







15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 REVISED GOULBURN HEALTH HUB PLANNING PROPOSAL

Author: Nick Thistleton, Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments:

1. **WaterNSW Response** [↓](#) 
2. **RFS Response** [↓](#) 
3. **NSW Health Response** [↓](#) 
4. **OEH Response** [↓](#) 
5. **OEH (Heritage Division) Response** [↓](#) 
6. **SES Response** [↓](#) 

Link to Community Strategic Plan:	Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning. Strategy CO1 Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report from the Strategic Planner on the Revised Goulburn Health Hub Planning Proposal be received.
2. Council endorse the Revised Health Hub Planning Proposal to:
 - (a) Rezone Lots 100 and 101 DP1214244 from part IN1 General Industrial and part RE1 Public Recreation to part R1 General Residential, part B6 Enterprise Corridor and part RE1 Public Recreation;
 - (b) Introduce a minimum lot size 700m² for the land to be rezoned to R1 General Residential;
 - (c) Introduce a floor space ratio of 1:1 for the land to be rezoned to B6 Enterprise Corridor; and
 - (d) Introduce a maximum building height of 13m for the land to be rezoned to B6 Enterprise Corridor.
3. The planning proposal, once drafted, be submitted to the Department of Planning, Industry and Environment for a new or revised gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Any requirement to develop a site specific development control plan be removed, unless it is required to be prepared in order to address concerns raised by the community or a government body.

BACKGROUND

At its meeting of 4 November 2015, Council considered a planning proposal to rezone the subject site at 37 Ross Street and 23 Brewer Street, Goulburn to SP2 Health Infrastructure in order to facilitate the development of a health precinct. At this meeting, Council resolved (15/512) to defer the report on the planning proposal until after the completion of the *Employment Land Strategy*, as the proposal was to be addressed in the strategy.

Following the completion of the *Employment Land Strategy* and its endorsement of the planning proposal, Council later resolved on 7 March 2017 (17/058):

That:

- 1. The staff report on REZ/0001/1415 – Proposed Rezoning for the Goulburn Health Hub at 37 Ross Street, Bradfordville be received.***
- 2. The planning proposal included in Separate Enclosure Part B be amended according to the recommendations for pre-Gateway changes identified in this report and any required changes required by Water NSW.***
- 3. The planning proposal be referred to Water NSW pursuant to Section 117 Direction 5.2 Sydney Drinking Water Catchments.***
- 4. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979 Council resolve to forward the amended Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to alter the zone, minimum lot size, floor space ratio and height of building controls for land at 37 Ross Street and 23 Brewer Street, Goulburn (Lot 100 and 101, DP 1214244) to the NSW Minister for Planning and Environment for a Gateway Determination.***
- 5. The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the Planning Proposal.***
- 6. In the event NSW Planning & Environment issues a Gateway Determination to proceed with the Planning Proposal, the planning proposal be amended in accordance with the determination and consultation be undertaken with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and any directions of the Gateway Determination.***
- 7. The matter be reported back to Council for finalisation following public exhibition of the planning proposal with details of any submissions received.***
- 8. The proponent be advised that a site specific amendment to the Goulburn Mulwaree Development Control Plan 2009 is required to be prepared, assessed by staff and publicly exhibited prior to Council finalising the LEP amendment.***

Following this later resolution, a gateway determination was issued and the planning proposal was referred to multiple government agencies for comment. As part of this referral process, Council received advice from the former Office of Environment and Heritage and State Emergency Service, which raised serious and legitimate concerns in relation to the potential flooding of the subject area under a Probable Maximum Flood. This advice, elaborated on in the report below, has forced Council staff to conclude that the planning proposal should not proceed in its current form as the development of a hospital and aged care facility in the SP2 Health Infrastructure zone would constitute an unacceptable risk to human life and wellbeing.

REPORT

Introduction

The purpose of this report is to consider an alternate zoning arrangement for the subject site that facilitates the development of a smaller health hub with additional residential accommodation. This report discusses agency consultation carried out to date and the proposed new zoning arrangement. This report recommends that Council endorse the revised planning proposal.

The Subject Site

The subject site is located at 37 Ross Street and 23 Brewer Street, west of the Bradfordville Industrial Precinct, immediately south of the disused Goulburn to Crookwell rail reserve and immediately north of the Wollondilly River and the Goulburn Mulwaree Animal Shelter (Lots 100 and 101 DP1214244) (Figure 1). The subject site is currently zoned part IN1 General Industrial and RE1 Public Recreation (Figure 2).



Figure 1: Subject land



Figure 2: Current zoning arrangement

The subject site consists of the current Health Hub development on 37 Ross Street and an undeveloped road reserve and disused golf course on 23 Brewer Street, Goulburn. The subject site is partially affected by the 1% Annual Event Probability flood and entirely affected by a Probable Maximum Flood (**Figures 3 and 4**).



