

28 May 2019

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2019/51119*

General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Mr Bennett Kennedy

Dear Mr Sir/Madam

I refer to the email dated 3 May 2019 from Council seeking Pre-Gateway comments on a Draft Planning Proposal to rezone land adjacent to Dossie Street Goulburn, and to remove the 100ha minimum lot size (MLS) restriction.

The Draft Proposal involves the rezoning of four RU2 Rural Landscape lots, with most of the area proposed for IN1 General Industrial zoning, and the remainder RE1 Public Recreation.

WaterNSW does not object to the proposed RE1 zoning in the south-west of the site.

However, WaterNSW has concerns about the water quality risks in the areas where the rezoning to IN1 and removal of the MLS restriction are proposed. The key issues are:

- Land area and uses: there is insufficient information on land area and the previous uses of the site and those of surrounding land.
- Minimum lot size: the supporting Mi Place Planning Report for Lot 2 suggests lots would be as small as 1,000m². Given the site constraints of the land, WaterNSW is concerned that the combination of IN1 zoning and removal of the MLS requirements may leave the land prone to development beyond its capability, and present significant water quality risks.
- Site constraints (general): important site constraints have not been identified and given due account. This includes slope, water and drainage features, hydrology and water quality risks (present and future).

In this regard, the Draft Proposal is heavily reliant on information contained in the Mi Place Planning report and other documents that were prepared solely for Lot 2. There has been no similar assessment for the eastern two lots, which contain steeper slopes, a second order creek with a large catchment, and potentially polluted holding ponds.

- Site constraints (specific): WaterNSW has identified a range of specific site constraints, including artificial water features, drainage features, catchment, slope, landform and stormwater management.

In addition, the supporting Mi Place Planning report identifies that lots may be as small as 1,000m². This would likely require significant cut and fill (and associated erosion and sediment control measures) to create 'flat' areas. It is also likely to result in extensive impervious hardstand areas requiring complex stormwater management measures.

- Sewerage: while diagrams of the sewer network have been provided, the capacity of the sewerage system has not been addressed.

- Later development and response to site constraints: There is insufficient information regarding how later development will respond to site constraints, water features and water quality risks, and how this response will bridge from the proposed LEP amendments to the proposed masterplan and subdivision design.

Based on these issues, WaterNSW considers the objective and general principle of *Direction 5.2 Sydney Drinking Water Catchment* – that ‘water quality within the Sydney drinking water catchment must be protected’ – is not sufficiently demonstrated.

The Draft Proposal does not assure that future land use will be matched to land and water capability or that later development will readily be able to meet a Neutral or Beneficial Effect (NorBE) on water quality as required by *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

Consequently, at this stage, WaterNSW is not in a position to support the Draft Proposal.

To resolve these issues and ensure consistency with Direction 5.2, WaterNSW recommends that:

1. Further site-specific information is included in the Planning Proposal about the past and current uses of the site and the surrounding areas. It should also include an assessment of the environmental values and constraints of the site, including the two eastern lots. This should include information regarding landform, slope, drainage, water features (natural and artificial), and water quality risks.

The analysis should also identify how current water and drainage features and current and future water quality risks are to be managed with respect to development controls and design across the whole site.

2. The Planning Proposal incorporates a re-examination of the proposed zoning and lot size specification based on the above analysis taking into account proposed risks to water quality. This should include consideration of retaining the current RU2 zoning for the site or imposing a MLS restriction, particularly for higher risk areas
3. Further explanation is provided about how the proposed masterplan and subdivision design will respond to site constraints, water features and water quality risks. This should include information regarding how high risk uses will be restricted from watercourses and any High and Extreme risk areas as identified by WaterNSW’s Strategic Land and Water Capability Assessments (SLWCAs). To this end, Council may wish to consider developing a site-specific (DCP) for the site.

Attachment 1 provides more detail on our concerns. Relevant tables and maps, including SLWCAs, are provided in Attachment 2.

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

Attachment 1 – Detail

Land Area and Uses

The Draft Proposal currently does not include key information such as the land area (size) of the subject site and its component lots.

