

Mr Scott Martin
Interim Chief Executive Officer
Goulburn Mulwaree Council
council@goulburn.nsw.gov.au

13 November 2024

Subject: Planning proposal PP-2024-295 to amend Goulburn Mulwaree Local Environmental Plan 2009

Dear Mr Martin

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone and amend the minimum lot size at 'Allfarthing', 2 Brisbane Grove Road, Goulburn.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should not proceed. I have made this determination for the following reasons:

- The planning proposal is not considered to be consistent with the South East and Tablelands Regional Plan 2036 (Directions 16: "... increase resilience to natural hazards" and 28: "Manage rural lifestyles") or 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. I am not satisfied the inconsistencies have been sufficiently justified.
- The planning proposal poses an unacceptable risk to future residents/occupants, as well as to emergency services workers, due to the risk associated with isolation of the site due to flooding of Braidwood Road including for approximately 23 hours during the 1% Annual Exceedence Probability (AEP) flood event. This time period is excessive and far exceeds the shelter in place period maximum in the draft State flood policy.
- 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 need for increased government investment on emergency management services, flood mitigation and emergency response measures.

It is recommended that Council consider reviewing the suitability of the Brisbane Grove Precinct for large lot residential development in Council's Urban Fringe and Housing Strategy. It is unlikely that the Department would support other similar proposals with long isolation periods relying on shelter in place, associated risks to future residents/occupants and emergency services workers and potential to significantly increase the need for government investment on emergency management services, flood mitigation and emergency response measures.

As discussed at the 25 July 2024 meeting with Council staff, the necessary infrastructure upgrades to achieve flood free access to the Brisbane Grove precinct are highly unlikely to be funded by the low yields of development currently proposed for the area under Council's housing strategy.

The Department is available to meet with Council to discuss the provision of alternate residential development opportunities in the Goulburn area if required.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis, Senior Planner, Southern, Western and Macarthur Region to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Thompson", with a long horizontal flourish extending to the right.

Daniel Thompson
A/Executive Director
Local Planning and Council Support

Encl: Gateway determination