Figure 3: 1% Annual Event Probability flood extends

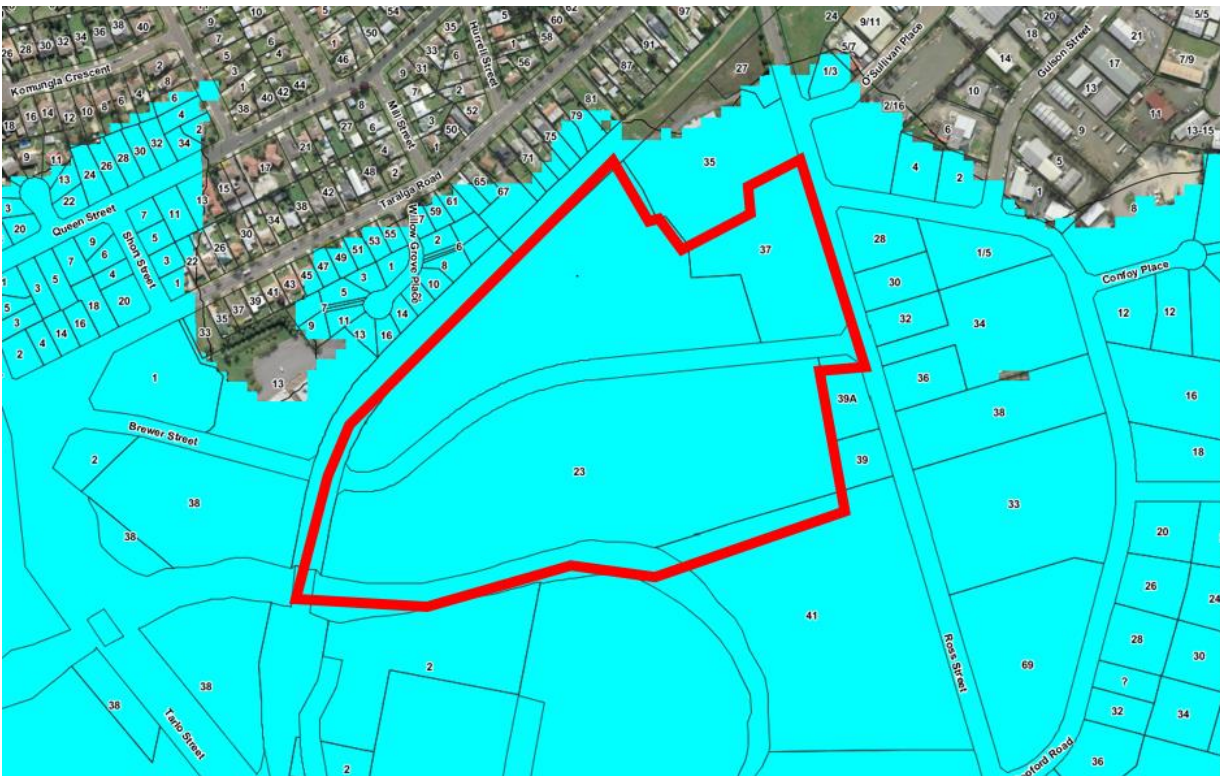


Figure 4: Probable Maximum Flood extents.

Previous Proposal

The previous proposal was to rezone the subject land to SP2 Health Infrastructure for the purposes of developing a health precinct. The planning proposal also proposed a 12m building height restriction, a floor space ratio of 0.7:1 and a 1000sqm minimum lot size restriction.

Unlike other zones, the SP2 Infrastructure zone does not have a land use table that specifically identifies what development is permitted and prohibited. Instead, the land use table simply provides that any development that is incidental or ancillary development to the specified purpose of the zone is permitted, while prohibiting all other kinds of developments. The name of the zone is typically altered to reflect what this purpose is. In this case the SP2 Infrastructure zone is being referred to as the SP2 'Health Infrastructure' zone, as the zone proposed would allow any development incidental or ancillary to the development of 'Health Infrastructure'.

The SP2 Infrastructure zone is useful for developing the kind of infrastructure specified, however it is highly inflexible as a general zone, as any development that is unrelated to the specified kind of infrastructure is mandatorily prohibited. A recent example of this inflexibility has been experienced by Council with respect to Council's Irrigation Farm, which is zoned as SP2 "Public Utility Undertaking". In this case, Council is unable to utilise or develop the land for anything unrelated to a "Public Utility Undertaking" without rezoning the land first.

In support of the planning proposal proponent submitted an indicative site plan of the potential uses that the proposed zoning would allow (**Figure 3**). It is important to note that this was an indicative site plan that is only intended to show the development potential under the new zoning. It is not intended to be construed as a development plan.

