



IRF24/1912

## Gateway determination report – PP-2024-295

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Proposal to rezone and amend minimum lot size on lots at 'Allfarthing', 2 Brisbane Grove Road, Goulburn

November 24



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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1. Relevant reports and plans**

Draft Brisbane Grove and Mountain Ash Precinct -Specific Development Control Plan Chapter (Appendix 1)

Concept Subdivision Layout Plan – Current (Appendix 2)

Proponent’s Submitted Planning Proposal – current (Appendix 3)

Concept Subdivision Layout Plan – Previous Planning Proposal (Appendix 4)

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Proponent's Submitted Planning Proposal – Previous Planning Proposal (Appendix 5)

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Council Report and Resolution – 15 March 2022 (Appendix 6a)

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C2 MLS Council Report and Resolution – 20 September 2022 (Appendix 6b)

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Special Flood Council Report and Resolution – 2 November 2021 (Appendix 6c)

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Gateway Determination – Previous PP (Appendix 7a)

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Gateway Alteration – Previous PP (Appendix 7b)

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Aboriginal Due Diligence Assessment (Appendix 8a)

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Aboriginal Cultural Heritage Assessment (Appendix 8b)

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Heritage Impact Statement (Appendix 9a)

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Council's Heritage Consultant Advice (Appendix 9b)

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Water Cycle Management Study (Appendix 10a)

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Waste Water Management Site Plan (Appendix 10b)

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Stormwater Management Site Plan (Appendix 10c)

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WaterNSW Initial Pre-gateway Referral Response – 5 May 2022 (Appendix 10d)

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2<sup>nd</sup> WaterNSW Pre-gateway Referral Response – 26 September 2022 – previous PP (Appendix 10e)

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WaterNSW Pre-gateway referral response 26 March 2024 (Appendix 10f)

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Biodiversity Assessment (Appendix 11a)

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Council's Biodiversity Officer referral comments (Appendix 11b)

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Preliminary Site Investigation (Contamination) Report (Appendix 12)

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Development Control Plan Flood Policy (Appendix 13)

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Strategic Bushfire Study (Appendix 14a)

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Strategic Bush Fire Study Site Plan (Appendix 14b)

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Traffic and Parking Assessment Report (Appendix 15)

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Flood Impact Risk Assessment (Appendix 16a)

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Food Assessment Site Plan with subdivision layout (Appendix 16b)

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DPE-BDC Post-gateway Referral Response – 16 February 2023 – previous PP

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# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	Goulburn Mulwaree
<b>PPA</b>	Goulburn Mulwaree Council
<b>NAME</b>	'Allfarthing' 2 Brisbane Grove, Goulburn Planning Proposal (14 homes, 0 jobs)
<b>NUMBER</b>	PP-2024-295
<b>LEP TO BE AMENDED</b>	Goulburn Mulwaree LEP 2009
<b>ADDRESS</b>	2 Brisbane Grove Road, Goulburn
<b>DESCRIPTION</b>	Lot 60, DP 1090981, Lots 61- 64 and 71-77, DP 976708.
<b>RECEIVED</b>	11/04/2024
<b>FILE NO.</b>	IRF24/1912 (EF24/5499)
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable the subdivision of the subject land which is identified in the Urban and Fringe Housing Strategy for large lot residential development.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 as per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU6 Transition	Part R5 Large Lot Residential and part C2 Environmental Conservation

Control	Current	Proposed
Minimum lot size	10 ha	Part 2 ha and no minimum lot size for the C2 zone
Number of dwellings	1	14
Number of jobs	N/A	0

The site is proposed to be subject to clause 5.22 “Special Flood Consideration” under the Goulburn Mulwaree LEP 2009 to limit development potential in flood prone areas, improve water quality outcomes and ensure consideration of safe occupation and efficient evacuation for future development applications.

A precinct-specific development control chapter (Appendix 1) has also been prepared to support the planning proposal.

