



Your ref: PP-2022-1940  
Our ref: DOC25/67445

Dialina Day  
Senior Strategic Planner  
Goulburn Mulwarree Council  
Locked Bag 22  
GOULBURN NSW 2580

By email: [dailina.day@goulburn.nsw.gov.au](mailto:dailina.day@goulburn.nsw.gov.au)

Dear Dialina

**Subject: 515 Crookwell Road, Kingsdale – PP-2022-1940**

Thank you for the opportunity to review the Planning Proposal for 515 Crookwell Road Kingsdale (the Proposal). Conservation Programs, Heritage and Regulation (CPHR), formerly Biodiversity, Conservation and Science (BCS) has reviewed the documents included with the Proposal, including the updated Preliminary Biodiversity Development Assessment Report (PBDAR), the Development Control Plan, and other documents relating to flooding.

The planning proposal involves the rezoning of flood prone land to residential use and therefore should be considered in accordance with *Section 9.1(2) Local Planning Direction 4.1 Flooding* and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM). As presented, the proposal to rezone the entirety of the floodplain areas across the site, which includes floodway and flood planning area is inconsistent with the local planning direction and will need to be addressed to ensure consistency of land use zones with the direction. The Flood Impact and Risk Assessment (FIRA) supporting the referred planning proposal should specifically demonstrate consistency with the local planning direction and be updated to address how adverse flood impacts will be managed on-site including public safety risks and emergency management issues. A comprehensive FIRA will support council as the planning proposal authority, to be able to demonstrate it has determined the proposal in a manner that is consistent with the objectives of the Ministerial Direction and FRMM.

Our detailed comments relating to biodiversity and flooding issues are included in **Attachment 1**. If you have any further questions, please contact Nat O'Rourke, Team Leader Planning, at [rog.southeast@environment.nsw.gov.au](mailto:rog.southeast@environment.nsw.gov.au).

Yours sincerely

Allison Treweek 14/02/2025  
**Senior Team Leader Planning**  
**Conservation Programs, Heritage and Regulation**

## **Attachment 1 – Detailed Comments**

### **Biodiversity assessments and reporting**

The updated PBDAR briefly describes targeted fauna surveys undertaken for the purpose of progressing the planning proposal. The PBDAR determined that due to the reported disturbed condition of the site and lack of suitable habitat features, that there was low potential for threatened fauna to occur on site. CPHR notes that these surveys are insufficient to definitively exclude species, as they used inappropriate methods and were conducted outside of survey windows. Many species of threatened grassland fauna are known to use area of low condition vegetation and non native vegetation. We recommend that Council request an updated biodiversity assessment report to accompany any development application(s) within the site. Items needing to be addressed in any future biodiversity assessment report include:

- An assessment of the proposed development against Biodiversity Offset Scheme entry triggers;
- Consideration of prescribed impacts, including threatened flora and fauna that may occur in non-native and highly modified vegetation; and
- Include and discuss the results of any targeted surveys undertaken for threatened species.

### **Appropriate Zoning**

The proposal nominates C2 Environmental Conservation as appropriate zoning for areas containing retained vegetation. A Vegetation Management Plan (VMP) is also proposed for this area, as suggested in the PBDAR. The VMP should detail appropriate management practices in areas of retained vegetation, including installation and use of paths and other infrastructure, mowing regimes for example. We are available to assist in the review of any VMP.

### **Development Controls**

The Planning Proposal suggests that the draft Sooley Development Control Plan (DCP) will protect important environmental features and other considerations. CPHR has reviewed the environmental controls in the DCP. For the Proposal to meet the key principle of Avoid under the *Biodiversity Conservation Act 2016* (BC Act), the biodiversity values to be retained onsite need to be protected long term, taking into consideration the proposed future use of the site following rezoning. The Planning Proposal includes provisions for “Opportunity Land” which incorporates lands earmarked to fall under a Vegetation Management Plan (VMP). The DCP contains suitable provisions for the development and implementation of a VMP.

