

23 April 2019

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2019/40042*

General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Nick Thistleton

Dear Mr Sir/Madam

Preliminary Advice – B2 Local Centre Review Planning Proposal

I refer to Council's email of 28 March 2019 regarding the Pre-Gateway referral of the B2 Local Centre Review Planning Proposal. WaterNSW notes the Planning Proposal is designed to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) to:

- support the future development at Mistful Park, Goulburn as a mixed-use precinct, and
- provide more appropriate zoning controls for certain areas at Marulan that are more reflective of their immediate surrounding environments.

Mistful Park, Goulburn

The entire site is generally cleared and has access to reticulated sewerage. A small farm dam occurs on Lot 6 and a purpose-built stormwater detention basin occurs on Lot 9, servicing all of the other lots in the subject area. Most of the area is currently zoned B1 Neighbourhood Centre.

WaterNSW understands that those components of the Planning Proposal relating to Mistful Park include various rezonings and associated changes to minimum lot sizes (MLS) and floor space ratios (FSR) for Lots 1-9 DP 1220973, and makes the following comments:

- Lots 1-5 will be rezoned from B1 Neighbourhood Centre and part R5 Large Lot Residential to B2 Local Centre. WaterNSW supports the limiting effect on the scale of new development. WaterNSW has applied the Strategic Land and Water Capability Assessment (SLWCA) for Retail and Commercial Development to this land, which indicates that the risk to water quality of any development under the B2 zoning is Low (see Figure 1, attached). On this basis, WaterNSW has no issue with this aspect of the proposal.
- Lots 6-8 will be rezoned from B1 Neighbourhood Centre which has no MLS, to R3 Medium Density Residential with a MLS of 1,500m². Further subdivision of these parcels would be expected under the proposed new MLS. The SLWCA for Residential Sewered development indicates that such development is a Low risk to water quality (see Figure 2, attached). On this basis, WaterNSW has no issue with this aspect of the proposal.
- WaterNSW also has no issue with rezoning the detention pond area on Lot 9 from B1 Neighbourhood Centre to RE1 Public Recreation.
- WaterNSW's main concern relates to the proposal to list tourist and visitor accommodation, camping ground and caravan park as additional permitted uses for Lot 6 DP 1220973.

These uses are proposed to enable the landowner to develop a camping ground or caravan park in the short term, with the option of redeveloping to provide tourist or visitor accommodation of medium density housing in the longer term.

While Lot 6 is the largest of the nine lots with an area of approximately 1.4ha, it is constrained by an existing farm dam. It is unclear whether this dam is intended to be removed, retained or perhaps modified to assist in stormwater management.

Further, WaterNSW notes that the sewer is available in the area, however the Planning Proposal does not identify if a connection to the sewer would be required before the short-term uses (i.e. camping ground and caravan park) are implemented. WaterNSW considers that risks to water quality could arise from a localised concentration of visitors as the site drains to the Wollondilly River. Consequently, the site should be connected to the sewer prior to any development occurring, including for use as a camping ground or caravan park.

Marulan

WaterNSW notes that the land north of the rail line at Marulan will be rezoned from B2 Local Centre to B6 Enterprise Corridor, and the intensity of development will be decreased from a FSR of 1.2:1 to 0.8:1. The Planning Proposal is unclear about whether all areas will be seweraged or unsewered. Further correspondence with Council (email; 16 April 2019) identified that 11 lots in the northernmost area of the proposed B6 Enterprise Corridor are currently unsewered.

While the proposed B6 zoning is more restrictive than the B2 zoning, it still allows for several intensive activities that may present a risk to water quality (e.g. hotel or motel accommodation, agricultural produce industries). WaterNSW supports Council's intention to only proceed with development of these lots on the condition that they are first connected to the sewer.