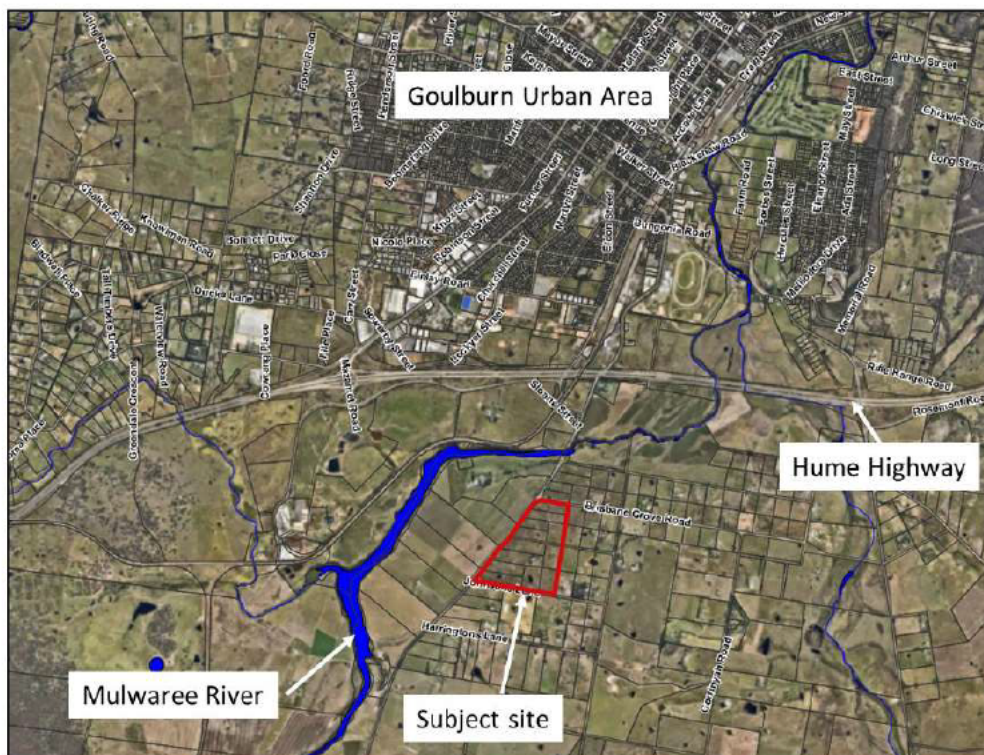
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The 34.8ha rural site comprises 12 existing lots (Lot 60, DP 1090981, Lots 61-64 and 71-77, DP 976708) located at 2 Brisbane Grove Road, Goulburn.

The site is located south of Hume Highway approximately 3km from the southern edge of the Goulburn urban area and 800m south of the Mulwaree River. A site map is provided in the planning proposal (**Figure 1**).

The site is bounded on three sides by Braidwood Road to the west, Johnson’s Lane to the south and Brisbane Grove Road to the north. A locally listed heritage item/dwelling ‘Allfarthing’ is located in the middle of the site. The site is surrounded by rural land.