Refer **Figure 3** on the following page

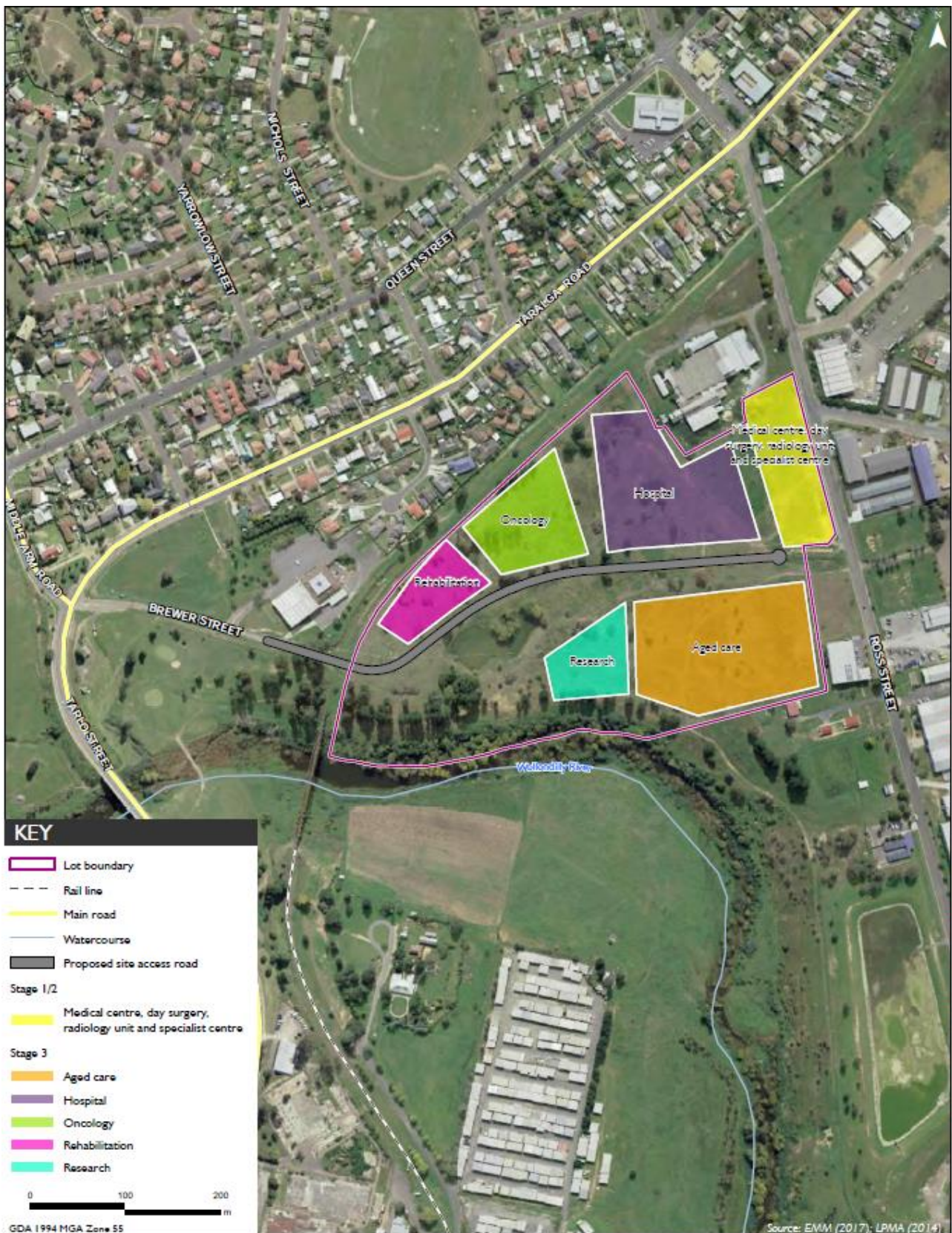


Figure 3: Indicative development potential for an SP2 Health Infrastructure zone

A gateway determination was issued for the original proposal on 10 November 2017 (Attachment 1). This gateway determination required the preparation of a flood investigation, a Stage 1 Preliminary Site Investigation and consultation with various government agencies prior to public exhibition.

This planning proposal was never publicly exhibited.

Previous Government Agency Advice

Following Council's resolution on 7 March 2017, and the preparation of studies required under the gateway determination, the following agencies were consulted in relation to the planning proposal:

Water NSW

Water NSW responded on 15 October 2018 and raised no objection to the planning proposal (Attachment 1). They simply reiterated the requirement under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* for all developments to demonstrate a neutral or beneficial impact on water quality prior to development consent being granted.

Rural Fire Service

The Rural Fire Service responded on 2 November 2018 and raised no objection to the planning proposal (Attachment 2).

NSW Health

NSW Health responded on 22 October 2018 and raised no objection to the planning proposal (Attachment 3). They instead requested that any future development application relating to the development of a health hub be referred to them.

Environment Protection Authority

The Environment Protection Authority responded on 25 October 2018, stating that they had no comment to make on this proposal.

Former Office of Environment and Heritage

The former Office of Environment and Heritage (now Department of Planning, Industry and Environment) responded on 29 October 2018 and raised concerns with respect to flooding and Aboriginal heritage (Attachment 4).

In relation to flooding, the former Office of Environment and Heritage raised concerns about placing sensitive uses such as aged care facilities and hospitals on land subject to a Probable Maximum Flood. To this end, they also incorporated comments from a separate referral made to the State Emergency Service in their response. The State Emergency Service referenced the elevated difficulty and risk in trying to evacuate hospitals and aged care facilities in a flood and questioned the location of a health hub precinct in a location that is flood prone at all. These comments were taken to be an outright objection to the planning proposal and prompted further discussions between the proponent, Council and the State Emergency Service.

In relation to Aboriginal heritage, the former Office of Environment and Heritage raised that there was the potential for two (2) artefacts to be located in certain portions of the land and requested an archaeological assessment to be completed. In this instance, an archaeological due diligence assessment was later completed by the proponent, demonstrating that any impacts could be addressed at the development assessment stage.

The former Office of Environment and Heritage were satisfied that there were no significant adverse impacts on biodiversity.

Former Office of Environment and Heritage (Heritage Division)

The Heritage Division of the former Office of Environment and Heritage (now part of the Department of Premier and Cabinet) responded separately on 12 November 2019 (Attachment 5). They raised no objection to the planning proposal, but did note that a heritage assessment, including an archaeological assessment, may need to be completed at such a time as any future development application is submitted.

State Emergency Service

Following the initial advice given by the former Office of Environment and Heritage, Council initiated discussions with the proponent, the former Office of Environment and Heritage and the State Emergency Service in relation to flooding.

Concerns were raised by the proponent that the State Emergency Service was not giving a reasonable assessment of the planning proposal. The proponent made these comments on the grounds that most developments only need to demonstrate an assessment of flood risk if they are located within the 1% Annual Event Probability flood prone area, whereas they were actually being assessed on their location in the Probable Maximum Flood Prone area. This is the difference between planning for a flood that has a 1% chance of occurring on any given year, versus planning for even rarer floods, including floods that can theoretically only occur if the maximum amount of precipitation occurs everywhere in the catchment, all at once. The proponent also argued that even when accounting for a Probable Maximum Flood, they could simply build at a higher level, allowing the building occupants to evacuate in place.

These concerns culminated in a series of separate meetings between the proponent and the State Emergency Service. Following these meetings, the State Emergency Service was encouraged to submit their own advice. On 1 April 2019 the State Emergency Service provided their submission along with more detailed reasons as to why they object to the planning proposal (Attachment 6). These reasons include, but are not limited to the following:

- For sensitive uses such as aged care and hospital developments, there is no acceptable flood risk. Occupants cannot easily be evacuated and any evacuation relies on the highly problematic assumption that there is ample health care and specialist support capacity for them elsewhere (e.g. ample spare bed capacity at the Goulburn Base Hospital, enough to accept all patients from any future private hospital development).
- Probable Maximum Flood events may be rare, but they do happen. Recent examples include the Townsville Flood that was determined to have a 0.2% annual event probability (1 in 500 year) and Dungog in 2015, which killed 3 people and had a 0.1% annual event probability (1 in 1000 year).
- It is not reasonable to assume that the State Emergency Service can support a mass evacuation when increasing the amount of people that may need to be evacuated in case of an emergency.
- The State Emergency Service cannot assume that private evacuation plans will be regularly reviewed and conducted as prepared as they do not have the resources or power to monitor them.
- Evacuation in place, such as by building above the water line, is unacceptable, as basic utility services and supplies cannot be guaranteed and occupants cannot be evacuated in case of a separate emergency, or an escalation of the initial emergency.

