

Your Ref: PP-2021-7390
Our ref: DOC23/19578-7

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

By email: david.kiernan@goulburn.nsw.gov.au

Dear Mr Kiernan,

Subject: PP-2021-7930 to amend Goulburn Mulwaree Local Environmental Plan 2009

The Department of Planning and Environment (DPE) - Biodiversity and Conservation Division (BCD) has reviewed the documents provided with this application.

We advise that as the planning proposal involves the rezoning of flood prone land, it needs to be considered in accordance with Local Planning Direction 4.1 Flooding, issued under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, and the NSW Government's Flood Prone Land Policy as set out in the *Floodplain Development Manual* (2005). 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.

As significant parts of the area covered by this planning proposal can be impacted by flooding and many sites have the potential to be full inundated, it will pose a significant flood risk posed to future occupants. It is not clear if flood access or evacuation is possible, there is no evidence of consultation with the NSW State Emergency Service (SES) and the planning proposal has not addressed the requirements of the section 9.1(2) Local Planning Direction 4.1 and the *Floodplain Development Manual*.

As such, BCD **objects** to the planning proposal as presented. Attachment A sets out detailed comments on the planning proposal including guidance to enable the planning proposal to be progressed in a manner consistent with the requirements of the section 9.1(2) Local Planning Direction 4.1 through the preparation of a Flood Impact and Risk Assessment.

If you have any further questions about this issue, please contact Mr John Bucinkas, Senior Team Leader Water, Floodplains and Coast, South East on 4224 4153 or at john.bucinkas@environment.nsw.gov.au.

Yours Sincerely



7/02/2023

Michael Saxon
Director South East, Biodiversity and Conservation Division
Environment and Heritage Group

ATTACHMENT A – Detailed comments on planning proposal - 137 Brisbane Grove Rd, Goulburn NSW

Floodplain Risk Management Comments

We have reviewed the Planning Proposal dated October 2022 and Water Cycle Management Study dated 23 November 2021 (supplied as Appendix 7a of the proposal) and have identified issues relating to the adequacy of flood investigations and consistency with Local Planning Direction 4.1 Flooding, issued under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, and the principles of the Floodplain Development Manual (2005). There is no Flood Impact and Risk Assessment (FIRA) accompanying the proposal, and the following key flood risk issues have not been assessed:

- The impact of flooding on the proposed development;
- The impact of the proposed development on flood behaviour (particularly downstream flood impacts as a result of potential encroachment into the floodplain, land use and land form changes);
- The impact of flooding on the safety of people for the full range of floods including issues linked with evacuation;
- The implications of climate change on flooding; and
- The implications of the full range of possible floods up to the Probable Maximum Flood (PMF).

The Water Cycle Management Study does not demonstrate consistency with the section 9.1(2) Local Planning Direction 4.1. While the proposal seeks to apply a C2 Environmental Conservation Zone to some drainage corridors and flood prone areas to maintain the biodiversity in the area, the Water Cycle Management Study has not addressed the requirements of the section 9.1(2) Local Planning Direction 4.1.

We note that the Water Cycle Management Study considered the 1% Annual Exceedance Probability (AEP) local tributary design event. However, the assessment is not clear in demonstrating flooding from the larger catchment and co-incident flooding from the tributary. As such, the modelling is inadequate in assessing flood behaviour for the 1% AEP design flood event, climate change, establishing a flood planning area and incomplete in assessing flood risk over the full range of events up to the Probable Maximum Flood (PMF).

It is also unclear if the flood modelling considered the range of factors that effects flood behaviour. The study should address the potential for flood impacts to be caused by the development, including likely landform modifications in accordance with the requirements of the section 9.1(2) Local Planning Direction 4.1. The study should also consider factors impacting flood behaviour (including levels and flows) such as rehabilitation of the riparian corridor to ensure longer term ecologically sustainable outcomes for the waterway as well as impacts of climate change. Council should also consult further with the NSW Department of Natural Resources Access Regulator (NRAR) on the suitability of land-use zones for watercourses and establish suitable development setback requirements from watercourses and riparian lands in addition to flood hazard considerations.

The Water Cycle Management Study has elected to use *Australian Rainfall and Runoff: A Guide to Flood Estimation* (2019) methodologies to model the local catchment. The assessment lacks adequate investigations into the suitability of this methodology and into the consequent implications on flood risk. Council should ensure that the FIRA supporting this planning proposal appropriately compares with best available information including Council's adopted flood studies and Floodplain Risk Management Studies and Plans (FRMS&P) prepared under the NSW Floodplain Management Program.

Council's adopted FRMS&P shows that a large section of this area would be fully inundated in the PMF. This has implications to the safety of future occupants of that land including and the need to assess emergency management risks and requirements such as evacuation. The planning proposal provides no evidence or information regarding emergency management or evacuation

planning of the floodplain or consultation with the NSW State Emergency Service (SES). As such the public safety implications of the planning proposal are not clear and require further assessment.

To address the flood related issues, this planning proposal needs to be supported by a FIRA that demonstrates consistency of the planning proposal with the requirements of the section 9.1(2) Local Planning Direction 4.1 and the *Floodplain Development Manual*. Further guidance material for preparing a FIRA can be found at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Floodplains/flood-risk-management-impact-risk-assessment-220057.pdf>

As there appears to be quite a number of planning proposals being recently referred on large areas of nearby lands, the cumulative impact of floodplain development in this area, particularly flood emergency access, is not clear. It would be useful for strategic planning outcomes, for Council to provide an overall plan of future rezonings with its planning proposals and to update its FRMS&P to understand and strategically manage associated and cumulative flood risks, preferably prior to allowing further floodplain development.

Summary

As significant parts of the area covered by this planning proposal are impacted by flooding and many sites could be fully inundated in floods up to the PMF, there is a significant flood risk posed to future occupants. There is little evidence that the public safety risk from an emergency management perspective has been considered including flood access, evacuation or consultation with the SES. Overall, the planning proposal has therefore not demonstrated consistency with the section 9.1(2) Local Planning Direction 4.1 or the *Floodplain Development Manual*. As such BCD has no choice but to object to the planning proposal as presented. BCD trusts that this advice provides sufficient guidance upon which a FIRA can be prepared to support this planning proposal.

If further technical advice is required on floodplain risk management issues, Council or the determining authority for this planning proposal should not hesitate to contact BCD.

Biodiversity Comments

The report provides sufficient evidence that there is no significant threatened species habitat on the site.

Given that the development does not occur on land identified by the Biodiversity Values Map and it will impact on less than 0.1ha of native vegetation, the development does not require a Biodiversity Development Assessment Report (BDAR).

Based on the information presented in the application, the conclusion presented that there is minimal risk of harm to threatened species and communities, appears reasonable. There is sufficient detail provided to support the zoning requested.