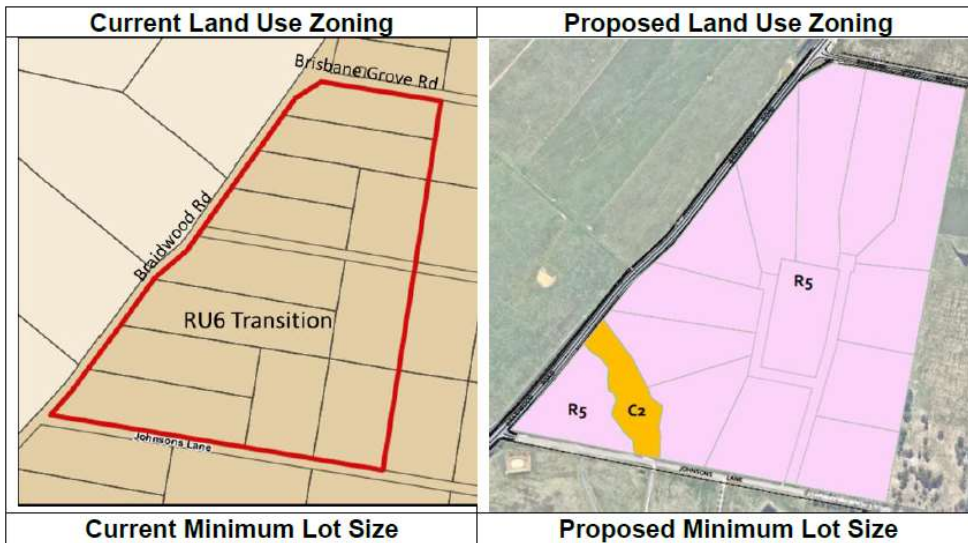


**Figure 1 – Site map** (source: planning proposal document)

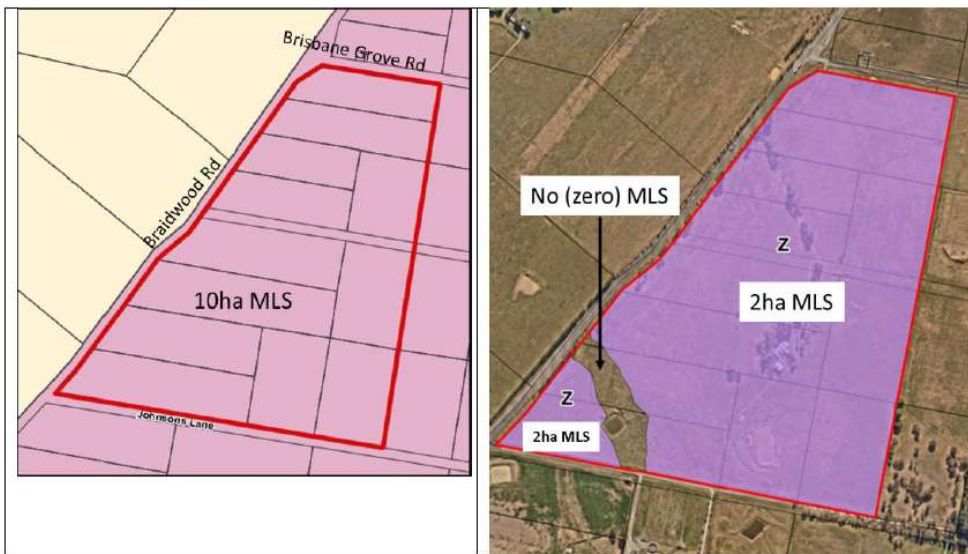


## 1.5 Mapping

The planning proposal includes mapping which shows the proposed changes to zoning and lot size maps which are suitable for community consultation (**Figures 2 and 3**).



**Figure 2 - Proposed zoning map** (source: planning proposal document)



**Figure 3 – Proposed lot size map** (source: planning proposal document)

## 1.6 Background

The planning proposal is a revision and resubmission of a planning proposal which was submitted to Council on 17 November 2021 (PP-2021-6932).

The original proposal sought the rezoning of the site from RU6 Transition to R5 Large Lot Residential and a change to the minimum lot size from 10ha to 2ha to facilitate 16 large residential lots. The planning proposal received a Gateway determination on 21 November 2022.

During Council’s pre-exhibition agency consultation, the former Department of Planning and Environment – Biodiversity and Conservation Division (BCD) raised significant objections to the planning proposal, particularly regarding the adequacy of flood investigations and consistency with

section 9.1 Direction 4.1 Flooding. BCD requested preparation of a Flood Impact and Risk Assessment (FIRA) to better understand flooding and implications for the planning proposal.

The proponent commenced the preparation of a FIRA. However, due to concerns that the conditions of the Gateway determination, which required the planning proposal be finalised by 21 November 2022, would not be met, the Department issued an alteration of the Gateway Determination on 21 October 2023 which determined that the planning proposal not proceed. The Department advised Council that it would consider a revised planning proposal, supported by the completed FIRA, and would consider issuing a new Gateway Determination if appropriate.

The proponent has revised the original concept layout plan to assist in flood management as follows:

- Reduced the number of lots from 16 to 14.
- Located all dwelling pads outside all flood prone land including the PMF and overland flow corridor.
- Re-siting access to the internal access road via Johnsons Lane rather than Brisbane Grove Road.
- Completed a Flood Impact and Risk Assessment (GRC Hydro)

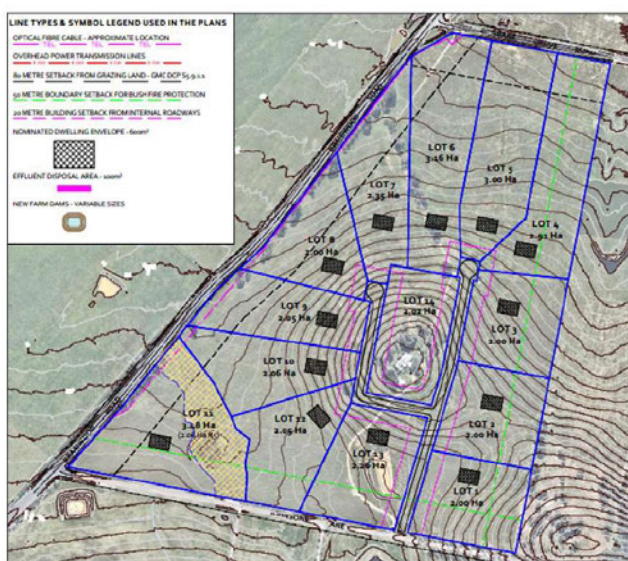
These changes are reflected in the current planning proposal.