Table 1 below summarises the land ownership, land classification, zoning and minimum lot size (MLS) information for subject site based on information contained in the Draft Proposal and supplementary information provided in email correspondence by Council (15 May 2019). The Planning Proposal would benefit by presenting a table similar to this, including clearly indicating the total area (ha) of the site and the existing lots.

The Draft Proposal also describes past and current uses of the land and adjacent lands in terms of their zoning classification rather than the actual development and uses of the land that occur on and around the site. Such descriptions are needed in order to verify whether there are any immediate water quality risks affecting the site (discussed further below).

Minimum Lot Size

WaterNSW also holds a concern about the intended end uses of the land and the likely intensity of subdivision that may arise by removing any MLS restriction. It is clear from Council's Draft Proposal that there is an intention to subdivide the land following the proposed LEP amendment.

The Draft Proposal is silent on the expected lot sizes and number of allotments likely to be generated by subdivision of the site. However, the Mi Place Planning Proposal indicates for Lot 2 alone, up to 50 industrial lots will be created ranging from 1,000 to 5,160m². The two eastern most lots have a similar combined size to Lot 2 suggesting that some 100 lots might be anticipated.

Given the slope and constraints of the land (see discussion below), WaterNSW is concerned that the combination of IN1 zoning and removal of the MLS requirements may leave the land prone to development beyond its capability, and present significant water quality risks that may be difficult to address at the subdivision and development application (DA) stage.

Site Constraints - General

The Draft Proposal does not currently give due consideration to existing site constraints across the site or demonstrate how it is responsive to the landform, slope and physical attributes of the site, including relevant water features and risks to water quality.

The Draft Proposal would benefit by including further detail on the site constraints relevant to water quality, and how the objects and principles of Direction 5.2 will be met.

The Draft Proposal also relies heavily on the site assessment information contained in the supporting reports, which have only been prepared for the private land (Lot 2 DP 1238214). The Council-owned lots in the east have not been afforded the same level of survey, scrutiny and assessment as the privately-owned allotment. Based on our analysis, these lots contain steeper slopes, a second order creek with a large catchment, and potentially polluted holding ponds associated with the former saleyards (see below).

Site Constraints - Specific

Farm Dams and Other Artificial Water Features

The Draft Proposal currently identifies that the site is largely cleared and contains five farm dams. Based on aerial photography, the five dams appear to be on Lot 2 DP1238214, three of which are linked by a mapped first order watercourse. It is unclear whether the northernmost dam on this lot is included in the rezoning change and captured by this Planning Proposal.

Additionally, it appears that a further two holding ponds occur in the north on Lot 1 DP 103456. These features have not been identified or discussed in the Draft Proposal. It appears that these dams are associated with wastewater collection from trucks and other uses associated with the former saleyards which adjoin the site in the north. It is therefore likely that these ponds contain polluted wastewater and materials.

These two northern ponds fall within the catchment of the unnamed creek that occurs at the south of the site and exits Lot 1 DP 1034565 in its south-eastern corner (Figure 1). The ponds therefore present a potential pollution risk for the Lot, downslope areas, and the creek itself. The ponds are likely to require remediation to remove contaminated water and other material before any development occurs. WaterNSW considers this to be a site constraint and a potential water quality risk, which should be discussed and addressed in the Planning Proposal.

Drainage Features and Catchment

The Draft Proposal provides little information on natural drainage features of the site including on the eastern two allotments. The first order watercourse described above drains into a second order watercourse that runs along the southern boundary of Lot 2 and then crosses into the southern portions of Lot 3 DP1008818 and Lot 1 DP1034565 (Figure 1).

There is no description of this creek, its hydrological or ecological characteristics or whether it is intended to be modified as part of the overall stormwater management measures. Based on satellite imagery, it appears that this creek forms a localised chain-of-ponds system, which may be hydrologically and ecologically important.

Most of the subject site forms part of the catchment of this unnamed creek. Importantly, at its south-eastern exit point from the eastern-most lot, the catchment area of the creek is about 250 ha (Figure 1). The site is therefore likely to experience high flows during storm events and may be flood-prone, which may limit the development capacity of the two eastern allotments.

