

## **Addendum to Planning Proposal Zoning and Minimum Lot Size Changes for Culcairn – May 2020**

This document will address issues that have been raised by the Department of Planning, Industry and Environment (the Department) which have prevented the granting of a Gateway Determination for Councils Planning Proposal for zoning and minimum lot size changes for Culcairn (the planning proposal).

The following issues are to be addressed include flood planning, sewer implications including buffer around treatment works and capacity of the treatment works, demonstration for demand for the land, addressing Ministerial Directions, bushfire, discussing further any inconsistency with the Greater Hume Local Strategic Planning Statement and land contamination.

### **Flood Planning**

The planning proposal shows figures 8 and 9 which are both sourced from the Culcairn Floodplain Risk Management Study and Plan and indicate that all candidate sites are effected by the 1%AEP flooding to some degree. Council requests that the Department consider Figure 3 (attached) also from the Culcairn Floodplain Risk Management Study and Plan. Figure 3 shows key locations and flood hotspots and has been trimmed to remove all depths for the 1% AEP event that are less than 100 mm. When the candidate site are compared against this Figure it can be seen that all of these sites are only partially effected to flooding at the 1% AEP and only to a depth 0.1-0.5 metre. Figure 14 (attached) is the Flood Planning Area and Levels, perusal of this figures show that all of the candidate sites are partially within a Flood Planning Area which has either a free board of 150 mm to 300 mm. Given that the inundation by the 1% AEP is minor at 0.1 to 0.5 metres and there is a modest free board it is considered by Council that dwellings constructed on the candidate sites can quite easily achieve a floor height that is above the flood planning level.

It is advised that the Culcairn Floodplain Risk Management Study and Plan also test amelioration strategies for the management of risk and put forwards priorities and approximately costed recommendations in regards to flood risk management at Culcairn.

On page 63 of the Culcairn Floodplain Risk Management Study and Plan there is a discussion regarding combined option S2/A7/A8 – Stopping Billabong Creek Flood Affection to prevent Culcairn flooding from Billabong Creek for events up to and including the 1% AEP event. The works would include S2 Blockage of the Billabong Creek anabranch in two locations to stop Creek breakouts and flow through town and A7 & A8 construction of a non-return valve on the Gordon Street and Gamble Street drains. The costs to undertake works to complete S2/A7/A8 are quite modest and Council is proceeding with obtaining detailed designs to undertake the work.

It is indicated that the combination of S2/A7/A8 results in the elimination of flood affection in Culcairn from Billabong Creek flood events which is shown Figure H9 (attached). It is conceded that flooding from local overland flow in Culcairn will not be mitigated by this measure. Council has been advised from the Department that overland flows are treated differently to creek flooding and do not result in the generation of a Flood Planning Area. Consequently if the work S2/A7/A8 is completed by Council there will not be a Flood Planning Area for Culcairn.

The areas of land to be rezoned affected by overland flow which will include CU1 and CU4 will have development which will have finished floor heights set above the known height of the overland flow which from figure 3 is only in the range of 0.1m to 0.5 metres.

### **Culcairn Sewerage Treatment Works Capacity to treat additional volumes as a result of increased development**

Council has been requested to clarify whether the Culcairn Sewerage Treatment Works has sufficient capacity to treat additional inflow that will arise should additional land be rezoned to residential purposes.

It is advised that NSW Public Works Advisory has recently produced the Greater Hume Council Integrated Water Cycle Management Strategy Issues Paper (IWCM Issues Paper) which is the first component in the production of Greater Hume Councils Integrated Water Cycle Management Strategy. This document is a Local Water Utility's (LWU) 30 year strategy that it identifies:

- the water supply and sewerage needs of a LWU;
- 'Right sizes' any infrastructure projects and determines their priority;
- Identifies the lowest level of stable Typical Residential Bill (TRB) to meet the levels service;
- Includes a 30-year Total Asset Management Plan and Financial Plan.

There are population and demographic projections that are contained within the IWCM Issues Paper and for Culcairn the modelling that has been performed is based on a growth rate of 1% per annum. The projected number of occupied dwellings within Culcairn is to rise from 439 in 2019 to 592 in 2049. With the population rising from 1050 in 2019 to 1415 in 2049. Based on these projection the IWCM Issues Paper provides the following commentary with respect to Culcairn STP Performance:

The hydraulic load on Culcairn STP is not expected to exceed the STP capacity of 288 kL/day in the next 30 years. However, the biological load on the STP is estimated to exceed the STP capacity of 84kg/day around 2040.

Council believes that the IWCM Issues Paper is a credible source and can be relied upon to demonstrate that there is sufficient capacity at the Culcairn Sewerage Treatment Works to support further development.

### **Sufficient buffer distance around the Culcairn Sewerage Treatment Works**

There is a concern that that there will be an insufficient buffer distance around the Culcairn Sewerage Treatment Works CU1 as a result of rezoning from RU1 Primary Production to RU4 Primary Production Small Lots.