Outcome of Agency Referrals

Despite all other concerns raised by government agencies being largely addressed, the comments made by the State Emergency Service have led Strategic Planning to conclude that the proposed SP2 Health Infrastructure zone was unsuitable for the site, on the grounds that the facilitation of any development on the site for the purposes of a hospital or aged care facility constitutes an unacceptable risk to human life and wellbeing.

It was also noted that the proposed SP2 Health Infrastructure would not be desirable for the site from an investment point of view, as the kind of infrastructure allowed for under the zone would be restricted solely to health infrastructure developments that do not accept in-patients, given the inherent flood risk of the site and the mandatory prohibition of any other development unrelated to the purpose specified under the SP2 Infrastructure zone.

Following this conclusion a joint meeting between the proponent, the Mayor, the State Emergency Service, the former Office of Environment and Heritage, the Strategic Planning team and the Director of Planning and Environment was held on 9 April 2019. It was determined at this meeting that a possible solution would be to pursue an alternative zoning arrangement, where the proponent could still develop non-sensitive health facilities such as a day surgeries and physiotherapy unit and potentially other development as well, such as residential development.

Following further discussions with Strategic Planning, the proponent has since put forth an alternate zoning arrangement for Council endorsement, prior to the preparation of the planning proposal and referral to the Department of Planning, Industry and Environment.

Revised Zoning Arrangement

The revised proposal suggests rezoning the subject land to a combination of B6 Enterprise Corridor, R1 General Residential and RE1 Public recreation (**Figure 4**). The proposal also includes the introduction of a maximum building height control of 13m and a floor space ratio of 1:1 for the proposed B6 Enterprise Corridor zone. The R1 General Residential zone will have a 700m² minimum lot size.

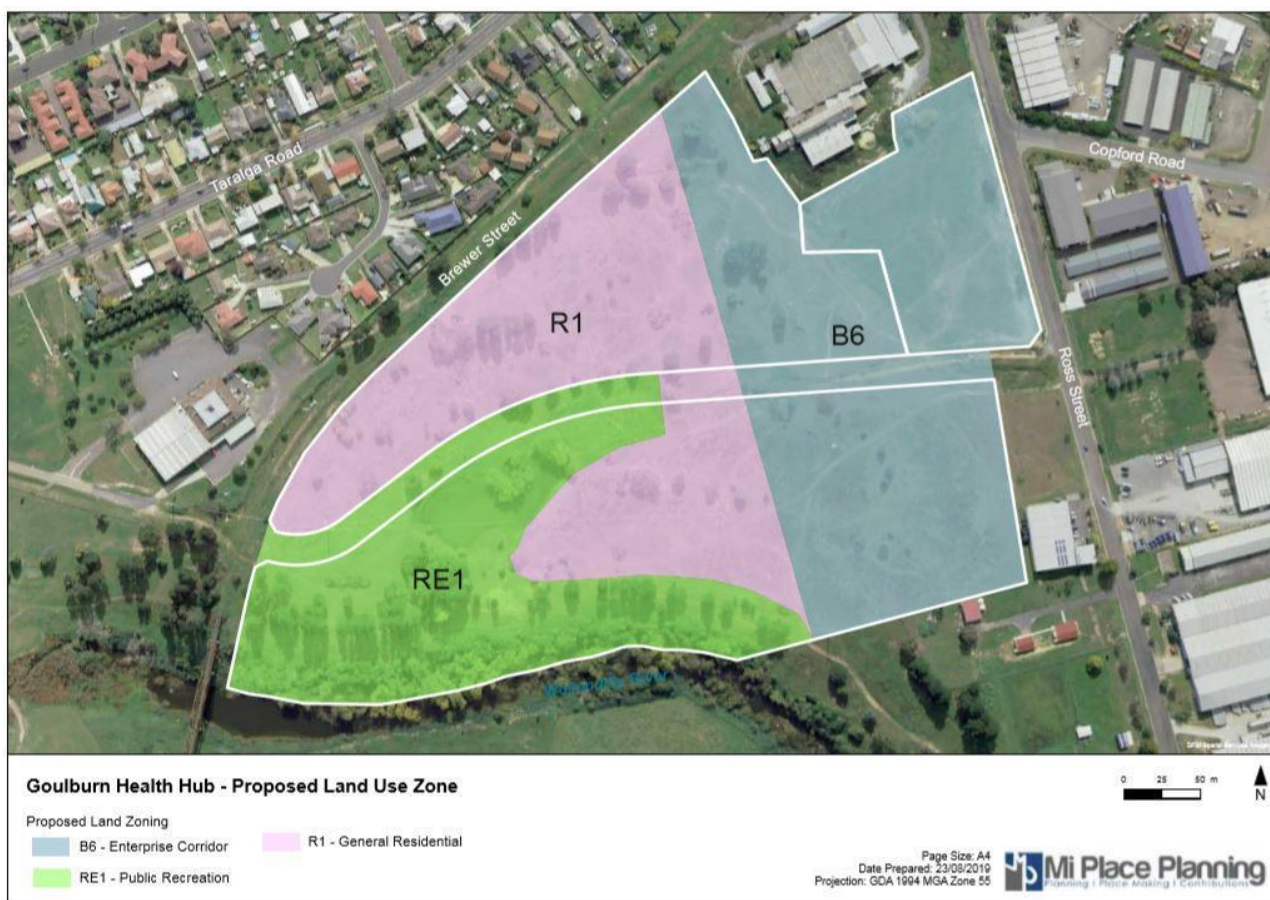


Figure 4: Proposed rezoning

The proposed B6 Enterprise Corridor zone permits **health services facilities** onsite, allowing the proponent to develop non-sensitive medical facilities such as a physiotherapy, as well as acting as a buffer between the Bradfordville industrial precinct and the existing and proposed residentially zoned areas.