WaterNSW considers that the Planning Proposal should identify and discuss all the water features and water quality risks. This should include a map showing the natural and artificial water features occurring on the site, and any floodplain or flood-prone areas.

Slope, Landform and Stormwater Management

There appears to be a drop of some 40m over the site from the north to the north-eastern corner. Slopes are particularly steep for Lot 3 DP1008818 (15-20%) (see Figure 2). In general, the site of the Planning Proposal is steeper than the existing IN1 General Industrial land that lies to its north.

The implication of the slopes are such that significant earthworks are likely to be required to make reasonably-sized flat areas for industrial land uses proposed. This in turn is likely to result in significant areas of hardstand creating impervious surfaces affecting stormwater runoff.

Stormwater runoff is also likely to be exacerbated by the steepness of the land. Removal of the minimum lot size provision also potentially increases the risk of intensive subdivision and subsequent industrial development, as well as 'ad hoc' approaches to stormwater management.

If subdivided lots are as small as 1,000m², as proposed in the Mi Place Planning Report, then significant and complex Stormwater Quality Improvement Devices (e.g. detention ponds, constructed wetlands) are likely to be required. This in turn raises issues such as where such devices might be located given the site constraints.

Strategic Land and Water Capability Assessments (SLWCAs)

For the areas proposed to be zoned IN1 General Industrial, WaterNSW has applied the SLWCA for Light Industrial Development. While it indicates that the site has a Low to Moderate risk to water quality (Figure 3), WaterNSW considers this to be an underestimate of the water quality risks as the important Stream Proximity factor appears to be overshadowed by other inputs.

Under the IN1 zone, agricultural uses such as 'stock and sale yards' and 'intensive livestock agriculture' (e.g. poultry farms) would be permissible with development consent. For this reason, we have included a SLWCA for intensive livestock industries (Figure 4).

This reveals that the risk varies from Moderate in the north of the site to Extreme in the south where the southern boundary generally follows the creek line. High and Extreme ratings also occur in the mid to lower section of Lot 2 DP 1238214, along the drainage line that feeds into the creek. We would encourage Council to explore way of limiting intensive livestock agriculture from areas where the High and Extreme rating occurs.

The Draft Proposal (Page 12) suggests that the land is expected to accommodate future residential development. Under the IN1 zone, residential development such as dwellings or shop-top housing is also 'permissible with consent'. WaterNSW has undertaken a SLWCA for Residential Sewered Development (see Figure 5).

This indicates that even when the site is connected to the sewer, the water quality risk varies from Low in the north of the site to High in the south where the creek line exists. Development should avoid areas where there is an identified High Risk to water quality. WaterNSW considers that the Draft Proposal should identify whether or not significant residential development is contemplated for the proposed IN1 zoning, and if so the extent of such development.

Later development and response to site constraints

Further explanation should be provided about how the proposed masterplan and subdivision design will respond to site constraints, water features and water quality risks.

Given the range of possible uses that may occur on the site, Council may consider developing a DCP for the area with controls designed to protect the drainage features and creek at the south of the site, and avoid development in areas that are identified by the SLWCAs as being of High or Extreme risk.

Sewerage

The Draft Proposal indicates that the land is serviced by mains sewer, water and stormwater. WaterNSW considers that any development of the area will need to be connected to the reticulated sewerage infrastructure, particularly given the proximity to the creek in the south of the site. To this end, the Planning Proposal would benefit by providing further details on the capacity of the current sewerage infrastructure in the vicinity of the development site.

Attachment 2 – Supporting Tables and Maps

Table 1. Summary of land ownership, zoning, minimum lot sizes and intended changes.

Lot/DP	Ownership	Indicative approx. area (ha)	Classification	Current Zoning	Proposed Zoning	Current Minimum Lot Size	Proposed Minimum Lot Size	Supporting Reports/ Surveys
Lot 1 DP 1034565	Council	6	Operational	RU2	IN1	100 ha	Nil	Nil
Lot 3 DP 1008818,	Council	5.2	Operational	RU2	IN1	100 ha	Nil	Nil
Part Lot 2 DP 1238214	Private	11.5*	N.A.	RU2	IN1	100 ha	Nil	Aboriginal Cultural Heritage, Ecological Constraints, Site-specific PP
Lot 3 DP 1238214	Council	0.8 ha	Community	RU2	RE2	100 ha	Nil	Nil

* Lot 2 currently has spilt zoning (IN1/ RU2). The area given is based on the RU2 area to be rezoned to IN1 (11.5ha) whereas the entire lot is approx. 12ha .