It is advised that Councils engineering staff have considered the need for a buffer around the Culcairn Sewerage Treatment Works and they nominated a distance of 400 metres as being acceptable.

In candidate site CU1, Lot 5 DP 250901 is the allotment which is closest to the Culcairn Sewerage Treatment Works. This is a freehold allotment which is owned by Council. The width of the allotment relative to the sewerage treatment works is 530 metres. Subject to the rezoning of this land Council will undertake a subdivision to remove 70 metres of land from the allotment on the eastern side of the allotment. This land will be available for future expansion of the Culcairn Sewerage Treatment Works.

The remaining portion of land will be available for subdivision consistent with candidate site CU1. Council will develop the subdivision to ensure that no residences will be developed within the 400 metre buffer distance from the Culcairn Sewerage Treatment Works, which could be achieved through the imposition of a restrictive covenants.

#### **Demand for the Land proposed to be Rezoned –A situational Assessment**

There has not been a residential subdivision undertaken in Culcairn since 2004 where Council created a 20 lot subdivision. The lots were sold progressively between 2004 and 2007 with the last lot being sold in October 2007 which is an average of 5 to 6 lots per year. The lots in the above subdivision ranged from 993 sqm to 1,334 sqm.

In the past 10 years 20 (10 in the last 5 years) new homes have been constructed predominately on infill lots. This has resulted in most of the better infill lots being built upon.

A search of realestate.com.au on Thursday 2 July 2020 indicated that currently there wasn't any residential allotments listed for sale in Culcairn.

It has been Councils experience from sale of residential land in Culcairn and the neighbouring Walla Walla that prospective new home builders are drawn to new estates in favour of infill development.

Council has revised Table 1 from the planning proposal to provide a reduced estimated lot yield for the candidate site.

Location	Area	Intended Outcome	Estimated Lot Yield	Qualification on yield calculation
Baird Street (CU1)	40 hectares	RU4 Primary Production Small Lots 4 ha MLS	11	Council has reduced the area to be developed as RU4 within Lot 5 DP 250901.
Railway Parade (CU2)	15 hectares	RU5 Village 600 m <sup>2</sup> MLS	70	Note a portion of this area is preferred in the SLUP for industrial development.  The yield for the residential component is based on a typical density for a country town of 10 lots per hectare.
Walbundrie Road (CU3)	10 hectares	RU5 Village 600 m <sup>2</sup> MLS	33 lots	This candidate site is to be developed by Council in stages. Until the land is needed it will be used for agricultural.  Council will develop the land with a range of land sizes from 1000 m <sup>2</sup> to 2000 m <sup>2</sup>
Balfour Street (CU4)	5 hectares	R2 Low Density Residential	5 lots	The land has native vegetation. The cost of removing the vegetation will likely restrict the lot yield in this candidate site.

As mentioned candidate site CU2 is intended to be partially developed for industrial land where the lot size will be bigger than 600 m<sup>2</sup>. It is currently surrounded on three sides by development other than agriculture. The site will continue to be used for limited agricultural activity until needed for development.

Council considers that the amount of land requested to be rezoned is appropriate given the scarcity of land that is available for residential development in Culcairn. The candidate sites will provide a range of lot sizes which will appeal to potential purchasers of land.

### **Risk of Bushfire on Candidate Sites**

It is advised that Council has perused the bushfire planning map and it appears that none of the candidate sites are shown upon that map as being impacted upon by bushfire. Notwithstanding that the candidate sites are not mapped as being affected by bushfire they maybe subject to grassland fires and candidate site CU4 could be impacted upon by woodland fires.

Council has reviewed Planning for Bush Fire Protection 2019 and notes for strategic planning it is necessary to identify whether new development is appropriate subject to the identified bushfire risk on a landscape scale. It is noted that Planning for Bushfire Protection 2019 states:

*The ability of proposed land uses and associated future developments to comply with PBP will be assessed at the strategic planning stage. The expectation will be that the development will be able to comply with PBP at the DA stage.*

To comply with the abovementioned expectations Council has reviewed the bushfire risk of the candidate sites which is discussed for the respective candidate sites. This review has involved considering Appendix 1 Site Assessment Methodology of Planning for Bushfire Protection 2019 determining the vegetation formation in all directions around the candidate site over a distance of 140 metres and considering the slope of the land for a distance of 100 metres.

### **Bushfire assessment CU1**

It is anticipated that CU1 could be exposed to grassland fire originating from the North and the East and the topography is flat land. The fire risk in the other directions has been discounted as it has not been possible to determine a predominate vegetation formation due to the landscape being dominated by urban infrastructure.

From the North and East the predominate vegetation formation maybe grassland which is defined by Planning for Bushfire Protection 2019 as follows:

#### *Grassland*

*Maritime Grasslands Temperate Montane Grasslands, Western Slopes Grasslands, Riverine Plain Grasslands and Semi-arid Floodplain Grasslands.*

*Dominated by perennial grasses and the presence of broad-leaved herbs on flat topography. Lack of woody plants.*

*Plants include grasses, daises, legumes, geraniums, saltbushes and copperburrs.*

Section 7.9 of Planning for Bushfire Protection 2019 contains grassland deeming provisions which have been developed in recognition of the characteristics of grassland fire behavior. It indicates that where an APZ of 50 metre can be provided then no further Bushfire Protection Measures are required.