The proposed R1 General Residential would allow for general residential development, in lieu of a development of a hospital or aged care facility. The proposed RE1 Public Recreation zone has been slightly enlarged to encompass undevelopable land and land flood prone under a 1% Annual Event Probability flood.

Assessment of Revised Planning Proposal

Strategic Planning is supportive of the revised zoning arrangement as it ensures that any potential land use conflict between existing and proposed residential areas are mitigated by the B6 Enterprise Corridor zone.

All proposed zones allow for development types that are of a low risk nature and suitable for development on land within the Probable Maximum Flood area, but above land that is flood prone in a 1% Annual Event Probability flood. It is acknowledged that this does not eliminate flood risk, however it also does not make it significantly less manageable than the current IN1 General Industrial zone that applies to the land, which can facilitate industrial development.

It is important to note that this proposal does represent a deviation from Council's adopted *Employment Land Strategy*, which supported the original proposal, and a reduction to the total amount of industrially zoned land. However Strategic Planning is satisfied that this variation is justified on the grounds that it addresses serious and legitimate concerns relating to flooding and will substantially reduce the extent of the IN1 Industrial zone that directly fronts the residential areas of Bradfordville.

At this stage no site specific development controls are recommended for the subject area. However site specific controls may be developed if required to address concerns raised by the community or a government agency.

The revised zoning arrangement is considered to be otherwise broadly consistent with the prescribe s9.1 Ministerial requirements for planning proposals and compliant with the requirements of other government agencies.

Conclusion

It is recommended that the alternate proposed zoning arrangement is endorsed for 37 Ross Street and 23 Brewer Street, Goulburn in order to facilitate the development of a mixed residential and health hub precinct.

This new zoning arrangement is considered to satisfy agency concerns in relation to flood risk and a justified variation to Council's *Employment Land Strategy*.



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

15 October 2018

Contact: *Alison Kniha*
Telephone: *02 9865 2505*
Our ref: *D2018/112433*

Mr Nick Thistleton
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Dear Mr Thistleton

REZ/0001/1415 – Planning Proposal – Goulburn Health Hub – Lots 100 & 101 DP 1214244

Thank you for your letter dated 27 September 2018 requesting WaterNSW's comment on the Planning Proposal for the above site. It is understood the Proposal seeks to amend the Goulburn Mulwaree LEP 2009 to rezone land from IN1 General Industrial to SP2 Infrastructure (Health Services Facility).

As the site is within the Sydney drinking water catchment, Section 9.1 Direction 5.2 applies. Under this Direction, Planning Proposals are required to be prepared in accordance with the principle that water quality in the Sydney drinking water catchment must be protected, that the Proposal has a neutral or beneficial effect on water quality, and that future land use be matched to land and water capability.

The Strategic Land and Water Capability Assessment (SLWCA) constraints mapping provides a broad scale assessment of the potential risk to water quality from development. WaterNSW notes the SLWCA mapping identifies the risk to water quality as being Low-High for the Light Industrial Category under which the proposed land use is considered to fall, with the higher risk area along the drainage lines and flood affected areas. It is recommended all construction and infrastructure associated with future development of the site as a health hub is located outside the higher risk areas identified as being flood prone. A SLWCA map is attached for your information.

It should be noted if a Flood Works approval under the *Water Management Act 2000* is required, this will be assessed by WaterNSW (except where the application is an SSD).

Note that all future development of the site will be required to achieve a neutral or beneficial effect on water quality in accordance with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

Council is requested to continue forwarding all Planning Proposals to WaterNSW using the email Environmental.Assessments@waternsw.com.au. If you have any questions regarding this letter, please contact Alison Kniha at alison.kniha@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Malcolm Hughes".

MALCOLM HUGHES
Manager Catchment Protection



NSW RURAL FIRE SERVICE



The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Your reference: REZ/0001/1415
Our reference: R18/1449

02 November 2018

Attention: Nick Thistleton

Dear Sir/Madam,

Planning Proposal - Goulburn Health Hub Planning Proposal

Reference is made to Council's correspondence dated 27 September 2018 seeking comment in relation to the proposed rezoning of Ross Street and 23 Brewer Street, Bradfordville from IN1 General Industrial Zone to SP2 Infrastructure (Health Services Facility) Zone to facilitate the development of the proposed Goulburn Health Hub under the *Goulburn Mulwaree Local Environmental Plan 2009*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- (a) have regard to *Planning for Bushfire Protection 2006*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal and notes that the subject site is not mapped as bush fire prone. However, the following comments are provided regarding the proposal:

- Whilst the subject site is not mapped as bush fire prone it is recommended that future developments have consideration for the provision of emergency management and evacuation management in accordance with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.

Postal address

NSW Rural Fire Service
Planning and Environment Services
Locked Bag 17
GRANVILLE NSW 2141

T 1300 NSW RFS
F (02) 8741 5433
E records@rfs.nsw.gov.au
www.rfs.nsw.gov.au

- It is noted that the existing vegetation located at the southern section of the subject land is proposed to be rehabilitated. Rehabilitation works to the vegetation shall be undertaken in such a fashion that they will not cause the corridor to become a future bush fire hazard.