## 2 Need for the planning proposal

The site is located within the southern edge of ‘Precinct 11: Brisbane Grove’ which is identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy (local housing strategy) for rezoning to large lot residential with a minimum lot size of 2 hectares. The Department conditionally endorsed the Strategy in December 2020 which included endorsement of the proposed development in the Brisbane Grove Precinct subject to detailed assessment via a planning proposal.

The planning proposal is needed to facilitate the rezoning of the site to enable the proposed 14 lot subdivision to be considered by Council. A proposed concept subdivision plan provided in the proponent’s planning proposal request (Appendix 2) is provided at Figure 4.

The planning proposal is the appropriate mechanism to facilitate the amendment of the Goulburn Mulwaree LEP 2009 to make the proposed zoning and lot size changes.



**Figure 4 - Proposed concept subdivision plan** (source: planning proposal document Appendix 2)



### 3 Strategic assessment

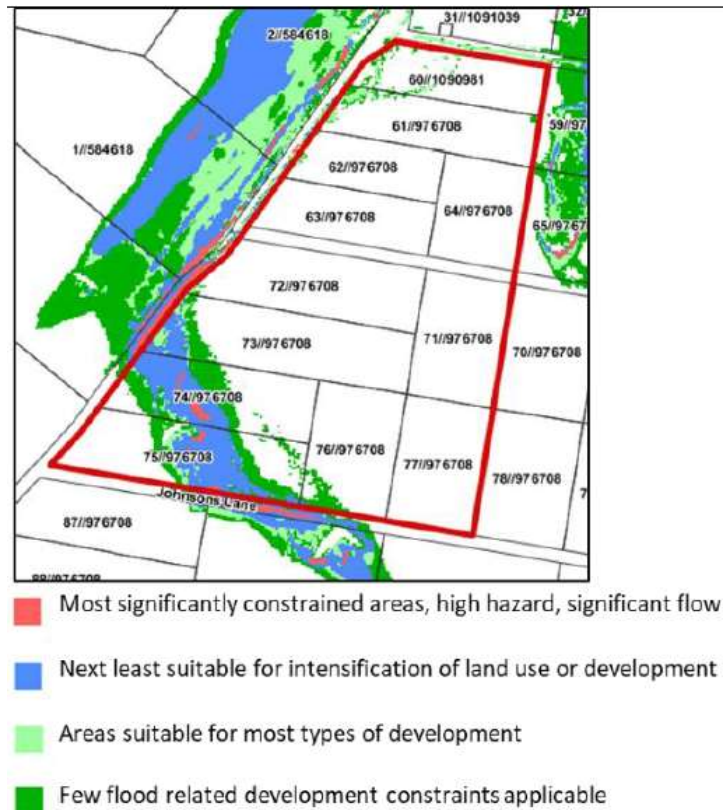
#### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan 2036 as well as the draft South East and Tablelands Regional Plan 2041 which was publicly exhibited from 8 August to 23 September 2022.

**Table 4 Regional Plan assessment**

**South East and Tablelands Regional Plan 2036**

Regional Plan Objectives	Justification
<p>Direction 16: Protect the coast and increase resilience to natural hazards</p>	<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 site is affected by riverine flooding. It is not located within the Flood Planning Area (1% Annual Exceedance Probability (AEP) but the northern section of the site is affected by the probable maximum flood (riverine) (PMF) (<b>Figure 5</b>). The southwestern corner of the site also experiences overland flow impacts (<b>Figure 6</b>).</p> <p>The land affected by the overland corridor is proposed to be rezoned C2 Environmental Conservation to limit development in this area.</p> <div data-bbox="523 1120 1225 1832" data-label="Figure"> </div>
<p><b>Figure 5 – Extent of Riverine Flooding Map</b> (Source: Planning Proposal document).</p>	



**Figure 6 – Overland Flow Corridor** (Source: planning proposal document)

A Flood Impact Risk Assessment (FIRA) (Appendix 16a), which was prepared by the proponent in support of the planning proposal, classifies the site as a flash flood catchment (defined as flood occurring within 6 hours of the weather event and often involves rapid water changes to flood water velocity).