WaterNSW has applied the SLWCA for Light Industrial Developments, which indicates a Low to Moderate risk to water quality for this area (Figure 3). WaterNSW also applied the SLWCA for Retail and Commercial development, which indicates a Low risk to water quality (Figure 4). On this basis, WaterNSW has no issue with this aspect of the proposal.

In relation to the land south of the railway corridor, WaterNSW supports Council's intention to rezone the identified lots from B2 Local Centre to R1 General Residential. The proposed rezoning should reduce stormwater-related risks that are often associated with commercial developments. WaterNSW has applied the SLWCA for Residential Seweraged development, which indicates a Low water quality risk for this area (Figure 5). On this basis, WaterNSW has no issue with this aspect of the proposal.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal (pp.12-13) gives due recognition to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conclusion that the proposal will have a neutral or beneficial impact (NorBE) on water quality in accordance with this SEPP is contingent on the urban areas being connected to the sewer prior to development and appropriate stormwater management controls being implemented. While these matters can be addressed at the development application (DA) stage, the Planning Proposal would benefit from greater description of proposed response to these issues and greater recognition in the Draft DCP.

Local Planning Direction 5.2 Sydney Drinking Water Catchments

The Planning Proposal references Local Planning Direction 5.2 Sydney Drinking Water Catchments (p.18). While this section currently recognises the principle that all new development should have a NorBE on water quality, it would benefit by also referring to the principle of matching future land use to its land and water capability, and the overall objective of Direction 5.2 to protect water quality in the Sydney drinking water catchment. WaterNSW's comments provided in this letter will assist in addressing those principles. However, as raised above, the overall objective of the Direction is best met by ensuring that the urban areas are connected to the sewer prior to development and the implementation of appropriate stormwater management controls.

Other Comments

The Planning Proposal would benefit from:

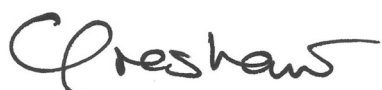
- A background description of each of the sites including their setting, condition, features (e.g. farms dams, detention basins), constraints and recent development history (e.g. Mistful Park).
- Clearer identification of which sites are connected to the sewer, and the current stormwater controls in place. Where sites are not sewered, the Planning Proposal would benefit from reasserting Council's intention to ensure future development will be connected to the sewer (where this is the case).
- A summary table identifying the precinct/area, the affected lots, the current zoning, MLS, and FSR, and the future proposed zoning, MLS and FSR. This would support the interpretative maps provided in Part 4 of the Planning Proposal.

As a related matter, the change in proposed zonings to Residential zones will attract the dual occupancy complying development provisions under clause 3B.8 under *State Environmental Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). If Council's intent is to minimise development intensity and incremental pressures on the existing reticulated sewerage system in residential areas, it may also wish to consider pursuing a MLS clause within the GLEP for dual occupancy development.

The Draft DCP that accompanies the Planning Proposal would benefit from elaborating on the stormwater and sewerage management controls required before development, and extending such issues to include the sites at Marulan, particularly the proposed Enterprise Corridor north of the railway. As a minor point, the content of the DCP could also be improved by removing claims of development suitability, such as Lot 6 DP 1220973 being suitable for the development of camping grounds or caravan park in the near future, and restricting the scope of the DCP to the actual development controls that will apply.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely



CLAY PRESRAW
Manager Catchment Protection



Figure 1. Mistful Park - Strategic Land and Water Capability Assessment for Retail and Commercial Development (Relevant to Lots 1-5 DP 1220973)

