Direction.</p>	<p>No additional comment</p>
<p>Direction 4.4 Remediation of Contaminated Land</p>	<p>Yes</p>	<p>Given the past agricultural use of the site, a Preliminary Site Investigation (PSI) (Appendix 12a and 12b) was prepared by the proponent in support of the planning proposal. The PSI identified two potential sources of contamination on site, namely waste materials scattered across the site surface and</p>	<p>No additional comment</p>



		<p>potential use of pesticides associated with grazing agriculture at the site.</p> <p>The PSI concludes that the likelihood that the site is contaminated is low but recommends that waste material should be removed from the site and disposed at a licensed waste disposal facility prior to development occurring.</p> <p>WaterNSW commented on an earlier version of the Preliminary Site Investigation Report which the proponent has updated to address WaterNSW comments.</p>	
Direction 5.1 Integrating Land Use and Transport	No - Justified	<p>The site is located approximately 3km from the Goulburn CBD.</p> <p>The proposed large lot development is unlikely to be serviced by public transport which will increase dependence on the private car. Any inconsistency with the Direction is, however, justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies investigation of the site for large lot residential and considers the objectives of the Direction.</p>	No additional comment
Direction 6.1 Residential Zones	No - Justified	<p>The planning proposal is potentially inconsistent with the direction as it will not reduce the consumption of land for housing and associated urban development on the urban fringe.</p> <p>However, any inconsistency with the Direction, however, is justified by the Department endorsed Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies investigation of the site for large lot residential to contribute to housing diversity/choice in the Goulburn area.</p>	No additional comment
Direction 9.1 Rural Zones	No - Justified	<p>The planning proposal seeks to rezone the site from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential and C2 Environmental Conservation. Any inconsistency with the Direction, however, is justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies the development of the site. The Department of Primary Industries (Agriculture) (DPI) was consulted during the Department's review and endorsement of the Strategy. DPI did not raise any objection/concerns regarding the Brisbane Grove Precinct.</p>	No additional comment



Direction 9.2 Rural Lands	No - Justified	The planning proposal is potentially inconsistent with the Direction as the site is currently rural land. However, any inconsistency is justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies potential development of the site.	No additional comment
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3.4 State Environmental Planning Policies (SEPP's)				
SEPP's	Requirement	Consistent / Not Applicable	Reason for Consistency or Inconsistency	Proponent Response – January 2025
SEPP (Biodiversity and Conservation) 2021 – Chapter 8: Sydney Drinking Water Catchment	Development consent cannot be granted unless there is a neutral or beneficial effect (NorBe) on water quality.	Yes	As previously discussed in this report, a Water Cycle Management Study was prepared by the proponent in support of the planning proposal which demonstrates that future development proposals will be able to achieve NorBe. WaterNSW did not raise any objections to the planning proposal during Council's consultations.	No additional comment
SEPP (Primary Production) 2021	Provides aims and objectives to facilitate the orderly economic use and development of lands for primary production and to protect State significant agricultural land.	Yes	The site is identified for investigation in the Urban and Fringe Housing Strategy which considered the aims and objectives of the SEPP during its preparation. The site is not identified as State significant agricultural land	No additional comment
SEPP (Resilience and Hazards) 2021 Chapter 4: Remediation of Land	Provides a state-wide approach to the assessment and remediation of contaminated land during the rezoning and development of land.	Yes	As previously discussed, a preliminary site investigation (Appendix 12a and 12b) was prepared by the proponent in support of the planning proposal. The investigation identified two potential sources of contamination. Council considers these sources are relatively minor and can be addressed at the development application stage.	No additional comment



4.1 Site Specific Assessment - Environmental		
Environmental Impact	Assessment	Proponent Response – January 2025
Biodiversity	As discussed in sections 3.1-3.5 of this report, the planning proposal is unlikely to impact on any critical habitat or threatened species, populations or ecological communities.	No additional comment
Water quality	As discussed in sections 3.1-3.5 of this report, the planning proposal is unlikely to have a negative impact on water quality.	No additional comment
Noise	The site is potentially impacted by four possible noise sources namely the railway line (275m to the west), the Hume Highway (300m and 600m to the north), Goulburn Airport (2 km to the south-east) and Wakefield Park Raceway (6.5km to the south). Potential noise impacts from the Goulburn Airport and Wakefield Park Raceway on the Brisbane Grove Precinct were considered during the preparation of the Urban and Fringe Housing Strategy. A precinct-specific DCP chapter which has been prepared to support the planning proposal provides development controls to address noise at the DA stage. This includes an internal noise limit of 35dbL which can be achieved via design, orientation, landscaping, earthworks or built solutions.	No additional comment