The FIRA identifies that Braidwood Road, which is the evacuation route from the site to the Goulburn CBD, will be inundated for 23 hours during a 1% AEP flood, 38 hours during the PMF and that isolation of the site can occur during events rarer than 5% AEP.

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 place in their own flood-free homes until flood waters subside.

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.

The NSW State Emergency Service (SES) as well as the Department of Climate Change, Energy, the Environment and Water (DCCEEW) have raised concern, in pre-Gateway comments provided to DPHI and Council on the planning proposal, about the suitability of the northern part of the site for development as well as the isolation risks to future home occupants, as well

Regional Plan Objectives	Justification
	<p>as potential risks to emergency services workers, during flood events where residents cannot safely evacuate.</p> <p>Further assessment of flood risk is provided in sections 3.3 and 4.3 of this Report.</p>
<p>Direction 23: Protect the region's heritage</p>	<p>An Aboriginal Due Diligence Assessment (Appendix 8a), Aboriginal Cultural Heritage Assessment (Appendix 8b) and a Heritage Impact Statement (Appendix 9a) were prepared by the proponent in support of the planning proposal.</p> <p>The planning proposal stands within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance.</p> <p>The locally listed "Allfarthing" heritage item, and three other locally listed item in proximity, are located within the subject site.</p> <p>The heritage assessments/impact statement identify that the proposal will not have any impact on cultural heritage. They provide recommendations and management actions how heritage items and heritage values of the site can be protected which have been included in a precinct-specific DCP chapter (Appendix 1).</p>
<p>Direction 28: Manage Rural Lifestyles</p>	<p>The site is identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy as a location suitable for large lot residential development subject to detailed assessment. The site is located within 3km 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 flooding and access issues which pose a risk to future residents/occupants of dwellings.</p>

#### Draft South East and Tablelands Regional Plan 2041

Regional Plan Objectives	Justification
<p>Theme 2: Enhancing sustainable and resilient environments</p> <p>Objective 5: Protect important environmental assets</p> <p>Objective 7: Build resilient places and communities</p>	<p>The planning proposal does not provide an assessment of consistency with the draft South East and Tablelands Regional Plan (SE&amp;T Regional Plan).</p> <p>As discussed regarding the current SE&amp;T Regional Plan, there is concern the planning proposal may result in future residents/occupants of dwellings being isolated in their homes for extended periods of time during a 1% AEP flood events and rarer events.</p>
<p>Theme 4: Planning for fit for purpose housing and services</p> <p>Objective 17: Plan for a supply of housing in appropriate locations.</p> <p>Objective 19: Manage rural living</p>	<p>As discussed regarding the current SE&amp;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.</p>

## 3.2 Local Strategies

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
<p>The Goulburn Mulwaree Community Strategic Plan 2042</p>	<p>The planning proposal is consistent with the following strategic priorities identified in the Goulburn Mulwaree Community Strategic Plan namely:</p> <p>C.1 - Protect and enhance the existing natural environment, including flora and fauna native to the region.</p> <p>C.3 – Protect and rehabilitate waterways and catchments.</p> <p>C.11 – Maintain a balance between growth, development, environment protection and agriculture through sensible planning.</p> <p>C.13 – Implement planning and development policies and plans that protect our built, cultural and natural heritage.</p> <p>D.8 – Protection and preservation of historic and heritage buildings.</p>
<p>Goulburn Mulwaree Local Strategic Planning Statement</p>	<p>The planning proposal states it is consistent with several of the planning priorities identified in Council’s LSPS including Planning Priority 5- Housing, 8: Natural Hazards, 9: Heritage and 10: Natural Environments.</p> <p><u>Comment:</u></p> <p>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 flood events rarer than the 5% AEP which may pose an unacceptable risk to health and safety of future residents/occupants and to emergency services workers.</p>
<p>Goulburn Mulwaree Urban and Fringe Housing Strategy</p>	<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. The local housing strategy identifies 376.13 ha of land in the Brisbane Grove Precinct with potential to supply 132 dwellings (p.xv). 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 provided in the local housing strategy for the Brisbane Grove Precinct are:</p> <ul style="list-style-type: none"> <li>• Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced);</li> <li>• A comprehensive Aboriginal Cultural Heritage Assessment is required;</li> <li>• Consider suitable environmental zone for flood affected land;</li> <li>• Any development within the Sydney drinking water catchment must have a neutral or beneficial effect (NorBE) on water quality; and</li> <li>• High priority.</li> </ul> <p>In addition to the current planning proposal, the Department is also considering a planning proposal to rezone land at 137 Brisbane Grove Road (PP-2024-291) to</p>