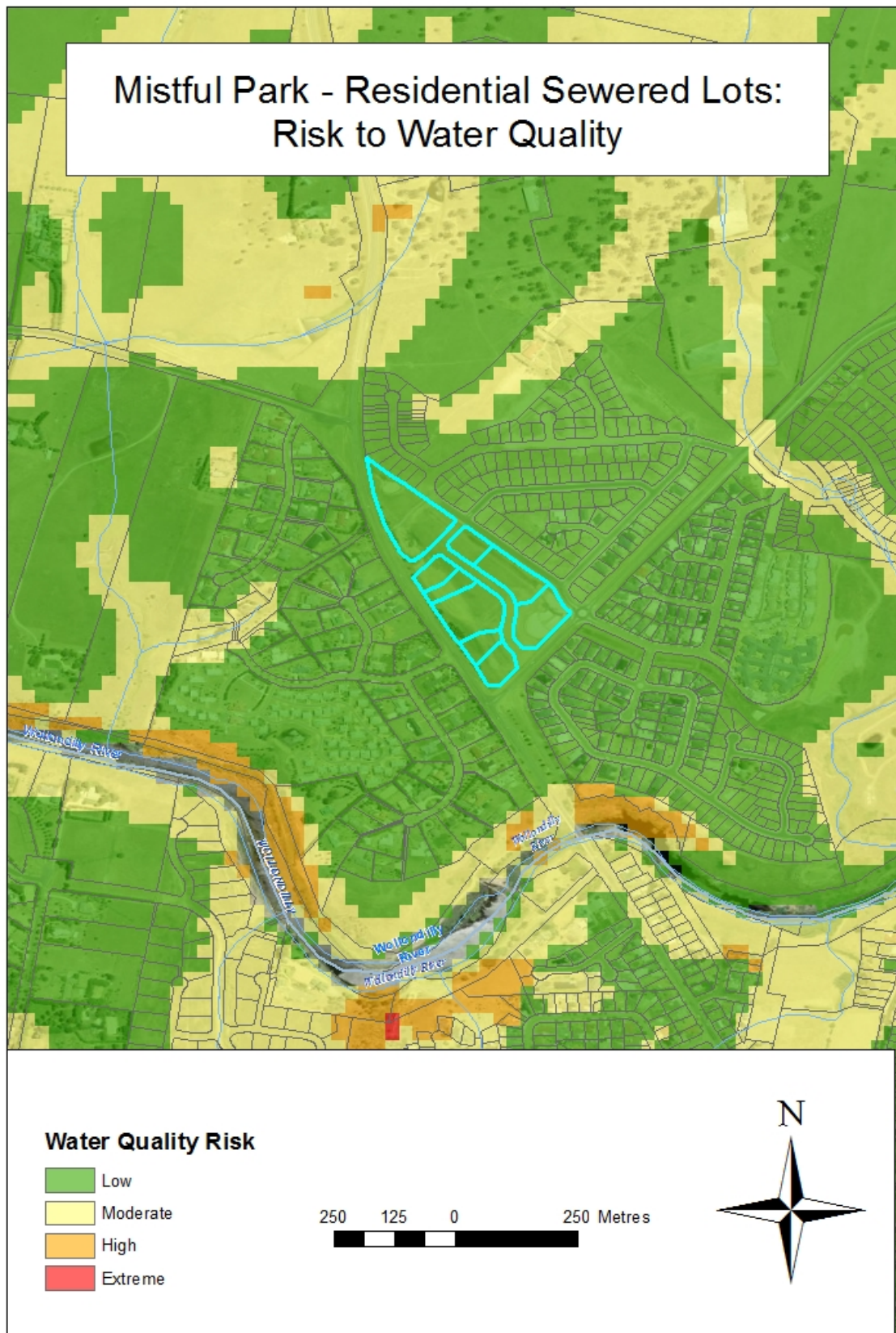


Figure 2. Mistful Park - Strategic Land and Water Capability Assessment for Residential Sewered Development (Relevant to Lots 6-8 DP 1220973).



Figure 3. Marulan Proposed Enterprise Corridor - Strategic Land and Water Capability Assessment for Light Industrial Development.