If you have any queries regarding this advice, please contact Emma Jensen, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Kalpana Varghese
Team Leader
Development Assessment and Planning
Planning and Environment Services (East)



Goulburn Mulwaree Council
Attention: Nick Thistleton
Locked Bag 22
GOULBURN NSW 2001

Dear Nick,

SUBJECT: GOULBURN HEALTH HUB PLANNING PROPOSAL

I refer to your letter dated 27 September 2018 requesting comment regarding a planning proposal to facilitate the rezoning of land, and development of the proposed Goulburn Health Hub on land known as Lots 100 and 101, DP 1214244, 37 Ross Street and 23 Brewer Street, Bradfordville.

The Planning Proposal and supporting documentation detailing the proposed rezoning and development of the Goulburn Health Hub has undergone review for potential health related impacts. Provided the recommendations made in the following documents are adhered to, particularly surrounding further site investigation for contamination, odour control, noise control and potential impact from flooding, this office would raise no objection to the proposed rezoning and development:

- EMM Consulting Planning Proposal
- Zoic Environmental Pty Ltd Preliminary Site Investigation
- Flood Review for Goulburn Health Club Re-zoning, Andrew Wiersma

The development should it proceed will provide additional essential health services and infrastructure to the Goulburn Mulwaree and surrounding Local Government areas, providing positive public health, social and economic outcomes.

Referral of future Development Applications on this sight for the Goulburn Health Hub for review would be appreciated.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned on 0407 060 237 or email tabitha.holliday@health.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tabitha Holliday'.

Tabitha Holliday
Environmental Health Officer

22 October 2018

Murrumbidgee Local Health District
ABN 71 172 428 618
P.O. Box 3095, Albury NSW 2640
Tel 02 6080 8900 Fax 02 6080 8999
Website www.mlhd.health.nsw.gov.au



Office of
Environment
& Heritage

REZ/0001/1415
DOC 18/732947-6

Nick Thistleton
Strategic Planning Projects Officer
Goulburn Mulwaree Council
Locked Bag 22, Goulburn NSW 2580
www.goulburn.nsw.gov.au

Dear Mr Thistleton

Goulburn Health Hub Planning Proposal – Rezoning of 37 Ross Street & 23 Brewer Street Bradfordville, Lots 100 and 101 DP1214244

Thank you for requesting comment from the Office of Environment and Heritage (OEH) on the rezoning from IN1 General Industrial Zone to SP2 Infrastructure (Health Services Facility) for the Goulburn Health Hub. We have provided comments regarding biodiversity, flooding and Aboriginal cultural heritage (ACH) matters only. **Attachment 1** contains more detailed comments on flooding and **Attachment 2** provides detailed comments on ACH matters.

OEH conducted a site visit with council on Wednesday 10 October 2018.

OEH is satisfied regarding biodiversity. The site was severely disturbed, and the plantings intended to occur within the proposed development should improve the site. Our only recommendation is to maintain any native trees where possible.

Flooding

OEH understands that the planning proposal seeks to rezone a site adjacent to the Wollondilly River, to allow for development of 12.45ha of medical and aged care facilities. Council's Wollondilly & Mulwaree Rivers Flood Study (2016) indicates that the entire site is flood prone due to mainstream flooding from the Wollondilly River. In a Probable Maximum Flood (PMF), much of the site forms a floodway of the Wollondilly River, and is subject to high hydraulic hazards with depths well exceeding 2m.

Based on the flood review document, there are a range of issues that require further consideration to enable an assessment consistent with the principles of the Floodplain Development Manual (FDM). The primary critical issues relate to:

- ensuring that risks to life are considered and addressed over the full range of possible floods up to the PMF. This requires consultation with the SES, including an assessment of evacuation logistics; and

- the implications of the full range of floods on flood resilience and recovery, including and assessment of flood hazard, damages and structural requirements of buildings and other infrastructure.

Given the flood hazard on this proposed development site we strongly recommend the approval authority consult with the SES on emergency management and evacuation issues prior to making any further decisions on this rezoning proposal. The approval authority will need to determine whether this proposal represents a tolerable level of risk, particularly for the highly vulnerable land use change proposed. Preferably, such uses should not be located below the PMF where alternative sites are available.

Please see **Attachment 1** for more detailed comments.

Aboriginal Cultural Heritage

OEH recommends that further ACH assessment, including archaeological survey, test excavation and consultation with the Aboriginal community is undertaken at an early stage of the project. This provides more certainty to all parties about the Aboriginal cultural heritage management requirements. All assessment should be undertaken in accordance with OEH guidelines.

The planning proposal application incorrectly indicates that there are no anticipated impacts to ACH. There are two Aboriginal sites in the subject area recorded on the Aboriginal Heritage Information Management System (AHIMS) database that are not considered by the application.

One of the recorded sites contains potential archaeological deposit (PAD). Additionally, it is assessed that parts of the study area contain high potential for archaeological deposits due to the locally elevated location next to the Wollondilly River. Test excavations must be undertaken across all areas of PAD that will be impacted by the proposal to complete the archaeological assessment process. This investigation will establish the nature, extent and significance of the sites and allow appropriate management strategies to be developed.

While an Aboriginal Heritage Impact Permit (AHIP) is not required at the planning proposal stage, OEH cannot commit to issuing an AHIP until we have the results of an archaeological survey, test excavation and the results of any consultation with Aboriginal stakeholders. Therefore, it is recommended that the required ACH assessment is completed early, preferably at the planning proposal stage.

Further comments on ACH matters are provided in **Attachment 2**.

If you have any questions, please feel free to contact Nicola Hargraves on 6229 7195 for matters regarding biodiversity, Julia Maskell (02) 6229 7039 for matters regarding ACH, and Owen De Jong (02) 4224 4164 for matters regarding flooding.

Yours sincerely,



29/10/18

ALLISON TREWEEK 29/10/2018
Senior Team Leader - South East Planning
Conservation and Regional Delivery

(cc: SES - joanne.humphries@ses.nsw.gov.au)

Attachment 1 – Floodplain Risk Management

As the proposed development site is located on flood prone land it should be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM). The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.