Local Strategies	Justification
	<p>facilitate 21 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><u>Comment:</u></p> <p>While the site is identified for investigation for large lot development within the local housing strategy, detailed flood risk assessment prepared to support the planning proposal indicates that occupants/residents will not be able to safely access Goulburn during flood events rarer than the 5% AEP and would be required to shelter in place in their homes for up to 38 hours depending on the flood event. 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>

### 3.3 Section 9.1 Ministerial Directions

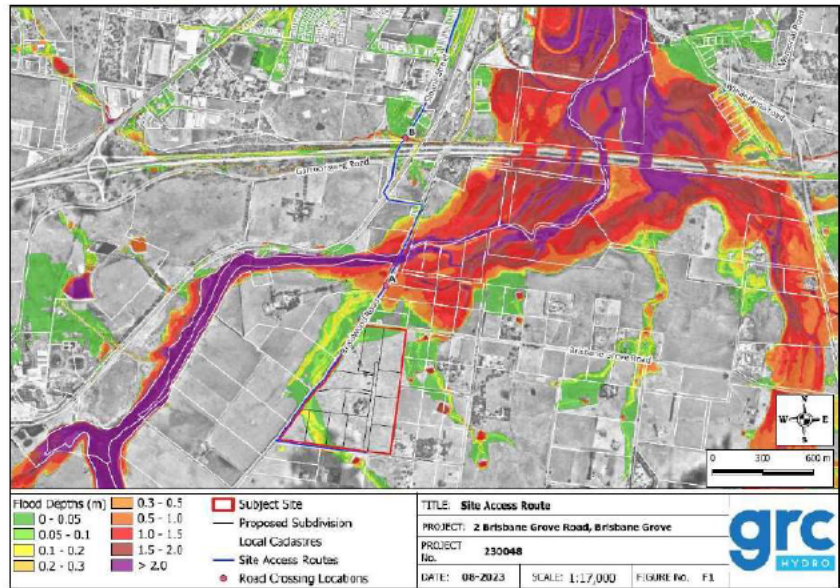
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	No	Refer section 3.1 of this report.
Direction 3.1 Biodiversity and Conservation	Yes	A Biodiversity Assessment (Appendix 11a) prepared by the proponent in support of the planning proposal concludes that the site is significantly modified/disturbed and has no or limited native vegetation and biodiversity value. Council's Biodiversity Officer has reviewed and confirmed the findings of the Biodiversity Assessment (Appendix 11b). The Brisbane Grove Precinct was also 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.
Direction 3.2 Heritage Conservation	Yes	As discussed in sections 3.1 and 3.2 of this report, the planning proposal is supported by an Aboriginal Due Diligence Report (Appendix 8a), Aboriginal Cultural Heritage Assessment (Appendix 8b) and a Heritage Impact Statement (Appendix 9a). These reports conclude that Aboriginal and non-Aboriginal heritage is unlikely to be impacted due to the planning proposal. The precinct-specific DCP chapter (Appendix 1) includes relevant controls to protect Aboriginal and non-Aboriginal heritage.
Direction 3.3 Sydney Drinking Water Catchments	Yes	As discussed in sections 3.1 and 3.2 of this report, a Water Cycle Management Study (Appendix 10a) was prepared by the proponent in support of the planning proposal. Council has consulted with WaterNSW on the draft planning proposal, as required by the Direction, and has revised the planning proposal to reflect WaterNSW comments which were