Figure 1. Drainage Features and Catchment Area for Dossie Street Planning Proposal Site.

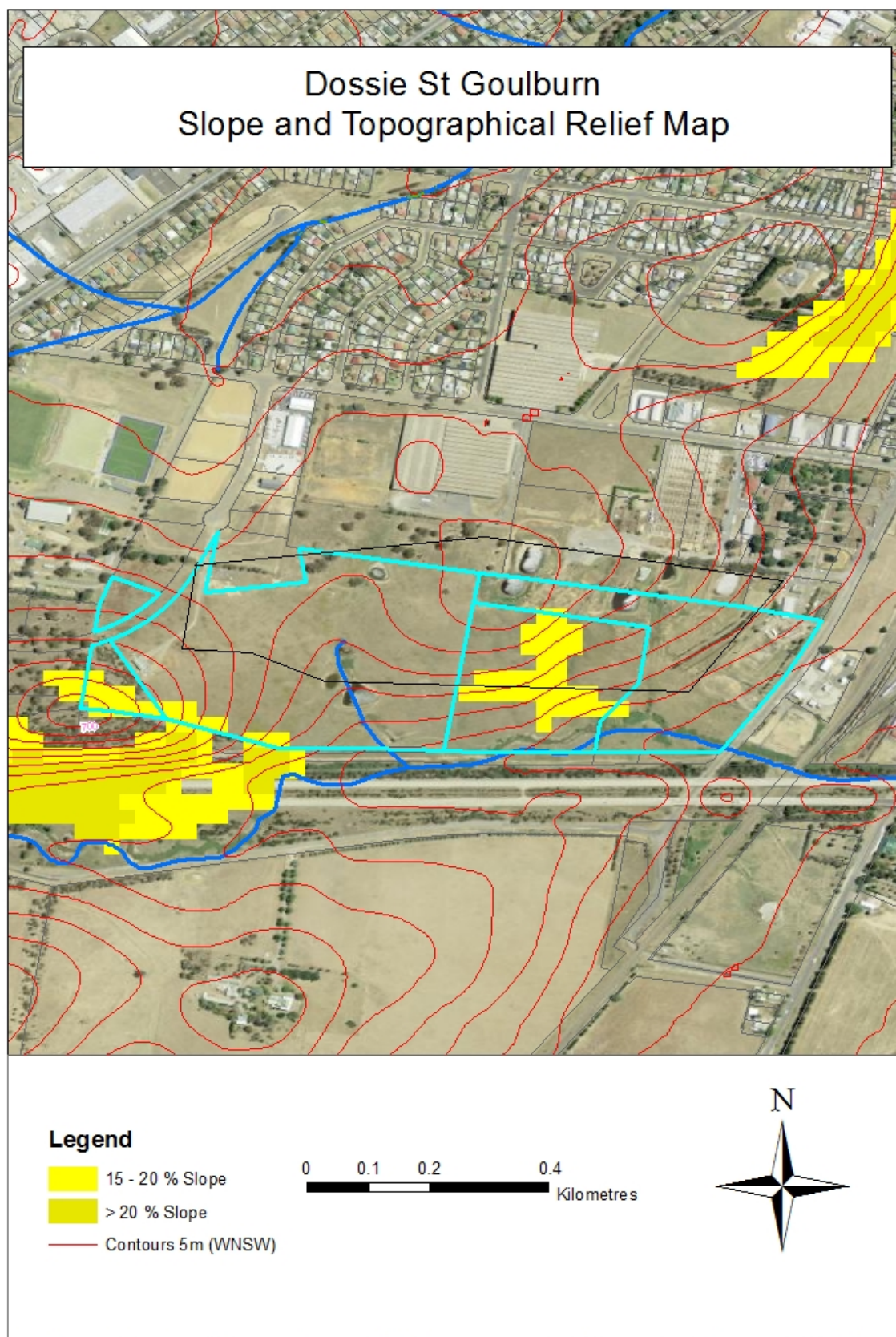


Figure 2. Slope and Topography for Dossie Street Planning Proposal