The approval authority should consider and be satisfied that the following matters have been adequately addressed with relation to floodplain management:

- the impact of flooding on the development - including local overland flows and the range of possible floods up to the Probable Maximum Flood (PMF);
- the impact of the development on flood behaviour;
- the impact of flooding on the safety of people for the full range of possible floods; and
- the implications of climate change on flooding - particularly increased rainfall intensity on flood behaviour.

From the information provided, it appears that adequate consideration has not been given to flooding, particularly the implications of locating medical and aged care facilities within the floodplain. Specifically:

- The flood review notes that the critical duration of the PMF is 6 hours and contends that this provides sufficient warning time to evacuate. However, critical durations do not reflect actual effective flood warning times. Further, actual extreme flood events of shorter durations may occur which would place vulnerable occupants at comparable risk, but without sufficient warning time to evacuate;
- In suggesting evacuation as a suitable approach to managing flood risk, a range of factors have not been considered, such as the number of occupants requiring evacuation, the inherent vulnerability of occupants within medical and aged care facilities, or the specific needs (e.g. medical equipment, personnel and suitable vehicles etc), challenges, logistics and safety risks associated with evacuating such occupants; and
- Setting floor levels at 1% Annual Exceedance Probability (AEP) + 500mm is ineffective in protecting vulnerable occupants from flood risk, given council's flood study shows the PMF to be in the order of 9m above the floor level recommended in the flood report. This dynamic presents an obvious exceptional circumstance in considering flood hazard, risks to life and the selection of appropriate flood planning levels. Furthermore, the impacts of climate change on flooding have not been considered.

The Goulburn Base Hospital is located on a ridgeline between the Mulwaree and Wollondilly Rivers, on a site which is not flood affected and remains accessible during a PMF (as noted in Council's Flood Study, 2016). It is unclear as to why planning for land to enable future medical facilities would consider locations within high hazard floodplain areas. Evacuation during an extreme flood does not eliminate risks to life, particularly considering the inherent vulnerability of occupants within medical and aged care facilities. This approach may unnecessarily place occupants at risk, which could be avoided through current land use planning decisions.

In addition to the FDM there is a suite of technical guidelines available to support councils. In managing flood risk in areas where the PMF is significantly greater than the design flood event such as in Goulburn, reference should be made to the Hawkesbury Nepean guidelines on

land-use planning, sub-division and building. This guidance can be found at: <https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-guidelines>

Council, with technical and financial support from OEH is preparing its Wollondilly and Mulwaree Rivers Floodplain Risk Management Study and Plan (FRMS&P). This is considered as an appropriate approach to inform management of existing and future flood risk including strategic land-use planning.

Attachment 2 – Aboriginal Cultural Heritage

Details on the previously recorded sites and PAD located in the subject area.

Two previously recorded sites on the AHIMS database locate in the subject area. These were not identified in the planning proposal application. The planning proposal application relies on a 2005 report from the Pejar Local Aboriginal Land Council (LALC) to make the assessment. The recorded sites in the subject are:

- 51-6-0240 – Ross Street 1 (surface artefact scatter, recorded in 2005 by the Pejar LALC); and
- 51-6-0657 – WR-OS-7, pole 40 (subsurface artefact and associated PAD, recorded in 2009 by Mills Archaeological and Heritage Services Pty Ltd).

Additionally, it is assessed that parts of the study area contain high potential for archaeological deposits due to the locally elevated position next to the Wollondilly River.

Previous geomorphological assessment has been completed at Aboriginal site, 51-6-0656 (WR-OS-6, pole 39). This site, while not in the study area, is located in a similar landform, approximately 200 metres to the southeast. The geomorphological assessment indicated that the upper sequence of deposits in the area may contain windblown sands, which probably date to the last 20 000 years (Barham in Mills and Kuskie 2011:139). While the deposits may date to the last 20 000 years, the Aboriginal objects located in the sequence are likely to be Holocene (dating between approximately 10 000 years ago to present) in age (Barham in Kuskie 2009:139-140). These findings have implications for subsurface archaeological deposits in the study area.

OEH guidelines

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.* OEH 2011. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>
- *Code of practice for archaeological investigation of Aboriginal objects in New South Wales,* DECCW 2010. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf>
- *Aboriginal cultural heritage consultation requirements for proponents 2010.* DECCW 2010. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>
- *Applying for an Aboriginal Heritage Impact Permit guide for applicants,* OEH (2011). Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>

References

Mills, R. and P. Kuskie 2011 Report on sub-surface archaeological testing at pole locations on the Rocky Hill transmission line, Goulburn NSW. Unpublished report to Country Energy. AHIMS ID: 102280.



DOC18/747124-1

Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Attn: Nick Thistleton
Via Email: Nick.Thistleton@goulburn.nsw.gov.au.

Dear Mr Bennett

Thank you for the opportunity to comment on the planning proposal to rezone land at 37 Ross Street and 23 Brewer Street, Bradfordville.

After a review of the documentation it is noted that there is a State Heritage Register item, Riversdale, that is located at Maud Street, south of the site. Please note that a heritage assessment, including an archaeological assessment, may be needed at such time a development proposal is submitted. The assessment should outline any potential heritage impacts and how they will be avoided, minimised and/or mitigated.

Should you have any enquiries please do not hesitate to contact Nicole Secomb, Heritage Programs Officer on 02 9873 8532 or nicole.secomb@heritage.nsw.gov.au (Tues, Thurs, Fri).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rochelle Johnston'.