Directions	Consistent	Reasons for Consistency or Inconsistency
		provided on 5 May 2022 (Appendix 10d). WaterNSW did not raised any objection to the planning proposal proceeding.
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"> <li>• 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.</li> <li>• 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"> <li>• Not permitting development in floodways or high hazard areas.</li> <li>• Not result in significant impacts to other properties.</li> <li>• Will not permit any increase in development/dwelling density on flood prone land.</li> <li>• Will not permit (sensitive) land uses where the occupants would not be able to safely evacuate.</li> <li>• Does not permit development to be carried out without development consent.</li> <li>• Is not likely to result in significantly increased requirement for government spending.</li> <li>• Would not permit hazardous industries or storage establishments.</li> </ul> </li> </ul> <p><u>Comment</u></p> <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 (<b>Figure 8</b>).</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 (<b>Table 7a</b>).</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. Council has prepared a DCP chapter to incorporate these flood risk management measures in the future development of the site.</p>



**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 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 D**) and on 25/6/2024 from the DCCEEW Water Floodplains and Coasts Team (**Attachment E**) 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 10% AEP event. Therefore, the proposed development would increase the number of people

		<p>and properties exposed to the effects of flooding and other secondary emergencies.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>DCCEEW concerns raised:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>Based on the concerns raised by SES and DCCEEW, the planning proposal is considered to be inconsistent with the direction and particularly the following requirements:</p> <ul style="list-style-type: none"> <li>• Direction 4.1(4)(e) “are (not) likely to affect the safe occupation of and efficient evacuation of the lot”.</li> <li>• Direction 4.1(4)(f) “are (not) 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”.</li> </ul> <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>The Department’s Guideline 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 SIP guideline identifies that when considering whether to apply SIP controls, noting that evacuation off-site is always preferable, but if this cannot be achieved then shelter in place may</p>
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Directions	Consistent	Reasons for Consistency or Inconsistency
		be used if the duration of flood inundation is less than six hours. This period is significantly less than the isolation that occurs on this site.
Direction 4.3 Planning for Bushfire Protection	To be determined	The site is mapped as Category 3 vegetation with a medium bushfire risk. A Strategic Bushfire Study (Appendix 14a) 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, access roads and farm dams for firefighting purposes. The planning proposal is seeking an exemption from the RFS from the requirement of the guideline to provide a perimeter road due to concerns about potential traffic management issues. Council intends to consult with the RFS on the planning proposal should a Gateway be issued as required by the Direction.
Direction 4.4 Remediation of Contaminated Land	Yes	Given the past agricultural use of the site, a Preliminary Site Investigation (PSI) (Appendix 12) was prepared by the proponent in support of the planning proposal. The PSI identified two potential sources of contamination on site, namely fill associated with buildings on the site, driveway and dam wall such as hydrocarbons; and current site buildings with associated contaminants such as asbestos. The PSI concludes that the identified potential sources are relatively minor, are likely limited to small areas of the site and can be managed at the development application stage. Council is satisfied that the site can be made suitable for the proposed rezoning to large lot residential.
Direction 5.1 Integrating Land Use and Transport	No - justified	The site is located approximately 3km from the Goulburn CBD. 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.
Direction 6.1 Residential Zones	No - justified	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. 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.
Direction 9.1 Rural Zones	No - justified	The planning proposal seeks to rezone the site from RU6 Transition 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 potential development of the site. The Department of Primary Industries (Agriculture) was consulted during DPE's review and endorsement of the Strategy. DPI did not raise any objection/concerns regarding proposed development in the Brisbane Grove Precinct.

Directions	Consistent	Reasons for Consistency or Inconsistency
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.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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.
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.
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 12) 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.



## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
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.
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.
Noise	The site is potentially impacted by four possible noise sources namely the railway line (1km to the south-west), the Hume Highway (0.5km and 1km to the north), Goulburn Airport (2.7 km to the south-east) and Wakefield Park Raceway (5.5km to the south east). 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.

### 4.2 Social and economic

The planning proposal does not identify any known social or economic effects as a result of the proposal. The planning proposal, however, is considered to have potentially significant negative social and economic impacts in the event of flood events which, as previously discussed, may result in future residents/occupants of dwellings being isolated for up to 36 hours during floods rarer than a 5% AEP. This may place future residents/occupants and emergency service workers at risk if residents require evacuation or rescue if they enter floodwaters. This may also increase requirement for government spending on emergency services and management measures to address the inability to evacuate, particularly if other similar developments are approved.

It is noted that the proposal is likely to provide positive benefits including providing thirteen additional homes in a planned growth area of Goulburn which will support local jobs and services. However, it is unlikely these benefits outweigh the social and economic impacts and costs described above.