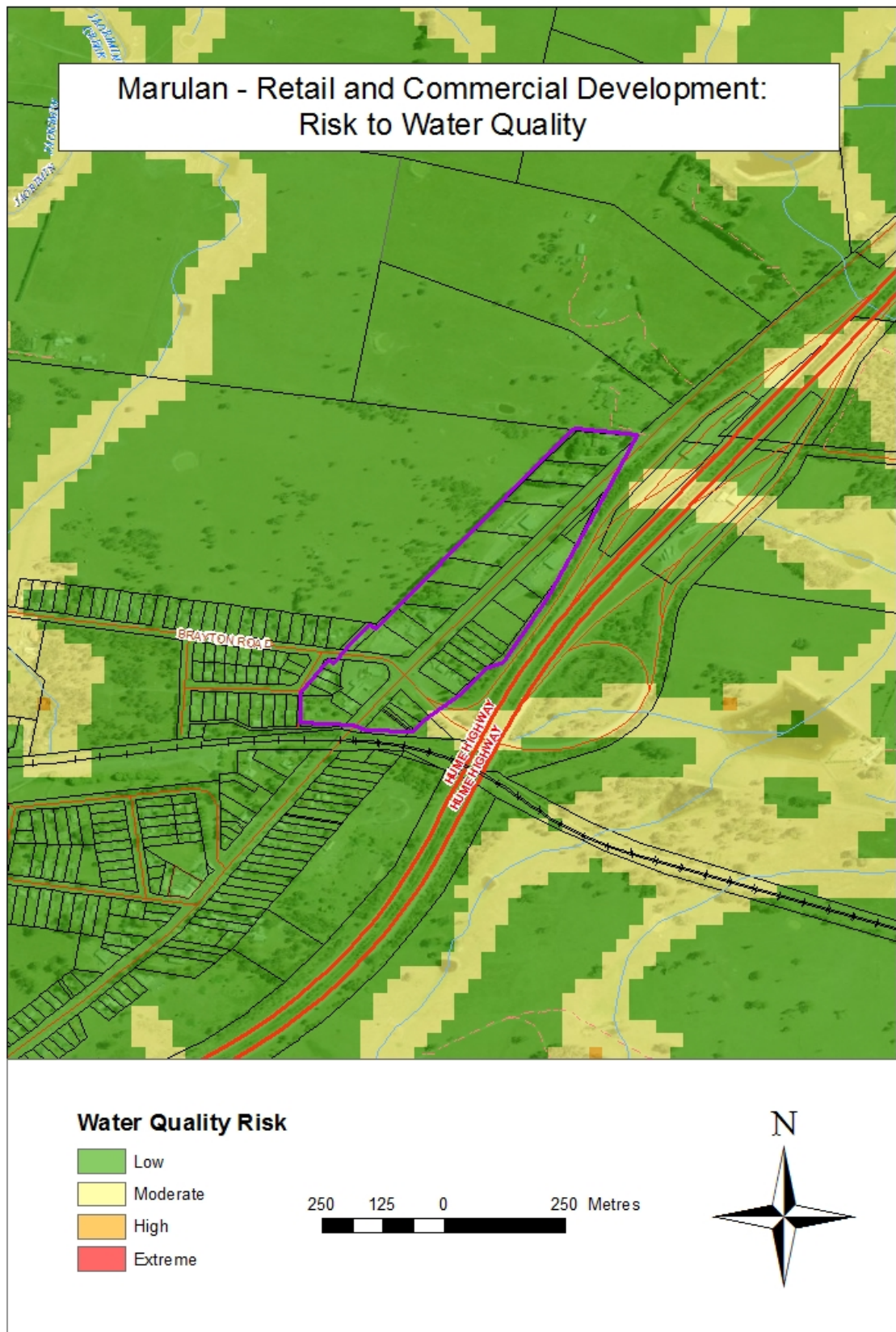


Figure 4. Marulan Proposed Enterprise Corridor - Strategic Land and Water Capability Assessment for Retail and Commercial Development.