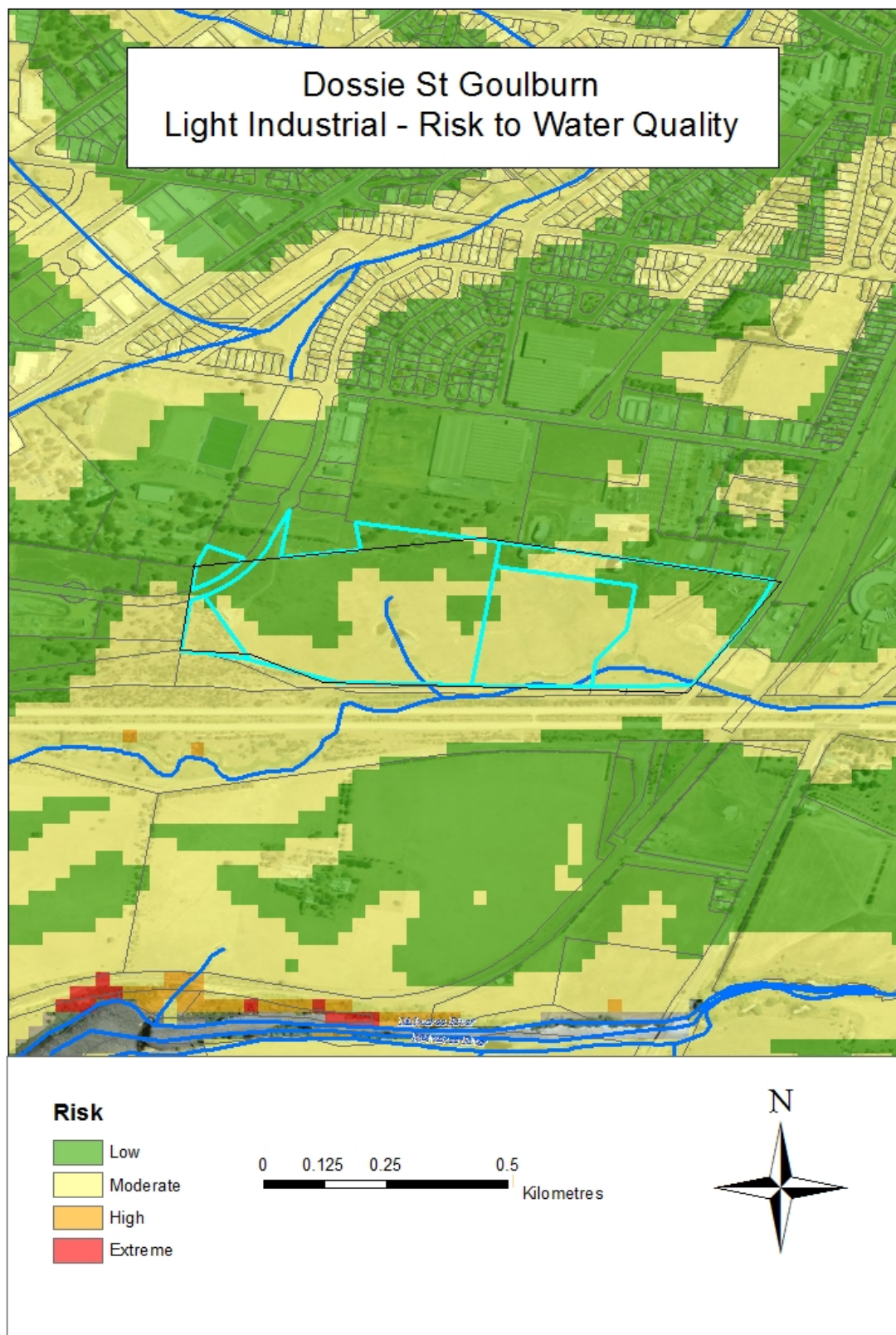


Figure 3. Strategic Land and Water Capability Assessment: Light Industrial Development Risk to Water Quality