### 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Traffic	A Traffic and Parking Assessment Report (Appendix 15) was prepared by the proponent in support of the planning proposal. The subject site is serviced by Brisbane Grove Road and Johnson's Lane. An additional internal road from Brisbane Grove Road is proposed to access the proposed lots. The Traffic Report identifies there is spare capacity on the existing road network with limited to no impact on the Brisbane Grove and Braidwood Road intersection. The Report does not identify additional upgrades to existing road network including Braidwood Road to provide flood free access.
Water and sewer	The site is not connected, or proposed to be connected, to Council's reticulated water and sewer network. Lots will be required to provide their own on-site water storage and wastewater disposal.
Power	An overhead electricity power line runs through the site, which currently provides power connection to the existing Allfarthing heritage listed dwelling and will enable connections to be provided to the proposed new lots.
Telecommunications	An optical fibre cable runs parallel to the site's western boundary with Braidwood Road which provides opportunity for connection to proposed new lots.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 30 days.

It is, however, not recommended that the planning proposal proceed to community consultation.

### 5.2 Agencies

Council has consulted Water NSW on the planning proposal as required by the s.9.1 direction for the Sydney Drinking Water Catchment. The Department has sought comment from SES and DCCEEW on the planning proposal and arranged an agency meeting to discuss the proposal on 10 July 2024.

The proposal indicates that further consultation will be undertaken in accordance with the directions of the Gateway Determination.

It is, however, not recommended that further agency consultation is undertaken on the planning proposal.

## 6 Timeframe

Council proposes a 9-11 month time frame to complete the LEP.

It is, however, not recommended that the planning proposal proceed.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

It is, however, not recommended that the planning proposal proceed.

## 8 Assessment summary

The planning proposal is not supported to proceed for the following reasons:

- The planning proposal is not consistent with the South East and Tablelands Regional Plan 2036 (Directions 16: “Increase resilience to natural hazards” and 28: “Manage rural lifestyles”) and with the draft South East and Tablelands Regional Plan 2041 (Theme 2: Enhancing sustainable and resilient environments and Theme 4: Planning for fit for purpose housing and services) and Section 9.1 Ministerial Directions 1.1 Implementation of Regional Plans and 4.1 Flooding and the inconsistencies have not been justified to the satisfaction of the Secretary (or their nominee). The planning proposal poses an unacceptable risk to future residents/occupants, as well as to emergency service workers, due to the identified risk associated with isolation of the site due to flooding of Braidwood Road during events rarer than a 5% Annual Exceedance Probability (AEP) and isolation for approximately 23 hours during the 1% AEP flood event.
- The planning proposal has potential to significantly increase the need for government investment on emergency management services, flood mitigation and emergency response measures.
- The NSW State Emergency Service and Department of Climate Change, Energy, the Environment and Water have raised significant concerns about the planning proposal, particularly the ability for future residents/occupants to safely occupy and/or evacuate the site during flood events as well as the potential increased need for government investment on emergency management services, flood mitigation and emergency response measures.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the planning proposal is not consistent with section 9.1 Directions 1.1 Implementation of Regional Plans and 4.1 Flooding and that any inconsistency with these directions is not satisfactorily justified under the terms of the direction.

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the following reasons:

1. The planning proposal has not demonstrated strategic and site specific merit for the following reasons:
  - The planning proposal is not consistent with the South East and Tablelands Regional Plan 2036 (Directions 16: “Increase resilience to natural hazards” and 28: “Manage rural lifestyles”) and with the draft South East and Tablelands Regional Plan 2041 (Theme 2: Enhancing sustainable and resilient environments and Theme 4: Planning for fit for purpose housing and services) and with Section 9.1 Ministerial Directions 1.1 Implementation of Regional Plans and 4.1 Flooding and the inconsistencies have not been justified to the satisfaction of the Secretary (or their nominee).
  - The planning proposal poses an unacceptable risk to future residents/occupants, as well as to emergency services workers, due to the identified risk associated with isolation of the site due to flooding of Braidwood Road including for approximately 23 hours during the 1% AEP flood event.

- The planning proposal has potential to significantly increase the need for government investment on emergency management services, flood mitigation and emergency response measures.
- The NSW State Emergency Service and Department of Climate Change, Energy, the Environment and Water have raised significant concerns about the planning proposal, particularly the ability for future residents/occupants to safely occupy and/or evacuate the site during flood events as well as the potential increased need for government investment on emergency management services, flood mitigation and emergency response measures.

[REDACTED] 19/9/24

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