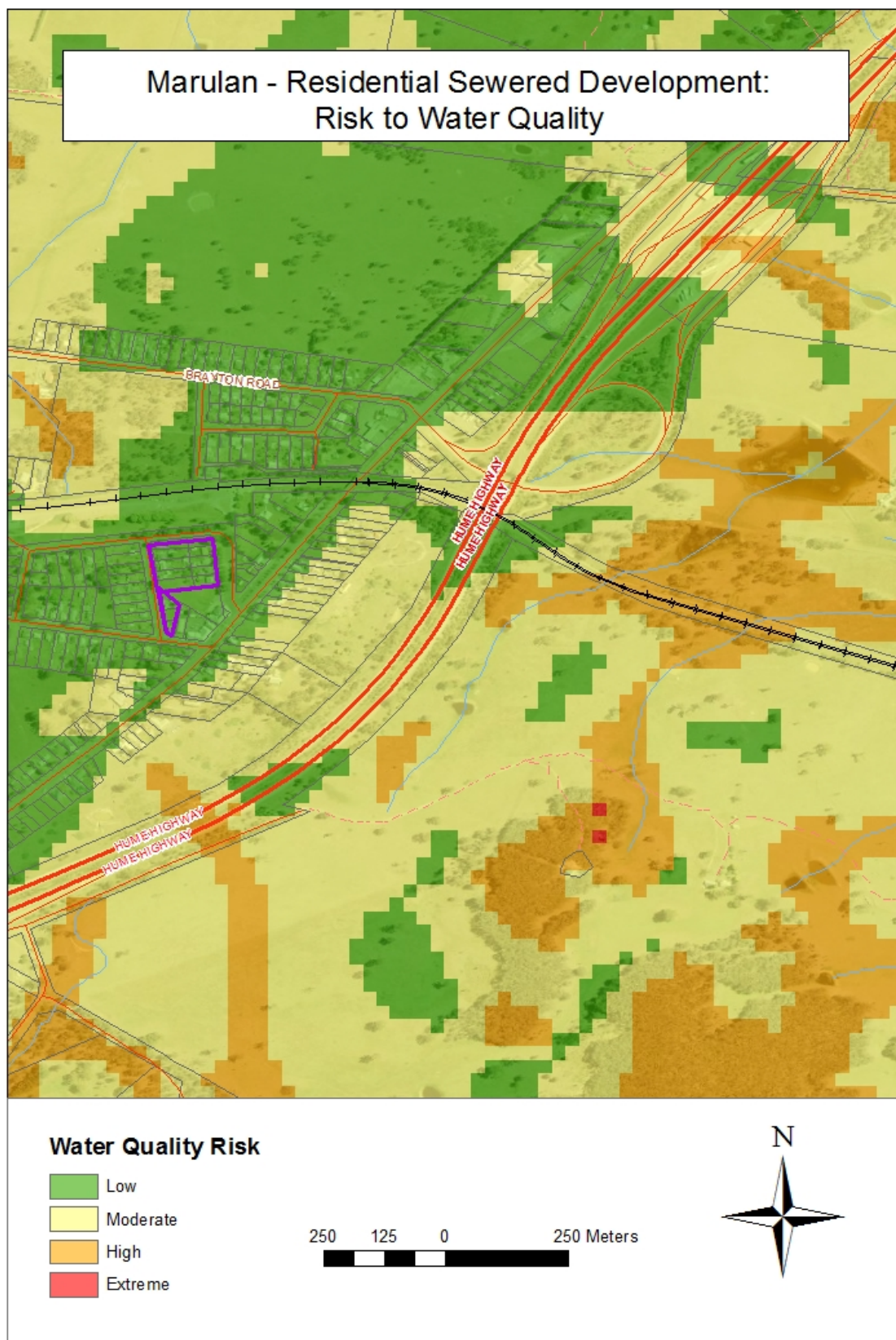


Figure 5. Marulan - Strategic Land and Water Capability Assessment for Sewered Residential Development.