Candidate site CU1 is seeking rezoning from RU1 primary production to RU4 Primary Production Small Lots where the minimum lot size for the erection of a dwelling will be 4 ha. There is no question that at this minimum lot size an APZ of 50 metres can be provided at development assessment stage.

#### **Bushfire Assessment CU2**

It is anticipated that candidate site CU2 is exposed to a grassland fire risk from the west and the north, the topography of the land is flat land. The candidate site is intended to be rezoned from RU1 primary production to RU5 village with a minimum lot size of 600 square metres.

At the minimum lot size it may not be possible to achieve an APZ of 50 metres which would negate the need for implementing other Bushfire Protection Measures. Council believes that it would be reasonable that future development on the Western side could be designed to comply with Table 7.9 Grassland Deeming Provision for situations where there is an APZ between 20 metres and 49 metres.

Such actions could include a future subdivision providing perimeter access roads on the western side of the candidate site so that the roadway and the building line setback provide a 20 metre APZ. Other provision of Table 7.9 such as access, water supply and landscaping are considered to be able to be implemented at development assessment stage for the subdivision. Construction and landscaping requirements maybe addressed at development assessment stage for future dwellings or other village development.

#### **Bushfire Assessment CU3**

It is anticipated that candidate site CU2 is exposed to a grassland fire risk from the west, south and north, the topography of the land is flat land. The candidate site is intended to be rezoned from RU1 primary production to RU5 village with a minimum lot size of 600 square metres.

At the minimum lot size it may not be possible to achieve an APZ of 50 metres which would negate the need for implementing other Bushfire Protection Measures. Council believes that it would be that future development on the Western side could be designed to comply with Table 7.9 Grassland Deeming Provision for situations where there is an APZ between 20 metres and 49 metres.

Such actions could include a future subdivision providing perimeter access roads on the western side of the candidate site so that the roadway and the building line setback provide a 20 metre APZ. Alternatively Council will provide and maintain an APZ on the Western and Northern boundary. Other provision of Table 7.9 such as access, water supply and landscaping are considered to be able to be implemented at development assessment stage for the subdivision. Construction and landscaping requirements maybe addressed at development assessment stage for future dwellings or other village development.

It should be noted that Council intends to develop the land that is within candidate site CU3 and will consider the requirements of Table 7.9 Grassland Deeming Provisions.

#### **Bushfire Assessment CU4**

Candidate site CU4 has a small remnant woodland (approximately 4hectares) on the western side. This woodland would meet the following definition:

##### *Woodland*

*Dominated by an open sparse layer of eucalyptus with the crowns rarely touching.*

*Typically 15-35 metres high (may be shorter at sub-alpine altitudes). Diverse ground*

*cover of grasses and herbs. Shrubs are sparsely distributed. Usually found on flat or undulating ground.*

The Culcairn golf course is located on the southern and eastern side which can be excluded as a bushfire risk under Planning for Bushfire Protection 2019 as it is a grassland managed in a minimal fuel condition.

The candidate site is intended to be rezoned from RU1 primary production to R2 Low Density Residential with a minimum lot size of 4000 square metres.

The predominate bushfire risk is the woodland. The 4000 square metre minimum lot size is compatible with this risk as that lot size will allow a reasonable large APZ to be provided to lots adjacent to the woodland. In turn this will allow a lower bushfire attack level to be applied for future dwellings. The land will also have ready access to the Culcairn Holbrook Road and reticulated water.

Council is satisfied that future development on candidate site CU4 will readily comply with Planning for Bushfire Protection 2019.

#### **Soil Contamination – Ministerial Direction 2.6 Remediation of Land**

Candidate site CU1, CU2 and CU3 have been used to differing degrees for agricultural use, an activity that may cause contamination, which is listed in Table 1 Managing Land Contamination – Planning Guidelines. Whilst candidate site CU4 does not appear to have been used for agricultural pursuits and is not listed on Councils register of potentially contaminated land.

Due to the use of the land for agricultural use it is required that Council consider Ministerial Direction 2.6 – Remediation of Land. With respect to CU1 and CU2 Council's evaluation concludes that due to the previous land uses being grazing where chemicals may have been applied only for weed management or on a rare occasion for pasture improvement it is unlikely that the land has been contaminated. The land is not listed on Council's potentially contaminated register nor is there any visible evidence of contamination on the land. With the information available, Council considers the risk of contamination low and that the planning proposal may proceed.

Candidate site CU3 has routinely been used for broad acre cropping which has resulted in regular application of chemicals. To comply with clause 5 of the Ministerial Direction 2.6 Council is prepared to undertake a preliminary investigation to confirm with respect to land contamination that land can be rezoned from RU1 primary production to RU5. The Preliminary Investigation will be conducted and the rezoning will only proceed to completion depending on the findings of that investigation.