ROCHELLE JOHNSTON
Manager – Statewide Programs
Heritage Division

12 November 2018

PO Box 3720 Parramatta NSW 2124
10 Valentine Ave. Parramatta NSW 2150
Tel: (02) 9895 6211 Fax:
ABN 30 841 387 271
www.environment.nsw.gov.au



Mr Nick Thistleton
Goulburn Mulwaree Council

Nick.Thisleton@goulburn.nsw.gov.au

1st April 2019

Dear Nick

As previously discussed, Mr Robert Bell (Bob) NSW SES Local Commander for the Goulburn Mulwaree LGA and myself met with Mr Todd and Ms Ashton on 13 December 2018 regarding the planned rezoning of land in Ross Street for the purpose of further developing the Goulburn Health Hub. The NSW SES had some concerns about this proposed rezoning of flood prone land for use such as the Health Hub given the inevitable vulnerability of residences within such a facility.

Following are some primary Emergency Management Principles that guides NSW SES strategy in regards to response during flood events –

- The NSW SES's primary response strategy to combat the effects of flooding on a community is to evacuate an at-risk community out of the at-risk area to an area not exposed to or surrounded by flood water (State Flood Plan, part 5).
- Self-evacuation of the affected community should be achievable in sufficient time before the onset of a flood, should be by vehicle where feasible, with pedestrian evacuation as a backup option, and must not require people to drive or walk through flood water.
- The NSW SES is opposed to development controls that require private or site-specific flood evacuation/emergency plans to address the flood risk to future occupants.
- The NSW SES supports and encourages development controls that results in critical and sensitive land uses being located on land above the probable maximum flood (PMF).
- Strategies relying on an assumption that mass rescue may be possible, where evacuation either fails or is not implemented, are not acceptable to the NSW SES.
- The NSW SES does not encourage development controls that require a developer to provide areas of buildings that enable occupants to shelter in place, rather than enabling evacuation, in order to overcome future flood risk.

With the above principles in mind both Bob and I discussed the following concerns in regards to this proposal with Mr Todd and Ms Ashton –

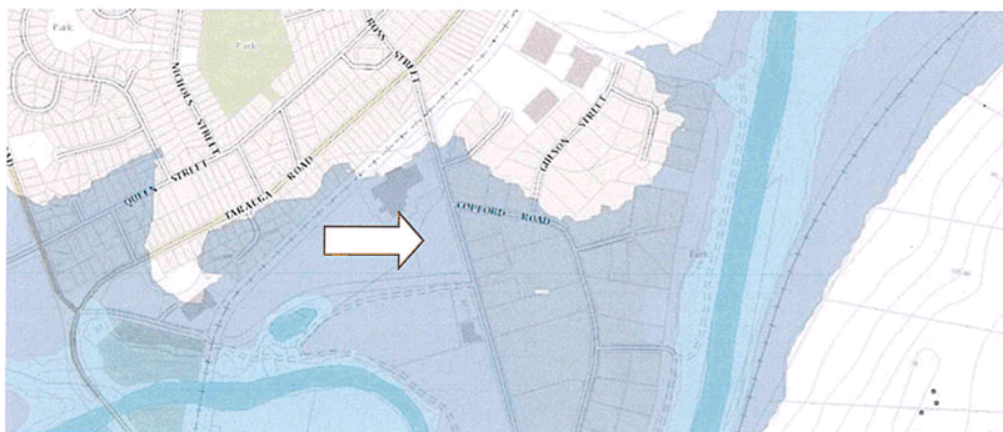
- From the map below which shows both the 1% AEP Flood (light blue) and the PMF (darker blue) it can be seen that 37 Ross Street is on the border of the 1% and clearly within the



**SOUTHERN HIGHLANDS REGION
HEADQUARTERS**
56-58 Knox Street, Goulburn NSW 2580
P (02) 4828 5555 F (02) 4828 5550
E shr.admin@ses.nsw.gov.au
www.ses.nsw.gov.au
ABN: 88 712 649 015



PMF extent. And while events above the 1% may be considered rare it is interesting to note that the recent Townsville flood was determined to be a 0.2% (1 in 500 year) AEP, and that the event in Dungog in 2015 where 3 people died was a 0.1% (1 in 1000 year AEP), so these events are possible. Given the potential vulnerability of the occupants I believe that setting floor levels at 1% AEP + 500m will be ineffective in protecting future occupants from the flood risk.



- Mr Todd stated that as part of the Development Application they would prepare a "Flood Emergency Management Plan (FEMP) in conjunction with the SES". The NSW SES does not have the resources to service such a huge task across all NSW, where developers are seeking input for private developments, and has no other choice than to refuse requests from an applicant for the SES to review their plan. The NSW SES is not required to incorporate any such private site plans into their overall Flood Plans. There is no legislative basis to ensure the upkeep of such private plans. Council should also *"be aware that the issue of private flood plans as a consent condition has been tested in the NSW Land and Environment Court and the policy of the SES has been recognised as valid"* (reference N7.2 Floodplain Development Manual)
- When considering where occupants may be evacuated to have the following been considered?
 - How many occupants will need to be evacuated? At the meeting of 13 December Ms Ashton was not able to provide this detail.
 - Who will evacuate the occupants?
 - How will these occupants be transported, considering that many may have medical or mobility issues? Mr Todd did mention that there is a bus company located next to the proposed site. Is Mr Todd aware that local bus companies



already have commitments within the endorsed Local Flood Plan and may not be available to assist depending on competing priorities?

- Where is it intended to evacuate these occupants to? Is this facility set up to manage the specific medical needs of vulnerable evacuees? The Goulburn Hospital may not be able to accept extra patients with specific medical needs.
- The Health Services representative on the Local Emergency Management Committee may need to be consulted.

I appreciate that you have given the NSW SES the opportunity to provide detail on some of our initial concerns and while it is acknowledged that the NSW SES does not have the authority to refuse or stop such as application, the NSW SES would urge Goulburn Mulwaree Council to consider the precedent that could be set by approving the use of identified flood prone land for use specifically by vulnerable facilities.

Regards

A handwritten signature in black ink, appearing to read 'Joanne', with a large, stylized flourish extending from the bottom left.

Joanne Humphries
Coordinator Planning
NSW State Emergency Service, South East Zone