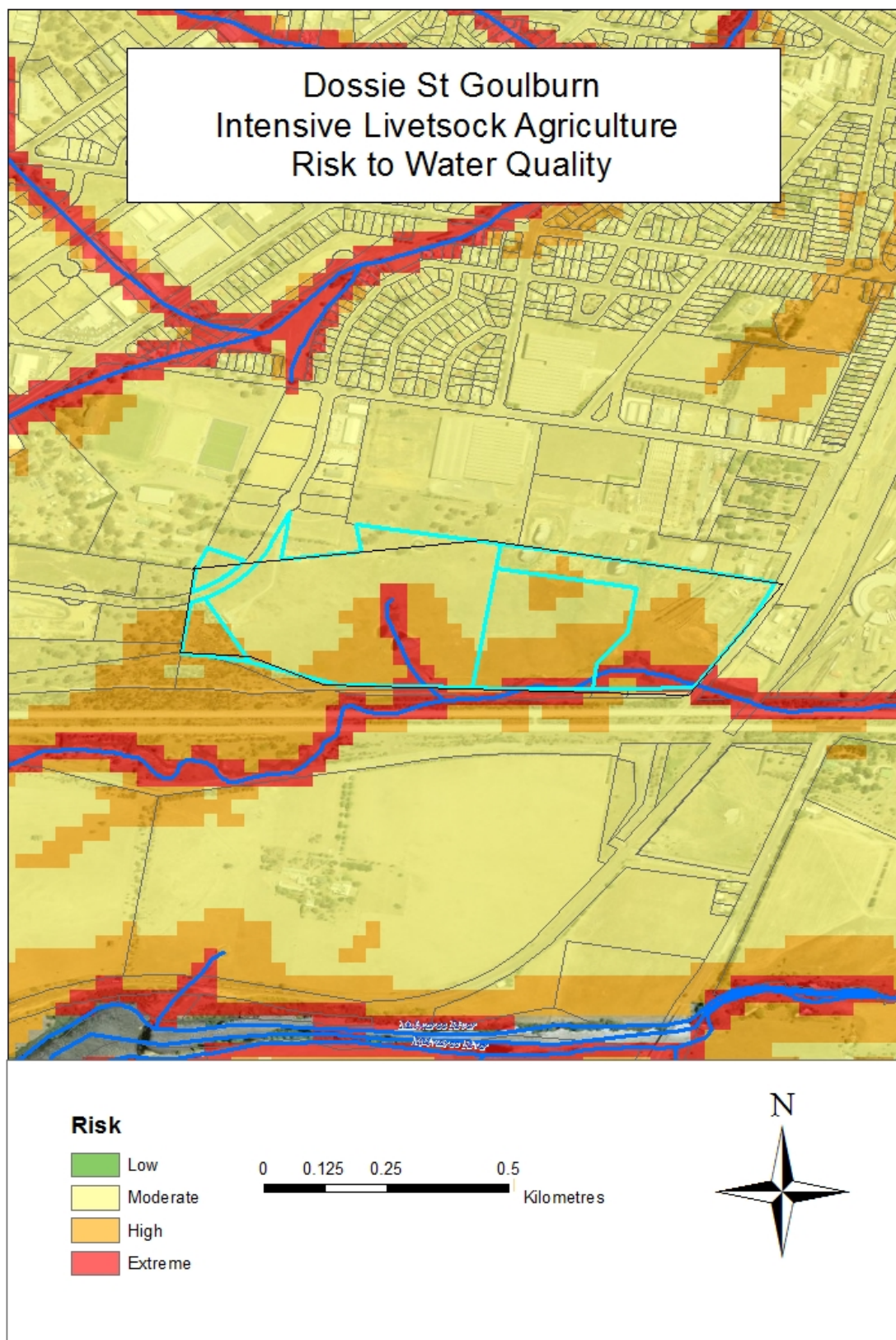


Figure 4. Strategic Land and Water Capability Assessment: Intensive Livestock Industries Risk to Water Quality.

