



## Brisbane Grove Land Release Areas

14<sup>th</sup> January 2025

Gateway Determination – Refusal (dated 12<sup>th</sup> November 2024)

Planning Proposal PP-2024-295 - 2 Brisbane Grove Road, Brisbane Grove. 2580.

SOWDES provides the following comments and general information in relation to the Planning Proposal Refusal issued by the Department of Planning, Housing & Infrastructure. The information presented is in addition to the submission prepared by GRC Hydro and is in dot-point format to simplify reading and referencing.

SOWDES prepared the original subdivision plans and undertook the relevant Water Cycle Management Study (NorBE assessment), Strategic Bush Fire Hazard Assessment, stormwater drainage designs, wastewater management reports, and preliminary flood studies as there was no adopted overland flow studies that covered the specific development precincts at the time, and Council only required a localised assessment.

- The Goulburn Mulwaree Council 'Urban and Fringe Housing Strategy' was adopted by Council on the 21<sup>st</sup> July 2020
- Subsequent to the release of the Housing Strategy which identifies the site as potential land rezoning opportunities the initial work including desktop studies and site visits for the land rezoning proposal at 2 Brisbane Grove Road commenced in early **April 2021**.
- The final reports and plans prepared by SOWDES for 2 Brisbane Grove Road were released on the 21<sup>st</sup> October 2021 and submitted to the Goulburn Mulwaree Council through the NSW Government Planning Portal in November 2021
- The original reports and plans were prepared in accordance with the applicable controls and standards that were in effect at the time.
- It is highlighted that the most recent flood studies adopted by the Goulburn Mulwaree Council that included any detail for overland flows was presented as a DRAFT document in October 2021. At this time the Council's Development Control Plan was amended to include a new section of flood controls with reference to 'flood precinct constraint categories' which identified areas around the city burdened by overland flows and included the two development properties.
- Following submission of the original planning proposal documentation the Goulburn Mulwaree Council undertook an internal review of the submissions before submitting to a Council meeting in mid-2022 for endorsement to Gateway. There were some minor changes to the original proposals based on an internal review with the Council submitting the proposals via the Gateway circa August 2022.

- The main document referenced for refusal of the land rezoning proposal is the draft edition of the NSW Department of Planning and Environment (NSW SES) document titled *Shelter in Place Guideline*; it is noted as being written in December 2022 which is essentially 12 months after the planning proposals were initially submitted to Council and 4 months after the Council submitted the proposal to Gateway.
- To assess this proposal on a draft set of guidelines that did not exist or was not formally referenced at the time of the original or subsequent submission is considered unreasonable and irrational as the landowner who has expended a lot of money to progress their submissions have not had the benefit of hindsight to make an informed decision about the veracity and suitability of their proposals.
- Had the landowner had the knowledge of the draft SES document and the associated implications around isolation for potential future residential development they may not have continued to pursue their submissions and thereby incur more costs, or they could have possibly considered other options / pathways.
- It appears that all other agencies involved in the review of the Gateway submissions (excluding DCCEEW (formerly BSC) and the NSW SES) have either issued their in-principal support (possibly subject to conditions) or have not responded as there was generally no significant issues that warrant opposing the proposal.
- This essentially means that one single agency (being the NSW SES) is the source of refusal.
- The contention that an approval of the land rezoning proposal will be a trigger for increased government spending on emergency management services, flood mitigation, and emergency response measures is somewhat of 'blinkers on' approach to the existing constraints created under flood conditions and to the affected landowners.
- To simply suggest that other existing landowners, road users, and ancillary services that may become isolated in the same rain events do not warrant any consideration for increased expenditure related to risk mitigation whilst simultaneously refusing a comparatively small development of 14 rural-residential allotments is ill-considered.
- The Traffic Impact Assessment (TIA) for the planning proposal at 2 Brisbane Grove Road identified that Braidwood Road south of Garoorigang Road (therefore crossing Thorns Bridge and the Mulwaree River) had approximately 230 vehicle movements per hour each weekday morning (between 6:00am and 9:am) and approximately 280 vehicle movements per hour per weekday afternoon (between 3:00pm and 6:00pm), in addition to the regular traffic movements either side of those peak timeframes.
- If the highly used Braidwood Road which is a TfNSW classified road and is the main transit corridor between Goulburn and smaller regional villages and towns such as Tarago, Braidwood, the south coast, and all the rural holdings that lie between is not sufficient enough reason to implement any Government spending to reduce the potential for isolation during the frequent to large, and even rare flood events then it is hard to understand how this land rezoning proposal that would generate 14 rural-residential allotments would suddenly trigger the need to spend.

- If the Gateway refusal is heavily reliant upon the issues around isolation from flood waters and a perceived trigger to increase Government spending to minimise risk then does that imply a need to impose a blanket restriction to all future land development south of the Mulwaree River at the Thorns Bridge crossing that otherwise may realise a similar number of new residential allotments – noting that many rural holdings comprise more than one parcel of land that are each large enough to meet the minimum Lot size for residential entitlements and therefore aren't reliant upon a subdivision or land rezoning pathway?
- A joint State and Federal Government announcement in late December 2024 for \$10.40M funding of culvert and road upgrades to the Saltpetre Creek crossing of Currawang Road approximately 8 kilometres to the southeast of the Brisbane Grove precinct to enable better traffic egress for local residents and road users into Goulburn in the minor rain events seems a bit tokenistic and reckless given that the same traffic which has to travel via Braidwood Road and Brisbane Grove is cut-off by the same rainfall event magnitudes.
- As a consultant that addresses risk for other natural disasters (bush fire), it is difficult to understand how an isolation period of 'x' hours due to flooding is any different to isolation from other causes, and if there is a critical duration where isolation is deemed unacceptable why this is not documented and applied to other natural disaster events.
- Whilst a bush fire event or fire front may have a relatively quick passage through the landscape (normally measured in hours) the effects and loss of services and access are inherently no different to the same considerations associated with flooding – sometimes potentially even worse, yet they are not treated in the same manner.
- A recurring theme that will be evident in the various responses is that the period for isolation being quoted in Gateway Determination for the 1% AEP flood of 23.5 hours is not correct. Based on the flood modelling it is estimated that the period in which Braidwood Road is impassable to larger vehicles such as those used by emergency services agencies under 'Hz' conditions is approximately 8.5 hours which is less than the 12-hour criterion.

I conclude with the simple observation; if the reasons for refusal of the land rezoning proposal which are based on inherently low risks are applied consistently and uniformly to all land rezoning proposals across the state then it is very difficult to foresee how the objectives of the various Regional and State Housing Strategies and new dwelling targets will be satisfied – the guidelines are constantly shifting such that Local Councils and experienced consultants cannot keep abreast of the changes and the discrepancies in policy position and interpretation.

Sincerely,

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