### **Floodplain Risk Management Comments**

Reference is made to the following documents provided through the planning portal for the planning proposal on 17 December 2024 (PP-2022-1940):

- Flood Impact & Risk Assessment - CivPlan - 13 June 2024 (FIRA).
- North Goulburn Planning Proposals - Overland Flooding Affection of Roads (Worley) - 13 Sept 2024.
- Cover Letter for Application for Planning Proposal - 515 Crookwell Road, Kingsdale - Precise Planning - 27 May 2022.
- Sooley Precinct DRAFT DCP 2019.
- Civil Engineering Preliminary Concept Design Plans - CivPlan - 13 June 2024.
- Preliminary Site Investigation - CivPlan - 28th October 2021.
- Concept Subdivision Plan for 407 & 457 Crookwell Road, Kingsdale - August 2023.

Flood Data Maps - Velocity & Depths for 5% AEP, 1% AEP and PMF.

The planning proposal seeks to rezone flood prone land from C3 Environmental Management to R5 Large Lot Residential and therefore should be considered in accordance with *Section 9.1(2) Local Planning Direction 4.1-Flooding* and the NSW Government’s Flood Prone Land Policy as set out in

the Flood Risk Management Manual (FRMM) 2023. 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.

Further information about the Flood Risk Management Manual and supporting guidance can be found here: [Flood Risk Management Manual | NSW Environment and Heritage](#) & [Understanding and Managing Flood Risk | NSW Environment and Heritage](#)

Further information on applying flood risk information to planning processes can be found: [Planning circular – PS 24-001 Update on addressing flood risk in planning decisions \(nsw.gov.au\)](#)

The Flood Impact and Risk Assessment (FIRA) supporting the planning proposal shows several tributaries of the Wollondilly River traversing the site which includes floodplain areas associated with overland flooding to be rezoned as residential use. The flood maps showing the proposed lots to be rezoned to R5 raises a potential inconsistency with the provisions of the direction due to the proposed blanket residential zoning approach over the floodplain areas.

The FIRA has elected the use of modelling methodology, model parameters and software that is inconsistent with Council's adopted study, the 2022 Goulburn Mulwaree Floodplain Risk Management Study and Plan (FRMSP). The modelled 1% AEP result and validation assessment (s4.7 FIRA) show discrepancies with the adopted FRMSP and extents of the 2022 Overland Flow Flood Study used as validation in the FIRA. To avoid doubt in the veracity of the new model, the FIRA would benefit from demonstrating appropriate flood information has been used to define relevant floodplain areas identified in the local planning direction. The elements that are not currently identified or considered in the FIRA include:

- The flood planning area and flood function of the flowpath;
- The flood impacts over the full range of events up to and including the probable maximum flood (PMF) including cumulative development impacts of rainfall runoff in frequent events;
- The impacts to the concurrent planning proposal immediately downstream to the south;
- The implications of climate change on flooding and the development; and
- An assessment of flood risk over the full range of events including public safety risks and emergency management issues.

To adequately address the local planning direction, the FIRA should be updated to enable the planning authority to make an informed decision on the flood related risks of the proposal. The FIRA should include the following matters:

- The impact of flooding on the proposed development and the impact of the proposed development on flood behaviour. This includes offsite flood impacts particularly downstream due to land use and landform changes.
- The impact of flooding on the safety of people for the full range of floods including issues linked with isolation and accessibility for emergency services during times of flood. This should also address issues raised through consultation with the NSW SES on flood emergency management.
- Assess the effectiveness of the proposed management measures required to minimise the impacts of flooding to the development and off-site impacts.
- Provide appropriate setbacks and zoning that is compatible with the flood function, natural flow paths and Goulburn Mulwaree Local Environmental Plan 2009 for flood risk, riparian land and watercourse environment objectives noting waterway areas of the currently zoned C3 areas include environmentally sensitive land with high conservation value.
- Propose adequate flood planning levels considering flood risk, the implications of climate change, cumulative development impacts, and inherent flood estimation variability and uncertainty.
- Dam safety requirements including any implications for the upstream dam by placing people, property, and infrastructure downstream. The FIRA states that the dam is proposed to be retained and refers to figures (Figure 3 page 7 and Appendix A, Drawing Number 20027-403

& 20027-406) showing the existing dam to be infilled and compacted. Clarity on the conflicting information and the proposed number of dams to be retained should be sought. Given the dam is not a formal flood mitigation structure, the dam should not be used to attenuate downstream flood behaviour for flood planning, however it should address the potential of dam break on flooding downstream should it be retained as per the draft Sooley Precinct DCP.