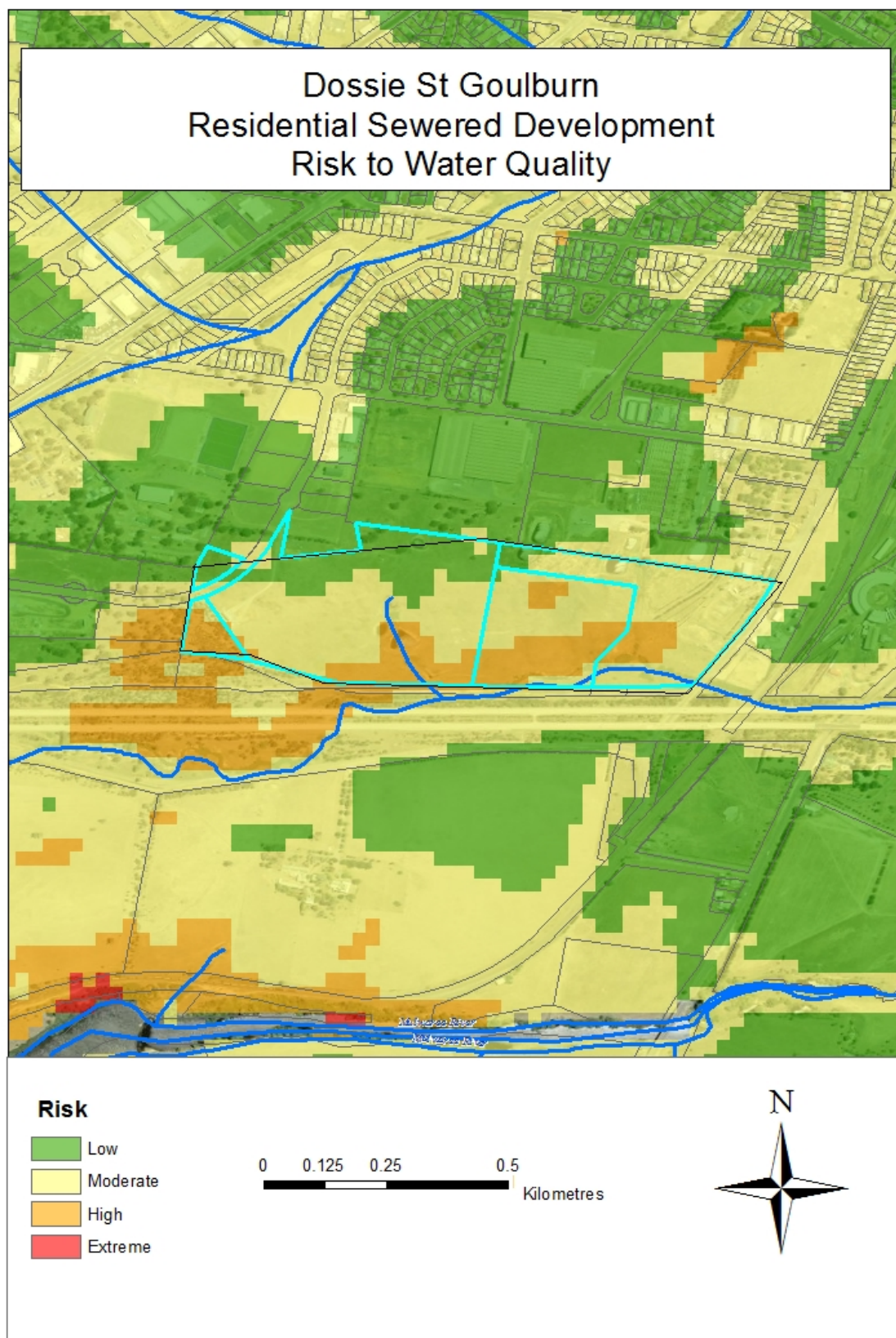


Figure 5. Strategic Land and Water Capability Assessment: Residential Sewered Development: Risk to Water Quality.